

UNITED STATES OF AMERICA

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DEPARTMENT OF COMMERCE  
AND  
DEPARTMENT OF THE INTERIOR

+ + + + +

MARINE PROTECTED AREAS (MPA)  
FEDERAL ADVISORY COMMITTEE

+ + + + +

INAUGURAL MEETING

+ + + + +

WEDNESDAY  
JUNE 25, 2003

The Advisory Committee met in the Auditorium of the Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, N.W., Washington, D.C., at 8:30 a.m., with Eldon Hout, presiding.

COMMITTEE MEMBERS PRESENT:

- ELDON HOUT, Director, Office of Ocean and Coastal Resource Management, NOAA
- MARJORIE ERNST, Designated Federal Official, DFO National MPA Center
- JIM KENDALL, Department of the Interior
- JOE URAVITCH, Director, National MPA Center
- DR. TUNDI AGARDY
- DR. DANIEL BROMLEY
- DR. MICHAEL CRUICKSHANK
- ROBERT DENDICK, JR.
- DR. DOLORES (DOLLY) GARZA
- DR. RODNEY FUJITA
- DR. MARK HIXON
- MELVIN MOON, JR.

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## COMMITTEE MEMBERS PRESENT: (cont.)

DR. STEVEN MURRAY  
 MICHAEL NUSSMAN  
 DR. JOHN OGDEN  
 TERRY O'HALLORAN  
 LELEI PEAU  
 DR. WALTER PEREYRA  
 GILBERT RADONSKI  
 JAMES RAY  
 DR. DANIEL SUMAN  
 H. KAY WILLIAMS  
 ROBERT ZALES, II  
 MARY GLACKIN, NOAA, Ex Officio  
 REAR ADMIRAL JEFFREY HATHAWAY, U.S. Coast Guard,  
 Ex Officio  
 MARGARET HAYES, ESQ., State Department, Ex Officio  
 COMMANDER KAREN KOHANOWICH, U.S. Navy, Ex Officio  
 Representative  
 DR. JOSEPH PAWLIK, National Science Foundation,  
 Ex Officio

## ALSO PRESENT:

DAN FARROW, MMA Inventory Coordinator, Chief of  
 Special Projects, NOAA Ocean Service  
 CHARLES WAHLE, Ph.D., Director, MPA Science  
 Institute  
 DR. ANTHONY CHATWIN, The Nature Conservancy  
 CAROL DINKINS, ESQ.  
 MICHAEL DOEBLEY, Recreational Fishing Alliance  
 HANNAH GILLELAN, MCBI  
 ERIC GILMAN, National Audubon Society  
 JAY JOHNSON, Commercial & Recreational Fisheries and  
 Support Industries  
 RYCK LYDECKER, Boat U.S.  
 ROBERT MORAN  
 CHERI REDCCHIA, The Ocean Conservancy  
 KITTY SIMMONDS, Western Pacific Fishery Management  
 Council  
 DORINDA (BUNNY) SPARKS, Program Assistant, National  
 MPA Center  
 BARBARA STEVENSON  
 ALEXANDER STONE, ReefKeeper International

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## C-O-N-T-E-N-T-S

<u>AGENDA ITEM</u>	<u>PAGE</u>
Call to Order .....	4
Additional Background on Areas of Initial Focus MPA Definitions - Dr. Charles Wahle .....	26
The Nation's MPAs - Don Farrow .....	60
Public Comments .....	93
Improving MPA Stewardship; Identifying And Addressing Program Implementation Needs - Ginger Hinchcliff .....	126
Committee Discussion on Organizational and Functional Matters .....	149
Travel and Miscellaneous Administrative Issues - Dorinda (Bunny) Sparks .....	238

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1 P-R-O-C-E-E-D-I-N-G-S

2 MR. HOUT: Good morning and welcome or  
3 welcome back as the case may be. We're here to  
4 conclude the first meeting of this Advisory Committee  
5 but with quite a bit of work to do here in the second  
6 day. And I'd like to have Joe Uravitch give us a  
7 brief description of how we're going to proceed for  
8 this period, a few changes to the agenda but not  
9 dramatic. Joe?

10 MR. URAVITCH: Thank you, Eldon. I think  
11 we'll get the lights on shortly. Just so the members  
12 are aware of what's at their desks, we have a copy of  
13 the Marine Protected Areas Needs Assessment that was  
14 put together by the Training and Technical Assistance  
15 Group in Charleston and that will be part of the  
16 discussions around one of the charge discussions on  
17 MPA Stewardship Improvements later this morning. Also  
18 the Ocean Conservancy has provided copies of a study  
19 they did of marine and coastal protected areas up on  
20 the Gulf of Maine. They thought that that would be  
21 sort of a useful document for you all to see on an  
22 analysis of different kinds of MPAs in the Gulf of

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1 Maine.

2 In terms of today, we'll give you a report  
3 on membership changes as soon as possible. We are  
4 joined today by Kay Williams, so we do have a new  
5 member up from the gang of six sitting up here at the  
6 front table I'm pleased to say and as soon as we hear  
7 more about other people, we will let you know, though  
8 I have a feeling it's not all going to be finished  
9 today, unfortunately.

10 There are a number of issues to be  
11 addressed today. One of the major issues from the  
12 substance perspective of the committee will be to go  
13 over the three specific charges to the Advisory  
14 Committee from the Department of the Interior and the  
15 Department of Commerce and we'll have presentations by  
16 Dr. Charles Wahle, Dan Farrow and Ginger Hinchcliff  
17 relating to those specific charges from the  
18 departments as well as time to discuss those and I  
19 think that may start getting towards the specificity  
20 you all have been asking us about in terms of what is  
21 it that the committee will be actually taking on.

22 I think we need to have a discussion

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1 related to the question of electing a chair or not at  
2 this point given the fact that all the nominees have  
3 not yet been approved. That's obviously a committee  
4 decision but I think it needs to be discussed among  
5 yourselves and I don't know, Eldon, if you want to  
6 start off with that this morning.

7 MR. HOUT: I thought we would.

8 MR. URAVITCH: And looking down my list,  
9 there are sort of administrative things we need to  
10 deal with later in the day that are particularly  
11 crucial. Please don't skip out on the discussions of  
12 travel and miscellaneous issues, because that relates  
13 to how money gets spent and in terms of getting things  
14 in on time so that we can actually invite you back  
15 because it effects the budget pool that's available.  
16 So those things are crucial in terms of getting things  
17 in to us.

18 Other issues relate to the charter and  
19 potential changes to that. We've obviously heard  
20 about some issues related to the charter that need  
21 some amendment relating to things like election of a  
22 vice chair as well as chairing of other groups,

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1 working groups, et cetera. And so we'll need to go  
2 through those so that we can identify those areas of  
3 the charter that may need some amendment so that we  
4 can move forward on that process.

5 And I think that's the list for now.  
6 Maggie?

7 PARTICIPANT: (Inaudible)

8 MR. URAVITCH: Right, thank you, Maggie.

9 And last is establishing a communication mechanism so  
10 that we all can use. We actually have a new webmaster  
11 starting on Monday at the MPA center and one thing  
12 that we'll try and do as quickly as possible is get up  
13 a member accessible web page that will be available to  
14 the membership so we can start electronic  
15 communication as well as setting up a list serve so  
16 we can do some root communication and we'll also have  
17 to discuss any other mechanisms that we might want to  
18 use, to help communicate across the organization.  
19 Thank you.

20 MR. HOUT: Questions of Joe on the  
21 process? Well, let's move then -- well, you know,  
22 it's only fair that Kay Williams give a little brief

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1 description of her interest in this committee and why  
2 she's here and why she wanted to be here. So I think  
3 we should do that.

4 MS. WILLIAMS: I had prepared a statement  
5 before I came. I've been waiting patiently to let all  
6 of you know who I am since I've already had the  
7 pleasure of hearing your introductions. My name is  
8 Kay Williams. I live in the State of Mississippi. I  
9 am President of the Gulf and South Atlantic Fisheries  
10 Foundation, which is a non-profit educational and  
11 scientific research development organization serving  
12 the commercial fishing industry since 1976.

13 Its purpose is to enhance the long-term  
14 viability and productivity of the Southeastern U.S.  
15 commercial fishing industry through the wise use of  
16 marine resources and application of environmentally  
17 sound business practices. The Foundation serves as a  
18 liaison between the Federal Government and the  
19 commercial industry from Texas through Virginia. I am  
20 also a member of the Gulf of Mexico Fishery Management  
21 Council. The Gulf of Mexico Fishery Management  
22 Council prepares fishery plans which are designed to

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1 manage fishery resources from where state water ends  
2 out to the 200-mile limit of the Gulf of Mexico. The  
3 council draws upon the services of knowledgeable  
4 people from other state and federal agencies,  
5 universities and the public who serve on our advisory  
6 panels and committees. I've served on the Gulf  
7 Council since 1997 and previously served on three  
8 advisory panels to the council and participated as an  
9 industry spokesperson.

10 As a council member, I have served as  
11 chairman, as vice chairman of the council, chairman of  
12 Marine Reserves Management Committee and as the  
13 council appointees to the Tortugas 2000 working group  
14 which was charged with developing marine reserves in  
15 the Florida Keys area. During this period the council  
16 conducted scoping workshops on marine reserves and  
17 created three marine reserves in the Gulf of EEZ that  
18 totaled 279 square nautical miles. The council in  
19 cooperation with NOAA, the State of Florida and the  
20 National Park Service created another marine reserve.

21 The Gulf Council has had a long history of  
22 established marine protected areas to regulate deer

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1 and/or to protect critical life stages of the fish we  
2 manage as well as habitat of particular concern. The  
3 council had established 134,671 square nautical miles  
4 of marine protected areas prior to the completion of  
5 Amendment 19 which is also known as the generic  
6 amendment addressing the establishment of the Totugas  
7 Marine Reserves.

8 At present the council is reviewing a  
9 proposed amendment to the Marine Fishery Management  
10 Plan to extend the time period for the Madison Swanson  
11 and Steamboat Swamps Marine Reserves beyond the June  
12 16th, 2004 expiration date. My interest as a member  
13 of this advisory panel is to work with our partners in  
14 improving management and conservation of our nation's  
15 MPAs. Thank you.

16 MR. HOUT: Thank you very much. Move then  
17 into the agenda and the first order of business on the  
18 agenda is the question of the chair of this advisory  
19 committee. It seems to me that there's some choices  
20 that you have to make and I would guess that they  
21 would include choosing a chair today, deferring or  
22 selecting a chairperson protem to manage the remainder

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1 of the agenda. Those are the options as I see them,  
2 but let's open this up for discussion and what it is  
3 that the Advisory Committee has in mind. We actually  
4 have a gavel which we can pass to somebody and being  
5 deposed would not ruin my day. Observations or  
6 suggestions.

7 MR. ZALES: Yeah, I would suggest that we  
8 defer until we get everybody on this panel and that  
9 you all can do what you did yesterday, is continue to  
10 run the meeting, because I don't think that it's fair  
11 to those of them that are sitting in the audience that  
12 are not up here. They can't participate and so I  
13 think it would be reasonable to just defer until the  
14 next meeting or some electronic thing, however the  
15 panel feels that they do, but I don't think it's  
16 prudent to do it today.

17 MR. HOUT: Other views, observations?  
18 Bob?

19 MR. DENDICK: I agree with that. I think  
20 though it would be helpful if you guys could set up  
21 some sort of process for this to happen between now  
22 and whenever, including circulation of statements or

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1 summaries. I think we've had one, but I think it  
2 would be better not to -- better to have some  
3 background and some order to this process than just to  
4 do it at the last minute.

5 MR. HOUT: Other views? Joe, any comments  
6 that you want to make on the process that we might  
7 want to follow in the interim if, indeed, it is a  
8 deferral?

9 MS. ERNST: What I plan to do is to keep  
10 all of you informed as the weeks go on and let you  
11 know who has been cumulatively nominated for the chair  
12 position and I think you have another decision to make  
13 as well, because you can either wait till the very  
14 last person is formally appointed or you can wait  
15 until the 27th or the 28th person is appointed and  
16 possibly that last individual might defer and allow  
17 the rest of you to vote. In the meantime, we'll be  
18 exploring possible ways to conduct the vote  
19 electronically well before you get to the next meeting  
20 and there will have to be some kind of public  
21 component to that vote, but we will be working on that  
22 and I hope that if some of you had any suggestions

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1 based on experiences you've had in voting in that  
2 manner, you might give those to us now.

3 DR. HIXON: On thing I think would be  
4 useful here is to actually hear from those who have  
5 put their name up for nomination. Bob sent around  
6 some information via e-mail before the meeting, but it  
7 would be nice -- I don't even know exactly whose names  
8 are up. It would be nice, maybe, to hear from each  
9 person if they're willing to speak.

10 MS. ERNST: Thus far, we all were informed  
11 by Bob Zales that he was interested in being  
12 considered for the chair. We also heard -- or I was  
13 informed that Dr. John Ogden in being a candidate and  
14 I now also have been informed the Dr. Dan Bromley and  
15 Dr. Bonnie McCay are also interested in that post.  
16 So we have four individuals but there could be more  
17 given that I think the window will be open.

18 DR. PEREYRA: It seems to me that we  
19 probably don't have to go through the pain of some  
20 sort of electronic selection of a chairman, that if we  
21 deferred until the beginning of the next meeting and  
22 had that be the first order of business, I would think

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1 that we would be well-served at that point in time.  
2 In the meantime, we can go through whatever process we  
3 need to be as informed as we should be as to the  
4 various candidates and capabilities and so forth.  
5 That would be my preference.

6 DR. GARZA: I guess my only concern there  
7 is that often a chairman does put a fair amount of  
8 time into setting up the agenda and so if we don't  
9 have a chair to help set up the next agenda, it would  
10 be a government agenda.

11 MR. HOUT: A couple of options there,  
12 perhaps. Volunteers to serve on an agenda committee  
13 in the interim and Joe could work with that maybe  
14 smaller group and if you don't volunteer, he'd  
15 probably ask somebody.

16 MR. NUSSMAN: I would certainly agree and  
17 understand the concern there and I think we need to  
18 have -- I was going to suggest a working group but  
19 that's actually what you've done just some folks or  
20 anyone that is particularly interested in agenda item  
21 or specific issues that need to be covered by an  
22 agenda. I would hope we'd all have the ability to at

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1 least comment on what the next meeting will involve  
2 but I think that would help move it towards involving  
3 the committee in that agenda setting process. And one  
4 of the concerns I'd have about -- I'll throw this out.

5 One thing we could do is to have rather than an oral  
6 statement here at this point, ask each of those  
7 interested to put a statement forward electronically  
8 so we all could review that and if we had questions,  
9 we could follow up with them individually or in some  
10 sort of group e-mail process to try and address  
11 specific issues.

12 MR. HOUT: I'd like Joe to make a quick  
13 comment on some of the procedural electronics that  
14 they're considering.

15 MR. URAVITCH: Yeah, I think that will  
16 give us an incentive to get this in a password  
17 protected website set up for the committee as quickly  
18 as possible, so that will be our first order of  
19 business in terms of our website update is to make  
20 sure we have a secure mechanism that you all can use  
21 to vote or to discuss and share information.

22 DR. BROMLEY: As I look at our schedule,

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1 we have basically from the period after lunch until  
2 whenever we break, 4:00 o'clock, 5:00 o'clock. I  
3 don't understand why we couldn't use the time this  
4 afternoon profitably to collectively discuss the  
5 agenda for the next meeting. I guess I'm not a fan of  
6 sort of e-mail kinds of conversations of this nature  
7 because there's a lot of give and take and  
8 reconsideration of positions and e-mail is overrated  
9 in terms of a medium by which this can be carried out  
10 expeditiously, I believe. So I'm not in favor of  
11 having us go away and then start e-mailing around to  
12 get our agenda ready for next time. I would much  
13 prefer a creative use of the afternoon so most of us  
14 who are here can get at least the agenda for the next  
15 meeting under control. That would be my proposal.

16 MS. WILLIAMS: Thank you. I too, would  
17 also like to know and have a copy of the Department of  
18 Commerce committee management handbook, because before  
19 I can vote for a chairman, I'd like to know what the  
20 chairman's duties are depending on if you work under  
21 Roberts Rules or if you do not, I know that they can  
22 vary. Thank you.

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1 DR. AGARDY: This may be a futile question  
2 but is there any indication of knowledge about how  
3 long the clearance process will take and what you're  
4 aiming for in terms of the next meeting? Is it  
5 September, October, November and will you have the  
6 meeting even if the clearances haven't gone through by  
7 then?

8 MS. ERNST: I think we're -- my guess  
9 would be that we would be holding the next meeting  
10 roughly in November time frame and by then, one would  
11 assume that at least 29 -- I cannot say for sure about  
12 the 30th position for Ernesto, but certainly by then  
13 they should be fully approved. We wouldn't want to  
14 try and hold one earlier and recreate the situation we  
15 went through for this meeting.

16 MR. HOUT: Mike?

17 MR. NUSSMAN: To follow one rather futile  
18 question with another futile question, we discussed  
19 the vice chair position and an issue there. I think  
20 it struck me as a consensus there that having a chair  
21 in a group like this where you may have multiple  
22 meetings would -- whoever it is, would love to have

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1 someone to tag team with and say, "No, you take it for  
2 while". Is there any -- as we think about a chair,  
3 should we also think about a vice chair?

4 MS. ERNST: Yeah. I hope that over the  
5 course of today we'll get input on other suggested  
6 changes to the charter and what we can do this summer  
7 is amend the charter and add the provision for a vice  
8 chair and any other kinds of changes -- we have to  
9 change it to reflect that the Coast Guard has now been  
10 moved to the Department of Homeland Security but there  
11 will be others that I hope are engendered in the  
12 discussion today and we will amend the charter this  
13 summer so that by the time the vote occurs, you will  
14 be able to have a vice chair in place.

15 MR. RADONSKI: I thought the discussions  
16 yesterday, although not a consensus, were leaning  
17 towards a meeting much earlier than six months hence.

18 And I think the November time frame is going to be  
19 pretty packed. I think there's several council  
20 meetings and a -- Kay was mentioning the constituency  
21 meeting in November, a lot of conflicts in November.  
22 I would hope we'd shoot for something around

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1 September.

2 MR. URAVITCH: Observations on future  
3 meeting. Bob?

4 MR. ZALES: Yeah, I would agree with that.

5 It's like I said yesterday, I mean, we're in the  
6 beginning stages of forming up this committee and  
7 other panels that I've served on that HMS and Bill  
8 Fish are two that I would point out that I was on the  
9 initial stages and it takes time to get your logistics  
10 set up so that you can really get into the meat and  
11 start working on what you're assigned to do.

12 So I would agree with that. I also would  
13 agree with Dr. Bromley that this afternoon would be a  
14 good time to discuss not only agenda items but also  
15 maybe the charter thing and if we've got time to play  
16 with that for suggestions in there, and the issue  
17 about the vice chair to the following meeting and,  
18 hopefully, all clearances would be done and at the  
19 time that the election of the chair, we could just  
20 handle all of it and get it over and done with at that  
21 time.

22 MR. HOUT: Terry?

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1                   MR. O'HALLORAN: The discussions about the  
2 elections and our next meeting it seems has to wait  
3 until we know when our other members are going to be  
4 approved and lacking that information, it might be  
5 difficult to set a meeting time. I agree with an  
6 earlier meeting rather than a later meeting, but we do  
7 need to have all of our members approved. It seems  
8 like we also might need to make a decision if Ernesto  
9 is way behind the curve on getting his paperwork  
10 submitted and actually being approved. We need to  
11 make a decision, do we have a meeting with, would that  
12 make 29 then, not counting Ernesto? Do we have a  
13 meeting then and do we vote for a chair and vice chair  
14 and some of these other issues?

15                   So I think that we need to -- rather than  
16 just talk about generic meetings, we need to nail down  
17 some of these specifics and then we can move forward  
18 with a meeting date.

19                   MR. RAY: I think a possible option is to  
20 select a couple of tentative dates pending one thing  
21 is, of course, getting our new members on the  
22 committee but secondly, taking the opportunity to poll

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1 for the tentative dates how many of the committee  
2 members are available because everybody is busy.  
3 Everybody has commitments. Let's be sure we don't  
4 arbitrarily pick a date when nobody's checked their  
5 schedules and you miss half the committee. So, you  
6 know, I think we need to be a little bit careful about  
7 setting a date in stone right now and maybe pick a  
8 couple of alternates, let everybody check their  
9 schedules and then let's see where we go with the  
10 clearance on our other committee members. I would  
11 recommend following a course like that.

12 MR. HOUT: Yes.

13 MR. RADONSKI: Just clarification on a  
14 point; one of the members has -- one of the appointees  
15 has not submitted the proper forms, I believe it was  
16 stated yesterday, indicating, perhaps, I don't know, a  
17 lack of interest in serving on the committee. I don't  
18 know what the facts are, but if that person were not  
19 appointed, would the process go forward and another  
20 name submitted?

21 MR. URAVITCH: Yes, that would go back to  
22 the two departments to select a 30th member.

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1                   MR. RADONSKI: Well, if that does happen,  
2 I would suggest that a recommendation go forward that  
3 filling some of the holes on this committee, one of  
4 the areas that is not represented adequately is the  
5 area of antiquities and cultural things that I think  
6 we would need to have some representation on this  
7 committee.

8                   DR. BROMLEY: Yeah, I have a procedural  
9 issue and then a question. Mr. Zales I appreciate the  
10 Dr. Bromley stuff, but maybe you should just call me  
11 Dan from now on. Would that be all right? You know,  
12 I don't need that other stuff and it's very awkward.  
13 Let's just -- we're on a first name basis here. Is  
14 that okay? Thank you but the procedural question is,  
15 do I understand that we cannot do any business until  
16 30 people have been approved? No. So we can do  
17 business with 24 approved, with 27 approved, with 29  
18 approved or with 30 approved; is that right, Joe?

19                   MR. URAVITCH: That's correct. I think  
20 the question really relates to the big issue of the  
21 chairmanship of the committee itself and where you all  
22 are comfortable in terms of saying, "Okay, if there's

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1 27 of us next time, we're going to vote regardless".  
2 You know, what's the number that you're comfortable  
3 with to set so that we have an opportunity to bring in  
4 the rest of the membership, but I think if we waited  
5 for 30 that might never happen just at the pace of  
6 life. So that's really a decision for the committee.

7 DR. PEREYRA: I've had the opportunity to  
8 meet Ernesto on several occasions and he's a very  
9 reasonable man, and I'm sure that if for some reason,  
10 his appointment is delayed because of clearance and so  
11 forth, that he would, you know, would tell us to carry  
12 on, you know, "The will of the majority is certainly  
13 the will of the majority and I'm certainly going to  
14 follow along", so I don't think that's going to be a  
15 particular hang-up for us. So I'd certainly be in  
16 favor of us moving forward on the meeting and if we  
17 have 29, I don't think that's going to be a particular  
18 hang-up for us.

19 MR. RADONSKI: I support the position  
20 stated earlier of waiting till we have more people on  
21 the committee for the candidacy of the chairman, but  
22 once we do vote for chairman, I think we're going to

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1 have to establish a procedure for voting and I would  
2 recommend that the candidate must have a clear  
3 majority to be elected chairman. That would require,  
4 if there's more than one -- more than two candidates,  
5 and one candidate does not receive a clear majority,  
6 you'd have to have a run-off but I think if we're  
7 going to be chaired, we should have -- the chairman  
8 should have the majority of the votes.

9 MS. ERNST: That's what the charter calls  
10 for right now.

11 MR. ZALES: This is just a bit of  
12 information on the Gulf Council on advisory panels up  
13 until two years ago, the council members themselves  
14 decided who was chair and vice chair of those panels,  
15 but Kay can correct me if I'm wrong, but I think two  
16 years ago they decided to let the panels choose their  
17 chair and vice chair on their own and the way that  
18 that went was that if there were more than two people  
19 who were nominated, the person chosen had to have  
20 better than 50 percent of the vote. If not, then it  
21 got to the two top people and then the vote was held  
22 again between the two top people so that may be some

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1 procedure you want to consider.

2 MR. HOUT: Additional comments? I have --  
3 Kay?

4 MS. WILLIAMS: I'm sorry. The process  
5 that I'm familiar with as far as electing a chairman  
6 of the full committee is the chair is usually  
7 nominated by one of the members and at that time, they  
8 do a paper ballot, secret type ballot and then they  
9 are totaled up and whether it's one vote or, you know,  
10 someone wins by one additional vote, that's the person  
11 that gets the chair. So that's just how we do it at  
12 the council level. Thank you.

13 MR. HOUT: Well, we are obviously bound by  
14 whatever the charter provisions are, unless they are  
15 modified, but it looks like, and Maggie has indicated,  
16 that it is a majority vote of the committee. I have  
17 about three things, I think, that have come down here.

18 One, defer the chair selection but permit statements  
19 to be circulated by e-mail from those who are  
20 interested in serving as chair. Secondly, the  
21 discussion of the agenda and the charter should  
22 proceed after lunch in the time that is available this

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1 afternoon and three, that tentative dates for the next  
2 meeting should be proposed and members polled as to  
3 the appropriateness of those dates. Now that's the  
4 consensus I have detected here this morning. If there  
5 are other points, then maybe we could go further.  
6 Otherwise, maybe that's as much as we need to do on  
7 this subject now. Any final comments or observations?

8           Seeing none, we'll proceed then to the  
9 next part of the program which is we'll require you to  
10 make the move into the seats to view the screen. The  
11 first presentation is discussion of MPA definitions  
12 and types and the problem of the common language  
13 beginning with Charlie Wahle and then to be followed  
14 by Dan Farrow and then with a break moving into the  
15 implementation needs. Ginger Hinchcliff will be  
16 making a presentation.

17           MR. WAHLE: Is everybody all settled?  
18 Okay, well, good morning. For those of you who  
19 weren't here yesterday, my name is Charlie Wahle. I'm  
20 the Director of the MPA Science Institute which is  
21 part of that National MPA Center. We're based in  
22 Santa Cruz, California at the National Marine

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1 Fisheries Lab. This morning, I'm going to talk about  
2 something that is really fundamental to why we're all  
3 here. It's something that's been bothering all of us  
4 for years, I think, which is this question of, what is  
5 it we're talking about. If you go to any MPA meeting  
6 anywhere with any group of constituents, the very  
7 first thing people will say is, "We need some  
8 definitions. We don't know what this means, we don't  
9 know what that means, and it isn't fair to proceed  
10 until we understand it".

11 It's a serious problem so we spent some  
12 time on it and we are going to show you what we've  
13 done so far and ask for your expert opinion on whether  
14 this might solve some of the problems. Now, what I  
15 will do today briefly is give you a little overview of  
16 all the different ways that we currently talk about  
17 MPAs and then to discuss a proposed classification  
18 system for how one might categorize or describe MPAs  
19 in terms that work and make sense and have meaning on  
20 the ground. And then finally, to use that which is  
21 more of an analytical tool, to develop a more simple  
22 and even more straightforward language that we can all

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1 use and the public can use and your mother can use and  
2 everything else to talk about MPAs and what they  
3 really mean.

4 So this is a review from yesterday for  
5 those of you who weren't here but we're building, of  
6 course, on the federal definition of an MPA which is  
7 in Executive Order 13158 which says, it's very broad,  
8 "Any area of marine environment that's been reserved  
9 by federal, state, territorial, tribal or local laws  
10 or regulations to provide lasting protection to part  
11 or all of the natural or cultural resources therein".

12 So if somebody -- you're at a meeting and  
13 an angry constituent stands up and says, "What do you  
14 mean by MPA", you tell him that, they're even more  
15 angry. So you know, we're kind of agitated ourselves  
16 about this, so we're trying to get beyond it. These  
17 are just some examples of MPAs around the country that  
18 we covered yesterday, but basically, there are a lot  
19 of them, of different kinds; national parks,  
20 fisheries, closed areas, protected species areas,  
21 cultural resource areas, you name it, and they all  
22 have names. These are some of the names; sanctuaries,

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1 critical habitat, reserve, conservation area. If  
2 there is a phrase that can be strung together to  
3 describe a place, it's probably used to describe MPAs.

4 And the difficulty here is that it's very -- it's  
5 almost impossible actually, to look at any of these  
6 terms and to really know what that thing is going to  
7 do in the water and to you. So there's a lot of  
8 confusion out there about terms of MPAs and some of  
9 the consequences of that confusion are that -- or the  
10 sources of it actually, are that the program names,  
11 things that we call marine sanctuaries, national  
12 parks, estuarine research reserves, et cetera, don't  
13 always really reflect the actual purpose of the MPA or  
14 its management approach or probably more importantly,  
15 its impacts both on the environment and on the users  
16 that live and work in the environment.

17 So right away you have a problem that the  
18 name that we use to describe these things that we're  
19 proposing or evaluating doesn't really tell people  
20 what it's about. And sometimes it's really very  
21 different. And related to that, of course, are the --  
22 sometimes you have similar sounding names of MPAs that

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1 have very, very different impacts in the water. So  
2 one person's marine reserve is a no-take, no-go, no  
3 nothing area and yet the Estuarine Research Reserve  
4 System is a multiple use area where there are  
5 frequently allowed hunting and fishing and all kinds  
6 of other activities. Both are calls reserves and both  
7 elicit the same response in a public meeting. So we  
8 need to somehow get beyond that problem.

9 And then growing from that is the growing  
10 confusion of equating no-take which is the way the  
11 most restrictive and the most rare type of MPA in this  
12 country, with the general term MPA. So that  
13 frequently people when they hear discussion of MPAs as  
14 we've been talking about yesterday and today, their  
15 reaction is often based on the assumption that means  
16 no-take. So if we're ever going to get to the part  
17 where we can have a rational discussion about both the  
18 broader MPA realm as well as no-take, we have to be a  
19 little clearer about what those mean.

20 So all of this has led to really for  
21 several years now increasingly strident calls for a  
22 set of terms that we can all use that are simple and

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1 consistent and intuitive so that they actually mean  
2 something to people who may be aren't enmeshed in all  
3 this stuff. And that accurately reflect what the  
4 program's goals and approaches are and then allow an  
5 objective assessment of the impacts of an MPA on both  
6 the environment that it's intended to protect and the  
7 human uses that interact with that environment.

8 And that's really critical is you have to  
9 be able to convey or if you're on the other end of the  
10 discussion to understand what this thing is going to  
11 mean to you if you're a fisherman or a boater or a  
12 scientist. And then also these terms ideally  
13 shouldn't overlap too much at least with programmatic  
14 names, so that we don't get into the problem of,  
15 "Well, when we say park, we don't really mean national  
16 park, we mean some other thing". And ideally we'd  
17 like to use terms that don't have a lot of baggage in  
18 the MPA debate, because some terms tend to elicit  
19 stronger responses than others.

20 This shouldn't be that hard to do. We do  
21 it all the time in every aspect of our lives. Just as  
22 an example of what might happen if you called all of

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1 these things boats and, you know, when I say, as I do  
2 once in awhile, "Gee, I'm really -- I'd like to buy a  
3 boat", and so my wife assumes it's the sailboat and  
4 then she says, "No way". Now, somebody else might  
5 think it's a fishing boat or a commercial fishing boat  
6 or a recreational one. Or it might be a jet ski or it  
7 might be something, a foreign policy instrument in the  
8 middle. But what -- usually we're pretty careful  
9 about what we mean by, "Well, can I tie my boat up to  
10 your dock", you don't come up there with a cruise ship  
11 and say, "Well, here I am". You've very explicit  
12 about, "I have this vessel that has these  
13 characteristics and this is how I'm going to use it,  
14 now let's talk".

15 We don't do that with MPAs because we  
16 don't have the language to do it. So what we did was,  
17 after looking at what's out there and there are a lot  
18 of different ways of describing classifying MPAs, the  
19 ICUN system is sort of the generally accepted but not  
20 often used approach as well as a bunch that are  
21 developed typically by statutory programs at the state  
22 or federal level or by some of the NGOs. So what we

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1       tried to do is figure out a way to describe these  
2       things we call MPAs in functional terms that really  
3       address the issues that we're all most concerned  
4       about, which is basically what's it for and what does  
5       it do. And if you keep tearing at that long enough  
6       and it's taken us quite awhile to strip away all this  
7       other baggage, what you come up with are five  
8       fundamental aspects of the design and the impact of an  
9       MPA that, taken together, pretty well describe it.

10               And their objective in the sense that they  
11       can be deduced from reading the statute or the  
12       management plan, so they're not just, you know,  
13       somebody standing there and saying, "Well, our mission  
14       today is". And they're also relatively  
15       straightforward, and these are the primary  
16       conservation goal of the site which is its essential  
17       purpose and reason for being established, the level of  
18       protection that it provides to the resources that it  
19       encompasses and that generally equates to, you know,  
20       the other side of the coin is, what activity, what  
21       nature of activities are restricted, the permanence of  
22       protection which is becoming an increasingly important

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1 aspect of understanding MPAs because they're not all  
2 out there forever. In fact, many are of finite  
3 duration, some are very short term. Many and  
4 increasingly so are on what we call the Sunset Clauses  
5 which is a mechanism by which at the end of some fixed  
6 period, the site's performance and impacts are  
7 evaluated and based on that evaluation, a decision is  
8 made whether or not to go forward or change the plan  
9 or just get rid of it all together.

10 So permanence is a key feature of the  
11 design of an MPA and of understanding any given  
12 proposal or understanding the whole suite of MPAs that  
13 we have in this country. Similar to that is this  
14 thing we're calling constancy of protection which has  
15 to do with whether it's operational year-round or  
16 whether it's seasonal. And then finally, the scale  
17 has to do with the degree to which the protections --  
18 it's the target basically, if it's an eco-system wide  
19 MPA or whether it's focused on focal resources.

20 What I'm going to do here and I'll try to  
21 do this quickly, because there's really too much  
22 material to really assimilate. It's in your books.

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1 But I'm going to go through each of these five  
2 characteristics and just highlight the different  
3 options that we've developed. So in the end what you  
4 do for any given MPA is you have this menu of five  
5 characteristics and under it, you have a series of  
6 options. You pick one option and only one for each,  
7 so you end up with five and that describes the site.

8 The first two, which are highlighted in  
9 red, are the key ones, primary conservation goal. As  
10 we discussed yesterday, there are essentially three  
11 fundamental purposes for MPAs in this country. Those  
12 are very broad and we recognize that many sites are  
13 established to serve multiple objectives but most, if  
14 not all, have a primary sort of over-arching  
15 conservation goal. The first is natural heritage,  
16 which is established essentially to protect the  
17 biological communities and their habitats, eco-systems  
18 and processes and ecological services, uses and values  
19 that they generate. That would be -- an example of  
20 that might be a marine sanctuary or a national park.

21 Cultural heritage sites are established  
22 primary to protect, understand and interpret the

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1 submerged cultural resources, the artifacts, the  
2 actually tangible evidence of our history with the sea  
3 and through that to maintain our connection to our  
4 traditional uses with the ocean. And finally, the  
5 sustainable production MPAs which include both fishery  
6 sites as well as MPAs that might be used for the  
7 sustainable harvest of other species and other  
8 resources. They're established principally and  
9 managed actively to support continued sustainable  
10 extraction of renewable living resources through the  
11 protection of areas that are important to that ongoing  
12 effort.

13 Under level of protection, this is  
14 probably the most important element of the national  
15 dialogue on MPAs, there are five relatively discrete  
16 levels of protection within the suite of MPAs we have.

17 Starting with the most restrictive and also the  
18 rarest and going down toward least restrictive and  
19 most common in general, we have no access MPAs which  
20 are essentially you can't go there and therefore, you  
21 can't do anything to it or in it.

22 By limiting access, they limit the

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1 potential for adverse impacts unless specifically  
2 permitted for scientific reasons or others. There are  
3 very, very few of these in this country and those that  
4 exist are small and typically embedded within a larger  
5 MPA and used mainly for scientific research.

6 No impact MPAs are those that allow access  
7 but prohibit or otherwise restrict activities that  
8 could both remove resources, extractive activities or  
9 harm the ecological processes and services that the  
10 site provides. There are very few of these as well.  
11 No take areas which tend to be probably the focus of  
12 most of the discussion on MPAs, are those that allow  
13 access generally but -- and often allow potentially  
14 harmful activities other than the extraction of  
15 natural and cultural resources from the site.

16 Zoned multiple use areas which are  
17 relatively common and getting more so over time, are  
18 MPAs that use marine zoning to allocate different uses  
19 in space and time and thereby to minimize both user  
20 conflicts and to reduce their impacts on the  
21 environment but they allow generally both extractive  
22 and other kinds of uses different ways. And finally,

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1 non-zoned multiple use which is kind of a mouthful for  
2 a system that's supposed to be simple, are those sites  
3 where multiple uses are allowed but there is no  
4 zoning. It's basically uniform allowable uses  
5 throughout the site which tends to be found in older  
6 sanctuaries, older parks, things like that.

7 So we have these five relatively distinct  
8 levels of protection for all of the MPAs in this  
9 country. Now the other three categories are equal --  
10 well, they're important but it's the first two that  
11 really drive a lot of what we're all concerned about,  
12 I think. Under permanence, you have, of course,  
13 permanent sites which are established in perpetuity  
14 forever, to protect the resources for this and future  
15 generations. Examples of that include I believe all  
16 the national parks, some marine sanctuaries and some  
17 state MPAs.

18 Conditional protection is the one that I  
19 think is worth paying some attention to because it's a  
20 growing phenomenon and it is partly responsive to  
21 concerns by stakeholders and others about  
22 effectiveness and the response to that is, okay, let's

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1 try it out. We'll have some fixed period at which we  
2 go back and look and see whether it's working and  
3 based on that scientific assessment, we'll adjust or  
4 eliminate or expand. So those sites have this  
5 potential and usually an expectation for renewal but  
6 there is at some point a finite decision point based  
7 on a science based evaluation. And then finally,  
8 there are sites that are temporarily protected which  
9 have no expectation or mechanism for renewal but are  
10 set up for some discrete purpose, for a finite amount  
11 of time and there are a fair number of those.  
12 Typically they are either for fishery management  
13 purposes or say emergency restoration or something  
14 like that.

15 Constancy has to deal with -- deals with  
16 the idea of is it there all year round and if not,  
17 what's the basis for it. So there's year round  
18 protection which is typically most sanctuaries, most  
19 national parks, a lot of fishery sites. Season  
20 protection are sites that are established to protect  
21 an area that's critical for some ecological or  
22 economic purpose but the risk that is of concern is

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1 it's only seasonal because for example there's a  
2 seasonal mating or spawning, what have you, feeding  
3 area where it's only important to limit activities at  
4 that particular time. Those are found primarily in  
5 the fisheries management realm and there are a growing  
6 number of them in this country.

7 And then rotating MPAs are ones which are  
8 still relatively uncommon but may be increasingly so  
9 over time that are moved basically. They're  
10 established for a purpose. They fulfill that purpose  
11 and they're moved to another area for the same  
12 purpose. And finally there's scale of protection.  
13 And the scale falls into basically two categories.  
14 Looking at the whole eco-system and its resources and  
15 the processes that drive it or looking at focal  
16 resources either one or more species or resources of  
17 any kind that are of particular interest and are  
18 protected by the legal authorities.

19 So we have these five ways of describing  
20 an MPA. So when you take this to the real world, it  
21 actually -- it's kind of interesting how it plays out.  
22 What we've done here is those first two categories,

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1 primary conservation goal and level of protection are  
2 in the first bullet. Can you all read that all right?

3 Okay, and that's the first bullet because that's  
4 really the principal thing that most people are  
5 focused on. And then the second bullet has to do with  
6 the permanence, the constancy and the scale of  
7 protection. So what you end up with is something like  
8 the Channel Islands National Park is, it's a zoned,  
9 multiple use natural heritage MPA. That's basically  
10 the story most people need to know but it also has  
11 permanent year-round ecosystem protection.

12 A marine mammal, critical habitat might --  
13 a generic one, might be a knowing pact area where you  
14 can go but you're not to disturb the processes or the  
15 species, the natural heritage MPA with permanent but  
16 seasonal focal protection. So you can begin to see  
17 how this sort of plays out and then I'd use the  
18 monetary cultural resource example. It's a no impact  
19 cultural resource MPA with permanent year round focal  
20 protection. Now what you get by using this is a way -  
21 - once you sort of get used to the phraseology and it  
22 doesn't take long, it's a way to easily categorize an

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1 MPA in functional terms that we can all understand, we  
2 can all use and it allows you to both describe it in  
3 the debate, so to speak, and to evaluate and  
4 understand any proposed MPA or what we've already got  
5 out there.

6 Now, why would we want to do this? The  
7 first thing, of course, is to bring some objectivity  
8 and reason to the debate on MPAs and through educating  
9 the stakeholder communities, and that's broadly  
10 defined, including the managers, we will hopefully be  
11 able to clarify and inform this discussion so we're  
12 all using the same common language. It also provides  
13 a mechanism for us to easily illustrate and understand  
14 what we've got in the water right now and Dan Farrow  
15 from the NOAA Special Projects Office will be talking  
16 right after me about the inventory which is what we  
17 have in the water right now.

18 It also will allow in time when it's  
19 overlaying in top of the inventory, it will allow us  
20 to take at least a first cut at looking at the goals,  
21 the stated goals of the MPAs that we have and of  
22 getting some assessment of their ability to both meet

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1 those goals and to cover the important resource needs  
2 that we have and therefore, it may help us identify  
3 gaps in protection and it will be very useful in the  
4 design of both MPAs individually and networks largely  
5 in the discussion phase of that process and then  
6 finally, it gives us the building blocks, if you will,  
7 for our work on developing this framework for a  
8 national system, because it will give us a way to  
9 describe what it is we're trying to do.

10 Here's an example, this is a power point  
11 version of what might be GIS someday. This is what a  
12 lot of MPA maps look like right now. And the first  
13 response it, God, there's a lot of them out there and  
14 this is sort of a compressed version. And even though  
15 it may look like California, it really isn't. It's  
16 just generic land somewhere with water off of it. So  
17 there are a lot of these protected areas. Sometimes  
18 they have names on them, that' makes it worse. The  
19 names are confusing. They're not going to tell you  
20 what you need to know. So if you apply this  
21 classification system to it, in this case coding the  
22 sites by their primary conservation goal, you begin to

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1 see, okay, well, now I see what's out there and why  
2 it's out there, what are these areas purported to be  
3 achieving. The green are the natural heritage sites.

4 The yellow are the cultural heritage sites where you  
5 might have some scattered shipwrecks around and then  
6 the blue are the sustainable production sites which in  
7 this example are primarily fisheries areas.

8 And you can begin to see that not only is  
9 there a distribution of them, but there's some  
10 interesting overlaps where there might be specific  
11 sustainable production MPAs embedded within a broader  
12 natural heritage one. So it gives us a tool to look  
13 at and understand what we've got. If you do the same  
14 cut but by level of protection, you can begin to see  
15 just how protective or restrictive this system really  
16 is and this, of course, is a made up example, but it's  
17 probably -- for most areas of the country it  
18 overstates that relative proportion of no take areas.  
19 Mostly in the country there are very few of them and  
20 they'd be so small that you wouldn't be able to see  
21 them on this map, but this is a way we can get at that  
22 question because a lot of people are concerned about

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1 areas that will restrict their activities and a lot of  
2 people believe there are a lot more of them out there  
3 than there really are. So we need to have a way to  
4 show what's out there and what we may need to do about  
5 it.

6 Okay, so this is an analytical tool. It  
7 simplifies things in the sense that it strips away all  
8 this confusion and duplicative language, but it's  
9 still kind of a complicated thing. I wouldn't want to  
10 stand up in a public meeting and say, "Okay, calm  
11 down, here's the answer", because it's too much, but  
12 it will be very useful for us, we hope, if you all  
13 agree, as an analytical tool.

14 So we wanted to take it one step further  
15 and solve this problem of we need some simple  
16 definitions and so what we've done is taken those  
17 first two key characteristics, the primary  
18 conservation goal and the level of protection and  
19 combined those as the definition. Now, we've also  
20 compressed within the level of protection, the five  
21 that I had laid out into two. And so the one is no  
22 take, which encompasses the three types of no take

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1 areas, the no access, no impact and no take into just  
2 one generic you can't extract anything from here,  
3 which is what most people are most interested in and  
4 then it compresses all the multiple use sites into a  
5 single category.

6 Now, you lose a lot of information there.

7 I mean, there's no doubt about it, but my guess is  
8 that 85 percent of the dialogue is at this level and  
9 if you need to go further, you have that information  
10 available. So if you use that approach, then it gets  
11 a little cleaner. I mean, I could do this with my  
12 mother probably. The Channel Islands National Park is  
13 a multiple use natural heritage MPA. The Marine  
14 Mammal is a no take natural heritage MPA. The Monitor  
15 is a no take cultural heritage MPA. So you begin to  
16 see that it falls into place and it basically  
17 addresses the key question which is what's this thing  
18 for and what's it going to do to me and to the  
19 resources it protects?

20 Now, one of the things that we want to do  
21 with this is get it into the public dialogue,  
22 essentially. You know, once we get feedback from you

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1 all and others about the adequacy and applicability,  
2 we want to actually use this. And the way that we  
3 envision doing that is through members of the  
4 committee as conduits to your sectors, if you will,  
5 and your regions, to get some feedback on will this  
6 work for you and if not, how might it need to be  
7 changed. And then once we've gone beyond that stage  
8 and we've gotten something we're all comfortable with,  
9 we really need some help in getting it plugged into  
10 the national discussion on MPAs, which means going to  
11 your -- for example, you know, if you're in the  
12 commercial fishing sector, going to your colleagues  
13 and working with them to understand it and then  
14 getting them to incorporate this into their  
15 discussions and their thinking. This doesn't take  
16 over or replace the existing names that we use for  
17 MPAs. We'll always call a sanctuary a sanctuary and a  
18 park a park, but then we can also say, "But what that  
19 means in functional terms is this or something like  
20 it".

21 And that will be a very powerful place to  
22 start from with our discussion about how we might want

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1 to use this tool in the future. So we're seeking your  
2 help in making this work. I think that's it for me,  
3 thank you. Questions. John?

4 DR. OGDEN: Thanks, Charlie. That was  
5 very interesting. Andy Rosenberg, who is on the  
6 Commission on Ocean Policy when we were talking once  
7 about confusion of terms and I brought up the idea of  
8 zoning the ocean just in certain aspects, said, "My  
9 God, anybody who talks about zoning ought to go to the  
10 local planning council meeting some time". And we  
11 thought about that and the fact of the matter is that  
12 on land, we deal with terms and confusion about the  
13 definitions of land areas and redefining them and so  
14 on all the time and, you know, I think this confusion  
15 that we perceive in the ocean is brought about by two  
16 things.

17 One is the unfamiliarity of applying a  
18 concept which has worked so well for us on land in an  
19 environment which has been traditionally open to open  
20 access environment, the so-called commons. And then,  
21 frankly, I think one has to say and it certainly is  
22 true in my experience, that the confusion arised not

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1 so much from an inability to take the land experience  
2 into the ocean but serious dis-information campaigns  
3 whereby every time the term comes up, somebody says,  
4 "Well, we have", -- you know, essentially puts out the  
5 usual kinds of confusion and that does happen, I  
6 think you have to acknowledge that. But anyway, I  
7 think this is an interesting presentation. Thank you.

8  
9 MR. WAHLE: Yeah, thanks. It definitely  
10 does happen and it's -- who knows what the motivations  
11 are but it's -- the confusion is being generated on  
12 all sides. I mean, when I worked in sanctuaries  
13 before doing this, there were times when I thought,  
14 "Well, it sounds really good but is this really, you  
15 know, what we're doing". And of course, the answer  
16 was don't worry about it. But the conclusion that you  
17 begin to draw is, you know, we need to somewhere in  
18 our collective discussion have the ability when we  
19 want to, to say, "Okay, well, what it really is, is  
20 this, this and this". And then we can go back to  
21 calling it what we want and taking our positions, but  
22 at least we all know what we're talking about. Yeah.

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1                   MR. RADONSKI:     I thought it was an  
2                   excellent presentation and I think it's very important  
3                   for us to start off with a systematic classification  
4                   and what you presented is almost intuitive. There are  
5                   sanctuaries and MPAs of different colors of everything  
6                   out there and this is just so we're all on the same  
7                   page we can talk about them and I like it very much.  
8                   I don't even -- there may be some tweaking necessary  
9                   but I think it's a good starting point and I think the  
10                  group should come to some agreement in accepting this  
11                  type of classification.

12                 MR. WAHLE:     Great. Thank you. A lot of  
13                 us have worked hard on exactly that intuitive thing  
14                 because, you know, you first start with all the stuff  
15                 that later you realize isn't very intuitive but one of  
16                 the things we're hoping to get from you all is think  
17                 about all the many different venues that you're  
18                 talking about this stuff with and will that work?  
19                 Like yesterday, when we were in this orchestra pit, if  
20                 you could identify yourself for the Court Reporter.  
21                 That was Bob Zales who just spoke. Oh, sorry, for me,  
22                 too. Yeah.

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1 MR. FUJITA: Ron Fujita. Thanks, Charlie,  
2 that was great. And I like the classifications but I  
3 see at least two different venues which could benefit  
4 from two different kinds of classification systems. I  
5 know you don't want to complicate things but it seems  
6 to me that the one you've laid out which is about  
7 function lends itself to analysis. You can categorize  
8 these things. It's very logical and you can do  
9 inventories to determine the number and area of marine  
10 reserves that are -- have different levels of  
11 protection and serve different functions.

12 But in a lot of the venues I work in the  
13 key criteria are use and access. You know, what kind  
14 of access, is it restricted, is it open to everybody  
15 and what kind of uses are allowed? Can you fish in  
16 there? If so, is it recreational only or commercial  
17 or is it research? So I think that those two things  
18 have a lot of salience on the ground and would easily  
19 overcome some of the fears and concerns when you just  
20 talk about generic MPAs and nobody knows what the use  
21 of the access regimes are. That's I think what people  
22 really care about.

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1                   MR. WAHLE: Uh-huh. Yeah, it's a very  
2 good point and I think that when you're using that  
3 five-category system, it gets to the access piece  
4 pretty well, but the use distinctions of recreational  
5 but not commercial or vice versa, that -- this doesn't  
6 work for that and we actually -- there are, you know,  
7 as you can imagine 10,000 earlier versions where we  
8 tried to deal with that and it just didn't work very  
9 well. So I would be very grateful if you guys could  
10 help us figure out a way to easily package different  
11 kinds of use, you know regimes in a way that people  
12 can understand. But what we ran into is there are  
13 10,000 permutations, which is what we're trying to  
14 avoid here, but yeah, you're right, it's a big hole  
15 and it's one that many of you are particularly  
16 interested in.

17                   MR. FUJITA: Yeah, I just think a very  
18 simple classification, maybe, you know, open access,  
19 restricted access and recreational use, commercial  
20 use, and natural heritage and then those would serve  
21 as gateways to people who want to find out in more  
22 detail exactly what kinds of fishing are allowed,

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1 exactly what kinds of access are we talking about. So  
2 maybe just two or three categories of each use and  
3 access.

4 MR. WAHLE: I think that makes a lot of  
5 sense. Tundi.

6 DR. AGARDY: Tundi Agardy. As a  
7 beleaguered advocate for multiple use marine protected  
8 areas, I am very sensitive to the misconception or the  
9 perception that multiple use marine protected areas do  
10 not contain no take zones and that they are,  
11 therefore, toothless often paper parks, and I wonder  
12 if it wouldn't help to have a sub-category of the  
13 multiple use marine protected area category that would  
14 indicate whether not it contains no take areas.

15 MR. WAHLE: Yeah, I see what you mean.  
16 Well, it's embedded and sort of implied in the zoned  
17 multiple use level and often that is what the zoning  
18 is about but you're right, we need to have a way to  
19 highlight that explicitly. Mel, did you have a  
20 question?

21 MR. MOON: Mel Moon. I was thinking that  
22 -- not to complicate this thing further, but the other

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1 element that I would take interest in would be how  
2 these MPAs have been created and their origins and the  
3 processes that were used in order to get to some kind  
4 of identification. I think that's an important  
5 element. It sounded like there was a good deal of  
6 discussion about social sciences and people connected  
7 into these creation of these areas. So I think as a  
8 suggestion, perhaps, another area of trying to  
9 identify what is would be to define the origin and how  
10 it was created.

11 MR. WAHLE: That's a very good idea. I  
12 should mention that in the inventory which Dan will  
13 speak about in a minute, we have a zillion data fields  
14 on sites and some of that kind of information is in  
15 there but it might be worth pulling it out as a piece  
16 of this too. Yes.

17 MR. CRUICKSHANK: I'm Michael Cruickshank.  
18 On the sustainable production, I like the effort very  
19 much, it's very good. That's one, to me a large thing  
20 and to many people an important thing is that the  
21 sustainable production refers largely to living  
22 resources and we have to consider the non-living sands

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1 and the coral reefs, the coral reefs are living too,  
2 but the production from other natural materials  
3 because the coastline particularly in island areas are  
4 very, very sensitive to taking indiscriminately.  
5 You've got very serious beach erosion, beach  
6 excretion, alteration of wave forms coming into the  
7 areas and it's something that could be plugged into  
8 that, I believe, without much problem.

9 MR. WAHLE: Yeah, I think that's a good  
10 point. It's something we talked about yesterday, too,  
11 we sort of struggled with whether we're really  
12 focusing on renewable living resources or all natural  
13 resources and I think we need to reflect that in here.  
14 Yes.

15 DR. GARZA: Dolly Garza. If we could  
16 stick on this one here, under cultural heritage, I  
17 think since yesterday hearing it and then seeing it  
18 here, my concern is that it seems to focus on  
19 submerged things. And in terms of cultural heritage,  
20 you also have at least native uses of areas that are  
21 quite important, and so I would hate to have that go  
22 forward that it only refers to submerged areas.

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1                   MR. WAHLE: Uh-huh. Yeah, that's a very  
2 good issue and one that we worked on or tried to  
3 figure out. The problem we're dealing with is, if I  
4 get this right, now the Executive Order is focused on  
5 the artifacts, the resources. But we all recognize  
6 that there are these other dimensions that are equally  
7 important and there are MPAs either now or in the  
8 future that would be established for the more sort of  
9 traditional use and cultural aspects.

10                   We have to find a way to capture that and  
11 I don't think this does it quite yet, so I'd  
12 appreciate some help on that. But we do need to --  
13 somehow our work under the Executive Order is focused  
14 primarily on the resource piece but we -- any system  
15 needs to acknowledge these other dimensions, too.  
16 Questions? Yes.

17                   MR. SUMAN: Daniel Suman. I was curious,  
18 perhaps I misunderstood when you were talking about  
19 conditional protection, you -- I understood that you  
20 mentioned some national marine sanctuaries are only  
21 conditionally protected. Could you explain what you  
22 meant by that or if I understood you correctly?

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1           MR. WAHLE: Well, the Florida Keys is the  
2 example that came to mind. When that was -- when the  
3 management regime was finally approved, there was an  
4 agreement with the state which co-manages the state  
5 waters of the sanctuary, to evaluate the  
6 effectiveness, if you will, in five years and then  
7 based on that evaluation, the state part of the  
8 sanctuary could be modified or eliminated or what have  
9 you. That just took place, as I understand it and it  
10 was successful in the sense that they thought it was  
11 working and kept doing it.

12           But there are -- that same provision is in  
13 the Hawaiian Islands hump back whales sanctuary. I  
14 think maybe in Thunder Bay. It's a growing trend and  
15 I think it's actually something we'll see a lot more  
16 of, also on the sustainable production side and it  
17 makes sense. It makes -- it's fair to the users and  
18 it also in an indirect way, forces MPA programs to be  
19 more explicit about their purposes and their  
20 measurable objectives and then to evaluate them in  
21 order to meet that day when they have to explain  
22 themselves. So I think we'll be seeing a lot of this

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1 which is why we tried to find a way to put it in  
2 there. Mark.

3 DR. HIXON: Mark Hixon. This is certainly  
4 a logical framework especially once no access, no  
5 impact and no take are sort of combined, because I was  
6 having difficulty in my mind separating those three.  
7 Unfortunately or not there's a historical context here  
8 and that is especially within the peer review  
9 scientific literature. Fully protected areas have  
10 come to be labeled marine reserves. It's a very  
11 common term and actually it's sort of the focus of  
12 much of the debates surrounding marine protected areas  
13 and this scheme does not include that term that's  
14 already very much embedded in the literature and in  
15 much of the public debate. So somehow I believe that  
16 needs to be incorporated.

17 We can call these things anything we want  
18 as this committee but marine reserve fully protected  
19 areas, marine reserves are certainly embedded in the  
20 ongoing national discussions and internationally as  
21 well.

22 MR. WAHLE: Yeah, you're right. Well,

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1 we've gone round and round about that and the only  
2 reason we thought we might not use the term was  
3 because it is actually used programmatically but on  
4 the other hand, it is the term of art for these top  
5 three. So one thing that maybe you all could help us  
6 think through is whether we maybe keep these top three  
7 in the classification scheme which is really sort of  
8 you know, priesthood will be using that and then we  
9 get down to the one that's more for the public use.  
10 What did I do with it?

11 Okay, so in here are you suggesting that  
12 this become marine reserves and -- it makes sense to  
13 me. We should talk about it some more and we need to  
14 get the real issue here is the programs that call  
15 themselves reserves, but I think we can probably work  
16 this out.

17 MR. WAHLE: And certainly, just to follow  
18 up on that, I agree with Tundi that there are multiple  
19 use areas that include fully protected areas and those  
20 that do not. So, for example, I think it was your  
21 last slide mentioned the Channel Islands as being  
22 multiple use. There are not fully protected areas

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1 within that.

2 DR. HIXON: Right.

3 MR. WAHLE: And there are certainly  
4 multiple use areas that do not have fully protected  
5 areas. So there's that dichotomy as well.

6 DR. HIXON: Yeah, that's a good point and  
7 I had forgotten to mention that this system, the  
8 five-level system works for zones as well, so you can  
9 have the big site and in each zone it's described that  
10 way, too.

11 We're a little behind schedule. If you're  
12 willing, maybe we should defer more discussion to  
13 later and move onto Dan Farrow, who will talk about  
14 the heroic efforts we've done in the inventory work.  
15 Thank you very much.

16 MR. FARROW: Good morning, my name is Dan  
17 Farrow. I'm the MMA Inventory Coordinator and I'm  
18 also the Chief of the Special Projects -- it's not  
19 even an office. We're just called Special Projects in  
20 the National Ocean Service. This is taking a long  
21 time to load up. Julia Brownley has handed out a  
22 packet of information. I just want to make sure that

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1 everyone has it and what's contained in there are four  
2 things, you should have four things. The first is an  
3 example and I'll talk about this a little bit in my  
4 talk, but an example of one of the initial assessment  
5 activities that has been undertaken with the inventory  
6 by the National Marine and Fishery Service. This is  
7 preliminary.

8 And then the second thing, the second item  
9 is really probably one of the most important and  
10 that's an actual hard copy of the inventory  
11 questionnaire, the survey form. The third is an  
12 excerpt from a report that we did for the U.S.  
13 Commission on Ocean Policy. It's the title page and  
14 the table of contents and executive summary and then  
15 lastly there is a list, a master list of all the sites  
16 that are in the inventory right now. We don't have  
17 copies for everyone else. I apologize for the  
18 audience, although I think there are enough copies of  
19 the inventory form. So if anyone wants a copy of  
20 this, Julia, you could maybe hand out the copies of  
21 the inventory form, people may want to look at that.

22 Okay, well, I know time is short so I'm

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1 going to go quickly and then if there's any questions,  
2 I guess we can either handle them or handle them after  
3 the break. What I want to talk about -- I don't know  
4 if this is the right power point. I don't know where  
5 Erin is but I'll go through this. There's not many  
6 changes. I'll make the changes on the fly. I'm going  
7 to talk a little bit about the inventory basics, where  
8 our data collection stands right now; some initial  
9 analyses, what we're doing with international efforts  
10 and then this next slide, the next bullet should  
11 really say "Next Steps", and not "Take Home Messages".

12 Before I start though, I actually would  
13 like to acknowledge the inventory team. Charlie  
14 talked about a heroic effort. This is -- I was just  
15 looking back at one of our meeting summaries. We have  
16 had 26 meetings of the inventory team since we started  
17 keeping track of this in January of 2001. There have  
18 been 62 participants that have filtered through our  
19 team and this really has been a tremendous -- it's  
20 probably the highlight of what I'm working on right  
21 now. It's really been a personally great opportunity  
22 and something I've really enjoyed getting to know

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1 everybody but as an example of collaboration and  
2 inter-agency cooperation, I think it really stands out  
3 as an exceptional effort and just the longevity of  
4 people coming to this and committing to working hard  
5 on it. So I'd like to acknowledge -- a lot of the  
6 team members are here in the audience and past team  
7 members are floating through as well. So I just want  
8 to acknowledge all the hard work that everyone has  
9 done.

10 The inventory process that we have set out  
11 upon really is a three-step process as we see it. The  
12 first step is building this inventory of marine  
13 managed areas and the idea there after an initial  
14 start and a lot of discussion was that we -- and input  
15 from constituents at stakeholder meetings, is that we  
16 needed to have a very broad casting of the possible  
17 areas, the possible remanaged areas, for the U.S.  
18 before we went to the next steps of doing the  
19 assessments and then the further step of actually  
20 identifying the list of MPAs which is required by the  
21 Executive Order.

22 Charlie, already mentioned to some degree

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1 the development of criteria and I'll talk about that  
2 in a little more detail. There is a Federal Register  
3 Notice that is going to be going out this week, in  
4 fact, which is going to propose some working  
5 definitions to move into -- or to qualify sites to be  
6 put on the inventory and that's something that I think  
7 the committee may want to look at very closely and  
8 certainly help us get the word out and get a good  
9 response to that.

10 The idea then is after we had our  
11 definitions is to populate this with a wealth of  
12 information as you can see if you look at the form,  
13 and then to work a lot with partners to make sure that  
14 this is very useful information. We've talked about  
15 this internally as being the year of the inventory.  
16 Our goal is to -- our target is to complete the  
17 inventory, the first round of the inventory by the end  
18 of this calendar year. That is pretty -- I will tell  
19 you now, that's pretty ambitious, but I think we can  
20 make good progress on that. We're going to try our  
21 best to reach that goal. If this is the year of the  
22 inventory next year and our internal discussions is

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1 the year of assessment and analysis.

2 The hard work is building the inventory.  
3 The fun part is being part of the team that helps do  
4 some of these analyses. After that, and I think  
5 there's going to be continual refinement of this  
6 inventory, then we move onto this difficult process of  
7 determining the list and that's something that the  
8 committee is probably going to have a lot of advice  
9 and guidance on. Talking about the definitions,  
10 Charlie's already mentioned this is the section of  
11 13.158 where we drew our guidance from and we picked  
12 out the six key terms; area, marine environment,  
13 reserve, lasting protection and cultural resources,  
14 and that's really what this Federal Register notice  
15 addresses in a lot more detail.

16 This is our attempt at GIS. This is what  
17 we've called MMA Bay and this just shows -- we use  
18 this when we go out and talk to states as a way to  
19 graphically show how the criteria apply. The first  
20 criteria area, fairly simple. It just says there have  
21 to be a defined boundary in order to have a site be  
22 put on the MMA inventory. A key point here is that a

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1 lot of these sites have both a land and a water  
2 component and although we are only in the inventory  
3 focusing on the water component, often the GIS  
4 boundaries also include the land, so if you look at  
5 Big Bird Wildlife Refuge, on the right-hand side of  
6 MMA Bay, you'll see that in our GIS that might be  
7 represented as the entire water and land area.

8 We don't collect information or deal with  
9 the Upland area. Reserved simply means that it has to  
10 be established through legislation or regulations or  
11 laws. The duration, this actually had changed from  
12 the initial -- our initial working criteria and so the  
13 duration of site has to have a minimum of two years of  
14 -- protection for a minimum of two years with -- and  
15 then within a year it has to have a minimum of three  
16 months of protections. That is a more liberal  
17 definition than we initially started with.

18 The protections, simply, they have to be  
19 greater within the boundaries and outside the  
20 boundaries. And marine, this was one that we debated  
21 long and hard about in the initial phases back in the  
22 summer of 2000, summer and fall, and we said that an

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1 area has to be ocean or coastal waters and we're  
2 defining that to include the inner tidal and we define  
3 inner tidal as from mean low to mean high water or in  
4 the Great Lakes, areas in the Great Lakes are  
5 connecting waters and the definition that's being  
6 proposed in the Federal Register notice is areas that  
7 are within the eight-digit USGS cataloging unit that's  
8 adjacent to the Great Lakes or their connecting  
9 waters.

10 Also it has to be a submerged cultural  
11 resource, so the example in the little cartoon, Harbor  
12 Light State Park, although it has a historic  
13 lighthouse, would not be a site that we would include  
14 in the inventory because it really doesn't have any  
15 component that is in the water in our definition of  
16 marine waters, where as Shipwreck Shoals Historic Site  
17 would be a site that would be in the inventory.

18 On the data collection tool, this is a  
19 simple tool to fill out. I don't know why people get  
20 so upset about this. It actually has 42 questions, if  
21 you count the questions. It has five parts and I  
22 think one of the parts that would be of most interest

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1 to the committee is the last part, the zones, where  
2 there's a number of questions that deal with purposes,  
3 methods for delineating boundaries, the types of  
4 resources that are protected. There's also  
5 information, the question about historical -- the  
6 origins of each of these sites, there's also  
7 information and I believe it's in the site description  
8 area that talks about what the basis -- what the  
9 historical origins of each of these sites are.

10 What we have done when we ask people to  
11 collect -- or to fill this -- fill out this survey  
12 form is we provide them an electronic application.  
13 It's in the filemaker, it's on a CD and then can fill  
14 this out. Typically, they'll use in the states we now  
15 have a state data collection interim program and the  
16 state data collection interns typically are the ones  
17 that fill this information out. They can batch load  
18 it or most commonly they have to fill it in site by  
19 site. I've been told that this estimate of one and a  
20 half to four hours is slightly optimistic. I think  
21 this does take a little longer.

22 If you have all the information in front

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1 of you, it really doesn't take very long to fill this  
2 out at all. If you have to collect the information,  
3 it can be time consuming. Here's where we are in  
4 terms of our federal data collection. And there's an  
5 error in this slide. It actually -- we now have 276  
6 federal sites. The error is in the -- for one, we  
7 didn't add up the numbers right. That should add up  
8 to -- that adds up to more than -- if you add up all  
9 the different programs, it adds up to more than 251.  
10 So that should be 276 and the number of National  
11 Marine Fishery Service sites is 36. Those are the  
12 sites that are publicly available if you would go onto  
13 the MPA.gov website.

14 We actually have other sites in the data  
15 base but we have not gotten the agreement from the  
16 agencies to make them public and so if there is  
17 discrepancies in some of the numbers that's where that  
18 comes from. You can see that the greatest number of  
19 sites -- that the National Wildlife Refuge is the  
20 greatest number of sites, 162, but in terms of area,  
21 the actual largest area is by far the National Marine  
22 Fishery Service sites and then followed by the

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1 National Marine Sanctuary sites and some of those  
2 numbers are in one of the handouts. There's federal  
3 sites in marine managed areas. There's a little table  
4 in there that lists the numbers and areas. The  
5 federal site is the component to be worked on first  
6 and then we moved into the state inventory and the  
7 state component and that has really been a challenge.  
8 There's 35 states, commonwealths and territories.  
9 One of the first things we did was set up an informal  
10 state advisory group. That has been a very useful  
11 group to us. Bob Bailey from Oregon is the chair.  
12 Athline Clark is the vice chair. You probably know  
13 some of these other folks.

14 We talk with them about three or four  
15 times a year, either at the state -- at the Coastal  
16 Manger's annual meeting we have a meeting and  
17 sometimes we'll have telephone conversations,  
18 conference calls with these folks but they both give  
19 us feedback on how to approach states and they resolve  
20 some technical issues that we have when there are  
21 concerns, so this has been a very valuable group for  
22 us.

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1           In terms of the MPA states status, we have  
2           held initial discussions with all the -- actually  
3           with all 35 states, territories and commonwealths and  
4           we have active data collection going on in 10 of them  
5           and I think we have one site or one jurisdiction, the  
6           Northern Mariana Islands that was the first to cross  
7           the finish line. They have 11 sites and those are up  
8           on the website now. And these are the number of  
9           sites. When we had talked with states and they had  
10          told us the number of sites that they are planning to  
11          submit to the inventory, these are the numbers. This  
12          adds up to I think it's about 461 sites, if you add up  
13          all those and as Joe and Charlie have said, we're  
14          estimating somewhere between total from the state and  
15          the federal data collection that by the end of that we  
16          will have somewhere between 1,000 and 2,000, probably  
17          more like 1,000 to 1500.

18                 The other thing I wanted to point out is  
19                 that California -- let me go back here, California,  
20                 Oregon and Washington are all very close to being --  
21                 finishing their final review, so that will be the  
22                 first region where we have a whole coastal region

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1 where we have the state data and I'll mention  
2 something about that in a little bit. This is the  
3 analysis portion. These are some of the questions  
4 that we get asked a lot and in some cases we can begin  
5 to start answering. How many sites in the inventory  
6 right now? As I said, there's 276 federal sites  
7 total, publicly available are 328 sites, I believe but  
8 as the states come in, finish their reviews and give  
9 us permission to publish their sites, that number will  
10 change very significantly over the next four or five  
11 months.

12 The total area of U.S. waters, this is a  
13 tough one because of the difficulty in estimating the  
14 water portion of these land and water sites. We are  
15 working on that. We have an initial estimate. We  
16 don't feel comfortable yet releasing that but I know  
17 that's a number that people are very interested in.  
18 One of the other analyses that we did for the Ocean  
19 Commission was look at overlaps of sites for the  
20 federal sites and that information is in -- this  
21 binder is the whole report we gave to the Ocean  
22 Commission and we would like to leave three of these

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1 binders with you today to look at. We would like to  
2 get them back but we can send any one of you that are  
3 interested a CD with a PDF on it. It's just too big  
4 to e-mail but you're welcome to take a look at this.  
5 There's some great maps, a lot of great information in  
6 this report.

7 We have not pulled out the information on  
8 the top four reasons sites are established,  
9 effectiveness although that information is in the  
10 survey form. One of the things we really want to work  
11 on over these next six months is getting -- although  
12 the sites are in the inventory, in not all cases are  
13 they completely -- is the information completely  
14 available for the sites are completely filled out,  
15 even for some federal sites, so that's an area that we  
16 really want to emphasize in these next couple months  
17 in order to meet our December deadline.

18 The other thing I'd like to mention is if  
19 you haven't had a chance to get onto the MPA.gov  
20 website, that is -- the inventory component of that  
21 site is where we have an awful lot of information that  
22 allows you to look at individual profiles for each of

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1 the sites in the inventory that are available. There  
2 are reference maps and individual -- and regional maps  
3 and monthly updates. We update that monthly as we get  
4 information in. And beyond that, there is a  
5 tremendous amount of information on that site as well,  
6 but I would encourage you to take 10, 15 minutes to  
7 look at the inventory section. I think this just  
8 shows -- this is an example of the regional maps.

9 We also have been working with some  
10 international efforts. As Charlie mentioned, in some  
11 cases there's -- you know, there's a lot of activity  
12 in this area in the international arena. Most closely  
13 we're working with the Commission on Environmental  
14 Cooperation, CEC, not of. But we -- I actually am one  
15 of the marine -- attend some of their meetings as one  
16 of the marine advisors for NOAA and we are making sure  
17 -- we shared with them our inventory survey form with  
18 the Mexican government officials and with the  
19 Canadians and so we're making sure that we have  
20 identified a key set of fields, common fields, that  
21 will allow us eventually to pull together a North  
22 American inventory and then we were also working with

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1 some other organizations, World Commission on -- World  
2 Commission Monitoring Center and the World Congress on  
3 Protected Areas on -- it's the World Conservation  
4 Monitoring Center, I'm sorry, on -- but they're coming  
5 to us for advice on how to develop inventories and  
6 we're sharing -- planning on sharing some of our  
7 information with them as well.

8           These are our next steps. As I said, our  
9 target is to finish by January of `04 the actual data  
10 base. The associated GIS is much tougher to pull  
11 together. Our goal there is June 2004. We have a --  
12 our data collection interns are working very hard.  
13 That's a great program, it's a great outreach program  
14 for the whole center. They're working on that.

15           This next piece, I think if you look over  
16 the next three or four months you will see some  
17 significant improvements to the inventory. Website,  
18 you will hopefully see an interactive website,  
19 interactive mapping where you'll be able to pull up  
20 MPAs by different programs and zoom in to areas and  
21 then connect to the profiles. We are developing an  
22 editing capability which will allow sources of data to

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1 get on and modify -- add or modify their data. That's  
2 important right now. That's kind of a cumbersome  
3 process. Important for users is they will be able to  
4 download the inventory and also download the GIS  
5 layers, the maps for their own use. I think those are  
6 the three major areas that will make the website  
7 significantly more useful for users.

8 And finally, and Charlie eluded to this,  
9 we're hoping to undertake a pilot, a regional pilot  
10 study on the West Coast because with having the three  
11 West Coast states, including their state inventory  
12 having the federal sites completed, we now have the  
13 pieces and there's a lot of other work going on, on  
14 the West Coast in terms of characterizing habitat and  
15 physical characteristics and even human activities,  
16 pressures and stresses from the land side that we  
17 would want to look and use that as our first pilot of  
18 conducting an analysis.

19 So that's an overview of the inventory.  
20 I'll be happy to answer any questions or happy to show  
21 you more details at any time. Mark.

22 DR. HIXON: Thanks for that, Dan. Mark

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1 Hixon. I'm very much impressed by what you and your  
2 colleagues have accomplished so far. I look forward  
3 to --

4 MR. FARROW: Big team effort.

5 DR. HIXON: -- continued -- yes, I can see  
6 that. It was gratifying to see that the West Coast is  
7 almost on line and I just want to repeat for the  
8 record the discussion you and I had last night, that  
9 there's now a quite detailed map of the sea floor of  
10 the Continental Shelf or the Western States. It's  
11 been completed along with a GIS on socio-economic data  
12 particularly related to the commercial fishing. So  
13 there's been some discussion among this group so far  
14 about having at least some region in the United States  
15 with sort of a demonstratory GIS and it looks like the  
16 West Coast will be on line perhaps sooner than people  
17 may have believed otherwise. And I'm looking forward  
18 to seeing this tool because it's going to be  
19 absolutely essential to have a user friendly GIS  
20 system where all stakeholders can have access and  
21 examine different scenarios. Thanks.

22 MR. RADONSKI: Gill Radonski. I was out

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1 of the room when you began your presentation but  
2 you're using MMA and MPA. Are they synonymous in this  
3 context?

4 MR. FARROW: No, if I've misspoken and  
5 I've slipped back into MPA, the term we're using is  
6 MMA, Marine Managed Area which we define as a broader  
7 collection of sites and the MPA being the official  
8 designated -- the sites that would be on this list  
9 eventually once the process is defined. So if I  
10 misspoke, I apologize.

11 MR. RADONSKI: Okay, so going back to  
12 Charlie's presentation, we can just plug MMA into  
13 that?

14 MR. FARROW: I'm sorry?

15 MR. RADONSKI: Going back to Charlie's  
16 presentation on terminology and definitions, do we  
17 just plug MMA into that and why are we having this  
18 confusion?

19 MR. FARROW: Joe, do you want to --

20 MR. URAVITCH: Yeah, it sort of points out  
21 the reason why it is confusing and if you go into the  
22 Executive Order, there's a requirement under Section

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1 5 that requires federal agencies to avoid harm in MPAs  
2 that are on this list of Marine Protected Areas. And  
3 so, you know, I know it's spreading confusion in a way  
4 but to avoid a confusion between the inventory that  
5 we're collecting right now and those sites which will  
6 end up on this official list of marine protected  
7 areas, which is going to require us to go through  
8 another Federal Register Notice process, we've had to  
9 differentiate, because we've already had cases in  
10 which permit applicants, for example, or people not  
11 wanting people to get permits have started saying,  
12 "Well, if you're on this inventory, you're an MPA and  
13 therefore, something needs to be done about that".

14 So specifically for this inventory purpose  
15 and for the purposes of Section 5 of the Executive  
16 Order, we're just making this distinction and that's  
17 why.

18 MR. RADONSKI: A follow-up, please. I  
19 don't think that answers my question. Going back to  
20 Charlie's presentation, we're talking about  
21 definitions and everything else.

22 MR. URAVITCH: Right.

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1                   MR. RADONSKI:    At some point, these two  
2                   have to mesh.

3                   MR. URAVITCH:    Yes, and right now, you  
4                   know, we're as close as we can.  What you're seeing on  
5                   this Marine Managed Area Inventory will track with the  
6                   definitions that Charlie proposed.  But for the  
7                   specific legal purposes related to Section 5, we are  
8                   required to prepare a list of marine protected areas  
9                   which will be set up by a very -- a more refined set  
10                  of definitions and criteria and in order to meet those  
11                  legal requirements, there's a process we have to go  
12                  through.

13                  But generally speaking, I would apply what  
14                  Charlie has put together as terms and definitions to  
15                  the sites on the MMA inventory.  So, I mean, I wish we  
16                  could invent another term if we had to, but that's --  
17                  we're stuck with working within the confines of the  
18                  Executive Order and that's what we're trying to do.  
19                  Rod.

20                  DR. FUJITA:    Thanks, Joe.  Ron Fujita.  
21                  Dan, I also was very impressed with how far you and  
22                  your team have gotten on this inventory.  I think it's

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1 going to really useful. Looking through this survey  
2 form, I notice that you asked for information on what  
3 kinds of indicators are used to assess the  
4 effectiveness of the Marine Managed Area. Is there  
5 also a data set related to the actual performance  
6 according to those indicators?

7 MR. FARROW: No, we're not actually  
8 collecting the data for individual sites. We're just  
9 wanting to find out at a very high level what they're  
10 doing to measure effectiveness.

11 MR. SUMAN: Dan Suman. About Marine  
12 Managed Areas, why not include sites designated in the  
13 National Estuary Program of EPA?

14 MR. FARROW: My understanding is that the  
15 National Estuary Program has no regulatory authority  
16 associated with it, so it would not make the criteria  
17 on regulation. It was primarily a planning program.  
18 I believe -- well, it doesn't matter. Go ahead.

19 MR. PEAU: Lelei Peau. I just want to  
20 follow up on that question of the process. One side  
21 of the American Samoa is under local jurisdiction and  
22 I didn't see that on your inventory. I was just

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1 curious as to how that was determined and what was the  
2 process to -- what was the process to get the local  
3 authority to be part of the determination process.

4 MR. FARROW: There is -- we have plans to  
5 conduct -- to have a local component as well. We've  
6 had to prioritize our data collection efforts and so  
7 we haven't -- in most states it's a different issue  
8 than say in American Samoa, so we have not initiated a  
9 local data collection process until we finish the  
10 state data collection process. If there was a site,  
11 given the size of American Samoa, if there's one or  
12 two sites -- we never turn down data, so if there are  
13 one or two sites that are submitted -- I don't believe  
14 American Samoa has -- I don't know where the status,  
15 whether they've submitted their list back to our team,  
16 so we may not be aware of that yet. Once that's there  
17 and if there would be a site under local jurisdiction  
18 in that mix, it would be the first local site that  
19 would be in the inventory. We would probably just go  
20 ahead and put it up. Yes.

21 MR. MOON: Yes, Mel Moon. I notice that  
22 there was a lack of information in your inventory, at

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1 least in the West Coast, and perhaps on a national  
2 level to indigenous peoples and there -- obviously in  
3 their history they had ceded vast amounts of land in  
4 exchange for some treaty rights and rights to various  
5 resources. In particular on the West Coast you have  
6 26 tribes in three states that have defined treaty  
7 rights through a course of years of litigation and  
8 definition, and when an activity takes place, a NEPA  
9 or some change to regulation or legislation in the  
10 ocean, there are some 72 tribes that are contacted in  
11 terms of the impacts that that may have on them.

12 So they're very much a part of the -- I  
13 guess the group or a political or a group of people  
14 with rights that need to be included. My question is,  
15 are they going to be included and to what extent are  
16 they going to be involved in a consultation or provide  
17 you with information?

18 MR. FARROW: The answer is, yes, the  
19 Executive Order also mentions tribal -- sites under  
20 tribal jurisdiction and we actually have an individual  
21 who has been working to compile those sites. The --  
22 yeah, the schedule on this is a little delayed because

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1 of the number of tribes that we've been working with.  
2 Kate -- I think Kate Smuckler may be in the audience.  
3 She's been the person working on this. So they will  
4 definitely be included, probably they'll start showing  
5 up a little bit later than federal and the state  
6 sites, but there's a very active effort to discuss and  
7 get their input.

8 MR. URAVITCH: Yeah, Mel, we've been  
9 working with folks at Bureau of Indian Affairs to make  
10 sure that we have at least a working list of tribes  
11 with coastal resource responsibilities around the U.S.  
12 and Kate Smuckler has been our primary worker on this.  
13 We're about ready to go forward with a list or a  
14 letter from me to the various tribes letting them know  
15 what we're doing and asking for -- letting them know  
16 we'd like to contact them and take this further and  
17 start working on this process tribe by tribe.

18 MR. MOON: There's an issue with I guess a  
19 timing element that if you're going to have a pilot  
20 study take place without the tribes being present, I  
21 think the timing is not right. You also have a  
22 cultural and traditional level of information that

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1 needs to be incorporated as a layer into your studies  
2 as well.

3 MR. URAVITCH: Okay. Yes, Tundi.

4 DR. AGARDY: Tundi Agardy. I think you've  
5 done a great job. Really, it's superb to have all  
6 this information compiled and both the definition of  
7 the Marine Protected Areas and using the different  
8 Marine Management Areas, it doesn't bother me at all  
9 and I think, you know, we're progressing to the point  
10 where we can start to understand what we have in this  
11 country and what is missing.

12 To that point of what is missing, it would  
13 be useful now that you have the elements of the -- at  
14 least the basis for or a foundation for understanding  
15 where the Marine Protected Areas are and you have the  
16 contact information, and you can start to work down to  
17 even the local tribe level, it would be useful to go  
18 back and ask the question of the appropriate managers  
19 or entities that manage those protected areas, are  
20 there specific objectives that have been articulated  
21 for these protected areas of various types? Are there  
22 indicators, which is a question you've already asked

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1 and bench marks and in your estimation, is the Marine  
2 Protected Areas working or not? It's a little bit  
3 alarming to see all these sites mapped and be faced  
4 with the fact that there are a lot -- even just the  
5 tally, you know, there are an awful lot of Marine  
6 Protected Areas out there and it might lead to the, I  
7 think, mistaken conclusion that the United States has  
8 an effective Marine Protected Areas system already.

9 MR. FARROW: In the data collection form,  
10 there is -- some of the questions begin to get at the  
11 purposes which may address your first question, the  
12 issue of asking about whether they are working or not,  
13 we discussed, it's very hard to capture that in this  
14 form. And there was a lot of debate. It's a large  
15 form, a large survey as it is and we've gotten a lot  
16 of push-back from states that said it's just too much.

17 That's why we developed the state data collection  
18 intern program. So we're trying to find a balance  
19 between compiling this inventory so people know what's  
20 out there and compiling it with a richness of  
21 information that would answer a lot of questions but  
22 also may make it impossible to ever complete.

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1                   And the one thing I would say is by  
2 getting -- well, two things. We -- in order to do  
3 this, we have to do a Paperwork Reduction Act request  
4 and so if we modify this, we will have to probably  
5 modify that request. That's time consuming but by  
6 eventually having a data base tool on the web that  
7 would allow for editing and adding new sites, I think  
8 in the future we may want to look at a second round  
9 after you all look at this and say, "Well, what other  
10 information we want".

11                   It's certainly something to discuss and we  
12 could make that request. It's much easier to go back  
13 and add one or two questions than to face this  
14 daunting task of filling this out for the first time.  
15 I guess for time sake, can we just have one more  
16 question?

17                   MR. BENDICK: Bob Bendick. I probably  
18 missed this, but is the data base that's been gathered  
19 by the survey actually associated in like an arc info  
20 format with the polygon boundaries of the protected  
21 areas?

22                   MR. FARROW: There is a GIS that is in a

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1 software application. That only has a few attributes  
2 associated with each of those polygons. But we could  
3 associate the data base if we wanted to, if we wanted  
4 to provide that to people with the GIS system, and  
5 that's what we're hoping to design in the next couple  
6 of months and probably not the whole inventory, that  
7 would be pretty cumbersome, but a subset of important  
8 data fields so when you've clicked on a site, you  
9 could see information.

10 Also, if you go on the website, there's  
11 what we call a MPA profile or MMA profile and that  
12 provides everything about that site that's in the data  
13 base in a kind of user friendly report form.

14 MR. DENDICK: I think it would be useful  
15 to go on with that step that you just described for  
16 our purposes so that we could ask questions of the  
17 system and have them return in visual, you know, in  
18 map form rather than in long tables or charts.

19 MR. FARROW: Yeah, I think that's  
20 certainly something that we could work on and produce  
21 and we'd like to get guidance on what capabilities  
22 would be useful, not so much a public tool. It

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1 doesn't work very well on the web but an internal tool  
2 for decision makers.

3 MR. DENDICK: The other thing is probably  
4 maybe we can talk about this afternoon but in the  
5 first presentation there was one bullet that talked  
6 about goals and gaps and heading toward an analysis to  
7 look at goals and gaps and I'd be interested in a more  
8 detailed description of sort of how we go from the  
9 inventory stage to that and what you envision by that  
10 and we can talk about that later, because it seems  
11 fairly important to what we're trying to do here.

12 MR. NUSSMAN: Mike Nussman, this is more  
13 of a statement than it is a question, perhaps, so it  
14 will be shorter. I understand the tremendous amount  
15 of work that it takes to put all this together and I  
16 can certainly appreciate that but I have to say, I'm  
17 somewhat disappointed that the couple questions we've  
18 had about evaluation we're not going to be able to  
19 have that component added, because obviously, there's  
20 a debate going on about how large a system do we need  
21 and what does it need to look like. And of course,  
22 evaluation and results are an important, maybe the

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1 most important component of all that. So I would like  
2 to understand that and talk more about it, the  
3 evaluation piece, but I'd have to say, I wouldn't be  
4 satisfied by asking someone who runs that site are  
5 they doing a good job. That wouldn't be my  
6 evaluation. Thank you.

7 MR. FARROW: Well, when we debated putting  
8 that question in, we thought we could fill it in ahead  
9 of time. Okay.

10 MR. URAVITCH: Okay, thank you, Dan.  
11 Sorry to cut this short, but we are a bit behind  
12 schedule and we do have a public comment period that  
13 starts promptly at 11:00 o'clock. What we're going to  
14 do is defer the third presentation from Ginger  
15 Hinchcliff on the stewardship piece until after lunch  
16 so that we can keep the public comment period as  
17 scheduled.

18 So what we're going to do is take a short  
19 break. I would note on this inventory process,  
20 remember, this is a Federal Executive Order which  
21 directs federal agencies to do things. Participation  
22 by the states, the territories, the commonwealths, the

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1 tribes is all voluntary. And so a lot of our process  
2 is working with them to get them to decide it's even  
3 worth working with us on this process, which is one of  
4 the reasons why it's taken quite awhile to get this  
5 information together.

6 That said, let's get back together  
7 promptly, please, at 11:00 o'clock and let's meet up  
8 on the stage at that point because we'll be hearing  
9 from the public. Thank you very much.

10 (A brief recess was taken.)

11 MR. HOUT: This is the time to give full  
12 time to the oral communication period. Consider this  
13 a one-minute warning. The periodic coming on and off  
14 of the lights is a technical problem. It's not  
15 somebody leaning on the light switch somewhere. We're  
16 trying to get it fixed.

17 This is the time set on the agenda and in  
18 the Federal Register Notice for oral communications  
19 from the public. We have indication from some 10  
20 people who want to testify and that -- those are the  
21 people we will take first. Maggie will read the  
22 names. There's a five-minute -- there's a five-minute

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1 duration time for speakers. We have, I think, the  
2 full hour and more. If we need it, we can run into  
3 the noon hour. So I'd ask Maggie if she can read it,  
4 to read the first name.

5 MS. ERNST: I'd also like to mention that  
6 we've asked people to limit their comments to five  
7 minutes and at four and a half minutes Joe Uravitch  
8 will raise this red flag to let you know that your  
9 time is closing in on you. If your statement contains  
10 questions, we ask that they be in the form of  
11 clarifying questions for the committee and finally,  
12 I'd like to remind all of the speakers, if you haven't  
13 done so already, to provide a written statement after  
14 the fact to me.

15 And so we'll start with the first of the  
16 10 speakers and we'd like to hear from Cheri Recchia  
17 and she's representing the Ocean Conservancy.

18 MS. RECCHIA: Good morning, maybe I'll try  
19 this microphone. Is this any better? No?

20 MR. HOUT: Perhaps you could come down  
21 front and use one of the microphones in front or at  
22 the podium.

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1 MS. RECCHIA: This is like my personal  
2 microphone adventure. Okay, is that better. All  
3 right, thank you and good morning. My name is Cheri  
4 Recchia and I'm Director of the Ecosystem Protection  
5 Program for the Ocean Conservancy.

6 MR. HOUT: We're not getting any sound on  
7 the stage that we can hear.

8 MS. RECCHIA: I don't think that I can  
9 help with this. Is that any better? Okay. Just I  
10 don't know, wave if it gets too loud or gross or  
11 something. Okay, starting over, good morning, my name  
12 is Cheri Recchia and I'm Director of the Ecosystem  
13 Protection Program for the Ocean Conservancy. The  
14 Ocean Conservancy formerly the Center for Marine  
15 Conservation, is the country's largest organization  
16 dedicated exclusively to marine conservation. We have  
17 10 offices around the country and we've been in  
18 business for a little over 30 years and we have about  
19 150,000 members nationwide.

20 I think as the debate here today and  
21 yesterday has reflected, the challenges facing this  
22 committee are substantial. The goal posed by the MPA

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1 Executive Order to implement a comprehensive national  
2 system of Marine Protected Areas, that's an enormous  
3 goal and the challenges facing that are incredible.  
4 The committee is specifically charged with advising on  
5 the implementation of Section 4 of the MPA Executive  
6 Order and a casual reading of that reveals that it is  
7 also enormous. It includes questions such as where  
8 should MPAs be, how big should they be, how many  
9 should there be, what should they do, how much will  
10 they cost, how do you know if they're working and how  
11 do we start.

12 Each and every one of those areas clearly  
13 is huge, controversial and challenging. Clearly, you  
14 can't do it all. So the question is what can the  
15 committee do to help figure out how to advise this  
16 debate constructively and efficiently in the time  
17 available? I would suggest that the single biggest  
18 obstacle now facing all of us working on MPAs is the  
19 increasingly acrimonious debate. I would suggest that  
20 at this point it is difficult to have any sort of  
21 constructive dialogue about MPAs with anyone who does  
22 not share ones own views, whatever those views may be.

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1                   For example, my organization, the Ocean  
2 Conservancy, has four different programs. We work on  
3 fisheries management, threatened species, water  
4 pollution and various aspects of ecosystem protection  
5 including coral reef conservation and marine protected  
6 areas. Only a fraction of our work is on MPAs and  
7 only a fraction of that is on no take reserves which  
8 are clearly the most controversial of the vast swath  
9 of areas that are called MPAs. Yet increasingly the  
10 organization is painted as one that seeks to close  
11 vast areas of the ocean to fishing and as an  
12 organization that is simply anti-fishing.

13                   This is patently untrue. Indeed many of  
14 our staff members are fishermen. But what's more  
15 important, I think, is that this kind of  
16 mischaracterization and misinformation typifies the  
17 debate. And an asides, the MPA debate is increasingly  
18 us versus them. It's enviros versus fishing, oil and  
19 gas. It's rec fishers versus commercial fishers.  
20 States versus feds, scientists versus managers,  
21 whoever it is, the point is the debate has become  
22 rancorous, acrimonious and counter-productive,

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1 particularly in the three years since the MPA  
2 Executive Order was issued. What do we do about this?

3 I suggest that the first step is for this  
4 committee to have frank and constructive dialogue  
5 about the subject. Yesterday I heard several people,  
6 I believe from the committee elude to the fact that  
7 the committee members are all on the same page, that  
8 they all are here because we agree the oceans are in  
9 trouble and we need to make better use of MPAs. I  
10 would suggest this is an optimistic view. I am fairly  
11 certain that the views held by the committee members  
12 are strongly divergent and strongly held.

13 Given the state of debate today, I think  
14 that's a good and necessary thing, although difficult  
15 for committee members. I am hoping and I think many  
16 of us in this room are hoping, that this will be a  
17 place where the strongly held divergent views can be  
18 expressed in a constructive, frank and productive way  
19 and that this committee can be one place where we  
20 start to make the debate more constructive. This  
21 committee may even be able to come up with specific  
22 suggestions, mechanisms for outreach tools, public

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1 education devices, inter-governmental communication  
2 structures, whatever, to help. To further that, the  
3 committee may issue briefings on a variety of MPA  
4 subjects, such as various governmental initiatives.  
5 To answer another question from yesterday, the MPA  
6 missions are not coherent. There are scientific  
7 reviews, socio-economic analysis. There's the  
8 committee who wish to work with people to develop an  
9 agenda perhaps for the next meeting. This report  
10 which you have been provided with this morning is one  
11 example of an analysis of MPAs in the Gulf of Maine.  
12 It shows a little bit of diversity of approaches and  
13 the challenge ahead.

14 I will conclude by thanking the committee  
15 members for the time they will spend on this important  
16 debate and by wishing you good luck and productive  
17 discourse in your deliberations. Thank you.

18 MR. HOUT: Thank you.

19 MS. ERNST: Our next speaker is Jay  
20 Johnson from Ball Janic (ph) LLP and he's representing  
21 the commercial and recreational fishermen and support  
22 industries.

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1 MR. JOHNSON: Is this okay? Good morning,  
2 ladies and gentlemen. My name is Jay Johnson. I  
3 served as the NOAA General Counsel for Fisheries from  
4 1979 to 1988 and as NOAA's Deputy General Counsel  
5 until January 2000 when I retired from federal  
6 service. For more than two decades, I was the  
7 principal legal advisor for all of NOAA's fishery  
8 conservation and enforcement programs, working almost  
9 exclusively on issues arising under the Magnuson-  
10 Stevens Act, Endangered Species Act, Marine Mammal  
11 Protection Act, National Marine Sanctuaries Act and  
12 the National Environmental Policy Act.

13 Let me explain to you briefly that all of  
14 those statutes have different purposes and are often  
15 conflicting. My current clients include 80,000  
16 recreational fishermen, a commercial fleet of four  
17 high seas tetra processors (ph), a major international  
18 fish processing company that's United States owned,  
19 and a start-up marine aquaculture entrepreneur in  
20 Hawaii. What all of my clients have in common is a  
21 deep and abiding fear that the Federal Government will  
22 close their favorite fishing grounds, force them to

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1 relocate, increase their operating costs without their  
2 consent and without any showing that sustainable  
3 yields will increase. Their fears are well-taken  
4 because on the next to the last day of the Clinton  
5 Administration, that is precisely what happened to the  
6 small fleet of family owned boats that had fished for  
7 bottom fish in the Northwestern Hawaiian Islands on a  
8 sustainable basis for decades.

9 My clients are not opposed to all Marine  
10 Protected Areas. Indeed, they have actively supported  
11 many MPAs when the conservation benefits were  
12 demonstrable scientifically. Rather they are opposed  
13 almost to a man and woman to a single type of MPA, the  
14 type that Rod Fujita has referred to as a fully  
15 protected no take marine reserve and others such as  
16 the Ocean Conservancy refer to as ocean wilderness but  
17 which I will refer to as permanent no fishing zones  
18 because that is what my clients legitimately perceive  
19 them to be.

20 As many of you already know the engine  
21 behind the no fishing zones bandwagon consists of  
22 scores of millions of dollars given annually in grants

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1 from the Pew Charitable Trusts, the David and Lucille  
2 Packard Foundation and other philanthropic groups.  
3 Those grants support the Ocean Conservancy, the  
4 Natural Resources Defense Council, Oceania,  
5 Environmental Defense, Sea Web, COMPASS, and other  
6 environmental advocacy groups as well as a few oceans  
7 commission. Thus far, in my opinion, all of these  
8 efforts have failed to make the case that permanent no  
9 fishing zones are superior do conventional fishery  
10 management in achieving the highest sustainable  
11 yields, that's whether you measure that sustainable  
12 yield in biological terms in recreational success  
13 rates, or economic terms.

14 The following excerpts from a special  
15 issue entitled "Economic Models of Marine Protected  
16 Areas" printed by Arizona State University's Journal  
17 Natural Resource Modeling, this winter, tend to  
18 confirm my skepticism. These are direct quotes.  
19 "With marine reserves the sustainable yield for any  
20 total stock size will always be less than or equal to  
21 the status quo sustainable yield for that total stock  
22 size. The lower the migration rate, the lower will be

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1 the sustainable yield. Seen from the other side, the  
2 cost of producing any sustainable level of catch will  
3 be higher with marine reserves". That's Lee Anderson,  
4 College of Marine Studies, University of Delaware,  
5 2002.

6 Next quote, "A given MPA may provide  
7 protection to fish stocks or sub-stocks in habitat  
8 inside its boundaries but can also be expected to  
9 increase pressure on fish stocks or sub-stocks of  
10 habitat outside the MPA unless redeployment of  
11 displaced effort is somehow constrained. An  
12 incorrectly sized or located MPA may actually increase  
13 the risk of depletion or collapse of some species and  
14 can easily reduce the sustainable value of the system  
15 of fisheries it impacts. Even when an MPA increases  
16 the productivity of the fish stocks directly impacted  
17 by it, other biologically separate fisheries and  
18 incomes from fishermen dependent on them, may fall as  
19 a result of displaced effort those fisheries absorb.  
20 We should not assume that the impacts of large scale  
21 MPAs will be positive or benign. If large MPAs are  
22 implemented, we should not assume that the remaining

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1 unclosed areas can still support the same level of  
2 harvest as the entire fishery did", David S. Holland,  
3 School for Marine Science and Technology, University  
4 of Massachusetts at Dartmouth, 2002.

5 In closing I would like to offer to you  
6 some principles to guide the exercise of federal  
7 discretion to establish areas within an eco-system  
8 where all fishing would be prohibited. One; there  
9 should be scientific evidence that the standard  
10 biological yield of the fishery will be equal to or  
11 higher than the sustainable biological yield that  
12 could have been obtained from the same eco-system  
13 using conventional fishery management measures. Among  
14 those measures are temporary area closures and  
15 specific area closures.

16 Two; the sustainable economic yield from  
17 the fishery should be equal to or higher than the  
18 sustainable economic yield that could have been  
19 obtained with conventional fishery management. Three;  
20 a full environmental impact statement should be  
21 prepared that takes into account both positive and  
22 negative effects on the human environment. Clearly

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1 there will be positive environmental effects with any  
2 closed area, at least initially. Negative effects,  
3 however, could include displaced fishing effort  
4 outside the closed areas, increased enforcement costs,  
5 increased fuel consumption, decreased fish supplies,  
6 decreased sport fishing revenues and those fish  
7 supplies and sport fishing revenues support many of  
8 our coastal communities.

9 MR. HOUT: Your time has expired.

10 MR. JOHNSON: I'll take one minute more,  
11 please. Since scientific knowledge will improve and  
12 economic factors will change over time, there should  
13 be a sunset provision. Finally, and though I  
14 recognize that there are economic gains from fish  
15 watching, whale watching, et cetera, you need to take  
16 that in context. One example, when the National Park  
17 Service excluded commercial fishermen from Glacier Bay  
18 National Park, they invited in approximately double  
19 the number of cruise ships. I don't necessarily think  
20 that the eco-system benefited. Thank you very much.

21 MR. HOUT: Thank you.

22 MS. ERNST: Our next speaker is Kitty

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1 Simmonds. She is representing the Western Pacific  
2 Fishery Management Council.

3 MS. SIMMONDS: Thank you very much. I  
4 just wanted to say a couple of things. One is that  
5 our council and the Western Pacific Region, we've  
6 established a Marine Protected Area Working Group made  
7 up of individuals from all of the different  
8 disciplines; sociology, economics, fisheries biology,  
9 and the like and this group is developing a policy for  
10 the council to follow as we try to develop Marine  
11 Protected Areas. Some of the things that they've  
12 asked us to consider is that we need to establish a  
13 process for designation, a process for scientific  
14 criteria, socio-economic criteria, a coordinated  
15 monitoring program, to assess effectiveness of these  
16 areas and developing provisions for assessing the  
17 long-term demonstrable benefits to the eco-system, the  
18 fisheries and society as a whole.

19 The other thing that I want to say was  
20 that over the last 25 years our council as well as  
21 other councils have developed what we've just called  
22 closures and we've had several different closures that

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1 we developed with the fishermen, with the community  
2 and hopefully with this new emphasis on MPAs, the  
3 scientists will assess the effectiveness of these  
4 closures. Our closures in the Northwestern Hawaiian  
5 Islands and elsewhere have never been assessed. So  
6 hopefully this will happen. The other thing is that I  
7 do want to congratulate the staff for quickly  
8 developing this inventory because you need to know  
9 what you have out there before you can really get into  
10 working on what's necessary.

11 And the last thing that I might offer to  
12 the lady from the Ocean Conservancy that would be  
13 helpful to all of us is to stop suing the Federal  
14 Government because that isn't useful. Thank you very  
15 much.

16 MR. HOUT: Thank you, Kitty.

17 MS. ERNST: Our next speaker is Bonnie  
18 Mckay, a candidate for the Federal Advisory Committee.

19 MR. HOUT: Is Bonnie with us? Evidently  
20 not. We'll move on. The flashing lights are  
21 evidently going to be with us until after lunch. So  
22 bear with us.

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1 MS. ERNST: We'll move to our fifth  
2 speaker then and that's Dr. Anthony Chatwin and he is  
3 also a candidate whose background check is pending.  
4 He is representing the Nature Conservancy.

5 DR. CHATWIN: Well, good morning future  
6 fellow committee members, hopefully. Thanks for the  
7 opportunity to be able to share with you --

8 MR. HOUT: Can you get as close as you can  
9 to the microphone?

10 DR. CHATWIN: Sure, is that better? Well,  
11 good morning, future fellow committee members and  
12 thanks for the opportunity to just share a few  
13 thoughts with you this morning. I think -- I  
14 understand the mission of this committee to be very  
15 clear from the Executive Order and that's to develop a  
16 national system of Marine Protected Areas to help  
17 protect the significant natural and cultural resources  
18 within the marine environment for the benefit of  
19 present and future generations.

20 I think that's very clear and as a marine  
21 conservation planner, that sounds like a mandate to do  
22 marine conservation planning. And what I would offer

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1 to the committee is that there are several  
2 conservation planning approaches out there that I  
3 think we should look at and that I think can help us  
4 structure the work from here on in a way that we can  
5 then engage in discussing about the issues that we  
6 need to discuss.

7 One of -- one aspect of conservation  
8 planning is to break down this mandate into achievable  
9 goals and I would suggest that as far as the natural  
10 heritage goals or the natural resources goals, I think  
11 the most important one for future generations is  
12 insuring that this national system of Marine Protected  
13 Areas can act as a tool to protect marine bio-  
14 diversity and I would offer that -- we can do that.  
15 There is no single agency that is responsible for  
16 protecting marine bio-diversity but there are numerous  
17 agencies within the Department of Commerce and  
18 Interior that have responsibilities for certain  
19 components of bio-diversity and we can help add value  
20 to their work by looking at bio-diversity, marine bio-  
21 diversity and its protection through this network of  
22 marine protected areas and I look forward to doing

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1 that with you all. Thank you very much.

2 MR. HOUT: Thank you, look forward to  
3 having you up here with us.

4 DR. CHATWIN: Thank you, and I'd just like  
5 to thank the committee members who have gone out of  
6 their way to insure that our voice was also heard. So  
7 I really appreciate that. Thank you.

8 MS. ERNST: Our next speaker is Barbara  
9 Stevenson, also part of the group of six waiting to be  
10 formally appointed to the committee.

11 MS. STEVENSON: I always did like being an  
12 outsider. Hopefully soon, I'll be sitting up there.  
13 There are a couple of things that I wanted to share  
14 with you and part of it is what I was going to say  
15 were I up there yesterday because in a lot of ways  
16 it's helpful for you to know where I come from. I'm  
17 on the New England Fishery Management Council. I'm  
18 ending my ninth year. Eight and a half years ago in  
19 the very first action on my service on the New England  
20 Council I voted to close the areas that I had  
21 previously fished and they are still closed.

22 One of the problems is that we knew they

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1 were the wrong -- they were partially the right areas  
2 and partially the wrong areas then but they were  
3 delineated and what can you do in an emergency action.

4 You do things that are already delineated. Well, the  
5 very next action we were supposed to do was to make  
6 them the right areas. I'm leaving in August and they  
7 still aren't the right areas. They are effective but  
8 the example is that it's very difficult to change  
9 something once you've done it, so you'd better be sure  
10 it's right the first time.

11 Secondly, I was Chairman of the committee  
12 that developed the process for opening areas that were  
13 closed. I was also chairman of the committee that  
14 developed the process for allowing competing interests  
15 in when they would have some degree of impact but not  
16 a totally detrimental impact on the purpose of a  
17 closed area. So I've spent a lot of my recent years  
18 dealing with at least some aspects of the closures. I  
19 will note that you do not have an entire list of the  
20 names of different kinds of closures. Three came  
21 instantly to mind to me because we have rolling  
22 closures, and we have DAMs and we have SAMs. And they

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1 weren't even on your list of kinds of closures. I  
2 would suggest that if you want to look at current MPA  
3 closures in the broader sense as to how industry has  
4 to deal with them, that you visit my website which is  
5 BDSSR.com. It is an industry site, but I have listed  
6 every month all the closures and types of closures  
7 that we have to deal with other than the DAMs and SAMs  
8 because they're too quick.

9           The other comment that I would like to  
10 make is that in the very last presentation that we  
11 had, I'm a little confused as to why their definition  
12 of MMAs is different than the MPA definitions but even  
13 given that, there are a number of New England closures  
14 that would meet that requirement that are not on the  
15 list. I would suggest that for the federal closures,  
16 federal areas that would meet the MPA list, that it be  
17 listed why they aren't on the MMA list because one of  
18 the -- there is one particular closure that bothers me  
19 as much as I think that closures are good, and if  
20 that's not on the list because it's not effected, boy,  
21 do I want to know that.

22           So I think it would be helpful to all of

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1 us to know why the ones that at least at first glance  
2 should have been on the list, aren't. Thank you and I  
3 hope I'm up there soon.

4 MR. HOUT: Thank you. Next time at the  
5 table.

6 MS. ERNST: We'd like to now hear from  
7 Alex Stone, who is the Executive Director of  
8 ReefKeeper International.

9 MR. HOUT: And please get as close to the  
10 microphone as you can.

11 MR. STONE: How's this, close enough?

12 MR. HOUT: Thank you.

13 MR. STONE: Good morning, committee  
14 members and thank you very much for this opportunity  
15 to address you. My name is Alexander Stone. I'm  
16 Executive Director of ReefKeeper International.  
17 ReefKeeper has been involved in Marine Protected Area  
18 creation for 25 years. Starting in 1978 with the  
19 state level creation in Florida of the Biscayne Bay  
20 Lobster Sanctuary to most recently the federal efforts  
21 to create a ecological reserve under the Florida Keys  
22 National Marine Sanctuary and the currently ongoing

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1 renewal efforts to extend the Aqualina (ph)  
2 Experimental Reserve in the South Atlantic and the  
3 Madison-Swanson and Steamboat Lumps Reserves in the  
4 Gulf of Mexico. Based on all that experience and all  
5 of the different MPAs and MPA effort that we've been  
6 involved in, we have five points that we would like  
7 you to consider as you begin your work.

8 First of all, number one, have no doubt  
9 that your task is urgent because in our estimation the  
10 need for MPAs is urgent. I'm not going to recount for  
11 you all the different reports that are floating  
12 around, have been coming out for many years on the  
13 ongoing deterioration of the ocean environment. Fish  
14 stocks are declining. Marine water is being polluted.

15 Ocean health is deteriorating. And I mention all of  
16 those because I want to make a point that MPAs are not  
17 just about fishing. They should not be just about  
18 fishing.

19 Point number two; please consider that  
20 MPAs are a necessary insurance policy, a necessary  
21 public insurance policy against management failure to  
22 correct these very serious ocean problems that we are

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1 faced with. I recommend processes to create Marine  
2 Protected Areas where the Marine Protected Area is  
3 termed to be another tool in our management tool box.

4 I'm asking you to view MPAs differently. View them  
5 as an essential backstop. That's what they are  
6 supposed -- that's what they are made as, as a reserve  
7 against possible ongoing worsening conditions if  
8 standard management doesn't work because there is no  
9 guarantee that standard management is going to work.

10 Number three; I would ask that you  
11 approach MPA functions not just as a means to prevent  
12 the extraction of resources from a given area, but  
13 also as a means to prevent the infusion of degrading  
14 inputs into an area, such as pollutants, debris,  
15 sedimentation and so on because I repeat, it's not  
16 just about no taking. It's about ecological health  
17 and insurance policy for our public resources.

18 Number four; we would ask the committee to  
19 raise the bar of your expectations for MPAs. We  
20 don't believe -- ReefKeeper doesn't believe it is good  
21 enough just to aim to rebuild or maintain some minimum  
22 level of sustainability. We think we should look

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1 further in your work. We think that we should look to  
2 reinstate and preserve the abundance and ecological  
3 health that once was and could be again particularly  
4 through a system of marine protected areas.

5 And finally, we ask that you resolve to  
6 act now or as quickly as you can based on the  
7 scientific information already available on MPAs and  
8 their effectiveness. Please, don't reinvent the wheel  
9 calling for new studies that simply confirm what  
10 existing studies have already demonstrated. Make  
11 yourselves an action group rather than a study  
12 committee, please. In the end, your effectiveness at  
13 least from the point of view of our constituents is  
14 going to be measured by how many MPAs you help create,  
15 not by how many reports you help generate.

16 And to that end, ReefKeeper International  
17 stands ready to help you and wishes you every success  
18 in your endeavor as you begin them. Thank you very  
19 much.

20 MR. HOUT: Thank you.

21 MS. ERNST: Our next speaker is Hanna  
22 Gillelan. She's representing MCBI.

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1 MS. GILLELAN: Hi, can you hear me? My  
2 name is Hannah Gillelan. I work with the Marine  
3 Conservation Biology Institute which was mentioned  
4 yesterday in regards to the cooperation with the  
5 Coastal Society in what led up to the Executive Order.

6 I just wanted to make the point that in a lot of the  
7 comments we've heard so far and in a lot of the  
8 discussion we've had in the past two days, questions  
9 have come up with this committee should do and to me  
10 one of the most essential questions that should be  
11 addressed, one of the most critical questions is what  
12 the purpose of a nationwide system of MPAs is or  
13 should be. That purpose will guide what an MPA should  
14 be defined as, what criteria should be used to  
15 designate an MPA, and what the process should be to go  
16 through with such a designation.

17 Additionally, such a clear purpose, I  
18 think would help overcome or at least clear the waters  
19 of some of the acrimony that has gone on and lead to a  
20 better understanding of when an MPA is effective or  
21 when it's not. In relation to that last point, I just  
22 wanted to say in regards to effectiveness, I think the

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1 question is not just whether the MPA has met the  
2 purpose for which it was designated, but whether it  
3 could meet the purpose for which it was designated.  
4 In other words, some of the questions which came up  
5 most recently in Oculina and whether that area should  
6 be extended into future years, there was insufficient  
7 enforcement and insufficient funding and there was a  
8 question as to whether it was wise to continue having  
9 a reserve when there was insufficient funding and it  
10 wasn't necessarily an effective reserve according to  
11 some people.

12 So to me the lesson learned from that  
13 recent discussion is that the concern should not just  
14 be whether it has been effective but whether it could  
15 be with more enforcement, with more funding or with  
16 other resources which leads me to another point that I  
17 think the committee could be helpful with which is  
18 identifying areas that the two agencies, Commerce and  
19 Interior, could take to better increase effectiveness  
20 of MPAs, whether that's better funding or a targeted  
21 funding to particular areas, whether it's increased  
22 cooperation between the two agencies, between the two

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1 agencies and other federal agencies as evidenced by  
2 the ex officio members, better cooperation with  
3 states, whether they have ideas has been mentioned a  
4 number of times on how to involve stakeholders or  
5 other groups. Thank you.

6 MR. HOUT: Thank you.

7 MS. ERNST: Our ninth speaker is Ryck  
8 Lydecker from BOATUS.

9 MR. LYDECKER: Yes, good morning. I am  
10 Ryck Lydecker and I'm Assistant Vice President for  
11 Government Affairs for BOATUS. That stands for Boat  
12 Owners Association of the United States. I'm also the  
13 Associate Editor of BOATUS magazine. As our name  
14 implies, we're a membership organization of  
15 recreational boaters. We have 540,000 members across  
16 the country, a very large percentage of whom use their  
17 boats in our oceans, coastal and Great Lakes waters,  
18 in other words, in very marine environments that this  
19 committee is charged with considering.

20 Recreational boating is a huge  
21 constituency in this debate and I must say I'm  
22 disappointed that no one from the boating industry or

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1 the boating advocacy community is represented on the  
2 committee today. As MPAs effect access to the water  
3 for recreational boating, this is a very, very  
4 important concern for us. Nonetheless, it has been  
5 said that the problem with marine protected areas is  
6 that the term means different things to different  
7 people. On the contrary, I think the term means  
8 precisely the same thing to different people, at least  
9 to the members of the two stakeholder groups that I  
10 hear from most frequently.

11 If you use the term Marine Protected Area  
12 around an environmentalist, for want of a better term,  
13 or a recreational angler, both of them will hear the  
14 same thing, no take/no fishing zone. You've heard  
15 some of that already. I was only able to attend the  
16 morning session yesterday where the committee was  
17 introduced, so I don't want to belabor the fishing/no  
18 fishing if that was discussed further. But if you  
19 accept the definition of the Executive Order that we  
20 saw on the screen earlier, we have by that definition,  
21 I gather over 1,000, perhaps 1500 MPAs in the U.S.  
22 We've had Marine Protected Areas for years, decades in

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1 fact. But the other more restrictive meaning, the no  
2 fishing zone implied, is a more recent concept. I  
3 guess because I'm a journalist by trade, and I'm  
4 concerned with terminology and definitions and  
5 language, that bothers me. I think we need to use  
6 definitions that mean something. I think the one in  
7 the Executive Order is perfectly serviceable as a  
8 collective term and there are all sorts of regulatory  
9 permeatations under that.

10 So I hope you, as a committee, and the  
11 agency will use that term as such. In your  
12 deliberations, if you are talking about no fishing  
13 zones, then by all means, say so. All of us, and I  
14 mean by this, this committee, that management  
15 authorities, Interior, NOAA, and the stakeholder  
16 organizations, do a disservice to the boating public,  
17 to the voting public if our language is ambiguous.  
18 And as I saw from the slides earlier on the  
19 classifications, the language is going to get  
20 disheartedly more complex.

21 There are too many statutory or regulatory  
22 designations out there now and when a new term or more

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1 likely a shorthand acronym pops up, the boating public  
2 groans, "What are they doing to us now"? As an  
3 example of that, about, I guess maybe six months ago  
4 there was a -- NOAA declared a new zone of protection  
5 around the Florida Keys meant to keep large vessels  
6 away from the coral reefs, but when it was announced I  
7 got all kinds of calls from our members in Florida  
8 concerned that there was yet another regulatory level  
9 laid on them, and I had to say, "No, this is for large  
10 vessels and of course, you have an obligation as a  
11 boater to avoid the coral reefs".

12 Well, I hope as this committee continues  
13 its work it will consider the existing MPAs. We just  
14 heard a call a minute ago for you to be measured by  
15 the number that you create. I don't know that that's  
16 the proper measure at this point. I think we should  
17 consider the existing MPAs, are they doing their job.

18 They're created for various purposes. That's why  
19 this inventory we saw this morning is so important in  
20 my opinion. As you consider, are the individual areas  
21 meeting their missions.

22 Speaking of the Florida Keys, I want to

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1 give you an example of something that's not working  
2 and perhaps the committee could help here. Scarring  
3 of sea grass beds by boats is a big problem. We work  
4 very hard to educate our members to avoid sea grass  
5 beds and if they do happen to go aground to minimize  
6 damage and don't try to, you know, power off and all  
7 of that. And apparently there are miles of what they  
8 call orphan scars down there where boats have gone  
9 through and there's no culprit was found, but there  
10 are also damaged beds for which fines have been levied  
11 and restoration costs already calculated but they've  
12 not been restored, sometimes not for years.

13 In fact, I was just told of one, of a  
14 damaged area that goes back 10 years and it was not  
15 restored and apparently the erosion continues, the  
16 habitat continues to deteriorate and I don't know why  
17 this should be, if it's lack of funds or bureaucratic  
18 red tape, but I would hope that this committee would  
19 examine these existing MPAs before they commit to  
20 working on creating any new ones.

21 To sum up my initial point, I would like  
22 to ask you to use the term "Marine Protected Area" in

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1 its broadest sense and when you talk about management  
2 measures, within a given category or at an individual  
3 site, please be specific so that we know what you  
4 mean. You have the opportunity to make boaters  
5 advocates or adversaries and sometimes the difference  
6 hangs on a word.

7 MR. HOUT: Thank you.

8 MS. ERNST: Our last speaker is Michael  
9 Doneley from the Recreational Fishing Alliance.

10 MR. DONELEY: Thank you for the  
11 opportunity today. Rather than simply repeat many of  
12 the comments you heard, I'll say I think Mr. Lydecker  
13 and Mr. Chatwin did an excellent job of representing  
14 the views and concerns of the recreational fishing  
15 community. I will simply submit our comments in  
16 writing for you to review and consider another time.  
17 Thank you.

18 MR. HOUT: That completes the list of  
19 people who have signed up. If there are people who  
20 have not spoken and wish to communicate with the  
21 committee at this time, we would entertain that as  
22 time permits, again with the five-minute rule in

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1 certainly in place. Please step to the microphone,  
2 give us your name and affiliation, if any, for the  
3 Court Reporter.

4 MR. GILMAN: I am Eric Gilman. I am a  
5 candidate for the committee and I'm representing the  
6 National Audubon Society. I just want to briefly  
7 suggest a process for the committee to establish a  
8 national representative system of MPAs and I want to  
9 propose five over-arching components to the process  
10 just sort of as a starting point for discussion. The  
11 first step would be defining committee purpose. It  
12 would be useful to confirm the committee's mandate for  
13 the Executive Order. My interpretation is that the  
14 mandate might be broken into two components to create  
15 an ocean legacy by saving diverse and relatively  
16 undisturbed ocean eco-systems and cultural resources  
17 and to achieve ecological and economic sustainability.

18 We're all in the dark now. The second  
19 step would be to assess what constitutes a  
20 representative system, to assess and define what  
21 constitutes the representative system. For instance,  
22 what should be the components of the full range of

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1 ocean eco-systems and what is the appropriate scale  
2 for each eco-system. A third step would be a gap  
3 analysis to review the MPA centers' inventory and  
4 other relevant information sources, to identify  
5 natural and cultural resources that aren't currently  
6 preserved. They aren't in protective status or  
7 otherwise not ecologically or economically sustainably  
8 managed.

9 This analysis should also include an  
10 evaluation of the effectiveness of existing MPAs to  
11 determine to what degree for achieving their purpose  
12 and if they have the capacity to do so. And also it  
13 would assess how the MPA system can preserve critical  
14 habitat for migratory and trans-boundary wildlife. A  
15 fourth step would be to identify candidate sites and  
16 to identify both U.S. and multi-lateral trans-boundary  
17 areas to establish new protected areas or to improve  
18 the management of existing protected areas based on  
19 the results of the two previous steps.

20 And finally it would be -- the final step  
21 would be to identify priorities to network protected  
22 areas to create a system. For instance, the committee

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1 can assess how to establish a standardized site based  
2 and regional monitoring and evaluation methods.  
3 That's just my suggestions. Thank you.

4 MR. HOUT: Thank you. Any additional  
5 comments for the committee, anyone that wants to  
6 address the committee that hasn't spoken. Seeing  
7 none, I think we will proceed to adjourn for lunch and  
8 return at 1:30 to take up the remaining items starting  
9 off with Ginger Hinchcliff's presentation. And by  
10 that time, I would hope that we will have the wiring  
11 which seems to date from the Hoover Administration,  
12 corrected.

13 (Whereupon at 11:49 a.m. a luncheon recess  
14 was taken.)

15  
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23

1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 (1:33 p.m.)

3 MR. HOUT: Well, the appointed hour has  
4 arrived. It's truly a pleasure to introduce Ginger  
5 Hinchcliff, who is my former colleague when I worked  
6 for the Coastal Services Center. She was based on  
7 Charleston and I was based in Honolulu. I had the  
8 better assignment, I think but we talked a lot. She,  
9 in her real life, is a program manager of the Coastal  
10 Learning Center down at Charleston but is also heading  
11 up the MPA Training and Technical Assistance Institute  
12 which is not a very large organization, as she'll  
13 probably tell you. Ginger?

14 MS. HINCHCLIFF: Thanks, Eldon. Well,  
15 welcome back from lunch. Glad to see some of you all  
16 have eaten and are ready to go again. I know this was  
17 supposed to be this morning, but since we ran late,  
18 I'm pleased to be able to present this afternoon.  
19 This actually comes at a good time in that it's after  
20 the public comment. Dan Farrow, when he was talking  
21 about inventories, set it up fairly well in that there  
22 is 1,000 to 1500 existing MPAs. In the public

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1        comments we also heard that we not only have to think  
2        about the national system, but what about the existing  
3        ones, what are their capabilities now and can we build  
4        them up so that they can be effective, and this is  
5        really what I'm going to address during this  
6        presentation.

7                    During the presentation, first, I'm going  
8        to, of course, focus on goal one and this is the  
9        stewardship goal rather than the building the network  
10       goal. We're going to talk a little bit about the goal  
11       and the methodology of a needs assessment of findings  
12       and then what I'd like you to do is we're going to  
13       walk through and I'm going to be asking from feedback  
14       from you. The feedback doesn't have to come  
15       necessarily today but this is one of the charges, if  
16       you will. I'd really be interested in hearing back  
17       and when I say "I", I'm referring to the entire center  
18       would be interested in hearing your opinions.

19                    And some of the things specifically we'd  
20       like to hear about is that I'm going to -- or during  
21       the needs assessment, you all have received a copy of  
22       it. It's the little booklet that was handed out this

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1 morning. In this it talks about 23 different elements  
2 of needs that Coastal Management, current Coastal or  
3 MPA managers need and one of the things I'd like to  
4 hear back from you at some point is talking about what  
5 do you think are the most critical? What would be  
6 your priorities in terms of addressing their needs.  
7 Also, as they're defined now, I'd be very interested  
8 in hearing if you have any further articulation or  
9 definition of those needs. Maybe we've missed some.  
10 Identify some gaps.

11 And lastly, one of the key needs is really  
12 being able to get to the stakeholders and this is  
13 something that was articulated by a lot of the  
14 managers and we would love to hear your input in how  
15 best to reach out to the stakeholders that you  
16 represent. And some of this is covered in the needs  
17 but we'd again, be very interested in hearing that  
18 piece as well.

19 As I mentioned, this focuses mostly on the  
20 stewardship role and in Section 4, it very clearly  
21 talks about this national system but it also talks  
22 about, you know, enhancing what's already there,

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1 building the capacity of the present MPA managers or  
2 management regimes, so that they're able to do their  
3 job effectively.

4           These are a series of objectives that fall  
5 under Goal 1, and Joe actually went through the goals  
6 during his presentations but I'd like to focus just on  
7 the first one, "Assess the needs of existing MPAs".  
8 That's one of our primary objectives, you know, under  
9 this goal. We also have things like effectiveness,  
10 looking at science, facilitate the development sharing  
11 and application, you know, all the -- down to public  
12 awareness, all of this is important but I want to just  
13 talk about the needs assessment right now and what  
14 we've done to date.

15           Many of you are probably familiar with  
16 needs assessments. It's basically a gap analysis;  
17 what's currently, what is the desired state and where  
18 is the gap and we do it for a couple of reasons.  
19 First of all, we recognize that there's lots of  
20 ongoing MPAs efforts. There's lots of groups that are  
21 already providing services to Marine Protected Areas  
22 and at the National Center we certainly don't want to

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1 duplicate any ongoing efforts. That would just be,  
2 you know, not what we want to do.

3 The second is that we want to be  
4 responsive to the needs of the community. We want to  
5 collect the information systematically. As Joe had  
6 mentioned before, we heard lots of needs and sometimes  
7 the folks with the loudest voices get heard but there  
8 is a majority of folks that are silent and so by doing  
9 a needs assessment, or conducting a needs assessment,  
10 it's a more methodical or systematic collection of  
11 needs. So we're hearing from across the whole range  
12 as opposed to just the people that have the ability to  
13 get their voices heard.

14 Another thing a needs assessment always  
15 does is it starts to build rapport with the MPA  
16 community and this is because we're asking them what  
17 are their needs, what are their priorities, those  
18 kinds of things. And lastly, but probably most  
19 importantly is that insures the effectiveness of our  
20 projects. Joe had mentioned that there was two  
21 drivers for the projects that he listed yesterday as  
22 sort of what we're doing already. The first one, were

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1 direct things out of the Executive Order. It says,  
2 "Build a website", we're going to do that. But we  
3 also completed this needs assessment to help us focus  
4 and say, "Let's address the needs that are there as  
5 well. And so starting with needs, we have a much  
6 better way of knowing whether or projects are  
7 effective or not.

8 Very briefly, the time frame. We started  
9 in May, ended in February of `02. The goal was to  
10 identify information skills, tools and processes.  
11 Now, a lot of times needs assessment only looks at  
12 information and we made a special point of looking at  
13 the skills, the tools, those kinds of things as well.

14 The use, of course, was to design our services. And  
15 the target audience for this needs assessment was  
16 actually the MPA managers themselves.

17 And as MPA managers, I use that term  
18 fairly broadly in that I mean both state, national,  
19 regional but the folks that are more involved with the  
20 site based management and we recognize that the MPA  
21 communities certainly are much, much larger than that,  
22 but in order to do an effective needs assessment. You

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1 have to focus that audience down and because of our  
2 stewardship goal, we felt like this was a priority;  
3 what's out there, how can we help them do a better job  
4 at what they're already doing?

5           The other thing that I want to mention is  
6 just because we focused on that audience, does not  
7 mean that we only ask them what their needs were. We  
8 actually did what we call triangulation which very  
9 much like the nautical, we're focused on coastal  
10 managers but we ask them questions, but we also ask  
11 lots of the different stakeholders what managers need  
12 to do a better job. So for instance, we asked  
13 fishermen, we asked enforcement, we asked, you know,  
14 lots and lots of different groups, cruise industry, we  
15 said you know, "What needs -- what do you coastal  
16 managers, MPA managers, need to do a better job",  
17 because you get different things from different  
18 people.

19           The classic example, if you will, is if  
20 you ask a mid-level manager what they need, they say,  
21 "Well, I need stress management". If you ask their  
22 boss what they need, they say, "Time management".

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1 Different needs but you need to sort of get the whole  
2 picture before we start addressing needs.

3 As I mentioned, there are actually a  
4 couple different objectives. First of all, what are  
5 their priorities as well as specific acts, knowledge  
6 and skills? We also wanted to talk about attitudes  
7 and motivations and dis-incentives that could impact  
8 manager's abilities to benefit from any kind of  
9 products or services we're going to be able to  
10 provide.

11 The who is the sub-group. As I mentioned  
12 before, we use this term fairly broadly and there's  
13 lots of different ways of slicing it. So for  
14 instance, we can look at the coastal or the MPA  
15 management community and say, "Okay, educators really  
16 need this level but the researchers have that down".  
17 Or we could say, "You know, sanctuary people really  
18 need this but Fish and Wildlife has that down", so we  
19 looked at the sub-samples as well.

20 And lastly, we talked about how we can  
21 best reach them, so we asked them, "How do you prefer  
22 to get information, what's your primary means"? In

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1 terms of the methodology, we covered a number of  
2 different things. We did look at the literature. We  
3 held focus groups. Those were held actually in four  
4 different locations around the country. We conducted  
5 phone interviews with another almost 30 people and  
6 that was to fill in the different gaps, whether  
7 geographically or the kinds of input that we wanted to  
8 get. We also actually did some computer work looking  
9 at what LexusNexus information was saying about Marine  
10 Protected Areas. We also, of course, got information  
11 from different meetings, conferences and discussion  
12 lists that we were able to monitor during that time.

13 The needs assessment itself is broken into  
14 three sections. The first one is on policy and legal  
15 issues. Second on science and technology and the  
16 third one is on MPA program implementation. All these  
17 are in your book. Please, please, you know, look  
18 through those. However, today what we're going to  
19 primarily focus on in this presentation is on Section  
20 3 because again, the stewardship piece. Very briefly,  
21 the legal issues and responsible authorities,  
22 everything from the defining terminology that we've

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1 heard over and over again, to managing across  
2 jurisdictions and you can look down at the other kinds  
3 of ideas or needs that came up.

4 Under the science and technology, starting  
5 with the inventory and monitoring needs, which are  
6 great, went on to mapping and spacial analysis needs  
7 through the sciences. A lot of needs were articulated  
8 specifically about getting the science into the hands  
9 of management and finally, just a bit on climate  
10 change. This is a section I'd like to focus on  
11 primarily and this was the program implementation.  
12 This was the largest section and again, you're going  
13 to be able to look through each of the sections, you  
14 know, as you want to but these particular sections  
15 have a lot of interest and hopefully could benefit  
16 from some focused attention from you all. We're going  
17 to look at the public education, the stakeholder,  
18 visitor impacts enforcement and then of course,  
19 evaluating MPA effectiveness.

20 What we heard with public education was  
21 very broadly. We need more of it. Now, one of the  
22 things that came across very clearly is not only do we

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1 need more information about MPAs specifically but we  
2 need more information, education, about marine  
3 resources in general. I don't think this surprises  
4 any of you here. Another thing that we heard very  
5 clearly is that they wanted non-biased information.  
6 And it was really interesting because almost every  
7 sector that talked has a bias by somebody, possibly  
8 academicians exempted from that but everyone perceives  
9 biases.

10 So for instance, if the Federal Government  
11 is doing education, there's a perceived bias. If  
12 there is a non-profit doing education, there's  
13 perceived biases and so one of the needs, of course,  
14 was not only this non-biased information but they  
15 wanted it at the local level. They felt that that was  
16 extremely important. And the last one that came out  
17 quite a bit is the idea that graphics and images to  
18 communicate and share ideas are really important, and  
19 I think we've talked about the values of GIS already  
20 and just being able to picture what you're talking  
21 about.

22 At this point, I also want to mention that

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1 there's lots and lots of details. In this report we  
2 literally have dozens and dozens of specific comments  
3 that we receive during this. This is just the  
4 summary.

5 Stakeholder and community involvement, the  
6 first one we heard is that it must be meaningful and  
7 not formula driven and I don't know exactly what  
8 people are referring to or if they are referring to  
9 the same process or the same formula all the time but  
10 they felt that sometimes you just get in this pattern  
11 and the people that know the pattern are able to jump  
12 in, but in order to be meaningful, it cannot be  
13 formula driven.

14 They felt like every case is different and  
15 that's an important thing because I know you all have  
16 been talking about let's think about big processes, so  
17 if that's where you want to go, you also need to think  
18 about the flexibility to make it relevant and  
19 meaningful at the individual sites or at least this is  
20 what they want.

21 Process knowledge skills are required. It  
22 was pretty clear that a lot of resource managers and

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1 MPA managers come through either a natural science  
2 background or sometimes policy, but things like  
3 facilitation skills, not necessarily taught in the  
4 sciences, really important the people and the managers  
5 have the skills so that they can reach out  
6 effectively. Local involvement balanced with a top  
7 down approach is something that they wanted,  
8 obviously, lots of local involvement but sometimes  
9 people felt that too much local involvement, they  
10 needed to have a perspective, a broader perspective as  
11 well.

12 Of course, they wanted multiple methods or  
13 means of disseminating the information and the  
14 equitable treatment of different stakeholders was a  
15 pretty hot one and as you read through this, you'll  
16 find that we weren't -- we were able to get some very  
17 truthful kinds of needs from people and one of the  
18 things that was most upsetting to people is if they  
19 felt they were being treated as a stakeholder group,  
20 if they felt they were being treated differently than  
21 the other stakeholders.

22 In terms of managing visitor impacts, this

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1 came up a number of times as well. And the first one  
2 in terms of actually balancing public access with  
3 protection and that's something that's longstanding.  
4 I think any natural resource manager deals with that.

5 But that continues to be an important factor and  
6 maybe is even increasingly important because of the  
7 increasing use of the coastal areas and that kind of  
8 thing. And it's not just safety kinds of things but  
9 it's also visitor experience kinds of things. So are  
10 they having the quality of experience that they would  
11 like to have when they go scuba diving.

12 The non-consumptive recreational impacts,  
13 things like changing behaviors of animals, you know,  
14 it's non-consumptive but when you have 30,000 people  
15 in a two-square mile area, you know, maybe there's  
16 impacts. So whether it's consumptive or non, to  
17 recognize and actually plan and manage for those  
18 impacts. And of course, the other big one is this  
19 idea of multiple jurisdictions within an area. One of  
20 the things that we heard over and over again is  
21 because there's so many different layers, the public  
22 people trying to actually do the right thing are

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1 confused by the multiple layers and so that can be  
2 very difficult for them.

3 Enforcement is something that's  
4 increasingly important. Lots and lots of needs around  
5 that. First officer training and resources basically  
6 there's not enough officers and they don't have enough  
7 training and they need additional resources in order  
8 to effectively enforce the existing Marine Protected  
9 Areas. One of the things that happens over and over  
10 again is the unclear boundaries and the regulations  
11 and so even if you have enforcement officers, can they  
12 get something all the way through court in order to  
13 enforce.

14 The role of education and outreach was  
15 closely linked with enforcement. Many times the role  
16 of enforcement is education first. There is a quote  
17 in the report that talks about the 80/20 rule or the  
18 80/15/5 rule. Most people, 80 percent of the people  
19 are going to do what they're supposed to do all the  
20 time. Twenty percent divides out. If they're being  
21 watched, about 15 percent of the people will do the  
22 right thing, and five percent are going to do what

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1 they want to anyway. But if they're not being  
2 watched, that 15 percent starts sliding over towards  
3 the five percent. The idea that some laws are  
4 enforced and some are not also came out. Specifically  
5 in terms of some of the fishing rules, enforce  
6 commercial fishing but not recreational, those kinds  
7 of ideas came out and also just the management's --  
8 the importance of management understanding the  
9 different legal frameworks of adjacent or overlapping  
10 jurisdictions, all big needs within enforcement.

11 In terms of the effectiveness and I know  
12 that you all have talked about this some as well,  
13 evaluation and monitoring to see if they're actually  
14 meeting established goals. And they talked about that  
15 in a couple different ways. First of all, they're  
16 interested in doing that and they, a lot of times,  
17 don't have the resources to do that or the skills to  
18 do that. A second thing that they talked about is a  
19 little concern of this is the reason why they were  
20 established and they're meeting those goals. Is it  
21 fair to judge them on some other goal and that came  
22 across as well.

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1           The evaluations should look at both  
2 ecological and socio-economic impacts which almost  
3 implies that when we're looking at goals to include  
4 both the social and the natural science goals. Very  
5 clearly the evaluation process should be built into  
6 new efforts. I think most people are in agreement  
7 with that and also the idea that evaluation standards  
8 should be designed and people were looking for  
9 guidance for help in designing these standards.

10           I'd invite you to look through this at  
11 your leisure, but the way we're going to be using this  
12 information and the way we have been using this  
13 information is first of all, like I said, this is one  
14 of the drivers of the Marine Protected Areas' center  
15 projects and a lot of our projects that we've started  
16 this year or have been continuing relate directly back  
17 to some of the findings of the needs assessment.

18           A lot of us and particularly the training  
19 and technical assistants do, we provide direct  
20 services. We are providing training. We're providing  
21 technical assistance but we also recognize that we're  
22 not the only game in town, that we want to make sure

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1 that there's good resources elsewhere so one of the  
2 ways we're using this needs assessment is actually to  
3 help partner with other groups. For instance, we've  
4 taken these kinds of needs assessment, talked to  
5 different academic institutions. We've talked to a  
6 number of different groups saying, "Hey, these are the  
7 needs. Are there any of these that you're able to  
8 meet? Are there things you're doing now that could be  
9 slightly tweaked?"

10 For instance the National Training Center,  
11 the National Conservation Training Center up in  
12 Shepherdstown, which is a fish and wildlife facility  
13 primarily, we're starting to work with them, saying,  
14 "Hey, can we fit marine stuff into your extremely  
15 well-established and well-thought of curriculum"? The  
16 other thing that we're doing with out needs assessment  
17 is that we don't plan to quit doing them. We feel  
18 like it's very important to continue to listen to  
19 people and as Joe mentioned before, this was our first  
20 and our primary needs assessment. We're actually  
21 taking some of these and getting more information on  
22 them. Specifically, we have a technology needs

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1 assessment right now going on but we're planning on  
2 additional needs assessments in the future to get that  
3 specific information so when we work with groups, we  
4 can know their needs as opposed to trying to say, "Oh,  
5 we know what you need, let us help you". We want to  
6 make sure we hear it from them.

7           So again, what I'd love for you to help us  
8 with is first, as you look through this, to get back  
9 to us on which elements do you feel are most critical  
10 from your position, from your world, from the views of  
11 your stakeholders, which of these elements are most  
12 important for us to tackle as sort of a priority  
13 issue? We're starting on a number of them. We'd love  
14 your input on that.

15           The second is, just from your definitions,  
16 perhaps you can further define some of the needs that  
17 are out there and as you look through this, you know,  
18 go ahead, scratch them down. Say, "This wasn't  
19 covered, this wasn't captured", this is something that  
20 I've heard as well. The gaps, whether there's issue  
21 gaps or just maybe some articulation of needs that  
22 were gapped.

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1           And lastly, and this is an important one,  
2 is to recommend the best mechanism for engaging the  
3 stakeholders you represent into the ongoing management  
4 processes. And this information can do two things.  
5 One, it can help us, you know, collectively with the  
6 Marine Protected Area Center and our partners to  
7 better engage stakeholders but we also do lots of  
8 training and skill building, capacity building for  
9 managers and would love to have them have that same  
10 ability to better engage the stakeholders as they're  
11 planning, not just as you start an MPA but the entire  
12 process which is certainly as important.

13           Does anyone have any questions for me?

14           Yes, sir.

15           MR. RADONSKI: Gil Radonski. Your -- the  
16 questions up there, you're obviously asking people  
17 questions about MPAs getting feedback. Who's  
18 designing your questionnaires? Are the questions  
19 asked so that they don't solicit a specific answer?

20           MS. HINCHCLIFF: Yes, we did not use a  
21 questionnaire at all. What we used were focus groups  
22 and interviews and the way those were structured as

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1 when the group, like a focus group would come in and  
2 we would ask them to identify what their priority  
3 issues were and say, "What -- you know, what are you  
4 pulling your hair out on? What are you dealing with  
5 most frequently"? And they would brainstorm and then  
6 collectively as a group, they would actually go  
7 through a priority process where they would put dots  
8 or whatever, and basically come up with three to five  
9 and then we would discuss those in-depth and saying,  
10 "Okay, why is it a problem, what -- you know, why is  
11 it a bottleneck", you know, those kinds of questions.  
12 We do not have, sort of is this a problem?

13 One of the things we find in needs  
14 assessment is if you say, "Is this an answer", people  
15 go, "Oh, yeah, that's a good answer". You know, we  
16 wanted to get at their needs rather than their wants  
17 or their instant ideas of solutions.

18 MR. RADONSKI: One more question.

19 MS. HINCHCLIFF: Sure.

20 MR. RADONSKI: One of your statements up  
21 there was local level involvement with --

22 MS. HINCHCLIFF: National --

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1 MR. RADONSKI: -- with top down something.

2 MS. HINCHCLIFF: Right.

3 MR. RADONSKI: Where was that one?

4 MS. HINCHCLIFF: I think that was --

5 MR. RADONSKI: Right there, "Local level  
6 involvement balanced with top down approach", would  
7 you explain that?

8 MS. HINCHCLIFF: It's -- it was an idea  
9 that came out that they want lots of local involvement  
10 in order to be meaningful. At the same time, they  
11 wanted some national perspective brought into it. So  
12 there are people that are saying, "Okay, we're working  
13 at the national level, we're working at the national  
14 level, but they also wanted that top down or national  
15 perspective brought to bear on their issues as well.  
16 It was, you know, perhaps not everyone but we heard it  
17 a couple different times, so that's why it's up on the  
18 slide, but you can probably read the quote, couple of  
19 the quotes right in the book where we got that from.  
20 Yes, ma'am.

21 DR. GARZA: Dolly Garza, thank you. So in  
22 your presentation it sounded like you've had meetings

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1 with various groups. Are you intending to continue  
2 meetings throughout the states and if so, are you  
3 asking us as advisory council members to give you  
4 ideas of when and where and to whom you should meet  
5 with?

6 MS. HINCHCLIFF: At this point, this  
7 particular needs assessment is completed. And so for  
8 this particular, no, we're not looking to do  
9 additional. But the idea in the future that we will  
10 continue to listen to needs is very much part of our  
11 game plan. We have nothing specific planned in terms  
12 of this national level again.

13 DR. GARZA: Okay, so then based upon  
14 request, I mean, if the native tribes in Alaska get  
15 together once a year and we generally have the biology  
16 people there, then can a request go to you guys to  
17 have you meet with them?

18 MS. HINCHCLIFF: Yeah, I think that would  
19 be a fine idea. We would be very interested in  
20 hearing that. Thank you. I'm going to go back to --  
21 any other questions? Thank you.

22 MR. HOUT: We will reassemble at the table

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1 as soon as we get the screen out. Well, we've  
2 reassembled for committee discussion on organizational  
3 and functional matters. That must include just about  
4 everything. You've survived faulty wiring, funny  
5 funky public address system and I was shocked and  
6 amazed to find that they changed the entry to the  
7 Hoover Building when I went out for lunch, so it's  
8 good that we're all back.

9           Given the nature of the next part of the  
10 program, the fact it's basically going to be a  
11 discussion among yourselves and with Joe and Maggie  
12 and Charlie, I'm going to excuse myself and thank you  
13 for your discipline and good wishes and hope to see  
14 you again soon, but sitting in the audience rather  
15 than here at the kind of temporary chair of your  
16 organization. It's been a pleasure. This is an  
17 impressive group of heavy hitters. Thanks. And  
18 Maggie has some housekeeping arrangements.

19           MS. ERNST: That I'll intersperse over the  
20 course of the afternoon. Eldon, you had gathered a  
21 number of agenda items from this morning that we were  
22 to cover this afternoon. Do you still have those?

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1 MR. HOUT: I think you can handle it.

2 MS. ERNST: I recall a variety of issues  
3 that you wanted to try to cover this afternoon related  
4 to starting to draft the agenda for the next meeting  
5 and we wanted to solicit ideas from you on how you can  
6 best communicate after we leave this meeting. There  
7 are -- I think there was a suggestion yesterday to  
8 start developing priorities based on the short to  
9 medium term charges that you heard about yesterday and  
10 got more detail on today. So I think unless the  
11 subject of getting more specificity on how to go  
12 forward with the eventual nomination and voting of the  
13 chair for the committee.

14 There were a series of maybe four or five  
15 of those issues that we wanted to try to cover this  
16 afternoon. So I am by default, I guess, going to  
17 suggest that we just keep an eye on the clock to make  
18 sure we don't -- we apportion enough time for each of  
19 these, but if no one has any objections, we might  
20 start with suggestions for the agenda for the next  
21 meeting and then move on from there. Yes, Tundi?

22 DR. AGARDY: An idea I have, two really

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1 small points that really don't fit with any of the  
2 things that you mentioned but I just want to throw  
3 them out there.

4 MS. ERNST: Please do.

5 DR. AGARDY: Questions, actually  
6 procedural questions. One is that I wondered if  
7 there's any way to access the Cvs of the committee  
8 members. I personally would like to know more about  
9 my colleagues and I know those of my colleagues who  
10 have published on the issue of Marine Protected Areas,  
11 I'd love to know about recent publications that I  
12 might not know about and request copies of them and so  
13 forth and so I wonder if that's a possibility. And  
14 the second question I have is I am very concerned  
15 about the lack of Environmental Protection Agency  
16 representation as ex officio and I know there was a  
17 lot of enthusiasm on the part of EPA after the  
18 Executive Order was issued and I understand that there  
19 are reasons that EPA has kind of diminished in stature  
20 but I think that we ought to think very broadly about  
21 all of these marine issues and pollution is a very  
22 important issue and by not having the federal

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1 representation of the agency that is most dealing with  
2 the pollution issue, I think we're missing something.

3 So I wondered if we could influence that in time for  
4 the next meeting.

5 MS. ERNST: Yeah, I'll answer that and  
6 then Joe can add on to that. I'll answer your second  
7 question first. We intend to have an ex officio  
8 representative from the EPA joining your committee.  
9 Regretfully, the letter going out from us went out in  
10 the middle of May and it didn't give all the agencies  
11 enough time to properly designate a representative  
12 and I would possibly guess that the fact that EPA will  
13 be looking for a new administrator may have something  
14 to do with that as well. And so we're very interested  
15 I reconstituting the inter-agency working group and  
16 existed a few years ago and when we break up from our  
17 meeting, we'll be moving forward to contact the other  
18 agencies that weren't represented here today.

19 And to answer your first question, I guess  
20 you're suggesting that you'd like more detail than  
21 we've provided on the short bibliographies that we've  
22 included in the handout, the books you received and

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1 we'd be -- we'd like to get feedback on those  
2 biographies. I meant to say biographies, sorry about  
3 that. We'd like to get feedback on those. We got it  
4 from a few. We'd be happy to modify those and bring  
5 them up to date and we, in our files, have fuller CV's  
6 that we'd be happy to share but those are a bit dated,  
7 so if you so want to refresh the file, please send me  
8 a copy of a CV and I will collect as many as I can and  
9 then forward them to all of you, particularly in terms  
10 of preparing to vote for a chair. That should be very  
11 helpful for that, too.

12 DR. FUJITA: Yeah, Maggie, as you eluded  
13 to in your opening remarks, I think there's a number  
14 of things that we need to move forward with this  
15 afternoon. We have a limited amount of time, so I  
16 want to suggest a sequence of events for discussion  
17 and maybe we can apportion our time accordingly. To  
18 me, the most important thing we have to do first is to  
19 get clear on our charge and our purpose and specify  
20 the goals that are related to that charge and purpose.

21 For me the priority is as I said before, to try to  
22 deliver a planning process that all the federal

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1 agencies that we're advising can use to scope marine  
2 research and Marine Protected Areas and Marine Managed  
3 Areas, whatever you want to call them, including an  
4 outreach component. A second thing that we need to do  
5 this afternoon, I think, is to decide on a process for  
6 electing our chair. We had a discussion this morning  
7 but I think because there's no mechanism that we've  
8 agreed on to make motions, second them and approve  
9 them, we just sort of had an open-ended debate and I'd  
10 like to see some kind of process to get closure on  
11 some of these elements this afternoon.

12 Thirdly, we need to discuss the agenda for  
13 the next meeting which I think will flow more  
14 logically, more systematically after we're clear on  
15 our charge and our specific goals. And then finally,  
16 I think it would be useful if we could agree on some  
17 tentative meeting dates both for a call-in, if we  
18 choose to go that way to elect our chair, and for a  
19 more substantive meeting because it's much easier to  
20 compare calendars. We're all here in person and I say  
21 tentative, because we don't want to make a final  
22 conclusion on that until we have all our members

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1 seated, I think.

2 MS. ERNST: Robert? I also neglected to  
3 mention that there was some discussion about trying to  
4 look at your charter and suggesting short-term changes  
5 that we could make to it over the course of the  
6 summer.

7 MR. ZALES: In relation to what was just  
8 said and maybe step into the second thing, but I would  
9 suggest that if by consensus or whatever, that this  
10 committee adopt a procedure such as Roberts Rules as a  
11 guideline to go by, not that you have to strictly  
12 adhere to it but to give you a guideline if people are  
13 uncomfortable with that. But that would kind of set  
14 out the procedure for doing what has been suggested.

15 MS. ERNST: I confess I'm not an expert on  
16 parliamentary procedure and we will do our best here  
17 today and we assume that whoever becomes the chair of  
18 the committee will work with you to adopt possibly  
19 that approach or some other once you, you know, are  
20 fully formed and running. So you'll bear with us  
21 today if we don't adopt that.

22 MR. ZALES: Well, I wasn't suggesting for

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1 today. I'm talking about for the next meeting, for  
2 the procedure for the new chair and the agenda and the  
3 whole bit at that point dealing with the order of  
4 business of the committee with a guide rather than  
5 just kind of haphazard.

6 MS. ERNST: Terry?

7 MR. O'HALLORAN: Yes, I agree. I think  
8 that if we could at least make motions, take some  
9 votes and as Rod said, get some closure on some issues  
10 rather than just discussion, that way we know we've  
11 settled an issue and we can move on.

12 MS. ERNST: With the caveat that not  
13 everybody is here and so we're walking that fine line  
14 about the kind of business you can do given that  
15 you're partially represented.

16 MR. O'HALLORAN: Right, I understand that  
17 but some of the things that we're -- now, I have some  
18 power. Go ahead.

19 DR. BROMLEY: Well, I thought I asked the  
20 question this morning about are we able to conduct  
21 business without 30 people here and I thought the  
22 answer was yes, and now --

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1 MR. O'HALLORAN: Yes.

2 DR. BROMLEY: -- sorry, Terry, but I read  
3 from you that we can't do anything because those  
4 people aren't here.

5 MR. O'HALLORAN: Oh, no, no, no, that's  
6 not what I'm saying at all. I'm saying we need -- we  
7 do need to get some closure. And like what Rodney  
8 said, that we need to have some closure, which means  
9 that we might have to say I have a motion and  
10 discussion and vote or however we do that, but some  
11 way to close on each issue so we can proceed.

12 MR. URAVITCH: You are a duly constituted  
13 committee and they have the authority to vote. I  
14 think the question related more to the selection of a  
15 chair for the committee and I think that's -- maybe  
16 that's one of the first issues that ought to be  
17 addressed is your view on that particular part of the  
18 process. But, yes, this is a duly constituted  
19 committee and you do have the authority to vote.

20 MS. ERNST: I apologize for getting some  
21 confusion into the mix.

22 DR. PEREYRA: To move things along, I'd

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1 make a motion that we adopt Robert Rules of Order as  
2 the guiding principle for the conduct of business of  
3 our Advisory Committee.

4 MR. ZALES: I'll second that.

5 MR. URAVITCH: Is there, yes, discussion?

6 MS. WILLIAMS: Actually, two questions.  
7 Is everyone here familiar with what is in Roberts  
8 Rules and how you conduct the meetings accordingly?  
9 And what does the committee handbook say as to how we  
10 will conduct our meetings since no one has produced  
11 that document for us to look at? And those are just  
12 questions.

13 MS. ERNST: I believe that we have that  
14 handbook back in the office. We can't -- we don't  
15 have it available to distribute it to you now but we  
16 can mail it to you and I -- without having seen it,  
17 that there -- I gathered from Alice McKenna's  
18 presentation yesterday that you have an option of  
19 procedural choices for -- but once you decide on one  
20 and if you choose to codify it in your charter, that's  
21 what you would be using, but we will share that with  
22 you. Yes? John?

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1 DR. OGDEN: Could I make a suggestion that  
2 we don't get bogged down in this discussion now. This  
3 should be taken up when we have a chair and we're  
4 discussing -- we're essentially conducting the  
5 committee's business. Right now we have the  
6 suggestion by Rod to have -- we have four things that  
7 I think we can achieve by simple consensus. We don't  
8 need to have -- we're not going to be voting on these  
9 things at this point in time. We're simply discussing  
10 procedural matters. It strikes me all of these things  
11 can be achieved by consensus without worrying right  
12 now about that, although I take the point of both  
13 Wally and Bob that this is an important point for  
14 later on.

15 Could we just -- because we have to move  
16 ahead. We really do have to get going here. People  
17 will be leaving in an hour and 45 minutes.

18 MS. ERNST: So with that, I'd suggest we  
19 begin with what Rod had suggested should be the  
20 priority for the group to consider this afternoon and  
21 that was a discussion on your charge and purpose and  
22 the kind of planning process you might want to develop

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1 to go forward. Mark?

2 DR. HIXON: I agree that our charge and  
3 purpose is extremely important. I also see that as  
4 being a fairly protracted discussion at this point.  
5 So I'd like to see the sort of shorter term items  
6 taken care of first. Say, number one, how are we  
7 going to select a chair and then maybe go back to the  
8 charge of the committee or maybe even second, get the  
9 agenda set up for our next meeting. That's my  
10 opinion.

11 MS. ERNST: Dolly?

12 DR. GARZA: Thank you, I agree with Mark.  
13 I think that that first one could take us until  
14 midnight or until we all fall over, so perhaps going  
15 to how will we elect a chair and the agenda for the  
16 next meeting as well as the location and possible  
17 dates, if we can narrow those down.

18 MS. ERNST: We have -- Bob?

19 MR. ZALES: Yeah, I would suggest in that  
20 context then that rather than try to play with chair  
21 and vice chair, what are we doing to do with that  
22 electronically, because I see this as a very simple,

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1 not very time consuming process. If we can just kind  
2 of agree by consensus to do that at the next meeting  
3 as the first order of business. Establish an agenda  
4 type here so that you know where you are and just put  
5 that at the top of that because I don't see that  
6 process drawing out very long, but I do see it  
7 electronically lasting more than 15 or 20 minutes. It  
8 may do that at the meeting, but I don't see it doing  
9 that.

10 That's what I would suggest we do and that  
11 way we can kind of get off that ball and get into the  
12 agenda and then to the rest of what Rod suggested.

13 MS. ERNST: Bob?

14 MR. DENDICK: Well, it's a little hard to  
15 establish the agenda without knowing what our purpose  
16 is and particularly given a limited number of  
17 meetings. I still am interested in the question I  
18 asked yesterday which is the staff has been working on  
19 this for several years and what their view of the most  
20 important three things we should be doing, but we  
21 don't have the consensus that we want to even get into  
22 this discussion, but at some point we need to frame

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1 the issues and the focus of what we are supposed to be  
2 doing and what -- we cannot probably remake the entire  
3 world or the world beyond the land. We need to have  
4 some specific sense of where we're headed and we need  
5 to decide when and how we're going to -- if we don't  
6 decide what it is, we've got to decide when and how  
7 we're going to decide what it is.

8 DR. BROMLEY: I think Bob's question has  
9 triggered a thought in my mind which has been sort of  
10 bubbling around over the last day and a half and that  
11 is are we here to advise the MPA center or are we here  
12 to advise the Secretary of Commerce and the Secretary  
13 of the Interior and my answer is, it is the latter and  
14 we have had wonderful -- if I may put it in terms,  
15 staff work, having been done over the last several  
16 years by the MPA Center. They are a wonderful  
17 resource but I understand our charter to be to address  
18 the questions in the Order that direct us to advise  
19 the Secretaries of Commerce and Interior on what has  
20 been done, how well has it been done, what might be  
21 done in the future. I have no doubt that the MPA  
22 Center will benefit from that. I have no doubt that

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1 they will be participants in that conversation. But I  
2 don't understand that we are here to respond to the  
3 request of the MPA Center, with all due respect. We  
4 are here to respond to the imperatives in the  
5 Executive Order which is to advise the Secretaries of  
6 Commerce and Interior. So maybe we'd better get this  
7 clarified further.

8 MR. URAVITCH: If I may, I'm not here  
9 representing the MPA Center, nor were these are  
10 choices of what ought to be discussed. The function  
11 of this committee is to advise the two departments in  
12 terms of activities under Section 4 of the Executive  
13 Order and the three specific areas of initial focus  
14 for the committee presented this morning were those  
15 that were agreed upon by both the Department of  
16 Commerce and the Department of the Interior and we, as  
17 staff, were basically providing background information  
18 related to the whole question of terms and definitions  
19 and how you all could help us in the process of  
20 helping clarify that debate which continues to rage  
21 around the country.

22 So that is the first charge to this

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1 committee from the two departments is to help us  
2 address that specific question. The second relates to  
3 the whole process of the national system and the  
4 framework for the design of the national system, the  
5 beginning of which is the work that we're doing on  
6 this national inventory and the terms and definitions  
7 associated with that along with the soon to be  
8 published Joint Federal Register Notice by the two  
9 departments. And again, your ability to help us both  
10 reach out to the stakeholder communities that you  
11 represent as well as gain from your expertise and  
12 knowledge on this and help us in this public process  
13 that we hope to start by the end of the week with the  
14 publication of this notice, which will start to define  
15 what sites go on the Marine Managed Area inventory,  
16 which are going to lead us to a lot of these valuative  
17 functions and other functions that we've been  
18 discussing for the past day and half.

19 And the third charge from the two  
20 departments was Ginger's at the last related to one of  
21 the primary goals of the Executive Order which is how  
22 we make existing MPAs more effective and efficient in

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1 doing what it is they were established for and what  
2 you saw this morning was an initial presentation by  
3 the Director of our Training and Technical Assistance  
4 Institute on what we've heard from the public so far  
5 and what we need your advice on now is where do we go  
6 from there related to that. And we also did raise the  
7 question of, yes, we want to hear about other things  
8 that we ought to address.

9 DR. McLELLAN: This thing that you're  
10 publishing in the Federal Register next week on the  
11 issue of --

12 MR. URAVITCH: The inventory, yes.

13 DR. McLELLAN: Did we get a full  
14 understanding of that, what is being published from  
15 the time today?

16 MR. URAVITCH: That may not have been  
17 clear. It's a specific Federal Register Notice that  
18 the two departments have been working on essentially  
19 for a couple years to try and clarify how sites get  
20 placed on this inventory of Marine Managed Areas.  
21 It's part of a longer term process that was in Dan  
22 Farrow's discussion which leads us to this list of

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1 Marine Protected Areas called for under Section 5 of  
2 the Executive Order so that inventory has a number of  
3 different purposes.

4 One is to help us do a variety of analyses  
5 that need to be done in terms of thinking about where  
6 we go forward as a nation with the whole concept of  
7 marine protected areas. The other relates to a very  
8 focused use pertaining to Section 5 of the Executive  
9 Order, that's a list of protected MPAs and the  
10 requirements for federal agencies to avoid harm to  
11 those sites on that specific list. So there are two  
12 things happening with this Federal Register Notice.

13 DR. McLELLAN: So the notice is in draft  
14 at the present time?

15 MR. URAVITCH: It was just signed on  
16 Friday and it will be going out for public comment, we  
17 hope, this coming Friday.

18 DR. McLELLAN: So it's timely for us to  
19 wait on that or should we be looking at that before --

20 MR. URAVITCH: It will be timely for you  
21 to look at it as soon as it is published because it  
22 will be out for public review for at least 60 days.

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1 DR. McLELLAN: Thank you.

2 MR. URAVITCH: Dr. Garza.

3 DR. GARZA: Thank you. I guess I need to  
4 get back to Wally's motion that we have at least  
5 Robert's Rules of Order for the remainder of today so  
6 we could stick on one particular subject and take some  
7 action, otherwise we're talking -- sometimes we may  
8 think we're agreeing with what someone is saying when,  
9 in fact, we're not and we're changing subjects and  
10 we're going to be here till midnight. So getting back  
11 to the order that was suggested and perhaps the  
12 chairmanship is the first one which we may be able to  
13 deal with. Although it can be quick, the concerns I  
14 have are with the four candidates, we have one who has  
15 not yet been cleared through security and so do we  
16 hold off elections until after she is cleared through  
17 security.

18 The second question that was brought up  
19 earlier was should it be a majority vote? I didn't  
20 hear anybody shaking their heads no, but we did not  
21 decide clearly or publicly yes.

22 MR. URAVITCH: Do I hear a motion?

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1 DR. HIXON: I have a suggestion and that  
2 is we have basically four questions. And we can just  
3 do it by raising our hands and be done with it without  
4 getting bogged down in procedures. Bob has made a  
5 suggestion that we postpone selection of the chair to  
6 the beginning of the next meeting so that we can do it  
7 face to face rather than trying to do it  
8 electronically. That's a question.

9 Another question is, okay, well, but  
10 they're related to each other so maybe let's look to  
11 them first. Another one is the issue of whether we  
12 want to have a vice chair as well as a chair. Another  
13 issue is -- Dolly, would you repeat the two you just  
14 did so I don't misquote you?

15 DR. GARZA: Do we need a majority vote for  
16 one person and then the final one, which does -- which  
17 gets eliminated if we do wait for the next one, is the  
18 fact that we have one candidate who's not currently  
19 seated.

20 MR. RADONSKI: You said that the procedure  
21 for voting is in the charter. Didn't you tell me that  
22 this morning for the chairman, that it had to be a

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1 majority?

2 MS. ERNST: That's written into your  
3 charter, a majority vote of the full committee.

4 MR. RADONSKI: Then we don't need to vote  
5 on that.

6 DR. GARZA: Okay, so I would move that we  
7 postpone the election of chair till the next meeting.

8 DR. HIXON: Second.

9 MR. URAVITCH: Discussion?

10 MR. ZALES: Move to call.

11 MR. URAVITCH: Okay, the question has been  
12 called. All in favor?

13 DR. HIXON: Call the question.

14 MR. URAVITCH: Call the question.

15 MR. PEAU: What do we do when we come to  
16 the next meeting and that one person that is unseated  
17 is not clear? Do we postpone another vote or proceed  
18 with the voting?

19 MR. URAVITCH: I think we should proceed.

20 MR. PEAU: I just want to be clear on  
21 that.

22 MR. RAY: Before we go on, there's just

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1 one caveat. I would recommend that prior to the next  
2 meeting that two things, people be allowed to send in  
3 any additional nomination recommendations in and  
4 secondly that I think what you should do is send back  
5 out a package to us of all the nominees and any other  
6 supporting information that a candidate might want to  
7 provide the whole committee in consideration of them  
8 being chosen.

9 And then just one other point, is you can  
10 simplify the process and the voting process if you let  
11 the vice chair be the person that comes in second  
12 place and you don't have a separate slate of  
13 candidates. That's a simple way to pick a vice chair.  
14 It's a thought, it's a suggestion.

15 MS. ERNST: Yeah, that's how we would go  
16 and change your charter and we would add that  
17 language. We would, of course, run it by all of you  
18 just to confirm that.

19 MR. URAVITCH: Yes.

20 MS. WILLIAMS: The problem that I have  
21 with the suggestion of whoever isn't chosen chair  
22 would be vice chair, someone may be willing to serve

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1 as vice chair and not necessarily want to serve as  
2 chair, especially when once you looked at what your  
3 duties are as chair person, you may be willing to  
4 temporarily serve such as which is what the vice  
5 chairman would do. So I don't think that we can just  
6 go with whoever comes in second is going to be vice  
7 chair. I would be in opposition to that.

8 MR. URAVITCH: Dr. Garza?

9 DR. GARZA: The motion on the table is to  
10 postpone the election till next meeting, if we could  
11 get passed that first step.

12 MR. URAVITCH: Right, we could settle that  
13 and then we could discuss later the amendments to the  
14 charter which we would build this into, whatever the  
15 decision of the committee is.

16 DR. FUJITA: Clarification; does the  
17 motion include the possibility at the next meeting as  
18 a conference call or does it have to be a face to  
19 face?

20 MR. ZALES: Face to face.

21 MR. URAVITCH: All right, any objection?  
22 Are we ready for a vote on this? Okay, all in favor

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1 of basically deferring the election with the  
2 appropriate caveats we've heard related to sending out  
3 information, please raise their hands.

4 (Hands raised)

5 MR. URAVITCH: All opposed? Seeing none,  
6 the motion is carried and the election is deferred to  
7 the next meeting?

8 (Applause)

9 MR. URAVITCH: First decision. Dr. Garza.

10 DR. GARZA: Okay, I'm on a roll here. I  
11 know Roberts Rules of Order inside and out. I would  
12 move that we request that the charter be amended to  
13 allow for a vice chair and that that position be voted  
14 on at the next meeting.

15 MR. ZALES: I second.

16 MR. URAVITCH: Discussion?

17 MR. RADONSKI: And this would go back to  
18 the previous motion which I can't do anything about  
19 but just a word, when people are submitting their  
20 qualifications for chair, I would like them to include  
21 some of their experience in running a meeting.

22 MS. ERNST: Did I hear you also say that

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1 you'd like a nomination process for the vice chair as  
2 well? Is that a consensus?

3 DR. BROMLEY: Bob was good enough -- is it  
4 all right if I call you Bob, Bob? Bob was good enough  
5 before we started to distribute his interest and bona  
6 fides and so on but I would -- is it clear that now at  
7 this stage, these things would come to Maggie and then  
8 she would distribute them to everybody? Is that  
9 right, and maybe as a package so that we wouldn't get  
10 them one at a time? Is that understood is the way we  
11 would proceed? Whatever material the interested  
12 parties which to submit, the submit it to Maggie or is  
13 it Margaret? Maggie?

14 MS. ERNST: It's actually Marjorie.

15 DR. BROMLEY: Marjorie, sorry. Ms. Ernst  
16 and that you would then distribute that, is that  
17 right? Is that okay?

18 MS. ERNST: Yeah, the electronic approach  
19 goes to all of you at once as well.

20 MR. URAVITCH: Okay, let me read the list  
21 of what I've heard in terms of the charter so far over  
22 the past day and a half. There was the issue of the

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1 vice chair. I've heard a question related to the  
2 section in the charter on working groups which says  
3 that they all have to be co-chaired by a scientist and  
4 some people have raised some objections to that, that  
5 maybe that doesn't have to be the case for all working  
6 groups but that's what the charter presently says.

7 There was a question about operations  
8 cost. Right now that is capped at \$250,000.00 for the  
9 operation of the committee. There was the question  
10 raised yesterday about the need for a quorum and how  
11 one would define that. And we had some discussion  
12 about the issued related to quorums and how that might  
13 pose some difficulties for meetings depending on how  
14 many people show up. There was the technical  
15 correction for the Coast Guard which has been  
16 reorganized out of the Department of Transportation  
17 and into the Department of Homeland Security.

18 And there was the question related to the  
19 elections of the chair and I would assume vice chair  
20 needing a clear majority to be the chair or some  
21 variation on that theme as we've heard in terms of the  
22 vice chair being the runner up. And those are the

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1 issues I've heard so far as possible charter changes.

2

3 DR. BROMLEY: I would like to offer a  
4 motion that in paragraph 3 of our objectives and  
5 duties, the word, the third word, I'm sounding like a  
6 lawyer now, the third word in paragraph 3 that says  
7 "shall", that this word be changed to "may", so that  
8 "We may establish scientific working committees", not  
9 that we shall. And if we do that, then much of our  
10 concern, I think goes away because if you read  
11 paragraph 2, it says "We may, with the concurrence of  
12 the secretaries establish subcommittees as we may  
13 need", and then the whole issue of who chairs and is  
14 it a scientist or not a scientist, I think we've  
15 finessed that and I would imagine that it might be  
16 easy to get the word "shall" changed to "may" and then  
17 I think we're home free.

18 Sorry, that's a long awkward motion but  
19 just change a word and I think we're out of difficulty  
20 for the most part.

21 DR. HIXON: I have a sense we're getting  
22 off track. The talk just now -- Dolly was talking

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1 about changing the charter just as it had to do with  
2 getting the vice chair elected. That was what was on  
3 the table. So rather than trying to address every  
4 single change in the charter that we've been bringing  
5 up the last two days, I'd like to suggest that we just  
6 get done with that one issue, are we -- the motion of  
7 changing the charter to add a vice chair. We did? I  
8 thought we only voted once. Had we voted once and  
9 that was just to select a chair at the next meeting.

10 MR. URAVITCH: Yes, correct.

11 DR. HIXON: We never got through the  
12 second vote, so I'd like to get that done first, if we  
13 could.

14 MR. URAVITCH: Let me just point out,  
15 though, it is not that simple a process to change the  
16 charter and we would prefer to do this once because it  
17 requires a major process going through the Department  
18 of Commerce and legal counsel.

19 MR. RADONSKI: Yesterday, I heard that  
20 some people are appointed to a two-year term and some  
21 to a one-year term. Is that correct or not? I heard  
22 that.

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1 MR. URAVITCH: No, sir, everyone is on a  
2 two-year term.

3 MR. RADONSKI: Thank you.

4 MS. ERNST: There are criteria for what  
5 constitutes a major amendment versus a minor  
6 amendment, so we would have to -- based on what you  
7 would want to see changed, we would have to bundle  
8 them into major or minor amendments and go forward  
9 separately with changes to the charter.

10 DR. PEREYRA: I call a motion on the vice  
11 chair.

12 MS. ERNST: Dan Suman had a question.

13 DR. SUMAN: I'd like to make a suggestion,  
14 in Section Number 3, that we perhaps change the word  
15 "scientific" to -- or eliminate "scientific" in that  
16 first line and then down again toward the end.  
17 "Scientific working group", just eliminate  
18 "scientific" or just add "scientific and social,  
19 socio-economic" as well, in both.

20 MR. PEAU: Just a point of --

21 DR. SUMAN: Just eliminate "scientific"  
22 and just say "working groups".

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1           MR. PEAU: Just a point of clarification,  
2 I think there's a suggestion on the table to limit our  
3 discussion on charter just on the vice chair. If  
4 that's not the consensus of the group, then I suggest  
5 that we defer this discussion until next meeting.

6           MR. URAVITCH: Yes.

7           MS. WILLIAMS: The question has been  
8 called. That means that you can't have any more  
9 discussions under the Roberts Rules of Order. Then  
10 you have to call and ask for a vote on whether or not  
11 you can call the question. I thought the question was  
12 called. I didn't hear someone say that?

13          MR. URAVITCH: It was not clear.

14          PARTICIPANT: On the previous motion.

15          MS. WILLIAMS: Which is on the vice chair,  
16 but we're discussing something else. Right, we were  
17 discussing the vice chair.

18          DR. GARZA: Let's -- if you strictly  
19 follow Robert's Rules of Order, when you call for the  
20 question, you're calling whether or not there are any  
21 further questions on the subject at hand and then you  
22 vote. So when she called for the question, there was

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1 a further question, and so we called for the question  
2 again and nobody brings anything else up and then we  
3 vote. So I call for the question.

4 MR. URAVITCH: Okay. The question relates  
5 to the selection of a vice chair and the process for  
6 so doing.

7 PARTICIPANT: Put it in the charter.

8 MR. URAVITCH: Well, but to put it in the  
9 charter that there will be a vice chair.

10 DR. GARZA: Correct. So the motion was to  
11 create the vice chair position by amending the charter  
12 and having the vote for the vice chair at the next  
13 meeting as a separate vote from the chair position.  
14 That was it.

15 DR. BROMLEY: I second the motion.

16 MR. URAVITCH: All right, discussion?  
17 Lelei?

18 MR. PEAU: I don't want to be out of order  
19 but I was going to introduce a second motion.

20 MR. URAVITCH: We still have --

21 MR. PEAU: Yeah, but can I say point of  
22 clarification? There was some discussion on whether

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1 we want to do a complete review of the charter, minor  
2 change versus a package of a complete review of the  
3 charter. There wasn't any -- I guess what I'm seeking  
4 for is a clarification, what are we doing here, are we  
5 looking at a short-term fix or are we looking at a  
6 long-term?

7 MR. URAVITCH: Kay?

8 MS. WILLIAMS: I was going to make a  
9 substitute motion. The substitute motion would say  
10 that the vice chair shall be selected from the  
11 membership by a majority vote of the full committee.  
12 The vice chair would serve a two-year term.

13 MR. URAVITCH: All right, a substitute  
14 motion has been offered. Do I hear a second? No  
15 second.

16 DR. BROMLEY: I'll second it.

17 MR. URAVITCH: We have a second.

18 MS. WILLIAMS: This is adding  
19 clarification.

20 MR. URAVITCH: Ms. Williams.

21 MS. WILLIAMS: The clarification is  
22 exactly what we were talking about earlier when

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1 Marjorie brought it up and I heard no opposition. So  
2 I thought by there not being any opposition, that we  
3 had agreed to do just that. Since it was brought up  
4 that the reason we will have a separate election for  
5 the vice chair is so that the runner-up doesn't  
6 necessarily get vice chair, because that individual,  
7 while they may be willing to serve as chair, would not  
8 want to be vice chair, or vice-versa. That's the  
9 reason I made the motion for us to elect the vice  
10 chair just as we would the chair.

11 MR. URAVITCH: Yes?

12 DR. GARZA: That was the intent of my  
13 motion, and the only thing different is that it  
14 requires that the charter be changed, otherwise we're  
15 not supposed to do it. But I did say, "by separate  
16 election," so it wasn't the runner-up gets it.

17 So I was trying to incorporate yours into  
18 it and I was trying to bring it to a motion because,  
19 as I said earlier, we're talking about things and  
20 we're assuming, if no one disagrees with me, then  
21 everybody must agree with me, which isn't true.  
22 Although I think it should be true sometimes.

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1 (Laughter.)

2 MR. URAVITCH: Dr. Agardy?

3 DR. AGARDY: I think that there is some  
4 confusion or derailment of the process because there  
5 are actually two issues. One is whether we agree with  
6 the idea of having a separate vote for a vice-chair,  
7 and secondly, whether we agree to amend the charter.  
8 I guess my question -- I don't want to complicate  
9 matters " is, do we really need to amend the charter in  
10 order to have a vice-chair, or can we just agree to  
11 have a vice-chair and not amend the charter?

12 MR. URAVITCH: You must indeed amend the  
13 charter, because you are not allowed to have a vice-  
14 chair if the charter does not call for one.

15 DR. AGARDY: So can I suggest we have two  
16 separate motions, one motion regarding the election of  
17 a vice chair, and the second motion be that we  
18 recommend the charter be amended to reflect that  
19 procedure?

20 MR. URAVITCH: Dr. Garza?

21 DR. GARZA: Yes, I think if we follow Kay's  
22 substitute motion that that would be the first motion,

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1 and the second would be to amend the charter to allow  
2 for that. We may, at that time, consider other  
3 charter options.

4 MR. URAVITCH: Let me introduce Jim Kendall  
5 from the Department of the Interior, who is  
6 substituting for Pete DeWitt. Jim?

7 MR. KENDALL: Maybe I can help a little  
8 bit. I am the Executive Secretary to the MMS  
9 Scientific Committee, which is very similar to this.  
10 Jim Ray has been on the Scientific Committee, and  
11 Steve Murray. Our chair and vice chair are elected  
12 separately. The reason we do that is because they  
13 sometimes are different disciplines. One could be a  
14 biologist, and one could be a social scientist.

15 Typically, the vice-chair, after working  
16 with the chair, if it works out, could be elected as  
17 the chair the next time elections come up. Then you  
18 have a different discipline as the chair, and then  
19 there's an election for the vice-chair, which is a  
20 different discipline. So you have a balance there.  
21 The chair and the vice-chair are different  
22 disciplines, working together.

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1                   It works for us, and that's just an  
2 example, if that helps at all. Jim, Steve, you all  
3 have had experience with MMS' Scientific Committee.

4                   MR. URAVITCH: Bob, you have a question?

5                   MR. ZALES: A couple of points. That's one  
6 scenario I would suggest, though, that after two years  
7 is up then whatever happens with " because obviously,  
8 maybe they want to go and limit terms, or whatever "  
9 but the Committee, I think, would be free to choose  
10 the vice chair as chair, if they wanted, or not.

11                   My main point is to the issue of the  
12 charter. To try to save time here, so you don;t have  
13 constant votes on well, if you pass this for vice  
14 chair, then let's put it in the charter. If we do  
15 something else for wording in the charter, then you  
16 pass it to put in the charter. Let's kind of go along  
17 with the " deal with it for chair, we go along for the  
18 vice-chair, whatever we come to as consensus that will  
19 affect the change of the charter, do them all.

20                   Then, in one consensus vote say, okay, all  
21 these go into changing the charter. Then that's the  
22 way the charter gets amended.

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1 DR. GARZA: I would call for question on  
2 the substitute motion, which requires that we vote on  
3 a vice-chair at the next meeting.

4 MR. URAVITCH: All in favor, please raise  
5 your hands.

6 MR. URAVITCH: Opposed? One in  
7 opposition.

8 DR. PEREYRA: I'll state my reasons for  
9 being in opposition, because it speaks to the full  
10 committee and I'm concerned on two points. The first  
11 point is we may not have a full committee, which is 30  
12 individuals. There may be one that might be not  
13 there. And secondly, the full committee, the way this  
14 reads now, we'd have to have votes from those that  
15 were not present, so I think that it has to be  
16 modified slightly which is what I was going to do as a  
17 friendly amendment, that it be modified slightly to be  
18 -- include only those committee members that are  
19 approved and present at the meeting so we can get away  
20 from this problem of all of a sudden having do so some  
21 sort of an electronic selection process. The way the  
22 charter reads now, it's the full committee which is

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1 the way I read that it would mean, it would be the  
2 full 30 members.

3 MR. URAVITCH: Dr. Garza?

4 DR. GARZA: I think if we let this motion  
5 go we could make a separate motion that would refer to  
6 both --

7 DR. PEREYRA: That's fine. I change my  
8 vote.

9 MR. URAVITCH: All right, the second  
10 motion I heard was that the proposal that the charter  
11 be amended to take that into consideration. Shall we  
12 add Dr. Pereyra's proposal as well?

13 DR. PEREYRA: It's Wally.

14 MR. URAVITCH: Wally. Okay, the motion on  
15 the floor pertains to amending the charter or  
16 recommend amending of the charter to incorporate the  
17 selection of a vice president as well was a friendly  
18 amendment pertaining to the approval of those -- a  
19 majority vote and approval by those present  
20 substituting for the full committee so that we don't  
21 need 30 members present in order to vote.

22 DR. GARZA: We voted on the vice chair.

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1 DR. PEREYRA: Right.

2 DR. GARZA: So then you would make the  
3 motion now that we amend the charter to a majority of  
4 those present at a public meeting.

5 DR. PEREYRA: Yes, both the committee  
6 members that are present and standing which mean would  
7 have to be approved.

8 DR. GARZA: If that's the motion, I'll  
9 second it.

10 DR. PEREYRA: Thank you.

11 MR. URAVITCH: Discussion?

12 MR. RAY: Just as a side point, I think  
13 it's very important we keep track of all of the  
14 recommendations for changes to the charter so that we  
15 can -- once we all end all these various discussions,  
16 we can consolidate those and take a nice clear look at  
17 what we're recommending be done so, as Joe said, we  
18 only do it once.

19 MR. URAVITCH: Staff will definitely do  
20 that. We'll have that ready for you. We also have to  
21 run these by the two departments as well, because they  
22 have to give their approval to any charter amendments.

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1 DR. MURRAY: I think we need to appreciate  
2 that we need to move along here and get this done,  
3 because it's been pointed out that getting the charter  
4 amended is not necessarily an easy quick process and  
5 therefore, if we have other changes to make, we'd  
6 better get those made. Also it seems to me that we  
7 need to be thinking first and foremost about changing  
8 the charter so components to our decision making that  
9 go like, we're going to elect a vice chair at the next  
10 meeting are really not necessarily what we need to do  
11 to the charter. The charter says, we want a vice  
12 chair, period. Then we agree by consensus or we're  
13 going to elect it at the next meeting. We're going to  
14 elect it by a process. But we'd better get on this  
15 and get it really boiled down to what this charter is  
16 going to look like and make these decisions because I  
17 have the feeling that we're really engaged in a series  
18 of entangled communications and we really are all  
19 headed in the same direction.

20 DR. BROMLEY: Yeah, I would like to second  
21 what Steve said, not second in Robert's Rules of Order  
22 but reinforce it and I come back to my mistimed and

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1 misplaced motion about the language of paragraphs 2  
2 and 3 and would like to try again to see if we can't -  
3 - since we're doing this, see if we can't change the  
4 word "shall" to "may", so that we may appoint  
5 scientific working groups and we may create  
6 subcommittees and is this important for us to do  
7 because now we are directed, "we shall create a  
8 scientific working group", and I wonder if we want to  
9 be constrained that way or do we wish to have it be  
10 that "we may appoint a scientific working group". So  
11 it may seem trivial but I do think it's important. So  
12 I offer my motion again.

13 MR. URAVITCH: Mr. O'Halloran?

14 MR. O'HALLORAN: I like your suggestion  
15 about the change of word. I think that that does a  
16 lot for this. There was an earlier suggestion about  
17 removing the word "scientific" from "working groups",  
18 and it seems that if that were to take place, it would  
19 give us the flexibility to create scientific working  
20 groups and other working groups that might not be  
21 science based and I think we might need some of those  
22 in this process. So I would like to -- I'd like to

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1 add, if I may --

2 DR. BROMLEY: Kind of a friendly  
3 amendment.

4 MR. O'HALLORAN: Dan, may I call you Dan?

5 DR. BROMLEY: I think so.

6 MR. O'HALLORAN: Okay.

7 DR. BROMLEY: My friends do. They call me  
8 other things, but that's a good start.

9 MR. O'HALLORAN: We'll start there, that  
10 we remove the word -- change the word "shall" to  
11 "may", and remove "scientific" from that paragraph.

12 DR. CRUICKSHANK: With regard to that,  
13 there's another issue. "The working group shall be  
14 co-chaired by a scientist from the MPA". So -- but in  
15 other words, it shall be co-chaired. There is nothing  
16 here that says it has to be chaired by a scientist, is  
17 there?

18 MR. ZALES: I'm just going to suggest that  
19 starting on paragraph 3 where we're talking about  
20 changing "shall" to "may", and then where it's got  
21 "scientific" leave that but "or other working" which  
22 allows you to do either/or. You get down in there to

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1 where it's got "any working group created shall", you  
2 change that to "may be co-chaired". I mean, we may  
3 decide that may be what we want to do and then, again,  
4 we may not. And then you get into number four and  
5 this committee "may deliberate on materials". It's  
6 not that we have to but we can if we want to or not if  
7 we want to.

8 And then you get further into some more on  
9 the -- under the members and chairperson, under number  
10 three, where "The chairperson of the committee shall  
11 be selected from the membership by a majority vote of  
12 the committee members present". And that's kind of  
13 the editorializing of the charter that I've worked  
14 through.

15 MR. URAVITCH: Yeah, there is one  
16 technical problem with that. The advisory group,  
17 under Section 4 is required to do that deliberation  
18 because the working groups have no legal standing  
19 other than as agents of this protected -- or the  
20 Marine Protected Area Federal Advisory Committee and  
21 it's this committee that's responsible for providing  
22 advice. So under Section 4, you can't take the "will"

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1 and make it a "may".

2 MR. ZALES: Okay, that's fine.

3 MR. URAVITCH: Please.

4 DR. BROMLEY: In the spirit of what Bob  
5 said, if he's going to have scientific -- how did you  
6 put it, Bob, or other? Yeah, well, then that same  
7 problem appears in paragraph four, right the first  
8 line, "Materials submitted by scientific or other  
9 working groups".

10 MR. ZALES: Add "or other" to it,  
11 "scientific or other".

12 MR. URAVITCH: Yes.

13 MR. ZALES: This would give editorial  
14 license for the staff to go through and wording like  
15 that, if the committee is happy with them, give them  
16 editorial license to go through and where they see  
17 those kind of problems, fix them.

18 MR. URAVITCH: All right, thank you. Dr.  
19 -- yes, John.

20 DR. OGDEN: We've got to hurry this  
21 process along. As I understand it, Joe, this is not  
22 our document. We have no business word smithing this

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1 document.

2 MR. URAVITCH: This is our -- this is the  
3 department's charter.

4 DR. OGDEN: Well, it's not written by us.  
5 It's written by the departments for us.

6 MR. URAVITCH: That's correct.

7 DR. OGDEN: So can we go back to your  
8 summary and say are there other general changes and  
9 then simply say, we're going to have a read-through, a  
10 chance to read through this as a group and just sort  
11 of say that and other changes that who knows what  
12 other changes?

13 MR. URAVITCH: Yes, this, like the charge,  
14 is the department's charter on how this group will  
15 operate.

16 DR. OGDEN: So we have no business adding  
17 commas and things.

18 MR. URAVITCH: But we've obviously seen  
19 some functional problems with this which we want to  
20 correct.

21 DR. OGDEN: Absolutely, and that was a  
22 simple list and it seems to me that we can just send

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1 you off with that list and anything else of major  
2 concern.

3 MR. URAVITCH: Yes, that would be fine and  
4 we will put a draft together which will be run by you  
5 all as well as by the departments for their review and  
6 approval. And that will relate to how this advisory  
7 committee will function. Okay, I see a couple of  
8 other things on the agenda that we really do need to  
9 get to. Time is starting to run out on us and I think  
10 the next thing is when this committee will meet again.

11 I think we need to look at some alternative dates for  
12 the committee and the original proposal that we had  
13 put forward was some time in the November/December  
14 time frame. Others have said there's some problems  
15 with November but I think we need to see when there is  
16 a window available for the membership. So I would  
17 suggest that we look in the October/November time  
18 frame.

19 MR. ZALES: If I could, November has been  
20 mentioned several times by several people that it's a  
21 real difficult time. There are several meetings going  
22 on. You've got the constituent thing here from the

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1 Fishery Service that's going to be going on here, plus  
2 there's several council meetings in different areas.  
3 So November may be a very difficult time to do.  
4 October, maybe September/October, something along that  
5 line may be better. October kind of seems like a  
6 decent month at the moment. That depends on other  
7 people.

8 MR. URAVITCH: Yes.

9 MS. ERNST: You probably have some  
10 different opinions on that.

11 DR. GARZA: Yeah, looking at months  
12 October in Alaska is like one of the worse months to  
13 meet. If it were October, October 6th is clear unless  
14 the council's meeting then. Going into November, I  
15 don't know if we should just like take a break and,  
16 you know, write up all the months and weeks and  
17 everybody can scratch out what doesn't work for them  
18 and see what's left, if anything is left or if  
19 everybody just wants to say what month is -- or what  
20 week is best for them.

21 MR. URAVITCH: Would it make sense for us  
22 to have you all send us your available dates in the

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1       October/November     time     frame     and     send     those  
2       electronically to Maggie Ernst and we will pull this  
3       information together, do an analysis and see who's  
4       available when and see if we can come up with a list  
5       of dates where the vast majority of you are available?

6                   DR. HIXON:     Can you give us a range of  
7       months?

8                   MR. URAVITCH:    We were suggesting October  
9       and November of 2003.    Joe.

10                  DR. PEREYRA:    Could September be put in  
11       there also, because November and October, we may find  
12       some real jam-ups here?

13                  MR. URAVITCH:    All right, we'll put  
14       September in the mix, too, so September, October and  
15       November.    Send us your available dates.    We will do  
16       an analysis, provide that information and hopefully  
17       come up with some options for the majority of the  
18       members of the committee.

19                  MR. RADONSKI:    Since you so ably solved  
20       that problem, place is next and I recommend that we go  
21       to Santa Cruz at the lab and have the next meeting  
22       there.

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1 DR. HIXON: Second.

2 MR. URAVITCH: Discussion? Kay?

3 MS. WILLIAMS: I'd like to make a  
4 substitute motion that we do a cost analysis before we  
5 choose our next place, since funding is limited.

6 MR. URAVITCH: Do we hear a second on the  
7 substitute amendment?

8 DR. HIXON: I second that.

9 MR. URAVITCH: We hear a second. Any  
10 discussion? All in favor of the MPA staff looking  
11 into the cost of holding meetings in a variety of  
12 locations. Lelei?

13 MR. PEAU: I was hoping that we do it on a  
14 rotation basis. I know cost is important attributes  
15 to our decisions, but also we have to consider, it  
16 might be cheaper for some, but it also may be  
17 expensive for a minority but considering other  
18 attributes to travel arrangement, it could be very  
19 costly, so I'd like to suggest maybe on a rotation  
20 basis. I know that the -- doing it out in the Islands  
21 might double, triple our budget, but I'm more willing  
22 to do it East Coast/West Coast as an alternative.

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1 Thank you.

2 MR. URAVITCH: Bob?

3 MR. ZALES: And the cost analysis, I just  
4 would suggest -- and I'm just making an assumption  
5 here, it may be wrong, that the Santa Cruz thing was  
6 done because of the convenience of the MPA lab there  
7 and whatnot. So maybe in whatever meeting location  
8 that it be in conjunction with some area that's heavy  
9 in sanctuaries or some kind of marine area that we're  
10 dealing with, just kind of for maybe part of the thing  
11 to be done as an educational, informational thing for  
12 us to tour whatever facility is there maybe.

13 MR. URAVITCH: Okay.

14 DR. BROMLEY: In that regard, I have  
15 spoken earlier about what I think is the importance of  
16 having people from the agencies who have been involved  
17 in identifying MPA areas, that whole process, come  
18 before us and as I put it, sort of explain what  
19 they've been doing and why they've been doing it. So  
20 if that's an important issue to address early on,  
21 then as unpopular as this may be, maybe our next  
22 meeting ought to be here as well, so that the agency

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1 people would be able to come to us and in a sense,  
2 tell us what they've been doing. So I think if we're  
3 going to throw those considerations in, I would like  
4 to get that on the table as well.

5 MR. URAVITCH: May I make a suggestion  
6 which is that this group very quickly decide on maybe  
7 a list of places they think might be appropriate for  
8 the next meeting. We will cost that out, see what's  
9 available in terms of our budget to pay for that in  
10 this current fiscal year or in the start of the next  
11 fiscal year because this may well slip into our next  
12 budget year and we will get back to you with that  
13 information in terms of what it is that we can afford  
14 based on locations and dates at this point. Mel?

15 MR. MOON: Well, I would be in support of  
16 the rotation discussion. I think it's important that  
17 we have interactions with the places where these types  
18 of activities are taking place. And often we get  
19 pulled away into sort of an administrative empire and  
20 that's where we end up and we never get to see what it  
21 is we're talking about. So I think it's important  
22 that we do rotation and we try to -- as we become

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1 familiar with each other, we may want to visit each  
2 other's places and build our relationships around this  
3 table.

4 MR. URAVITCH: Wally?

5 DR. PEREYRA: Yes, thank you, Joe. I also  
6 think the rotational idea is good for the reasons that  
7 have been stated, but also I think we're forgetting  
8 that we also have a public and that public has an  
9 interest in our deliberations and by moving our  
10 meeting around, we provide an opportunity for  
11 interested public organizations and so forth that  
12 maybe can't travel to Washington, DC or whatever, to  
13 give us their thoughts and suggestions and so forth as  
14 we develop our responses. So I think that that's  
15 another strong reason for us doing that.

16 MR. URAVITCH: Yes, Kay.

17 MS. WILLIAMS: I would support doing the  
18 rotation but I would still like to see a cost analysis  
19 because anyone that is a travel coordinator, you can't  
20 just always get a meeting place large enough. So for  
21 me to sit here and tell you well, I want to hold one  
22 in Texas or I want to hold one in Virginia, I can't

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1 tell you that because I'm not the person that's got to  
2 go out and find a meeting location that will be set up  
3 large enough for all of the members, getting the  
4 hotels, providing the transportation to and from, how  
5 easy it is to get in there and also a large enough  
6 place to accommodate the public. So there's a lot of  
7 things that has to go into the planning.

8 MR. URAVITCH: May I recommend that we try  
9 and cost out what it would take to go to a site on the  
10 Pacific Coast, the Gulf of Mexico, the South Atlantic,  
11 the New England Northeast Area and the Great Lakes?  
12 We'll cost that out and that can be a basis for  
13 budgetary discussions in the next meeting and for your  
14 sort of long-term planning and then the Pacific  
15 Islands, of course.

16 MR. PEAU: What about Hawaii?

17 MR. URAVITCH: All right, well, and we can  
18 cost out the Caribbean as well. We will cost out the  
19 various regions of the country and what it will take  
20 in order to go there so that we have some basis for  
21 making a rational decision in the next meeting about  
22 where we're going and how we budget in the future for

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1 operations, because we are functioning under a ceiling  
2 in the charter in terms of the budget, so that's  
3 something we need to take into consideration. Dr.  
4 Garza?

5 DR. GARZA: I appreciate the need for a  
6 budgets, but like the hand is waving over there, does  
7 that mean you'll never meet in Alaska, which I would  
8 hate to see, so I would hope that as a starting point,  
9 we would agree to meet on the West Coast next meeting  
10 so those of us who came all the way over here can not  
11 travel so far next time and at that meeting we can  
12 look at some of the costs and say, "Okay, where should  
13 we go next and what does that mean", not intentionally  
14 leaving the most expensive places out but  
15 understanding that that may reduce money for other  
16 activities?

17 MR. URAVITCH: Yes, Tundi.

18 DR. AGARDY: Joe, you mentioned that the  
19 next meeting might cut into the next year's budget.  
20 Do you have a carryover for the -- in other words, do  
21 you have \$250,000.00 to support this annually? We've  
22 only had one meeting. I presume there's money left

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1 over. If we get into the next fiscal year, do you  
2 carry over the remainder?

3 MR. URAVITCH: No, we do not.

4 DR. GARZA: You lose it

5 MR. URAVITCH: Right. So that money right  
6 now is going to other projects at this point because  
7 we're heading towards the end of our fiscal year. We  
8 would have had to scrounge to do something in  
9 September.

10 DR. PEREYRA: Is the \$250,000.00  
11 established by statute or is that a number which was  
12 developed internally?

13 MR. URAVITCH: It was a number developed  
14 internally when the charter was first put together  
15 about two and a half years ago.

16 DR. PEREYRA: If in fact -- I hear a  
17 number of \$4 million a total budget for the MPA  
18 Center.

19 MR. URAVITCH: That is correct. This  
20 year's appropriations for --

21 DR. PEREYRA: Then our portion of that  
22 budget is something like six and a quarter percent or

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1 something like that and it would seem to me that if  
2 we're, you know, 10 or \$15,000.00 beyond the 250, that  
3 there might be the possibility of some reprogramming  
4 or at least looking into that possibility to enable us  
5 to have the meeting on the West Coast which I think is  
6 an important point.

7 MS. ERNST: I have a question for Joe. Is  
8 it possible that we could ask for a special exemption  
9 to carry over money that's devoted to the committee?

10 MR. URAVITCH: I'll see what I can do.  
11 Yes.

12 MR. ZALES: And then this is just -- when  
13 Santa Cruz was mentioned and I mean, because I know  
14 logistics for the number of people and whatnot,  
15 meeting facilities and whatnot, and I'm not familiar  
16 with that lab but does that lab, does it have  
17 facilities to hold a meeting similar to this for this  
18 amount of people and that type thing and have all the  
19 audio/video, all the technical stuff that we would  
20 need so that basically what you'd be looking for out  
21 there at this point in my mind would be hotels.  
22 Because I'm assuming Santa Cruz, you fly into San

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1 Diego, I guess. I don't know, I'm not that familiar.

2 No?

3 PARTICIPANT: San Francisco.

4 MR. ZALES: Oh, San Francisco, okay, all  
5 right. So basically you're looking at just hotel and  
6 travel if the lab could accommodate us.

7 MR. URAVITCH: Charlie, you look like you  
8 wish to make a statement.

9 DR. WAHLE: First of all, the lab, when  
10 you turn the lights on, they stay on, until there's an  
11 energy crisis or something, but there is a room that  
12 is big enough for this group and probably 20  
13 observers, but if you're anticipating a large public  
14 contingent you may have to work in a hotel. You'd  
15 want to think about that. And logistically, you'd fly  
16 into San Jose or Monterey and they're both roughly  
17 equal distance from the Santa Cruz Lab.

18 MR. URAVITCH: Jim?

19 MR. RAY: Just a minor consideration when  
20 we're planning meeting places and travel. The meeting  
21 should be within a reasonable driving distance of the  
22 major airport so that people don't have to take

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1 secondary flights. Secondary flights are very  
2 expensive and it also adds to the travel time, so the  
3 next thing you know, you add another day of travel to  
4 people's time. So we have to keep in mind, you know,  
5 for cost sake, you know, where the non-stop flights  
6 come in and again, taking in, you know, long distance  
7 flights and whatnot. So that's just a consideration  
8 but it's an important one.

9 MR. URAVITCH: Let's see, Terry and --

10 MR. O'HALLORAN: This is just a question  
11 about the possibility of stretching our budget. I do  
12 know that if -- should we consider meeting in Hawaii,  
13 that there would be a good possibility that we could  
14 get a donation of hotel rooms from Hawaii Hotel  
15 Association. We might be able to get other support  
16 from other organizations in the state who support the  
17 effort, and so my question is, is as a federal  
18 advisory committee, can we accept those kinds of in  
19 kind support?

20 MR. URAVITCH: We'd have to look into  
21 that. There are federal gift forms that have to be  
22 filled out. There might be a way to do it. We can

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1 inquire and see what the mechanisms might be and see  
2 if that's indeed possible.

3 MR. O'HALLORAN: Because I would think  
4 that that could stretch our budget considerably. I  
5 mean, I'm sure we all have connections in our areas  
6 that it's -- I mean, if this was a business, we would  
7 be leveraging our marketing that way and it would be -  
8 - so anyway, if you could answer that question, I  
9 think we might be able to have more face-to-face  
10 meetings.

11 MR. URAVITCH: We'll check with  
12 departmental counsel and see what the rules are on  
13 that. I have a feeling it might not be possible, but  
14 we'll check.

15 MR. O'HALLORAN: Okay.

16 MS. WILLIAMS: When he was talking about  
17 Hawaii, I was there at a national forum and it was in  
18 November and I think our rooms were like \$112.00, very  
19 reasonable government rates. So you might not need  
20 donations because of the government rate.

21 MR. URAVITCH: Well, we will cost out all  
22 the island and the northern destinations and we `ll

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1 report back to you at the next meeting. Yeah, Mark.

2 DR. HIXON: I have a sense that we have  
3 very important issues to deal with in our remaining  
4 time and that we're starting to micro-manage and I'd  
5 like to defer a lot of these decisions to staff for --  
6 to then feed back to us, something like that and get  
7 on with the more difficult decisions.

8 DR. GARZA: I agree with that, but just in  
9 wrapping up the things on travel on these weeks of  
10 availability, if we could within a certain time say,  
11 "Okay, this is likely the week and this is likely the  
12 second week", because I have a list of six weeks, but  
13 they're going to fall out. So if you guys take two  
14 months to decide, half of those dates are going go be  
15 gone anyway. And so perhaps we should say we have to  
16 have it to Marjorie by a certain date and she'll  
17 figure it out and say, "Okay, these look like the  
18 options".

19 MS. ERNST: Let's say within one to two  
20 weeks from today's meeting, I get feedback from all of  
21 you on your first and second choices and then we'll  
22 start to narrow that down. Pick a date where --

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1 MR. NUSSMAN: One more question. How many  
2 days are we looking at, two days?

3 MS. ERNST: That's another subject for  
4 discussion.

5 MR. NUSSMAN: Let's not discuss it, just  
6 you tell us.

7 MS. ERNST: Not that I'm recommending that  
8 you discuss it now. This was -- this two-day meeting  
9 was considered to be short and to the point. We would  
10 envision that future meetings might be longer than two  
11 days but that's just speculation at this point. The  
12 date that we'd appreciate getting feedback on your  
13 schedules would be July 11th, by July 11th, I believe  
14 that's a Friday.

15 MR. URAVITCH: Mike.

16 MR. NUSSMAN: I would also add, Marjorie,  
17 you stated our first and second choices. If we're  
18 going to find a date that we all can go, we need to  
19 tell you every day we can be gone. Okay?

20 MS. ERNST: I'll accept all kinds of  
21 feedback and work with whatever you give me.

22 MR. URAVITCH: Yes, Tundi and then Bob.

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1 DR. AGARDY: Joe, I don't know if you were  
2 planning to break but can I suggest that we just stick  
3 with it and start talking about possible agenda items  
4 and the ordering of the agenda for the next meeting?

5 MR. URAVITCH: I think that's a good idea.  
6 Bob? Okay, there are things for the break in the  
7 back for committee members. Feel free to go back  
8 there if you wish, but why don't we continue with  
9 this. I see two things left on the agenda. One is  
10 the initial discussions for the agenda for the next  
11 meeting. The other is we do need to hear from Bunny  
12 Sparks, our program assistant related to the  
13 practicalities of processing your travel papers and  
14 it's important you hear from her in terms of making  
15 sure we do the paperwork right, so that you get  
16 reimbursed for your costs. So why don't we move onto  
17 -- Bob?

18 MR. ZALES: Okay, well, I have to leave in  
19 about 20 minutes, so I'd just like to make an appeal  
20 that the first order of business for our next meeting  
21 be the creation of a work plan to respond to the  
22 charge that we've been given.

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1 MR. URAVITCH: Tundi?

2 DR. AGARDY: Just a minor point but I  
3 think the first order of business is the election of a  
4 chair. The second order of business can be the  
5 development of a work plan.

6 MR. URAVITCH: Other suggestions? Tundi?

7 DR. AGARDY: I think it's helpful that  
8 you've already outlined kind of what our mandate is  
9 and I think that we can -- I think it's been very  
10 helpful that the MPA Center has gone to the trouble of  
11 developing a kind of framework for looking at terms  
12 and definitions and getting our heads around the  
13 complexity of this issue and what the implications of  
14 it is.

15 So I would suggest after we talk about our  
16 mandate, we might spend a small amount of time going  
17 over terms and definitions and reaching some consensus  
18 on useful terms for our purposes over the next two  
19 years and the kind of common understanding about what  
20 it is we mean when we say X, Y or Z. Then, I think  
21 the difficult part begins because the other two things  
22 which are essentially thinking about the framework for

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1 an expanded and strengthened national system, which  
2 arises out of first an understanding of what we  
3 already have in the inventory, I think that's going to  
4 take up quite a lot of time and I think we need to  
5 have really substantive discussions about how we  
6 understand threats both to existing Marine Protected  
7 Areas and areas outside Marine Protected Areas so that  
8 we can know whether Marine Protected Areas are the  
9 appropriate response to those threats.

10 I'd really love to have a threat  
11 discussion, substantive threat discussion in there  
12 somewhere. And the last thing that you mentioned as  
13 part of our mandate is addressing these MPA manager  
14 needs and I don't really know how we can do that  
15 without knowing kind of the effectiveness of MPAs  
16 without having asked that question to managers. I  
17 don't know how we can make any kind of suggestions on  
18 how to strengthen existing MPAs but I suppose that we  
19 need to have that as an agenda item and then we can  
20 discuss it.

21 MR. URAVITCH: Okay, thank you. Dr.  
22 Cruickshank.

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1 DR. CRUICKSHANK: At the same time we  
2 have to begin looking at these working groups,  
3 selection of that because, obviously, we have a wide  
4 variety of people here and we want to meld them  
5 together into an effective working group to progress  
6 in the working plan.

7 MR. URAVITCH: Yes, Bob.

8 MR. ZALES: I may be on the same page as  
9 Tundi right now, but and part of your definitions  
10 because what I would like to see is this committee  
11 kind of develop their definition of what an MPA is,  
12 whether or not there's a single definition, whether or  
13 not you have multiple uses of various things, so that  
14 we get away from this MPA as relates to no take, and  
15 define what we're talking about and what's there and  
16 what may be there in the future and what may not be  
17 there in the future, along that like, I guess so I'm  
18 right there. That's what I want.

19 MR. URAVITCH: Bob.

20 MR. DENDICK: Just expanding on what Tundi  
21 said, I'd love to see a presentation, if we're going  
22 to be on the West Coast, for the West Coast of mapping

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1 of some critical marine resources, threats to those  
2 resources, an overlay of the existing MPA system by  
3 sort of type and function and some evaluation, this is  
4 probably the hardest part, of whether and to what  
5 extent those things are working so we have close at  
6 hand, some real information upon which to base our  
7 discussion.

8 DR. PEREYRA: Along the same lines, and  
9 following on Bob's suggestion, I think that when  
10 you're talking about the West Coast, I don't think we  
11 should limit it to just the three Pacific Coast states  
12 but I think we should also include Alaska, because I  
13 think the situations are different in both locations  
14 and I think it will give us a much fuller  
15 understanding of the whole issue that we're talking  
16 about here, so I would like to see that expanded to  
17 include also Alaska.

18 MR. URAVITCH: I would just note as a  
19 practical matter, in terms of the data we have  
20 available, we're not there yet with state information  
21 from Alaska. We do have the data from Oregon,  
22 Washington, California and a number of federal sites.

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1       So we're not going to be able to do everything you're  
2 asking for at this point. We'll have some of that  
3 available.

4                   Mike Nussman and then Dr. Garza.

5                   MR. NUSSMAN: Towards the conversation  
6 that's focused on threats and specifics, I think it  
7 would be appropriate if we had the Fishery Service  
8 speak to us on the status of fishery resource as well  
9 as protected resources to let us start from the same  
10 place and the same level of understanding.

11                   MR. URAVITCH: Dr. Garza.

12                   DR. GARZA: Thank you. In terms of other  
13 things that we should look at as part of developing  
14 our work plan, I think I, at least, would like to see  
15 an increased discussion on the word "culture". I did  
16 look at the Executive Order and it did not limit it to  
17 submersed ships and so we need to look at native uses,  
18 customary and traditional uses and if we're going to  
19 use the West Coast as an example of this is what this  
20 cool mapping looks like, then perhaps, we need to talk  
21 to our colleague here and see if there's any  
22 information that we can bring forward from the West

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1 Coast Tribes, perhaps the Washington area where there  
2 is significant uses that I would like to see that  
3 brought forward.

4 In terms of Alaska, Dave Benton is not  
5 here but Alaska has gone through major changes and  
6 cutbacks in AF&G (ph). The governor didn't disband  
7 but he stopped the whole -- the MPA state process and  
8 so I would be surprised if we see anything at any time  
9 soon.

10 DR. CRUICKSHANK: I may have mentioned  
11 this before, Joe, but the missing MMS information at  
12 the present time, there is nothing in the inventory on  
13 MMS management areas and should they be in there or  
14 are they specifically excluded from discussions or  
15 from the committee charter?

16 MR. KENDALL: Yeah, we've been talking  
17 about that, both within the Department, within MMS and  
18 with NOAA. Many of you may not be aware that MMS  
19 regulates the offshore industry on the OCS, that  
20 includes oil and gas as well as sand and gravel and  
21 maybe some day in the future, hydrates.

22 We do have a series of regulations,

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1 stipulations, notices to OSC's things of that nature,  
2 that establish no activity zones, various mitigations  
3 to protect things like topographic features, chemo-  
4 synthetic communities, shipwrecks, but we'd like to  
5 see the Federal Register notice process on definitions  
6 come through to that that will help us focus on making  
7 decisions like that. For example, a sanctuary, the  
8 flower gardens, it's already on the MPA site. We have  
9 regulations that established shunting areas, no  
10 activity areas. It would sort of overlap if we listed  
11 it.

12 The shipwrecks are protected by the  
13 National Historic Preservation Act. We find out about  
14 these through information that has to be submitted to  
15 us from the oil and gas industry and then we issue the  
16 regulations that say, "Don't touch that, leave it  
17 alone". I mean, that's required. So we're not really  
18 a land manager, although we have land management type  
19 authority in some cases. So we've been dealing with  
20 the issue. Once they define what an MMA is, and an  
21 MPA, then we can use those definitions with input from  
22 this committee, to say, "Okay, this is what MMS is

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1 doing and this falls right in line with this". Mel?

2 MR. URAVITCH: Mel?

3 MR. MOON: Yeah, along the lines Walter  
4 was suggesting about having a little more presentation  
5 form at the next meeting, I know one of the questions  
6 I would have is who would we have as the people that  
7 would be coming to make these presentations? Would  
8 they be federal representatives from NOAA fisheries or  
9 would they be counsels or would they be NGOs? I know  
10 that would be a question I would like to have  
11 answered. And the other component to that we would --  
12 I would definitely like to offer trying to coordinate  
13 a travel perspective as well, if presentation is to be  
14 given at the next council meeting or next committee  
15 meeting.

16 MR. URAVITCH: Yeah, we would propose  
17 obviously, bringing in people from the programs  
18 specifically that are being asked, so someone from  
19 National Marine Fishery Service, obviously, would talk  
20 about fisheries resources and protected resources  
21 because it's a question of their sites that they're  
22 responsible for designating and managing and so we

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1 would bring those people in.

2 MS. ERNST: Can I make a point here? We  
3 haven't really discussed how we will incorporate our  
4 ex officio federal representatives in the next meeting  
5 and how we could work with them to bring in some of  
6 the outside people you might want to hear about to  
7 talk to you about federal activities. So I'm just  
8 throwing that out in hopes that you'll also discuss  
9 that.

10 MR. URAVITCH: Let's see, we have quite a  
11 few hands up. Gil, Jim and then I think we had Bob  
12 and then we had Kay and we had Dan and who are we  
13 missing and Rod. Rod is leaving soon, if I may, wh  
14 don't we take Rod because I know he has to leave?

15 DR. FUJITA: Thanks, Joe. With respect to  
16 Mel's question, I concur, I think there's a need for  
17 diversity of perspectives in these presentations.  
18 Hearing only the agency talk about the status of  
19 fisheries or any other issue that comes before us  
20 gives us a limited view of the perspectives that are  
21 out there. So there's a couple different ways to do  
22 that. You know, one is to have a panel with the

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1 agency rep and the NGO and the tribal rep and this and  
2 that. That's perfectly fine.

3 Another way to do it is to have some sort  
4 of -- someone who is perceived as a neutral and  
5 objective observer of the particular issue in question  
6 to provide an overview of the different kinds of  
7 perspectives that exist and show us the data upon  
8 which those inferences are made.

9 MR. URAVITCH: Thank you. Gil, please.

10 MR. RADONSKI: Well, I would speak in  
11 support of Mike's suggestion that fisheries be brought  
12 to the next meeting. This would fall in line with some  
13 of the things that Dan Romley has said, bringing the  
14 agencies that have regulatory responsibility under  
15 this for MPAs before us and I don't know that we can  
16 do it all at one time. I don't know that an  
17 independent observer can speak for the  
18 responsibilities under the Act, under -- not under the  
19 Act but under the provisions of administering EPAs  
20 which we are looking at those agencies, Commerce and  
21 Interior.

22 We need to hear from the people managing

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1 the programs and get advice from them. And Marjorie,  
2 I assume that we're going to have ex officio  
3 representation at every meeting.

4 MR. URAVITCH: That's correct.

5 MS. ERNST: And we haven't really  
6 discussed with them the travel implications for the  
7 agencies that are involved.

8 MR. URAVITCH: Let's see, okay, Jim.

9 MR. RAY: I think it's very important that  
10 the committee identify what kinds of information and  
11 topics they would like to hear presented at their  
12 meetings. But I want to make a caution that we have a  
13 lot of area to cover, a lot of things to discuss and I  
14 would hate to see a significant percentage of each of  
15 our meetings be taken up by presentations from others.

16 I think we ought to limit a certain percentage of our  
17 meeting to outside presentations. For example, in a  
18 meeting like this, identify a few key areas that we'd  
19 like to have outside information brought to us and  
20 that's defined from that agenda and be sure we allow  
21 adequate time for us to really start digging into this  
22 and have the discussions and dialogue we need. So I

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1 just -- I make a plea that we keep a balance.

2 MR. URAVITCH: Okay, working our way down  
3 the table.

4 DR. SUMAN: Okay, perhaps integrating a  
5 couple other opinions and a couple of suggestions,  
6 Robert's for instance, that we have information  
7 presented or available to us on habitat -- on the West  
8 Coast, habitat mapping, MPA, existing MPAs, overlays  
9 and then threats.

10 May I suggest that we have available at  
11 the next meeting information on, for instance,  
12 maritime routes, MMS, offshore oil and gas lease sales  
13 and their status, pollution hot spots on the West  
14 Coast on fishing zones, fishing effort, specifying  
15 threats and uses that we could also compare with  
16 existing MPAs might allow us to target critical areas.

17 MR. URAVITCH: Okay, let's see, Bob?

18 MR. ZALES: Yeah, and mine's a question to  
19 Mark because I want to be sure I understood what he's  
20 talking about when he's asking for information from  
21 the Fishery Service on protected resources and stuff  
22 like that, are you suggesting having the Fishery

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1 Service kind of give an update on the status of stocks  
2 not only for just those but for essentially everything  
3 that they have that's involved in managed areas and  
4 whatnot? Is that what I understood?

5 DR. SUMAN: Perhaps, but I also would like  
6 to see spacial comparison here and that's what Robert  
7 suggested, too.

8 MR. ZALES: No, no, but my question was to  
9 Mark Nussman.

10 MR. NUSSMAN: I think the answer to that  
11 was I was looking for both the fishery as well as  
12 marine mammal and other components, not wanting to  
13 limit it to just fisheries and I'm -- perhaps I'm not  
14 smart enough to say everything that we should ask them  
15 to report on, but I think certainly fisheries and  
16 marine mammal issues, particularly on the West Coast  
17 would be appropriate.

18 MR. ZALES: Yeah, and I would support that  
19 but my next question is, Mike, are you talking about  
20 just limiting it to the information on the West Coast  
21 or kind of in general?

22 MR. NUSSMAN: Certainly the West Coast

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1 would be appropriate but I would look -- I personally  
2 would like to have all of the information, a broad  
3 presentation made.

4 MR. ZALES: Okay, because I would support  
5 the broad representation.

6 MR. KENDALL: One thing I'd like to add  
7 is, from what I've heard and taking notes here, you  
8 filled up probably agendas for the next six meetings  
9 with so many topics. One thing you might want to  
10 consider at your next meeting is that after you elect  
11 a chair and vice chair, the chair and vice chair work  
12 with the committee to determine what the priority  
13 topics are you would like to deal with, take those  
14 issues and topics and priorities, set up either  
15 working groups or subcommittees, whichever group can  
16 teleconference on their own as they see fit and then a  
17 chair of that subcommittee or working group reports  
18 back to the committee to save time.

19 And then if the issues go beyond that,  
20 then you can work on getting outside people assigned  
21 to these working groups and go from there. Because  
22 like in our case, we have a biologic, a social science

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1 subcommittee, a deep water subcommittee, et cetera.  
2 They basically work on their own as they see fit,  
3 report back to the main committee. If there are  
4 issues that go beyond that, then they expand the  
5 discussions. Otherwise, as Jim has pointed out,  
6 you're ending up with nothing but two or three days of  
7 presentations and no time to discuss. Just a thought.

8 MR. URAVITCH: Okay, I'll start with Kay  
9 because she's been waiting the longest.

10 MS. WILLIAMS: I would like to see in our  
11 discussions somewhere I would like the NOAA attorneys  
12 as well as law enforcement and the Coast Guard to be  
13 incorporated into this process to give us their  
14 thoughts and ideas.

15 MR. URAVITCH: Okay. Bob.

16 MR. DENDICK: We've got sort of two things  
17 going at once here and I'm looking at our second  
18 charge which is the process to design some sort of  
19 national system for taking advantage of the national  
20 system, and I think it's really -- what I was thinking  
21 about was looking with a broad brush across the  
22 Pacific Coast at the data spatially array that you

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1 have in mind, sort of looking at each of the  
2 regulatory or programs to determine whether they're  
3 working for the country as a whole and back and forth  
4 on that and whether the different kinds of protected  
5 areas or strategies are working is a little bit of a  
6 different problem and I think I would be more  
7 interested in focusing on sort of very specific case  
8 studies but more importantly, looking at how all these  
9 different things set up along the Pacific Coast than  
10 talking generically about fisheries management and  
11 whether it's working for the country as a whole.

12 MR. URAVITCH: Yeah, let me note that a  
13 lot of what you're asking for right now doesn't exist.

14 I mean, that's what we're in the process of  
15 developing. What you saw this morning in terms of the  
16 presentation on the inventory is where we are at this  
17 point. We're still working with the number of states  
18 to collect this information.

19 In terms of things like habitat  
20 characterization and the like, we're just initiating  
21 some projects to work with states, federal agencies  
22 and universities to get some of that information

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1 together, so we can present to you what we have  
2 available but we're nowhere near where you all want to  
3 go in terms of some immediate answers to some  
4 questions. Yes.

5 DR. BROMLEY: I'm inspired by Jim Ray's  
6 observation and Jim Kendall, and I think we need to  
7 draw from their experience and I would like to see us  
8 think about this next meeting more carefully than we  
9 have and given how difficult it is with the number of  
10 us to make progress on substantive issues that I would  
11 -- I hope this isn't seen as micro managing, but I  
12 would like to urge us to, first of all somebody said  
13 we need to have longer meetings, many more days. And  
14 if we go beyond two-day meetings, we're going to start  
15 to lose people and so I wonder if it isn't a good idea  
16 for us to think in terms of two-day meetings or two  
17 and a half day meeting and make sure at our next  
18 meeting that we have no more than one-half of a day  
19 devoted to this outside input and the rest of it is  
20 devoted to serious deliberations by this group about  
21 where we want to go, the questions, what our charge  
22 is, what our purpose is. This will take us much more

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1 time than we ever imagined to reach agreement on these  
2 things. And so I think, Jim, is it right, Jim  
3 Kendall?

4 MR. KENDALL: Yeah.

5 DR. BROMLEY: You've had experience with  
6 these things. I think we should take your advice very  
7 seriously and devote the vast majority of our time  
8 next time to seriously sitting down to figure out how  
9 we're going to operate, what questions we want to ask  
10 and then use the subcommittees and the working groups  
11 to get into this very specific stuff. Did I read you  
12 correctly, Jim?

13 MR. KENDALL: That's right on, and once  
14 you have a chair and a vice chair to run the show,  
15 that takes a lot of the burden off of Joe and Maggie.

16 If things come up that require legal counsel, they  
17 can run out and make the phone calls. But then the  
18 chair and the vice chair, the burden is on their back,  
19 so these are very busy positions. You will have work  
20 to do and you have to keep everybody happy.

21 Steve, sorry, I'm --

22 DR. MURRAY: I just simply wanted to tag

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1 onto what Dan said. I mean, I think we're being a  
2 little overly optimistic with regard to what we  
3 floated as potential items on an agenda for our next  
4 meeting. I think we're suffering, you know, what all  
5 groups like this do, we're suffering a start-up cost  
6 and the start-up cost is exacerbated by the fact that  
7 there are almost 30 of us here, all of who have  
8 important things to say and opinions to offer. I  
9 think that obviously in situations like this, as time  
10 goes on and we get a better handle on where we're  
11 going and what strategies we're using to achieve  
12 certain objectives, that things fall out.

13 Those fallouts naturally involve  
14 subcommittee or working group efforts. We've been  
15 given -- I think, Joe, you articulated three sort of  
16 areas that we needed to consider with regard to our  
17 charge and we would likely come up with others, but I  
18 think it's important to recognize that those areas  
19 have been articulated in a very diffuse way.

20 One of our tasks is going to be to dig  
21 into each of those areas or others we may bring up and  
22 articulate very specific goals that we feel as a group

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1 that we would like to pursue. Once we have those  
2 goals identified, then we can discuss what kinds of  
3 strategies that we would like to invoke to march  
4 forward towards achieving some of those goals. Now,  
5 we can't do this by beginning to discuss various  
6 strategies before we have really gotten through the  
7 goal issue. I think we would probably -- I know I  
8 would and I think maybe the rest of you would feel  
9 really good if we came away from our next meeting with  
10 a really clear understanding of what we were going to  
11 do, what we were going to try to achieve and that we  
12 had essentially cut some paths, some strategies that  
13 would lead us towards that. I think I would feel  
14 really good if we came away from our next meeting with  
15 that.

16 So I think it's really premature to look  
17 at all various kinds of information sets that might  
18 apply to this region or that region, although I would  
19 see that there's clearly a place for that, as we move  
20 along, but I would hope that what we would be able to  
21 do is to focus the agenda very strongly on identifying  
22 how we're going to plan for ourselves to move forward,

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1 what kind of goals we're going to try to achieve  
2 within the framework of the suggestions that have been  
3 offered for us and how we're going to try to set  
4 ourselves up so that we can use all the talent that we  
5 have here and the diversity of opinions to really  
6 adopt viable strategies to producing something  
7 meaningful.

8 And I think we should devote our agenda to  
9 that. We should allow plenty of time for that. And  
10 we should break it off into that particular set of  
11 focused objectives.

12 MR. URAVITCH: Okay, John.

13 DR. OGDEN: I support what Steve just said  
14 and in light of that, it strikes me that one of the  
15 things that would be very helpful for us, assuming we  
16 meet on the California coast, which seems like a  
17 reasonable possibility, is that through the California  
18 Marine Life Protection Act, the Channel Islands Marine  
19 Sanctuary, the PISCO Project which everybody here may  
20 not be familiar with but which is a science based  
21 planning effort directed at Marine Protected Areas on  
22 the West Coast, and taking into account Bob's comments

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1 consistently about the importance of the map and sort  
2 of the case study and this encompasses essentially the  
3 entire charge of this committee within a capsulized  
4 set of people working, not necessarily in a  
5 coordinated, integrated way, the way we might imagine  
6 ourselves driving towards, but it strikes me that  
7 presentations centered on this -- these developments,  
8 that don't center specifically on fisheries but take  
9 into account fisheries, for example, take into account  
10 land based sources of pollution, other sorts of  
11 things, and that this would make a very nice package  
12 for the next meeting.

13 That would be that half day of  
14 presentations that Dan talks about and then getting  
15 right into how in a case study essentially like this,  
16 leads this committee into a series of activities which  
17 then can encompass the rest of our -- the rest of our  
18 two-year charge. I mean, I think we can actually  
19 achieve that.

20 But I really think that this part of the  
21 country is a very good place to go for that, for those  
22 three developments there.

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1                   MR. URAVITCH:     Before I take the next  
2                   comments, could I just ask for an indulgence. We are  
3                   running out of time. We don't have a chair or a vice  
4                   chair, obviously. Could we ask you to select a small  
5                   agenda working group who can work with us to sort out  
6                   some of these issues and start putting this agenda  
7                   together for the next meeting? And I'd like to ask  
8                   for some volunteers for that. Mark? We have -- it  
9                   looks like everyone, all right. Are we all volunteers  
10                  or are there comments? I mean, who would like to  
11                  volunteer for the agenda working group? Please raise  
12                  your hand and Maggie, if you'd just write the names,  
13                  down. Thank you. Oh, absolutely, this will be an  
14                  iterative process.

15                  MR. DENDICK:     I have a comment while  
16                  people's hands are up. I'm certainly willing to  
17                  obviously defer to what everybody decides but it  
18                  strikes me that the members of this committee come  
19                  into this process with very different perceptions  
20                  about a lot of different things and if we start  
21                  discussions about the shape of the future without  
22                  trying to re-establish some common base of what is

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1 actually happening out on the ground, we run the risk  
2 of people just carrying their existing perceptions  
3 into a debate upon -- on things that people won't  
4 agree on.

5 If we take a case study or some piece of  
6 the landscape and examine it in as objective a way as  
7 possible with the facts we have before us, what's  
8 really happening out there, how these different things  
9 are interacting and then go from that common base  
10 during which process, I think we have the opportunity  
11 to re-examine our assumptions about these things,  
12 then I think we establish a better track for actually  
13 accomplishing something and finding some common  
14 ground.

15 MR. URAVITCH: Yes, Wally.

16 DR. PEREYRA: Yeah, following on Bob's  
17 suggestion, I think in order to do this and do this  
18 properly, I think we also need to have a full  
19 understanding of what the problem is that this  
20 particular test site is -- was set up to address and  
21 why the problem occurred and what some of the  
22 alternatives are that are associated with that. I

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1 don't think that we can do it out of context with the  
2 blinders on. I don't think we would have the  
3 understanding that would be required.

4 MR. URAVITCH: Kay?

5 MS. WILLIAMS: What if all of the members  
6 sent in their top five suggestions and you just use  
7 the top three and go with that? I mean, everyone has  
8 their own priorities as to what they think is the most  
9 important to them. They often do that in meetings.

10 MR. URAVITCH: That would be a good  
11 starting point and then we can work from there. Is  
12 that a motion?

13 MS. WILLIAMS: If we need one, that's the  
14 motion.

15 MR. URAVITCH: Do we hear a second?  
16 Discussion? All in favor or --

17 DR. BROMLEY: Yeah, just the top five  
18 issues, Kay? I'm sorry, I don't get it. I mean, why  
19 not -- would you accept a friendly amendment that says  
20 let an agenda -- let an agenda committee of which  
21 there have been a number of people, let them do their  
22 work, share that with the full committee and then let

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1 people suggest issues that concern them that fit  
2 within the agenda. I hate -- I think I would hate to  
3 make an agenda predicated upon just everybody throwing  
4 in five of their favorite issues. So I find that a  
5 little bit frightening. Maybe I misunderstand what  
6 you have in mind.

7 MS. WILLIAMS: Actually what I had in  
8 mind, too, was we discussed that we were not going to  
9 -- or I thought that this panel had discussed -- it  
10 was kind of difficult for me to hear out in the  
11 audience at times, that we would have all of the  
12 members decide what the agenda was -- how it would be  
13 structured.

14 So if we know that we're still waiting on  
15 some to get their clearance, and I just thought  
16 perhaps, if all of the committee could send in their  
17 top -- I don't care if it's the top five or the top  
18 10. Very often at the meetings, everyone gives their  
19 top five or 10 priorities and the top ones win out and  
20 those are -- and that's how the meetings are  
21 structured. I mean, it really doesn't matter. I  
22 don't have heartburn one way or the other about it. I

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1 just thought it was an idea to move us ahead.

2 MR. URAVITCH: Yes, Jim.

3 MR. RAY: I'd just suggest that those that  
4 aren't on the agenda working groups send your comments  
5 to Marjorie, she'll send it out to the agenda working  
6 group and let the agenda working group consider that  
7 as they put the agenda together and that would cover  
8 it.

9 MR. URAVITCH: All agree to that? All  
10 right, thanks. We need to move very soon to Bunny  
11 Sparks to talk about wrapping up the administrative  
12 side of this. Bob?

13 MR. ZALES: I would suggest with the  
14 agenda working group and everything going with  
15 everybody having to send Marjorie a time line on what  
16 times they're going to be available, September,  
17 October, November, that this working group also get  
18 the agenda items in there in about the same time frame  
19 because it's going to take you time to get that done  
20 to get it the scheduling fixed to notify whoever is  
21 going to make whatever presentation and so on and so  
22 forth.

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1                   MR. URAVITCH: All right, so let's say  
2 July the 11th then, by that time your suggestions for  
3 the agenda items as well to us, please. Yes, Kay?

4                   MS. WILLIAMS: One quick question; I  
5 couldn't see everyone that wanted to be on the working  
6 group. Could I have everyone hold their hand up so  
7 that I can see, or just read their names? So it's  
8 basically every one of us for about two or three?  
9 Okay. Thanks.

10                  MR. URAVITCH: Okay, I think for a few  
11 minutes we need to turn this over to Bunny Sparks,  
12 who's been one of the major organizers for this  
13 meeting to deal with travel and other administrative  
14 issues before we move into any final discussions and  
15 adjournment. I'm sure many of you have spoken with  
16 Bunny in terms of she's the one who has helped make  
17 your arrangements and make this all possible, so here  
18 she is.

19                  MS. SPARKS: Mine is quick. First of all,  
20 the green form that's in the back of your notebook,  
21 that is your voucher reimbursement form. That's the  
22 form that you will -- it's behind Tab 13. That's the

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1 form you will use to let me know all your expenses,  
2 attach your receipts to that. If you have a receipt  
3 from your ticket, attach a copy of that to it also.  
4 Return that to me. If you have any questions while  
5 you're going through that, just give me a call or e-  
6 mail me, and I'll get right back to you. Send that to  
7 me.

8 It usually takes one to two weeks to  
9 process. If you're not in the CAM system, because  
10 your reimbursement is by direct deposit, you fill out  
11 that form and send that also. You designate whether  
12 it's a checking account or a savings account, the  
13 account number and whatever else is on that form.  
14 That's also behind Tab 13. So fill that out and send  
15 that out also. The money will be deposited directly  
16 into your account. If you lose a receipt, don't  
17 panic, if it's just an \$8.00 taxi cab receipt. Still  
18 put it down on that green form.

19 Okay, let's see, the CAM form -- your  
20 meals are covered except for the breakfast and the  
21 lunch you received today and yesterday. But you will  
22 still get your M&IE which is your meals and

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1 incidentals, you'll still get that for your dinner,  
2 but you'll see that x'd out for the breakfast and the  
3 dinner only from yesterday and today. You'll get the  
4 full -- there's a \$50.00 allowance for DC.

5 You'll see your reimbursement, you'll see  
6 three-quarters for the first day of travel and three-  
7 quarters for the last day of travel. I know you  
8 probably won't remember all this, so just give me a  
9 call if it looks strange when you get it. Okay? But  
10 otherwise, you'll see your reimbursement for your  
11 other meals. You don't have to attach receipts for  
12 meals. Okay.

13 Let's see, you should get this back to me  
14 within a week or two, that's the best because we're  
15 getting up to September and we don't want to roll it  
16 over into the next budget.

17 MR. URAVITCH: Yeah, if it rolls over into  
18 the next fiscal year, it will be coming out of next  
19 year's money, so it's imperative that you get your  
20 paperwork in, please.

21 MS. SPARKS: Okay, if you have any  
22 questions --

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1 DR. HIXON: That was my -- it's not clear  
2 to me about the CAMS form is required of everyone, did  
3 you say that or --

4 MS. SPARKS: Yes, if you're not -- some  
5 people are already in the CAMS system. They've  
6 already traveled for the government so they're already  
7 in there. And if your account information changed,  
8 then you would need to do another form. You will need  
9 to do another one, but if your information is the  
10 same, it's still the same account and that's where you  
11 want it to go, then don't fill out another one.

12 MR. O'HALLORAN: Just so I understand, if  
13 I'm a member of the Hawaii Humpback Whale Sanctuary  
14 and I've traveled there. So you have the same  
15 information so I don't have to do this.

16 MS. SPARKS: You should be in there, so  
17 you shouldn't have to. If I put your information in  
18 and I don't see that you're in there, I'll send you an  
19 e-mail so that you can fax it to me.

20 DR. HIXON: Okay.

21 MR. RAY: Is taxpayer identification  
22 number the same thing as social security number?

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1 MS. SPARKS: Yes.

2 DR. GARZA: So what if we're under CAMS  
3 for U.S. Fish and Wildlife Service?

4 MS. SPARKS: It should show up, and again,  
5 if it doesn't then I'll send you something but it  
6 still should show up. If you're in the CAM system, it  
7 should show up no matter where you are.

8 MR. RADONSKI: On the CAMS form, what kind  
9 of payee are we?

10 MS. SPARKS: Invitational.

11 MR. RADONSKI: Invitational, thank you.

12 MR. URAVITCH: Bob?

13 MR. ZALES: I travel Metro back and forth  
14 which is no receipt, so that's money I just put down  
15 here, \$5.00?

16 MS. SPARKS: Right, just put down Metro.

17 MR. ZALES: Okay.

18 MS. SPARKS: Any more questions?

19 MR. URAVITCH: Any further questions?

20 PARTICIPANT: Can you read out the  
21 address?

22 MS. SPARKS: 1305 East-West Highway, was

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1 that the only line that was cut off? Yeah, 1305.  
2 Also, was that everybody's question about travel?  
3 Okay, I knew them all.

4 Another thing, if any of you would like  
5 for me to mail your notebooks back to you rather than  
6 carry them, let me know before you leave. Just give  
7 them to me and let me know and I'd be glad to send  
8 that to you.

9 PARTICIPANT: (Inaudible)

10 MS. SPARKS: Joe?

11 MR. URAVITCH: That will be gratis, we'll  
12 absorb that cost. Okay.

13 DR. OGDEN: Bunny, on behalf of everybody,  
14 thanks for running a great meeting and especially for  
15 all that food in there, which I had a lot to --

16 MS. SPARKS: You're welcome. Thank you.  
17 It's very nice meeting all of you by the way.

18 MR. URAVITCH: Okay, we have about 10  
19 minutes left leading up to adjournment. Bob?

20 MR. ZALES: Yes, just one other quick  
21 point, and this has to do with -- because Bunny kind  
22 of reminded me about sending books and whatnot, it

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1 would be nice way prior to meeting that we go to, and  
2 I run into this on every advisory panel I've ever  
3 served on, it's historic that the Fishery Service or  
4 whoever gets you information two days before you're  
5 supposed to talk about it and obviously, information  
6 gets updated, you know, periodically, but it would be  
7 nice that whatever we choose, whatever the agenda is  
8 going to be, whatever information we're going to have,  
9 to try to get it to us just as early as you can so  
10 that we can disseminate that information prior to  
11 getting to the meeting.

12 MR. URAVITCH: It sounds like we need to  
13 set a performance standard for ourselves in terms of  
14 how many days ahead of time we want to get information  
15 to you and I'll discuss that with the staff and see  
16 what we think makes sense and then try and come up  
17 with a standard set that we'll try to meet. Maggie?

18 MS. ERNST: Joe, we had talked about a  
19 protected website and you know, we have the option of  
20 being able to set up an intra-net site for you that  
21 you could go into and look at documents like agendas  
22 and so I think that would serve that purpose. So

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1 that's something we can explore after this meeting.

2 MR. URAVITCH: Yes, Kay.

3 MS. WILLIAMS: One quick question because  
4 I've been asked this by many people that's not  
5 necessarily at this table, what happened to the five  
6 or six case studies that we were supposed to be  
7 reviewing or looking at? Was that mailed to anyone?  
8 I actually had it mailed to me from the council, but I  
9 mean, it wasn't their charge to mail me those case  
10 studies, that was mentioned in the e-mail to the  
11 public or in the notification. Do you now know what  
12 I'm talking about?

13 MS. ERNST: That doesn't ring a bell with  
14 me, unless the Coastal Service Center case study was  
15 sent out for comment, Brie Kessler's (ph) project.

16 MR. URAVITCH: Yeah, that's a completed  
17 document. There was a recent publication from the  
18 Training and Technical Assistance Institute that were  
19 five case studies but they weren't sent out for  
20 review. That was a final product.

21 MS. WILLIAMS: I'll show you the e-mail.

22 MR. URAVITCH: Okay, yeah, I'd like to see

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1 it. I'm curious. Any other further issues for the  
2 committee? Maggie?

3 MS. ERNST: I have one small thing to  
4 bring up. I've received several requests to get  
5 everyone's addresses and phone numbers and I think  
6 it's customary in federal advisory committees to make  
7 that information public. And at some point, we would  
8 like to post that information on the MPA.gov website  
9 and when I called all of you back in December, I  
10 gathered information on how to contact you and got a  
11 variety of phone numbers, cell numbers, cell phone  
12 numbers, cell numbers, that was a Freudian slip.

13 And what I'd like to do is I will e-mail  
14 you an electronic version of what I call the contact  
15 list that I've been working on. That should be useful  
16 for all of you to be able to be able to phone or, you  
17 know, mail things to one another but I'd like to ask  
18 that you look at it and let me know which version of  
19 that you'd like to see posted for public use. I'll  
20 send it electronically to everyone.

21 MR. URAVITCH: Okay, any further questions  
22 or issues? Okay, well, I'd like to thank you all for

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1 coming and attending this first meeting of the MPA  
2 Federal Advisory Committee. I apologize for the  
3 problems we've had with the lighting and other things  
4 as well as to the members of the gang of six, now gang  
5 of five who aren't yet fully through the process.  
6 We'll keep you alerted as to the approval of your  
7 colleagues.

8 I guess I'd also like to thank Maggie  
9 Ernst, who's done an incredible amount of work over  
10 the past several months to pull this together along  
11 with Dan Topousis of our staff, who is our outreach  
12 person, who's also been heavily involved and Jim  
13 Kendall and Phyllis Clark of the Minerals Management  
14 Service, who have also been involved as people who  
15 have managed advisory committees in the past and  
16 giving us advice on how to help set up a committee and  
17 make it work. They've been invaluable in their  
18 experience and we appreciate your indulgence in  
19 whatever rough edges we've had in this process. So  
20 thanks again.

21 Any further questions, comments? Okay,  
22 I'd like to thank the ex officio members from the

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1 federal agencies for attending and we'll be back in  
2 touch with you all shortly in terms of as we go  
3 through this planning process, making sure you're  
4 involved in this process as well. Anything further?  
5 If not we'll get the gavel going.

6 MS. ERNST: We adjourn this meeting.

7 (Whereupon, at 3:56 p.m. the above  
8 entitled matter concluded.)  
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