

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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MARINE FISHERIES ADVISORY COMMITTEE

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Tuesday, December 18, 2007

The Marine Fisheries Advisory Committee met in the North Terrace Room in the Don CeSar Beach Resort, 3400 Gulf Boulevard, Saint Pete Beach, Florida, at 9:00 a.m., Anthony DiLernia, Chair, presiding.

PRESENT:

COMMITTEE MEMBERS:

ANTHONY D. DILERNIA, MAFAC Liaison
TOM J. BILLY, International Food Safety
Consulting
RANDY CATES, Cates International
JOHN P. CONNELLY, National Fisheries Institute
BILL DEWEY, Taylor Shellfish
CHRIS DORSETT, The Ocean Conservancy
JOHN FORSTER, Forster Consulting
ROBERT FLETCHER, Sportfishing Association of
California
JIM L. GILMORE, At-Sea Processors Association
CATHERINE L. FOY, Aleutians East Borough
STEVE JONER, Makah Fisheries Management
DOROTHY M. LOWMAN, Natural Resource Consultant
HEATHER D. MCCARTY, Heather McCarty and
Associates
MARY BETH NICKELL-TOOLEY, Small Pelagics Group
of New England
RALPH RAYBURN, Texas Sea-Grant College Program
TOM RAFTICAN, United Anglers of Southern
California
DR. KENNETH J. ROBERTS, Louisiana State
University AgCenter

OTHERS:

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JIM BALSIGER, NMFS Alaska Region
CAROL BALLEW, NMFS Retired
HEATHER BLOUGH, NMFS Southeast Region
LAUREL BRYANT, Sanctuaries Foundation
GORDON COLVIN, NMFS Office of Science and
Technology
ELIZABETH FETHERSTON, Ocean Conservancy
TIM HANSEN, NMFS Seafood Inspection Program
MARK HOLLIDAY, NMFS Policy Office
MARY HOPE KATSOUROS, Fish for the Future
Foundation
BRIAN KELLER, NOAA National Marine Sanctuary
Program
JOHN V. O'SHEA, Atlantic States Marine Fisheries
Commission
JOHN OLIVER, NOAA Fisheries
TYWANNA OTTS, NOAA Fisheries
PRESTON PATE, NMFS Office of Science and
Technology
ALAN RISENHOOVER, NMFS Sustainable Fisheries
Office
MICHAEL RUBINO, NOAA Aquaculture Program
MICHELE SHEA, Fish for the Future Foundation
LARRY SIMPSON, Gulf States Marine Fisheries
Commission
TOM WHEATLEY, Marine Fish Conservation Network

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

9:03 a.m.

1 CHAIR DiLERNIA: On the record. I hope
2 everyone got in last night well or yesterday. As
3 well, I know when I got in yesterday there was a
4 committee meeting or subcommittee meeting going on
5 in the lobby that went on to about 1:00 a.m. I'm
6 sure very lofty issues had been discussed and
7 settled between now and then. Perhaps we could
8 have a committee report.
9
10

11 Where is Randy? Is he here?

12 I have just a couple of housekeeping
13 items. First of all, our court reporter in the
14 center here, Chad, it would be helpful if when you
15 spoke if you just announced your name especially
16 with you folks that he has his back to. Excuse
17 that, but there's no way he can keep his eye on
18 everyone here. So if you have an opportunity to
19 speak or you ask to speak and I call on you,
20 please try to -- There we go. He has us all now.

21 Just for the record, my name is Tony
22 DiLernia. I'm the Committee Liaison. We have a
23 couple of housekeeping, I guess, Health and
24 Welfare items that have to be taken care of.

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1 You've all seen email exchanges. There have been
2 some email exchanges regarding the Committee's, I
3 guess we'll say, gift to the Hogarth family and
4 also we have -- You all know about the sad
5 situation with Steve Murawski. The Committee sent
6 flowers to the Murawski family in sympathy for the
7 loss of their daughter and the Committee is, we're
8 picking up the cost of the suite for the Hogarths
9 for a couple of nights here at the hotel.

10 And so between the two, it would be
11 around \$40 per person. I see a number of members
12 who have already made a contribution. Ralph
13 Rayburn is coordinating that. So when you get an
14 opportunity if you can just see Ralph if you wish
15 to make a contribution, just give him \$40 and
16 they'll let Ralph check out at the end of the
17 couple of days. They won't hold his luggage.

18 And with that, I'll turn it over to our
19 Executive Director, Mark Holliday. Dr. Holliday.

20 DR. HOLLIDAY: Thank you, Tony. For
21 those of who don't know me, my name is Mark
22 Holliday. I'm the Director of Policy for National
23 Marine Fisheries Service and I would like to
24 welcome you to the second meeting of 2007 to the

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1 Marine Fisheries Advisory Committee.

2 When Laurel Bryant, the past Executive
3 Director, was assigned to my office last year and
4 MAFAC was given to my office for responsibility
5 little did I know that in the course of just a few
6 short months that I would be sitting at this
7 table. Laurel took a wonderful opportunity with
8 the Sanctuaries Foundation and she has certainly
9 left a wonderful organization intact and prepared
10 to take on a lot of exciting responsibilities and
11 I'm very pleased to be here and to help the
12 Committee continue to do good things for NOAA and
13 the Department of Commerce.

14 I wanted to acknowledge your effort to
15 be here. This is a very busy week for everybody.

16 Travel is long and hard to get here. I hope that
17 we -- we do have a good agenda set up for
18 everybody. But the business that we had to
19 conduct can't wait for any other time. So we're
20 very excited about having you all here and looking
21 forward to working together with you.

22 For the record and the benefit of our
23 recorder, I would like to have a round of self
24 introductions to go around the table. If you

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1 would not mind, please identify yourself and your
2 affiliation and just go around the table for the
3 membership. Start with Ken please.

4 MR. ROBERTS: Ken Roberts, Emeritus
5 Professor, Retired, LSU.

6 MR. O'SHEA: Vince O'Shea, Atlantic
7 States Marine Fisheries Commission. Good morning.

8 MR. BILLY: Tom Billy, President of the
9 International Food Safety Consulting.

10 MS. NICKELL-TOOLEY: Mary Beth Nickell-
11 Tooley, Small Pelagics Group of New England.

12 MS. LOWMAN: Dorothy Lowman, Fisheries
13 consultant, Portland, Oregon.

14 MR. GILMORE: Jim Gilmore with the At-
15 Sea Processors Association.

16 MR. SIMPSON: Larry Simpson, Gulf
17 States Marine Fisheries Commission.

18 CHAIR DiLERNIA: Tony DiLernia. I
19 guess we'll say Kingsboro Community College,
20 Committee Liaison.

21 MR. DEWEY: Bill Dewey, Taylor
22 Shellfish Company, Washington State.

23 MR. JONER: Steve Joner with the Makah
24 Tribe from Washington.

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1 MS. McCARTY: Heather McCarty. I'm
2 from Juneau, Alaska. I'm a fisheries consultant.

3 MR. FORSTER: John Forster from
4 Washington, Forster Consulting.

5 MR. CATES: Randy Cates with Cates
6 International.

7 MR. RAFTICAN: Tom Raftican, United
8 Anglers of Southern California.

9 MR. FLETCHER: Bob Fletcher, President
10 of the Sportfishing Association of California.

11 MS. FOY: Catherine Foy, Aleutians East
12 Borough -- biologist.

13 MR. RAYBURN: Ralph Rayburn with the
14 Texas Sea-Grant Program.

15 MR. DORSETT: Chris Dorsett, The Ocean
16 Conservancy.

17 DR. HOLLIDAY: And I should note that
18 John Connelly from NFI will be joining us this
19 afternoon, Eric Schwabb from the Maryland
20 Department of Natural Resources will be with us
21 tomorrow and, of course, regrets from Bill Hogarth
22 for not being with us this morning but he'll join
23 the meeting tomorrow and Thursday in its entirety.

24 I also have heard from Randy Fisher,

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1 Rob Kramer and Pete Leipzig. They've sent their
2 regrets. They're not able to attend the meeting.

3 I think that takes care of where people are.

4 Before we get into some further
5 business, I would want to go around the room and
6 acknowledge staff past and present. Laurel Bryant
7 joined us in the audience this time instead of at
8 the table.

9 (Applause.)

10 DR. HOLLIDAY: Laurel has been
11 exceedingly helpful in the transition and has been
12 a great joy to work with and I really appreciate
13 the opportunity to follow in her footsteps. I
14 would also like to acknowledge Tywana Otts in the
15 back who has helped prepare the meeting and all of
16 the logistics and the mechanics, the travel
17 arrangements and, most importantly, the
18 reimbursements after we're done here.

19 (Applause.)

20 DR. HOLLIDAY: I'd also at this time
21 ask other people who are guests or invited
22 speakers on the outside to just do a quick
23 introduction for themselves. If you're here
24 attending as a guest, we have a sign-in sheet on

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1 the side board. I would appreciate you signing in
2 for the record if you haven't done so already.
3 We'll start on the left side please.

4 MR. KELLER: Good morning. I'm Brian
5 Keller. I'm the Science Coordinator of the
6 Florida Keys National Marine Sanctuary.

7 MR. COLVIN: Gordon Colvin, NMFS, Office
8 of Science and Technology.

9 MR. HANSEN: Tim Hansen, Director of
10 Seafood Inspection Program, NOAA Fisheries.

11 MS. SHEA: Michelle Shea, Fish for the
12 Future Foundation.

13 MS. KATSOUROS: Mary Hope Katsouros,
14 Fish for the Future.

15 MR. OLIVER: John Oliver, NOAA
16 Fisheries.

17 MS. BLOUGH: Heather Blough, Fisheries
18 of the Southeastern region.

19 MR. BALSIGER: Jim Balsiger, NOAA
20 Fisheries, Alaska region.

21 MS. BALLEW: Carol Ballew, retired NOAA
22 Fisheries.

23 MR. RISENHOOVER: Alan Risenhoover,
24 Office of the Sustainable Fisheries.

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1 DR. HOLLIDAY: Thanks, everybody.

2 CHAIR DiLERNIA: Actually, Ken has
3 something to say.

4 DR. HOLLIDAY: Ken, did you have --

5 MR. ROBERTS: I just wanted to ask if I
6 could have a moment to thank the Committee. I
7 always like to do things in person as opposed to
8 sending things in. It probably had something to
9 do with the expression of support when my mother
10 passed away the day of the last meeting. We were
11 on our way to the airport and got the call from
12 the hospice people and she did pass away that day.
13 So we were not able to attend.

14 But you sent a lovely window box of
15 plants and my mother was a real plant person. And
16 they're out on my deck and every time I go out to
17 get wine I think about you guys and your
18 generosity. I just wanted to thank the Committee
19 before we got onto other business. Thank you all.
20 Appreciate it.

21 CHAIR DiLERNIA: You're welcome, sir.
22 A member of our family was not feeling well and a
23 member of our family was down and we tried to do
24 what we could for our family. That's what family

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1 members do.

2 MR. ROBERTS: Appreciate it. Thank
3 you.

4 CHAIR DiLERNIA: Thank you, sir.

5 DR. HOLLIDAY: Tony, Carol introduced
6 herself this morning. But I'd just like to say
7 that she's a long-time civil servant and a
8 colleague of ours, a long-time friend of NOAA and
9 she asked this morning and offered to give us a
10 little bit of information about the local area.
11 She's a local resident now and she wants to share
12 some of your knowledge and some information with
13 her about things to do, places to eat and other
14 wonderful things about our venue for this meeting.
15 Carol.

16 MS. BALLEW: Thank you. I guess I'm
17 the local representative to say welcome to St.
18 Pete Beach. I've been here for 16 years now,
19 moved here from Washington and I just wanted to
20 let you know that there is plenty to see and do
21 here and give you an advantage of my knowledge of
22 my having lived here.

23 The thing I handed out is the map and
24 when you get that if you'll open it up, I want to

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1 give you a little orientation about where you are.

2 Basically, you're on Barrier Island as you know.

3 You walk out the front of the hotel to the right
4 is south and to the left this way is north.
5 You're on Corey Beach.

6 The part of the island that is south of
7 the Don CeSar is called Pass-A-Grille. It was
8 formerly a separate city, but we've annexed.
9 We've just had our 50th anniversary. South is
10 Pass-A-Grille and that's main road south is called
11 Pass-A-Grille Way. If you see where the red dot
12 is here, that's the Don CeSar. Everything south
13 of there, that main road is called Pass-A-Grille
14 Way.

15 (Off the record comment.)

16 MS. BALLEW: North that way the main
17 road is called Gulf Boulevard and that's where
18 most of the restaurants and the shopping and so
19 forth. But there's a small area of Pass-A-Grille
20 around 8th Avenue that has some shops and some
21 restaurants and it's right on the beach. It's
22 just a block wide. The Gulf is over here and the
23 Bay is on the other side.

24 I have a list of restaurants that we're

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1 going to get some additional copies for you on the
2 table back there. And there is a trolley that
3 runs all the way from the south end of this beach
4 all the way up to Clearwater Beach and you'll
5 recognize the trolley stop signs. They're a big
6 sun kind of thing. There's one right here at --
7 on the Gulf side and then one across the street on
8 the Bay side also.

9 There is a brochure back here called
10 Historic Corey Avenue. It lists the shops on our
11 main street which is all of about two blocks long.

12 But it's a nice little area. There is a shop
13 there that I wanted to tell you about called Blue
14 Water Outfitters and Gallery. It's a new shop --
15 with coupons for discounts. But the reason I
16 thought you might be interested is they carry all
17 the Guy Harvey things, the T-shirts, artwork and a
18 lot of nautical-themed things that you might be
19 interested in for yourself or for Christmas gifts
20 or whatever. There is also a wonderful shoe shop
21 across the street there.

22 And there are restaurants there.
23 There's an old historic beach theater that carries
24 independent films most of the time. So I think

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1 you would just be enjoy being in that area and
2 seeing what it's like.

3 Let's see. I wanted to tell you also.

4 This building to your left here that's separate
5 from Don CeSar is called the Don Vista. It's like
6 an art gallery. It belongs to the city. It's
7 recreational, art classes, etc. That used to be a
8 fishery science center lab of the southeast
9 region. It hasn't been for many, many years, not
10 since I, you know, 20 years ago. But I just
11 thought that was an interesting fact about the
12 local area.

13 Across the street and down a little bit
14 south you'll see a big gray building that's on
15 stilts. It is Pinellas Marine Institute. It's is
16 an alternative -- I know some of you --
17 Particularly, I know in other southern states, I'm
18 not sure about the rest of the country, but there
19 are marine institutes in other states. They deal
20 with kids who have, most teenagers who have gone
21 through the court system and have been adjudicated
22 to go to school here rather than go to jail and
23 they can't go back to the public schools. So they
24 give them instead educational counseling. They

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1 work with families, etc. I'm on the board of
2 trustees. So if anybody's really interested in
3 seeing that or knowing more about it, I would be
4 more than happy to arrange some time for you to go
5 over and see or talk with the executive director
6 or whatever.

7 And let's see. That's pretty much it.

8 This is the list of restaurants and shops and
9 I've told you like where they are. Breakfast,
10 lunch, dinner, places, where they're located. A
11 few things about several shops and if you don't
12 even get up the beach, I really would recommend
13 that you take the time to go down to the 8th Avenue
14 area. There is plenty of breakfast, lunch, dinner
15 and good shopping down there.

16 I've been asked to say that Little Room
17 for Art which is listed here is a really tiny art
18 gallery. It's pink in color. But they have some
19 works by a local artist there that some of you in
20 here have some of these pieces. Tommy Guccione
21 works on tiles, but he asked me not to mention
22 that and I wasn't going to say anything.

23 (Laughter.)

24 MS. BALLEW: I hope you'll have a good

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1 time here. I know you will. Sorry about the
2 weather, but yesterday was probably the coldest
3 day we'll have all year. Enjoy yourselves and I
4 think I'll see some of you on the --

5 DR. HOLLIDAY: Thank you, Carol.

6 Before we get to the agenda, I spent a
7 good bit of time putting together some opening
8 remarks for Bill. He's not here to use them this
9 morning. I'm going to give them in his stead
10 because I hate wasting some good words. So if
11 you'll just indulge me for a few moments, I'd like
12 to -- I know I can't do a Bill Hogarth impression,
13 but I'll do my best to convey the message that he
14 wanted you to hear.

15 This coming February MAFAC will
16 celebrate its 37th birthday and for more than three
17 decades, it's been in the public interest to
18 continue and renew the charter of the Marine
19 Fisheries Advisory Committee. And while the next
20 12 to 18 months will be a period of significant
21 change and transition, MAFAC as an institution
22 will remain steadfast in its role as an advisory
23 group to the Secretary on issues of policy and
24 priority for the stewardship of the nation's

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1 living renewing resources. But in order to
2 provide this advice and direction, MAFAC must
3 address and discuss among itself what are the most
4 relevant and pressing issues facing NOAA and the
5 country.

6 Within just the last year, MAFAC has
7 allocated its precious and limited time to
8 advancing the state of U.S. aquaculture and
9 supporting the repair and revitalization of marine
10 recreational data collection and has taken a look
11 forward at the hot issues of tomorrow through its
12 Vision 2020 effort. Yet there is much more work
13 still to be done as all the issues raised in the
14 U.S. Commission on Ocean Policy report continue to
15 unfold before us, issues of science, management
16 and governance and a multi-sectoral... can you
17 imagine Bill saying this, no, I can't.

18 (Laughter.)

19 DR. HOLLIDAY: He would have cut to the
20 chase, but I liked it and these issues certainly
21 need attention.

22 New and reauthorized statutory drivers
23 are being looked at for their economic and
24 conflicting sometimes objectives in an integrated,

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1 ecological, economic and environmental setting.

2 There are several hundred federal
3 agencies and even more legislative authorities
4 governing our oceans and their resources. The
5 challenge for NOAA, the department, and therefore
6 MAFAC, is how to be strategic. MAFAC is comprised
7 of a wonderful mosaic of expertise and talent that
8 is unmatched by any federal advisory group. Your
9 connections to people who care about and depend
10 upon our stewardship, of the public's resources,
11 this is a vital link with reality. Your training
12 and education is unparalleled and your experience
13 hard earned over many years is what helps earn you
14 a place at this table and made you a success.

15 So while Congress changes and a new
16 Assistant Administrator for Fisheries is coming, a
17 new president and cabinet are on the horizon and
18 even a number of you will complete your final year
19 with MAFAC in 2008, the Marine Fisheries Advisory
20 group will continue. Its important contributions
21 to the sustainability of our living marine
22 resources will also continue and it's my challenge
23 and that of the Office of Policy to ensure your
24 success and to facilitate and support meaningful

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1 and satisfying contributions by you to help
2 fulfill the mission of NOAA.

3 I look forward to working with you all
4 and together we will make a difference and I
5 appreciate your help and forbearance in this
6 opening remark. Thanks.

7 So, Tony, at this point, I would like
8 to look over the agenda and have a briefing. We
9 have prepared briefing books for everybody thanks
10 to Tywana and the rest of the staff. There are a
11 couple of changes on the agenda that I'd like to
12 make note of. So if you can open to your tab, the
13 agenda.

14 CHAIR DiLERNIA: Tab 2.

15 DR. HOLLIDAY: Tab 2 is the agenda.

16 CHAIR DiLERNIA: Actually, the front.

17 DR. HOLLIDAY: The front is a table of
18 contents for the book itself.

19 CHAIR DiLERNIA: Right. Tab 2 is your
20 agenda.

21 DR. HOLLIDAY: Anyway, I'd --

22 CHAIR DiLERNIA: Go ahead, Mark.

23 DR. HOLLIDAY: I would just like to
24 highlight the first changes. This morning because

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1 of John Connelly's travel arrangements, we've
2 switched the briefing that Tim Hansen is going to
3 do on seafood quality and safety until the
4 afternoon when John will be here. And Alan
5 Risenhoover from the Office of Sustainable
6 Fisheries has graciously agreed to give his
7 presentation on Magnuson Stevens Act this morning.

8 So those two things will be switched between
9 10:45 a.m and the 1:30 briefing.

10 Tony, did you want me to walk through
11 it or would you like to just walk through the
12 different items and see if there are any
13 questions?

14 CHAIR DiLERNIA: You can go right
15 ahead. I didn't know if you wanted to. Go right
16 ahead.

17 DR. HOLLIDAY: Okay. The first day of
18 the meeting we've organized into a series of
19 briefings on topics that you raised as wanting
20 status reports on or wanted more information on
21 when we were preparing the agenda. So we'll be
22 looking at both Magnuson Stevens Act
23 implementation, marine recreational fisheries data
24 improvements and a briefing on aquaculture. So

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1 these are principally information transfer, status
2 reports, updates, an opportunity for you to see
3 where things stand, ask questions and get a report
4 on where things are going next in these three
5 areas that MAFAC have been working on. It's a
6 status report on current business and what's next
7 with these areas of interest to the Committee
8 itself.

9 We've organized Wednesday into a series
10 of discussions. We've tried to allocate large
11 blocks so that we have ample time for interaction
12 among the Committee members in three principal
13 areas. In the morning, we're going to tackle
14 Vision 2020 and Mary Hope is going to walk us
15 through the response by the public to the draft of
16 Vision 2020 document that was completed earlier in
17 the fall. We posted it out on the web for public
18 information and review. We'll spend the bulk of
19 the time going through those comments, evaluating
20 the relevant ones, what we want to do or not do in
21 response to those comments with the goal and the
22 objective to complete the Vision 2020 document by
23 the end of this meeting and we'll go into the
24 mechanics of that a little later.

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1 After lunch tomorrow, we have set aside
2 two blocks of time for a full Committee discussion
3 of what I think are sort of forward looking areas
4 or potential areas for MAFAC contributions and
5 involvement. The first is a discussion of the
6 development of a national ocean policy statement
7 or perhaps a series of policy statements. There
8 are a number of briefing documents that are in the
9 book. But as I said in the email, I sent out what
10 I call two annotated agendas. They're just one
11 pagers that I hope you can read before the
12 discussion that gives you some context for why
13 we're discussing it, what we hope to get out of
14 the discussion and again this is all driven by
15 changes in legislation, different activities that
16 NOAA is faced with in integrating these different
17 statutory requirements and the short version is
18 we're looking to see what the pros and cons are on
19 developing statements of policy on the ocean for
20 NOAA to help create this integrated vision from
21 the National Marine Fisheries Service, NOS and
22 other partners in moving forward over the next
23 several years. We have a couple of hours set
24 aside for that discussion and Jim Gilmore has

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1 agreed to help facilitate and lead that discussion
2 today.

3 And then in the afternoon, we're going
4 to have a discussion on we're calling it Seafood
5 Certification Standards. We spoke briefly at the
6 June MAFAC meeting about MSC certification and
7 we've gotten some experience after the launch of
8 the FishWatch website from the National Marine
9 Fisheries Service. The point here again is
10 there's a annotated agenda, this one pager, that I
11 think you might focus on if you could before the
12 discussion to see again is there a need or are
13 there net benefits for the Federal Government to
14 get involved in some sort of certification
15 standard for seafood in the U.S. and, if so, what
16 form might that take.

17 Those are the three items that we're
18 going to cover on Wednesday. I should point out
19 for members and invited guests on Wednesday
20 there's a reception and you'll hear more about
21 that. It's hosted by Fish for the Future
22 Foundation to help celebrate Mary and Bill
23 Hogarth's contributions to MAFAC and the change in
24 their lifestyles if not their -- coming over the

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1 next, actually it's only a couple weeks away. So
2 that will be our Wednesday evening entertainment.

3 Then on Thursday morning, we're going
4 to break out into small groups again as we did at
5 the June meeting based on feedback from a number
6 of you and the notion of breaking into committees
7 and small groups, I have two other rooms reserved
8 in the hotel for work by the Commerce Committee or
9 the Strategic Planning Committee or the -- Working
10 Group, the Vision 2020 group. We'll have this
11 room reserved as well. So we're going to dedicate
12 the morning to follow up on committee work based
13 on Wednesday's discussion and what we talk about
14 this morning and this afternoon.

15 If you have ideas, recommendations, you
16 want to develop motions, do the work of the
17 Committee in small groups and then after lunch
18 come back to the plenary session in this room on
19 Thursday afternoon to report out from those
20 committees with the findings, recommendations,
21 action items and help close out any remaining
22 business before we adjourn for the day.

23 The times and locations, we'll develop
24 which committees go to which rooms as we see what

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1 the interest is on the part of the members to
2 convene those groups on Thursday morning.
3 Questions? Suggestions? Comments? Any agenda
4 related issues that you would like to bring up at
5 this time?

6 Great.

7 CHAIR DiLERNIA: Great.

8 DR. HOLLIDAY: Yes, that's a sign of
9 endorsement as I've ever heard one. Right, Tony?
10 I got it perfect. No complaints.

11 (Laughter.)

12 CHAIR DiLERNIA: Do you want to go
13 right into MAFAC administration?

14 DR. HOLLIDAY: We can go right into the
15 first discussion on MAFAC Administration. Again,
16 some of these are mechanical, but I'd like to make
17 sure we get through.

18 CHAIR DiLERNIA: Hold on. Steve Joner.
19 Steve.

20 DR. HOLLIDAY: Yes, Steve.

21 MR. JONER: Mark, do we have any
22 arrangements for internet access? It's \$11.00 to
23 be in the room.

24 DR. HOLLIDAY: Right.

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1 MR. JONER: Do we have it in here?

2 DR. HOLLIDAY: No, we did not schedule
3 internet access for this room.

4 MR. JONER: Okay.

5 DR. HOLLIDAY: If we want to do that as
6 a regular part of the meetings, then we can do
7 that in the future. I had sort of mixed signals
8 about whether, no pun intended, we wanted to do
9 that because some people feel it's distracting.
10 Other people don't use it. So you're on your own
11 for this meeting at the hotel rate of \$11 a day.

12 MR. JONER: Okay. If you can't answer
13 emails, you can't get them. Right?

14 CHAIR DiLERNIA: Right.

15 (Off the record comments.)

16 MR. JONER: That's reimbursable. It's
17 like a telephone call, isn't it?

18 CHAIR DiLERNIA: It should be.

19 DR. HOLLIDAY: Yes, it's not going to -
20 - It's a reimbursable cost, but it's not going to
21 break anybody's bank. It's a significant cost if
22 we got it for the room. It's a different rate
23 structure they do with audio-visual. So it's
24 usually much more expensive in that regard.

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1 But I don't want to digress, but we did
2 prepare hard copy briefing books for people. This
3 is a tradition of the Committee to generate paper
4 and send them home. So I've had a lot of
5 experience with doing paperless where we put
6 materials out on the internet. You print out or
7 take your laptop with you and read the contents
8 from it. I have all of the briefing materials on
9 a jump drive for those who do have laptops and
10 want a copy of all the materials that are in the
11 briefing book. I would be happy to share them
12 with you and if over the next couple of days you
13 have opinions one way or the other of going more
14 towards paperless and less towards briefing books,
15 please talk to me or to Tywana about what your
16 preference would be. I can stay with the paper
17 books if that's your preference or we can go
18 towards a more electronic version for those of you
19 who are into that or continue as a hybrid as we
20 have now which everything that's in the briefing
21 book is on the website. Everything that's on the
22 website is on the jump drive, your preference. So
23 think about it and let me know how you want to do
24 the business of the Committee best and I'll do our

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1 best to make sure that we can work with that.

2 CHAIR DiLERNIA: Any other questions?
3 Why don't we just get into our administration.
4 We're a little bit ahead of schedule.

5 DR. HOLLIDAY: Nothing wrong with that.

6 CHAIR DiLERNIA: Nothing wrong with
7 that at all. Mark, you're back up. Financial
8 Disclosure Statements. Nomination process. And I
9 must be missing tab -- Okay. That's where I am.
10 I'm backwards. Okay.

11 DR. HOLLIDAY: Tabs. Materials are
12 after the tabs.

13 CHAIR DiLERNIA: Okay. So Tab 2.

14 DR. HOLLIDAY: We're on Tab 2 and the
15 first thing under Tab 2 is the Charter for the
16 Committee, not necessarily listed in the order on
17 the agenda. But the first item on there is the
18 Charter. It's renewed every couple of years.
19 It's a requirement by law that the Charter can
20 only be extended on a two year interval.

21 Because of the timing of the Charter's
22 expiration for this year which was February of
23 2008, we had to submit the Charter to the
24 Department and the Secretary for approval. It's

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1 pretty much mostly submitted as it was previously.

2 Because we did not have a full meeting to discuss
3 it and suggest any changes to the Charter, I was
4 assured that you could change the Charter at any
5 point in time. We can submit changes midyear or
6 mid cycle if need be.

7 So in order to ensure the continuity of
8 the Committee, we submitted the Charter as is for
9 the next couple of years. But during the next 12
10 months, the next 18 months, if the Committee
11 chooses to look at the Charter and make
12 suggestions for changes, there's absolutely
13 nothing stopping us from proposing that and going
14 through the approval cycle in midstream should you
15 determine that changes are necessary.

16 This is a copy of the Charter as
17 submitted to the Secretary. Hopefully, it will be
18 approved and in place to ensure continuity by the
19 deadline of early part of February as is.
20 Questions on the Charter? Comments? Or
21 suggestions?

22 CHAIR DiLERNIA: I know I have a couple
23 of comments that I'll let members -- Do members
24 have any comments or questions regarding our

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1 current Charter? Mr. Rayburn.

2 MR. RAYBURN: Ralph Rayburn. This goes
3 to the administrator, I guess, and he continues to
4 want to be chair of this committee even though he
5 doesn't ever show up. Is that right?

6 CHAIR DiLERNIA: Well, that's actually
7 -- the point that you're trying to make was also a
8 point that I was hoping to make. Currently, the -
9 -

10 MR. RAYBURN: I'm sure you could do it
11 much more eloquently.

12 CHAIR DiLERNIA: -- chairman on the
13 Charter is listed as the NOAA Administrator and
14 the Vice Chairman of the Committee is listed as
15 the AA for Fisheries. You may recall that with
16 the last Charter revision and coincidental with
17 my election as Committee Liaison, the term
18 "chairman" was changed from Chairman to Committee
19 Liaison so as not to conflict with the Charter.

20 But the term "Committee Liaison" was
21 made in recognition of the fact that our
22 leadership according to our Charter is the NOAA
23 Administrator and AA for Fisheries which is
24 interesting because we're supposed to be -- Well,

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1 I guess we're giving advice directly to the
2 Secretary according to that table. So there are
3 appointed members.

4 MR. BILLY: Not directly.

5 CHAIR DiLERNIA: Not directly. Tell
6 me, Tom.

7 MR. BILLY: It says "through the
8 assistant administrator and administrator."

9 CHAIR DiLERNIA: Well, that's a good
10 point. If -- The question has been raised how can
11 the Committee give advice through the AA Fisheries
12 and NOAA administrator if they themselves are in a
13 sense part of the Committee. So the discussion
14 there, there's been discussion amongst some
15 members that the position that I currently held
16 right now should be and I won't be here to fill
17 it, you'll have to let someone else fill it in the
18 future, that position be changed to Chairman of
19 Appointed Members just for points of
20 clarification.

21 There would be the appointed members.
22 Those would be all members other than the
23 executive directors of the state fisheries
24 commissions, the AA Fisheries and the NOAA

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1 administrator. We all would elect our own
2 chairman again and he would interact with AA
3 Fisheries and NOAA administrator.

4 Some folks have been saying we should
5 be talking directly to the Secretary. Other folks
6 have been saying that we should be talking to the
7 Secretary through NOAA. We're an advisory
8 committee to NOAA. So I would think that we
9 should be talking to NOAA. But I was just
10 wondering if any other Committee members had any
11 comments or advice or any views on this position.

12 I'm going to hopefully ask that we have
13 an opportunity to amend the Charter. The Charter
14 is at the Secretary's office right now. So
15 there's nothing that we can do right now. But I
16 would change my position, that term that describes
17 my position, from Liaison to Chairman of Appointed
18 Members again for the future person who sits here
19 because the term "Committee Liaison" is a bit
20 misleading and it doesn't, I would say, lend the
21 person the authority that it may need to lead the
22 Committee. Ralph.

23 MR. RAYBURN: Yes. Ralph Rayburn.
24 Since this is 35 years old I guess it predates the

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1 FACA. Does it predate FACA, the Federal Advisory
2 Committee Act? I mean, I think this doesn't. It
3 does not?

4 DR. HOLLIDAY: No. It is a FACA
5 Committee and it is FACA compliant.

6 MR. RAYBURN: It is a FACA. But I
7 thought it was maybe set up preFACA. It was an
8 advisory group but it is a FACA now. But I just
9 wasn't sure whether it conforms. Are there other
10 FACA groups?

11 DR. HOLLIDAY: It was determined for
12 states. It was initially chartered under the FACA
13 on February 17, 1971.

14 MR. RAYBURN: Okay.

15 DR. HOLLIDAY: So it was originally a
16 FACA committee by design.

17 MR. RAYBURN: And do other committees
18 or do we know if other FACA committees operate
19 where the senior executive of the agency for which
20 they provide advice is a chairman or a leadership
21 role of that advisory committee? Is that --

22 DR. HOLLIDAY: Within NOAA, we're all
23 over the map.

24 MR. RAYBURN: Yes.

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1 DR. HOLLIDAY: It's not consistent.
2 This is the only one where the vice Admiral does
3 that. And so there are three total committees but
4 they differ. So there's no standard.

5 MR. RAYBURN: General.

6 DR. HOLLIDAY: So you can recommend and
7 have it organized according to whatever standard
8 you see fit and, as Tony pointed out, the current
9 charter is being renewed. But there's nothing to
10 prevent us from going forward and recommending a
11 position for modifying that charter and seeking
12 approval for that change. We didn't have the time
13 or the opportunity to have a full discussion by
14 the Committee for such a change before we sent
15 this one forward.

16 CHAIR DiLERNIA: Vince.

17 MR. O'SHEA: Vince O'Shea. I think the
18 linkage to the states of this body through the
19 strategy of having the commissions here is a good
20 one. But I notice it's not mentioned in the
21 Charter. Do you know why?

22 CHAIR DiLERNIA: Very good point. I'm
23 looking around the room, Vince. I don't see
24 anyone raising their hand.

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1 MR. O'SHEA: So maybe on the next go-
2 around, that might be worth a sentence. Since
3 that's what you're doing, I think it would be good
4 to get credit for it. Thanks.

5 MR. SIMPSON: Mr. Chairman, I know it's
6 been that way. We have been advisors to MAFAC
7 since at least the early '80s from my first
8 meeting. Now that's all likely go back to, but
9 we've been advisors in a capacity sense since the
10 early '80s.

11 I have another question if I might, Mr.
12 Chairman. Mark, you mentioned there are three
13 other FACA established which is different than
14 FACA exempt and one of them is SEAGRANT, I know,
15 and MAFAC and could you enumerate the other two?

16 (Off the record comment.)

17 MR. SIMPSON: Does anybody know what
18 the other FACA?

19 MR. O'SHEA: Sure. MPA (Marine
20 Protected Area) Advisory Committee is another.

21 MR. BILLY: The MPA and the NOAA
22 Science Advisory Board.

23 MR. SIMPSON: And the Science Board.

24 DR. HOLLIDAY: The NOAA Science Board.

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1 MR. SIMPSON: Thank you. And there are
2 some committees like the Council which are FACA
3 exempt.

4 DR. HOLLIDAY: Exempt.

5 MR. SIMPSON: And I think it was done
6 before -- I think it may actually have been part
7 of the reasoning or the need for a final and
8 actual advisory committee act. So I think MAFAC
9 predates that.

10 CHAIR DiLERNIA: Tom Billy.

11 MR. BILLY: Yes. I'd like to put on
12 the table a question regarding the value of having
13 the administrator of NOAA in terms of, I'm a short
14 timer in terms of being on this Committee. But I
15 haven't seen the administrator around or showing
16 any interest in particular about us. I know he's
17 spoken to us once maybe at my first meeting. So I
18 think it would be valuable to reconsider who
19 should chair the meeting and vice chair and
20 liaison and that particular set of issues as it
21 relates to the future work of the Committee.

22 CHAIR DiLERNIA: Tom Raftican and Ralph
23 Rayburn.

24 MR. RAFTICAN: Mr. Chairman, what's the

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1 timeline on this? I'm wondering. Does it make
2 sense to appoint a subcommittee? There are a lot
3 of different facets going on here and I hate to
4 take a snap judgment on this. Do you have -- Is
5 there time available or does it make sense to have
6 somebody bring back recommendations?

7 CHAIR DiLERNIA: I think that's an
8 excellent suggestion. I would hope that -- I'd
9 like to see some more just general discussion.
10 Because if a subcommittee does develop, I think
11 Committee members should -- the full Committee
12 should hear perhaps some of the items that would
13 be discussed in the subcommittee, I think, if we
14 did it as, say, part of Thursday's breakout
15 session.

16 I would like to see some more
17 discussion. But, yes, I agree with you that a
18 subcommittee or a work group should be established
19 to make recommendations regarding the Charter
20 rather than just I would be uncomfortable with
21 recommendations that just originated from this
22 table today having just initiated the conversation
23 10 or 15 minutes ago. I know you all are going to
24 make me pick up the phone and call the Admiral and

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1 tell him he's off the committee. I know that's
2 what's happening today.

3 (Laughter.)

4 CHAIR DiLERNIA: Ralph.

5 MR. RAYBURN: I agree with what Tom
6 says. There ought to be -- Maybe your executive
7 group could meet. It seems to me that if the FACA
8 group is limited by number and two of those
9 numbers are the administrator and the assistant
10 administrator count against the total, then you're
11 reducing the opportunity to bring in constituents.

12 I mean, it's like -- I'm not saying one way or
13 the other but if you're going to limit it by
14 number I wouldn't think you would want those two
15 people to count against the overall number of the
16 committee and I would think, too -- I was thinking
17 about it, too. It seems like having advisory
18 people here whether MAFAC covers their expenses or
19 whether they come under "Other," the three
20 commissions and I was thinking the other day maybe
21 since this regional councils have their entity now
22 established in Magnuson maybe the representative
23 from that group could be considered an advisor and
24 one thing I wanted to do since I've been here is

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1 have a role for SEAGRANT to be an advisor, non-
2 voting member, where they can sit in, hear what
3 the constituents are saying and maybe that would
4 help us all get to. So I would think looking at
5 how the advisors are in a formal sense so they can
6 justify coming to this meeting not necessarily
7 with federal payment for that, something like
8 that, I think it could try to make it more
9 effective.

10 DR. HOLLIDAY: Just a point of
11 information.

12 CHAIR DiLERNIA: Mark.

13 DR. HOLLIDAY: Just a clarification.
14 Twenty-one person membership does not include the
15 vice admiral and the assistant administrator. So
16 there are 21 appointed members. So the Committee
17 at least in practice has 21 appointed members.
18 The three commissions are advisors and then a
19 chair and a vice chair.

20 CHAIR DiLERNIA: We currently have 20
21 sitting members, one vacancy, I believe.

22 MR. RAYBURN: I'm sorry. I read that -
23 -

24 DR. HOLLIDAY: It's awkwardly

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1 constructed and our practice may not follow. But,
2 in fact, there are 21 appointed members.

3 MR. RAYBURN: But everything else I
4 said was okay. Right?

5 (Laughter.)

6 DR. HOLLIDAY: Friendly point of
7 information.

8 CHAIR DiLERNIA: Let me tell you what I
9 think I'm hearing here and quite frankly it does
10 my heart good to hear what I think I'm hearing or
11 maybe I'm just interpreting it that way. The
12 Committee is trying to -- As we begin to discuss
13 who should be on the Committee, who we should be
14 reporting to, the Committee discussion I hear, the
15 subtext that I hear, is how does the Committee
16 redefine itself. How does the Committee redefine
17 itself regarding the work that it does and the
18 advice that it gives.

19 I, for one, was extremely pleased when
20 the Committee was assigned to the Office of
21 Strategic Planning because -- And I'm sure you all
22 will aware of my opinion that that's what the
23 Committee should be. We should be forward
24 looking. We shouldn't be down in the weeds.

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1 That's where the councils are and then that's what
2 the councils should be doing way down there in the
3 weeds.

4 But keep in mind that some feel that
5 the councils were modeled after MAFAC. MAFAC
6 existed before the councils did. But MAFAC should
7 be right up there above and doing policy advice,
8 long-term strategic planning and policy advice.
9 So if we're doing that, where do our -- The
10 membership of the Committee is a little bit
11 different perhaps than what we are currently
12 composed of.

13 I would like to put together a working
14 group to examine the Charter to make some
15 recommendations to the full Committee for
16 consideration. Mr. Raftican, you first brought it
17 up. I was wondering if asked to serve as the
18 chairman of that subcommittee would you serve as
19 it.

20 MR. RAFTICAN: Yes.

21 CHAIR DiLERNIA: Thank you, sir. And
22 what I would like to do is perhaps have some more
23 discussion. But I would like for some folks
24 whoever wants to volunteer to work with Tom

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1 Raftican regarding making recommendations for our
2 revisions.

3 MR. BILLY: A point of order.

4 CHAIR DiLERNIA: Yes, sir.

5 MR. BILLY: I'd like to suggest as an
6 alternative for consideration of the Committee
7 calling on the executive subcommittee to take that
8 responsibility and then any other member of the
9 Committee be involved as well.

10 CHAIR DiLERNIA: Why don't we -- I
11 would like to -- The executive committee could be
12 part of Mr. Raftican's committee. But I would
13 like Mr. Raftican to serve as chairman of that
14 committee. Objection? Our executive committee
15 can serve and all the members of our executive
16 committee can serve on this committee, but if you
17 could take the ball and run with it a little bit
18 and try to organize it for us. Mr. Billy. Thank
19 you, sir.

20 MR. BILLY: I apologize for my naivete.
21 But could you remind me who is on the executive
22 committee?

23 CHAIR DiLERNIA: The executive
24 committee is the members of the work group.

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1 MR. RAYBURN: The chairs of the
2 subcommittees and the liaison chaired by the
3 liaison.

4 MR. BILLY: Thank you.

5 CHAIR DiLERNIA: So we have -- Mr.
6 Fletcher, Mr. Gilmore, Mr. Billy, Mr. Dorsett,
7 myself and Mr. Raftican will chair.

8 MR. RAFTICAN: Is there anyone else
9 that would be interested?

10 CHAIR DiLERNIA: I would ask anyone who
11 is interested in serving on that group to speak to
12 you.

13 MR. RAFTICAN: Okay.

14 CHAIR DiLERNIA: And if you could take
15 that group and run with it, I would appreciate it.
16 We'll take a look at the -- I'll take a look at
17 our schedule and perhaps make some recommendations
18 as to when you could meet.

19 MR. RAFTICAN: Okay.

20 CHAIR DiLERNIA: And perhaps you can
21 give a report back to us.

22 Are there -- Mr. Dewey.

23 MR. DEWEY: Additional comments here as
24 we're talking about membership. Essentially,

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1 we've done it already by having some
2 representation on the Committee that the Charter
3 doesn't reflect them. That might be something
4 that you -- It seemed like it would be possible
5 there in that Section 1 under "Members and
6 Chairperson" to add aquaculture to it and then A,
7 "Experiences and Harvesting, Culturing,
8 Processing" is to reflect all the hard work that
9 the Committee has done to recognize the important
10 -- in the country.

11 CHAIR DiLERNIA: Could you give me a
12 line, sir?

13 MR. DEWEY: On the first page under
14 "Members and Chairperson," third line down at the
15 end of that after "recreational fishermen" you
16 could potentially insert aquaculture and then in
17 A, "or that experience in harvesting," add
18 "culturing" in that list of people processing.

19 CHAIR DiLERNIA: That's a
20 recommendation that will help the work group or
21 committee would be coming forward with.

22 MR. RAFTICAN: Bill, would you help us
23 with that?

24 MR. DEWEY: Absolutely yes.

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1 MR. RAFTICAN: All right.

2 CHAIR DiLERNIA: Okay.

3 MR. CATES: Tony.

4 CHAIR DiLERNIA: Yes, sir. Randy.

5 MR. CATES: Can I ask a question? For
6 the new members and some of the ones that are
7 about ready to leave, under the "Objectives and
8 Duties," the first sentence talks about --

9 CHAIR DiLERNIA: Could you speak up a
10 little bit please, sir?

11 MR. CATES: The first sentence talks
12 about our duty to advise the Secretary of
13 Commerce. Has that happened? Are we able to? If
14 we're going to make this working group, what's
15 been the past experience? Is our message getting
16 to them? Do we have access?

17 CHAIR DiLERNIA: Since I have served as
18 Committee Liaison, in the two years I have served
19 as Committee Liaison, I've never had a meeting
20 with the Secretary. The recommendations
21 previously, my predecessor met with the Admiral.
22 He would meet with the Admiral after each meeting
23 and present the recommendations of the Committee
24 and it was presumed then that the Admiral then

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1 transmitted those recommendations to the
2 Secretary. But there was no -- We didn't know if
3 that occurred or not.

4 You make a very good point, Randy, as
5 to what should be the future operating procedure
6 of the Committee. I've been comfortable in
7 accepting the recommendations of the AA Fisheries.

8 It's no secret that I have tremendous confidence
9 in Dr. Hogarth and we're friends for a very long
10 time and I have been very happy to follow his lead
11 and accept this guidance regarding making our
12 recommendations.

13 But you make a good point. For future
14 for what we leave regarding members that will be
15 following us and myself my term in about a little
16 less than a year and you will be here to accept --
17 and so your recommendation is a very good one.
18 I've heard it from more than one person on more
19 than one occasion and I think that's something
20 that should be seriously considered in the
21 committee that I've asked Mr. Raftican to convene.

22 MR. CATES: I've sat on other
23 organizations where it's similar and when you
24 accept an appointment to something and it puts in

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1 writing your job is to advise either the State of
2 Hawaii or whatever, you have to have access and if
3 you don't, then as an appointee you're not doing
4 your duty. And it shouldn't be written in there
5 unless we're allowed to do that. As an
6 organization, we have to. Otherwise, a future
7 Secretary of Commerce can look back and say you
8 didn't do your duty.

9 CHAIR DiLERNIA: Mark. Okay. Dorothy
10 and then Tom.

11 MS. LOWMAN: Well, I think that point
12 is important and how do we give advice, you know,
13 up the chain and then particularly how relevant
14 that we're talking about it now because we are
15 going into this time of transition and we will
16 probably have a new secretary and an opportunity
17 maybe to have some influence from the beginning of
18 a transition time. So I just wanted to say I
19 think this is really important that we're doing
20 this now.

21 CHAIR DiLERNIA: MR. BILLY.

22 MR. BILLY: I would like to make a
23 slight correction to what you said a little while
24 ago. On aquaculture, this committee within the

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1 last year chose to go beyond simply reflecting the
2 resolution that we passed in the minutes of the
3 meeting and also drafted a letter that was sent by
4 me as the chairman of the Commerce subcommittee
5 and Tony as the Liaison jointly to Bill Hogarth
6 advising him of both our findings and our
7 recommendations in the area of aquaculture. As a
8 result of that, Bill asked for a briefing. Tony
9 wasn't able to make it, but I was there along with
10 -- I think it was Eric Schwab.

11 And we did a briefing on the actions of
12 the Committee. Dr. Hogarth liked that and
13 recommended that we go further and brief the
14 administrator of NOAA which we did and Bill also
15 thought that we should further brief the Secretary
16 of Commerce. That became not necessary because
17 the Secretary's, I think, chief of staff and a
18 couple of his other people were at the briefing
19 for the admiral and it was as a result of that
20 briefing that the Aquaculture Summit was accepted
21 and carried out under the sponsorship of the
22 Department. So there are ways in which this
23 Committee if it chooses to do so can go further
24 than just reflecting things in the minutes of the

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1 meeting depending on the subject of how we feel
2 about it.

3 CHAIR DiLERNIA: It's an excellent
4 model that perhaps we should be considering and
5 it's a good sign or example of how the Committee
6 can work. I thank you. MR. BILLY, you
7 spearheaded most of that and you took the lead in
8 that. I thank you for that. But perhaps we
9 should be doing more of that. It should be the
10 routine rather than the exception.

11 MR. BILLY: One thing I would add is
12 relevant to my earlier comments it was important
13 that we brief the admiral because he as the
14 chairman wasn't present at all at the meeting
15 where we had all those discussions on aquaculture.
16 So he missed that.

17 CHAIR DiLERNIA: When we probably come
18 back from lunch, we'll try to find some time to
19 make recommendations to when the working group
20 committee can come together. Okay?

21 Further administration items or any
22 other questions on this before we move on? Now
23 we're on schedule.

24 DR. HOLLIDAY: Tony, just since you've

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1 been talking about makeup and membership, maybe we
2 just skip to the one tab.

3 CHAIR DiLERNIA: Yes.

4 DR. HOLLIDAY: A couple tabs down that
5 has the spreadsheet on MAFAC Membership
6 Appointment Expiration.

7 CHAIR DiLERNIA: It's behind --

8 DR. HOLLIDAY: Just keep going a couple
9 more.

10 CHAIR DiLERNIA: -- Tab 2 on the pink.
11 Right?

12 DR. HOLLIDAY: Tony has asked me to put
13 together a small table of current members and the
14 first and second term and whether or not when that
15 term expires. So we get a sense of the turnover
16 in the membership of the Committee and it's pretty
17 straightforward.

18 CHAIR DiLERNIA: May I?

19 DR. HOLLIDAY: Go ahead.

20 CHAIR DiLERNIA: This is a result of --
21 Those that were appointed with me, I guess you'll
22 say the year Class of, what were we, 2002. And
23 there were originally something like 12 members or
24 14 members appointed in -- Well, there were

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1 supposed to be 14 members expiring in 2002 and Dr.
2 Hogarth reviewed it with then Chairman Rod Moore
3 and invited some members to continue on for
4 another year or so to try to break up the renewal
5 so that if we have 21 appointed members we should
6 never have any more than seven new members coming
7 on at any one time. And we're getting there.

8 If you look at the matrix that's behind
9 Tab 2, you'll see that there are ten members whose
10 terms expire in 2008 and we should really try to
11 see if perhaps -- I haven't had this discussion
12 with Bill, with Dr. Hogarth, for it's been a few
13 months the last time we discussed this. So his
14 opinions may have changed, but do we want to have
15 only seven members expire in 2008 and have three
16 members serve another year of service. So we
17 would try to get everyone back at the sequence and
18 that would mean that whoever is interested in
19 saying whose term is scheduled to expire would
20 they be interested in serving another year.

21 I know the last time this was done,
22 that was six years ago, there were approximately
23 six or seven members that were interested in
24 serving for an additional year and basically what

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1 they did was they put those names in a hat and
2 they pulled the names out to determine who was
3 going to serve the extra year.

4 You all can see your names there on the
5 list, myself, Mr. Dorsett, Mr. Fletcher, Mr.
6 Forster, Mr. Gilmore, Mr. Kramer, Ms. Leipzig, Mr.
7 Rayburn, Mr. Roberts. We will give it some
8 thought and we'll refer it back to Hogarth to give
9 us some more guidance. But I think we may want to
10 try to consider extending individuals for at
11 least, some individuals, for another year to serve
12 an additional year as to try to bring some
13 continuity to the Committee and particularly at a
14 time when we have a transition once again and I'm
15 sure our new members will do a stellar job of
16 continuing good work for the Committee. But if
17 some of the more experienced members wish to stick
18 around for another year and help the newer members
19 go forward, then let's hear from them.

20 Questions on that? Mr. Rayburn.

21 MR. RAYBURN: Is there any indication
22 we'll be going to Hawaii in the next year?

23 (Laughter.)

24 CHAIR DiLERNIA: Randy, it's fine with

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1 me. You all can come to New York in July.

2 MR. RAYBURN: Do it in the winter.

3 (Off the record comments.)

4 CHAIR DiLERNIA: Laurel.

5 MS. BRYANT: More consideration is
6 needed also as you're doing Charter and as you're
7 doing the membership to also address because I
8 don't think it's ever been done specifically and
9 that is when you have a member such as Mr.
10 Donnabrio that for one reason or another is pulled
11 out for one reason or another. Do you have a
12 vacancy that then when is appointed does it fill a
13 full three year term or is the person appointed to
14 complete that term and then is that -- And I think
15 that's something that's never really been
16 addressed and as you guys are having the
17 discussion and considering it, you might want to
18 think about defining that role.

19 CHAIR DiLERNIA: I know the trends on
20 the Fishery Advisory Councils are you're limited
21 to three complete terms. So if you're appointed
22 to complete someone's, say, half term or whatever
23 that doesn't count in your three term limit and
24 perhaps that something that the Committee may want

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1 to make a recommendation on also.

2 Thank you, Laurel. Thank you for
3 bringing that up. That's an important point
4 regarding the continuity. Any additional
5 questions or comments on that topic before. We
6 have additional administrative matters. Right,
7 Mark?

8 DR. HOLLIDAY: Yes.

9 CHAIR DiLERNIA: Good. Back to you.

10 DR. HOLLIDAY: Back to the more mundane
11 issues. As part of your Committee membership
12 responsibilities, you're required every year to
13 complete a confidential disclosure report. We
14 sent out the materials requesting you do this back
15 in the fall, ask you to supply them to our office,
16 I think, it's the first week of January. If you
17 haven't already done so, this is just a friendly
18 reminder to do that.

19 If you didn't keep a copy of your
20 disclosure form from last year and would like us
21 to send you a copy of it, please just contact me
22 and we'll do so. The form itself has changed. So
23 you have to transcribe materials onto a new form.
24 That's why we just can't xerox the old form,

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1 white out your signature and have you resign it.
2 There's a new form which is consistent with
3 reducing the paperwork in government. No, that's
4 not true.

5 We do ask your cooperation in doing
6 that and in addition, the last page in the tab has
7 a certification statement that you're also asked
8 to complete. That's a one pager and that you can
9 complete here. You can sign it and date it and
10 give it to me or to Tywana during the meeting.
11 It's talking about you're not a foreign agent,
12 etc. If you haven't done so, you can just take
13 this out of the notebook and complete that. That
14 would be great so that it would take care of those
15 two housekeeping things as soon as practicable.

16 CHAIR DiLERNIA: Okay. What else do
17 you have? Anything else on that, Mark?

18 DR. HOLLIDAY: Yes, we have the last
19 item under MAFAC Administration is to talk about
20 one of the more recent activities of MAFAC --

21 CHAIR DiLERNIA: Yes.

22 DR. HOLLIDAY: -- it's the
23 Sustainability Awards and we have our first
24 presentation this morning. I'd like to introduce

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1 to you Michele Shea from the Fish for the Future
2 Foundation who is going to show a little bit about
3 the process that we're going to be using this year
4 and this is under Tab 2 as well as shortly up on
5 the screen.

6 MS. SHEA: Good morning. As Mark said,
7 I'm Michelle Shea for Fish for the Future
8 Foundation and I'm just going to talk briefly with
9 you this morning about the Sustainable Fisheries
10 Leadership Award, talk a few seconds about the
11 background, a little bit about your role and then
12 go through the evaluation process with you that
13 hopefully you're all very familiar with.

14 This award's program was launched in
15 the fall of 2005 and this nomination process, it
16 just opened up about a month ago. It will be our
17 third annual. And as you all know, the awards
18 were designed to recognize outstanding
19 performance, achievements and leadership that
20 promote stewardship practices for the sustained
21 use of our nation's living marine resources.

22 Our award categories, there are six of
23 them. We have the Special Recognition,
24 Stewardship and Sustainability, Conservation

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1 Partnership, Science, Research and Technology,
2 Coastal Habitat Restoration and Public Education,
3 Community Service and Media.

4 One great thing to note is that the
5 interest has been growing and picking up every
6 year. We went from 48 nominations in `06 to 60 in
7 `07. We had one sponsor for the awards ceremony
8 in `06 and we went up to 16 in `07. And we went
9 from 100 to 150 attendees, participants, in the
10 awards ceremony.

11 Your role, at the request of the Under
12 Secretary, who you helped to establish this awards
13 program and to pick the six categories, is to
14 agree to serve as the review panel for all of the
15 nominations we receive.

16 This timeline I believe is also in your
17 briefing book just to give you a quick overview of
18 the process. As I said, we opened up the
19 nominations on November 13th, just about a month
20 ago, and the nomination process will close in
21 early February and then in those couple weeks
22 between February 11th and 25th, we'll be getting
23 our website ready for you all and setting up the
24 evaluation process. And then in late February,

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1 you will officially begin your review process and
2 you'll have three weeks to complete your
3 evaluation forms of the nominations. Then once we
4 receive all of your evaluations, what we do is we
5 put that altogether with all of the nominations we
6 receive, all of the supporting materials, and we
7 give this to NMFS Leadership to review and make
8 their selection. And then from there, they will
9 notify winners, announce winners and in June of
10 2008, something you all should hopefully keep in
11 mind to attend will be the awards ceremony.

12 A little more about the review and
13 evaluation process that you all will be
14 participating in. It's the same form as 2006 and
15 2007 for those of you who are familiar with it.
16 Nothing has changed on the evaluation form.

17 They'll be posted. All the nominations
18 will be posted online as they were last year and
19 you'll be able to review and evaluate them at your
20 leisure during those three weeks and complete the
21 evaluation form and send it to us and you'll get
22 all of this and more specific information in
23 emails and correspondence closer to the start of
24 your review and evaluation process.

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1 Hopefully, you've all seen this. But
2 this is what our website looks like that you will
3 be reviewing from. And, yes, this is what our
4 website looks like.

5 Once you log in, at the bottom of the
6 page, there will be a log in prompt and you'll get
7 all the information and you log in and you'll see
8 all the award categories. This is just a little
9 page of that, not the full, because we couldn't
10 fit it on one slide. And you'll have the choice
11 of either viewing the nominations each
12 individually or you can download them altogether
13 as a zip file. We're really trying to make this
14 as easy and convenient for you all as possible.

15 Why is your involvement important?
16 There are several reasons, but obviously, this
17 awards program and the way it was designed was
18 with strong input from you all to make sure that
19 we're getting the most meritorious nominees to be
20 selected for our award. And really your full
21 involvement is crucial to the process. Last year,
22 we had 17 members submit evaluations which we were
23 very pleased with. But for 2008, we'd really like
24 to have everyone complete an evaluation form.

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1 And at this point, if you have any
2 suggestions or ideas that you would like to submit
3 to us, you can feel free to bring them up now or
4 you can email me.

5 In summary, you can expect to receive
6 correspondence in February according to our
7 timeline with more specific instruction on the
8 review process, your log-in, your password, all of
9 that and, if you have ideas that come up later, I
10 hope most of you all have seen the evaluation form
11 in the past. It's a very short form. You can add
12 additional comments if you want. But if you would
13 just like to rank your top three it can be as
14 simple as that.

15 CHAIR DiLERNIA: Thank you. Questions
16 for Ms. Shea? First of all, before questions,
17 Michele, I'd like to personally thank you for you
18 and the Fish for The Future Foundation for all the
19 hard work that you've done in really running this
20 for the Service and for MAFAC. The receptions
21 have been fabulous. You make it very easy for us
22 to do this work. It's time-consuming. It takes a
23 few hours, I know, and I go through all the
24 nominations and I read every one and I review them

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1 and I try to make up my mind to rank order folks.

2 It does take time.

3 But it is one of our responsibilities.

4 I think the folks that are recognized it's a
5 small reward that we can give them for the amount
6 of work that they do. When you read these
7 nominations and you realize the folks that we're
8 reviewing, you want to give an award to each
9 person that's been nominated. But we can't. So
10 we have to make selections. But you make it very
11 easy for us and on behalf of the Committee, I
12 really want to thank you for all the hard work for
13 the entire Foundation.

14 (Applause.)

15 CHAIR DiLERNIA: Questions for Ms.
16 Shea? Larry.

17 MR. SIMPSON: Michele, I echo Tony's
18 comments. I thought particularly for myself a
19 good thorough review and so forth, can you backup
20 to the interface on the recommendations? That's
21 different this year than it was -- Right there.
22 Back up. Forward.

23 MS. SHEA: This one?

24 MR. SIMPSON: Yes. Isn't that

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1 different than it was?

2 MS. SHEA: The reason it might look
3 different is that we blocked out the nominees who
4 were not selected to protect their identity.

5 MR. SIMPSON: Okay. Right.

6 MS. SHEA: Hopefully, that's the only
7 reason it looks different.

8 MR. SIMPSON: I remember when I did, I
9 had to do a lot of innovative cutting and pasting
10 to get my point across and I don't -- If you could
11 make a little more user-friendly as far as I -- I
12 use a lot of email on computers, but I'm not that
13 swift at figuring out how to make my comments and
14 all the kind of stuff. I found it a little
15 cumbersome last year, but it wasn't undaunting.

16 MS. SHEA: Okay.

17 DR. HOLLIDAY: Yes, I think you're
18 referring to the evaluation itself. Right?

19 MR. SIMPSON: Yes. Right.

20 DR. HOLLIDAY: Okay. That's a comment
21 that we can work on and provide appropriate space
22 and make that more efficient.

23 MR. SIMPSON: Yes. Okay.

24 MS. SHEA: Definitely

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1 DR. HOLLIDAY: Michele, do you happen
2 to have a sample with you?

3 MS. SHEA: Of the evaluation form, I
4 have it on a jump drive.

5 DR. HOLLIDAY: On the break, we can
6 take a look at it and talk some more about it
7 offline.

8 CHAIR DiLERNIA: Questions? Additional
9 questions? Ralph.

10 MR. RAYBURN: This is Ralph Rayburn.
11 February 25th and March 5th is only two weeks,
12 isn't it?

13 MS. SHEA: I followed last year's form.
14 I apologize if I misspoke when I said three
15 weeks. Last year, do you remember if it was two
16 or three?

17 MR. RAYBURN: I don't but two weeks, at
18 the rate these things are going, that's quite an
19 effort especially for this group. So I think -- I
20 guess my question is why does it seem like we rush
21 to an April 7th deadline and then it's not until
22 June that we give the awards. Is that because I
23 know it takes time for the awards in setting
24 everything up. But I just wasn't sure if there is

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1 a mandate to do the two week review. We can have
2 100 to do. That's a lot of effort. I'm just
3 curious about it.

4 MS. SHEA: Sure. There's a couple
5 things. One, I think it would be within reason to
6 extend the evaluation period for another week to
7 make it three weeks. Like I said, I tried to
8 follow last year's format. But I think three
9 weeks is reasonable.

10 Also part of the reason for the early
11 choosing and notification of the winners is that
12 the video that's put together for the awards
13 ceremony for those of you who have attended does
14 take a great deal of time to put together and they
15 obviously can't get started working on that in
16 addition to other aspects of the awards ceremony
17 that we need the winners' names for. So
18 unfortunately, that's sort of does need to stay
19 pretty early.

20 MR. RAYBURN: But, say, if you did give
21 us another week to the 17th, whatever day of the
22 week that is.

23 MS. SHEA: Sure.

24 MR. RAYBURN: That would still be

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1 enough time for the administrator to review them
2 and notify and not mess that schedule up too much.

3 MS. SHEA: I'll talk with Mary Hope and
4 Mark about that, but I would think yes.

5 MR. RAYBURN: I would appreciate it.
6 Thank you.

7 CHAIR DiLERNIA: Do you have a
8 question?

9 DR. HOLLIDAY: Yes. Just a question.

10 CHAIR DiLERNIA: Mark and then Jim.

11 DR. HOLLIDAY: You mentioned some of
12 the or you emphasized the review role of MAFAC and
13 looking at the nominations. I think there's
14 another perhaps unofficial role for MAFAC as well
15 and that's soliciting to submit nominations. This
16 is kind of an awkward time of year in just the way
17 the calendar falls for people who publish a
18 *Federal Register* notice. Not many people look at
19 that for their source of ready information.

20 But you have contacts with the
21 organizations, your constituents, other
22 stakeholders. So any effort that you could make
23 to help promote the nomination, submission of
24 nominations, in these different categories would

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1 be exceedingly helpful. You may know yourself of
2 people who are deserving or organizations that
3 would be great to nominate. So I would just
4 encourage MAFAC to keep that in mind as well, not
5 just the important role you have on reviewing, but
6 helping to get the right people nominated in these
7 categories and so the deserving folks have their
8 shot.

9 CHAIR DiLERNIA: Let me just ask you.
10 Wait a second. I have a question to this point.
11 Michele, perhaps you could refresh my memory.
12 We've had some members in the past nominated,
13 members of our own committee nominated, and is
14 there a policy or how did we work that? Could you
15 remind me please?

16 MS. SHEA: From my memory and just
17 maybe -- could step in here, what we have done is
18 just ask that members on their honor not evaluate
19 someone that they may have a conflict of interest
20 with or themselves.

21 CHAIR DiLERNIA: Okay. But it is still
22 appropriate to nominate members of the Committee.

23 MS. SHEA: It is.

24 CHAIR DiLERNIA: Very good.

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1 (Off the record comments.)

2 MR. RAYBURN: Tom McKant wasn't a
3 sitting member.

4 CHAIR DiLERNIA: He was not a sitting
5 member. Okay.

6 (Off the record comments.)

7 CHAIR DiLERNIA: We had, I think, a
8 sitting member nominated also.

9 MS. SHEA: Yes.

10 CHAIR DiLERNIA: A sitting member. Jim
11 and then Ralph and then Bob.

12 MR. GILMORE: Actually, I'll go to your
13 point, although I didn't intend to. Our Pollock
14 Conservation Cooperative won in the first year and
15 what we did was we found somebody. We didn't self
16 nominate and I recused myself from judging in that
17 category, just to give you that.

18 The two points that I wanted to raise,
19 I'm not quite sure how you handle it, but one
20 thing I found a little cumbersome in doing the
21 evaluations was that people would nominate
22 themselves under several categories. So you just
23 -- Obviously, you only needed to read the
24 submission once. But it led to a lot of bulk when

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1 you were down loading because you have the same
2 submission coming up time and time again. I don't
3 know if there's a way fairly for, and I don't want
4 to put the burden on Michele necessarily or
5 someone at NMFS just to sort of, Laurel's going to
6 correct me that I'm wrong, but we don't do that.

7 MS. BRYANT: No, but I think it's
8 something that when we were first developing this
9 there was in the rules and actually in the
10 instructions is that there will only be a
11 nomination for one category and only considered
12 for one category.

13 So when it's come that there is a
14 nominee that's been an award in one category,
15 there's kind of been this question do we exclude
16 them. Does that kind of eliminate them from the -
17 - and I don't think the Committee has ever really
18 looked at follow-up on that. We've never really
19 done a follow-up.

20 MR. GILMORE: I'd like to have somebody
21 make the judgment before it's submitted to us that
22 this is the category that it's most appropriate to
23 put this nominee in so that you -- Personally, I
24 don't think it's fair to the other nominees to be

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1 in one category and somebody else is competing in
2 three or four different ones.

3 MS. BRYANT: But other ones have also
4 been where you get different entities that
5 nominate the same one and so it is a different
6 nomination and that's happened.

7 MR. GILMORE: I guess the other point
8 and goes entirely to NOAA is that the purpose, one
9 of the purposes, behind doing this originally was
10 all we ever heard was the gloom and the doom, the
11 oceans are empty, nothing is going right in the
12 oceans and the world is coming to an end and we
13 were trying to create some deservedly positive
14 press for what's out there and one thing that I
15 know we struggled with when our pollock
16 cooperative won the award was that the
17 announcement was made in April but the event
18 wasn't until June and it was tough to do a media
19 thing because you have an event two months after
20 the news and I don't know if there's a way for
21 NOAA to package this in a way in which we can get
22 -- I mean to me it's news in April. In June, it's
23 a wonderful ceremony and it was a terrific dinner
24 that was put together last year and it's a great

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1 event. But it's not a media event at that point.

2 And if there's some way to get a little bit more
3 bounce out of it in April and to be able to work
4 with the nominees on or the award winners in
5 marketing that, I just think that would go back to
6 one of the original purposes of putting this
7 together.

8 MS. KATSOUROS: We had the idea of
9 announcing the top three and then actually at the
10 awards ceremony number one. You know they're all
11 winners and that way it would be a little suspense
12 and obviously they were all deserving and it was
13 just according to ranking and it would be like the
14 Academy Awards. You don't know until that day.

15 MR. GILMORE: But then there's the
16 awkward moment where you don't win and you're just
17 --

18 MS. KATSOUROS: Right.

19 MR. GILMORE: And the fisherman gets
20 you.

21 MS. KATSOUROS: But you actually do
22 win. So that was the thing that we were dealing
23 with about how do you add that suspense and as
24 we've said make the press interested at that time.

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1 DR. HOLLIDAY: The point is well taken.
2 I mean, I understand it's sort of the first
3 runner-up is not as excited as the award winner.
4 But trying to do something that would emphasize
5 the event and coincide with the announcement,
6 we'll see what we can come up with. If you have
7 some suggestions, that would be helpful, too.

8 MS. BRYANT: Mark.

9 CHAIR DiLERNIA: Laurel.

10 MS. BRYANT: Since I'm not doing this
11 anymore, it doesn't matter. But one thing, Jim,
12 that we did learn, you were the first year, by
13 last year what we ended up doing with the last
14 winners is we did do target media rollouts in each
15 of the areas where the winners occurred and we
16 also did trade magazine target rollout. So that
17 did work better.

18 But you're right. The first year it
19 was kind of what are we doing and how are we doing
20 it. So it was learning curves. I don't know what
21 the Foundation is going to do with it, but that is
22 something to consider.

23 CHAIR DiLERNIA: I have some more hands
24 along this side here.

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1 MR. FLETCHER: I'm just supporting what
2 Jim had to say. I think it's pretty easy for the
3 members here even if they get nominated just to
4 recuse themselves from evaluating their own and I
5 just made kind of a funny comment. The one year
6 when Ted Stevens was nominated for that particular
7 award we all knew who was going to win. So anyone
8 else that was nominated was going to come in
9 second or below. In those cases, it's a lot
10 easier to put that candidate up for more than one
11 award because you know he's not going to get that
12 one or he or she or the group, etc.

13 (Off the record comments.)

14 MS. KATSOUROS: -- suggest that we do
15 not do -- We try and stay away from nominating in
16 several groups.

17 MR. GILMORE: I think that was my
18 suggestion. I think Dr. Hogarth said --

19 (Laughter.)

20 MR. GILMORE: I think I lost --

21 CHAIR DiLERNIA: Ralph.

22 MR. RAYBURN: I seem to remember that
23 MAFAC members weren't allowed to nominate. Is
24 that really in the rules or was that just it makes

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1 it too complicated when you go to scoring and
2 stuff? Are we allowed to nominate? I've been
3 telling folks I can't nominate.

4 MS. KATSOUROS: You can nominate. Then
5 you should recuse yourself for that.

6 MR. RAYBURN: But it would certainly
7 bias your other scores in that category. But I
8 don't know. But that's not part of it. I got
9 that from somewhere I guess.

10 CHAIR DiLERNIA: You can nominate all
11 the folks you want.

12 MS. KATSOUROS: Yes, but you just -- go
13 to vote.

14 MR. RAYBURN: Sure.

15 (Off the record comments.)

16 CHAIR DiLERNIA: Any other questions
17 for -- Yes. Mr. Roberts. Ken.

18 DR. ROBERTS: Did I get in front of
19 Bob? Are you finished, Bob?

20 MR. FLETCHER: Yes.

21 MR. ROBERTS: Okay. Refresh my memory.
22 I have fun doing this.

23 (Off the record comments.)

24 MR. ROBERTS: I actually do it twice.

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1 I do it once and put my results aside. Wait a week
2 later and then I do it again and then I'll see.
3 It's high level math to average two numbers. But
4 I can't recall much emphasis on groups or teams.
5 Is it primarily individuals? Do you have to be an
6 individual to be nominated?

7 MS. SHEA: That are nominated? We saw
8 --

9 MR. ROBERTS: I just can't recall many
10 teams.

11 MS. SHEA: -- a wide variety last year.

12 MR. ROBERTS: You did?

13 MS. SHEA: We did.

14 (Off the record discussion.)

15 MR. ROBERTS: Yes, there's was
16 California habitat group that was interested.

17 CHAIR DiLERNIA: Actually, I think the
18 groups had more nominations than individuals.

19 MR. ROBERTS: I couldn't remember
20 distinctly whether it was one person who was
21 chairman of the group or the whole group was up,
22 how you would handle it a task force in some
23 community that was 30 people. Is it one person
24 that's nominated or is the group nominated?

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1 MS. SHEA: We've seen both and when
2 it's the group they will select one sort of maybe
3 the couple people that are front-running the task
4 force.

5 CHAIR DiLERNIA: The leadership.

6 MS. SHEA: Or the leadership and
7 they'll notify them and then they will get in
8 touch with the rest of the organization and we
9 sort of base how many people they can bring to the
10 awards dinner based on how big the organization
11 is, how many people were involved and what they
12 need and want.

13 (Off the record discussions.)

14 MS. KATSOUROS: The other thing is the
15 sponsors. So if you would like to be a sponsor or
16 you know somebody who would like to be a sponsor
17 please let us know. We will sponsor a fund-
18 raising in January. These are outside funds.
19 They're not federal funds for this event and one
20 year it was one person who donated which was a lot
21 easier for us. But we are trying to have a
22 diversity to show that this is important to the
23 whole range of stakeholders.

24 CHAIR DiLERNIA: Is there a

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1 solicitation letter or package for sponsorship?

2 MS. KATSOUROS: Yes.

3 CHAIR DiLERNIA: If you could share
4 that with me. I mean, someone comes to mind right
5 away, my own mind, that I would go to for
6 sponsorship.

7 MS. KATSOUROS: We have a very nice
8 package.

9 CHAIR DiLERNIA: Thank you. Mr. Cates.

10 MR. CATES: What's the sponsorship
11 level? What are you looking for?

12 MS. KATSOUROS: We accept all money.
13 We haven't turned down any money yet. So whatever
14 amount people -- we haven't set a minimum because
15 that would leave some people out.

16 MR. ROBERTS: How much do you need?

17 CHAIR DiLERNIA: Good question.

18 MS. KATSOUROS: It ranges between --
19 and this does not cover any of our expenses. I
20 should make this clear. The staff and those
21 expenses are not covered. What we are covering is
22 the actual event, getting out the invitations,
23 things like that and printing up the books and
24 it's between \$40,000 and \$50,000 when everything

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1 is said and done.

2 CHAIR DiLERNIA: And that's for how
3 many people about?

4 MS. KATSOUROS: One hundred and fifty.

5 CHAIR DiLERNIA: One hundred and fifty.
6 Are there any plans to grow that number?

7 MS. KATSOUROS: Only if we have the
8 money.

9 CHAIR DiLERNIA: Okay.

10 MS. KATSOUROS: Well, you know you have
11 two options. You could not go a very nice event
12 and have more people for the same amount. Or if
13 you have more people and you want to keep the flow
14 of the event, then you have to raise more money.
15 And we have not paid for the certificate. That's
16 NOAA. They've borne a lot of the expenses, too.

17 CHAIR DiLERNIA: Okay. Any other
18 questions? Again, thank you, Michele. Thanks
19 again to everybody.

20 (Applause.)

21 CHAIR DiLERNIA: We're right on
22 schedule. We have a break scheduled. We'll take
23 a 15 minute break and when we come back, Alan, I
24 think you're up. You're going to sub in for Tim

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1 Hansen. So 15 minutes, everyone, and we'll be
2 back here and Alan will take over. Thank you.
3 Off the record.

4 (Whereupon, at 10:31 a.m., the above-
5 entitled matter recessed and reconvened at 10:49
6 a.m.)

7 CHAIR DiLERNIA: On the record. Folks,
8 could we come to order? I don't have a blind spot
9 on my left, but I have a tendency to go to my
10 right and so if some of these folks here on the
11 left, if they've been raising their hands, maybe
12 I'll hand out flare guns for the left side of the
13 table.

14 DR. HOLLIDAY: Hand out a couple rubber
15 bands.

16 CHAIR DiLERNIA: There you go. But if
17 I have missed your hand, I apologize. Actually,
18 coming from a large Italian family and from
19 Brooklyn, we always sort of found a way to express
20 ourselves and let folks know "Hey, me." And not
21 everyone sitting around the table is Italian, but
22 that's what I respond to, I guess. After a while,
23 it becomes a little -- What can I say? It's just
24 what I'm used to. But again, if I missed your

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1 hand in the morning's discussion, I apologize and
2 I will do my best to make sure I scan the whole
3 room and we get the entire discussion.

4 Mr. Risenhoover, you're next. Alan.

5 MR. RISENHOOVER: We're going to do
6 today is we're going to go back through the --
7 give you an update on where we are. It seems like
8 I've given 100 presentations on this over the last
9 month or so. So I've tried to change it a little
10 bit for the MAFAC folks. I did a briefing on the
11 Hill last week to brief user groups and a lot of
12 them don't have the basis you do. So some of the
13 first slides here are going to be kind of a review
14 of some things.

15 I'm going to go through those quickly
16 and I'm going to remind you of what the provisions
17 are in the Act, the major ones, and then at the
18 end and this isn't going to be in your briefing
19 book because I just put it together this morning
20 is a quick summary of where we are kind of, the
21 statistics of where we are in implementing the
22 Act, how many things are done, how many things
23 have to go, what are some of the problems. And
24 that's still going to be draft.

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1 What I'm trying to do is work on a
2 report to my leadership, to Dr. Hogarth perhaps
3 before he leaves, but definitely to whoever is
4 there afterwards kind of as a year anniversary
5 progress. MAFAC will get a copy of that as well
6 and you'll see the beginnings of that here at the
7 end.

8 Stop me if you have questions.
9 Otherwise, I'm just going to run through this.

10 So we all know what the Magnuson Act,
11 it happened in `76, how it's kind of evolved. So
12 if you have questions on that, let me know. But I
13 don't think for this group that's really as
14 relevant as it for some of the other groups
15 recently.

16 Again, the goals of `96 Amendment,
17 optimum yield includes ending overfishing. That's
18 the theme that's really carried through in the
19 2007 Act as well. So we're going to be talking a
20 lot about overfishing. I use this slide mainly as
21 a set up for the goals. So let's remember the
22 goals for the 2007 Act, the main one being prevent
23 and end overfishing. It included just about six
24 or eight lines on preventing and ending

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1 overfishing. But that's what we're spending the
2 majority of our time on trying to get implemented.

3 But it also had improving science and decision-
4 making. I'll talk about a little bit about that.

5 We have a briefing on the rec registry program as
6 well. So I won't spend a lot of time on that and
7 market-based management, presidential goals
8 associated with that, and I'll go through the
9 international things fairly quickly as well.

10 What I want to do is since the Act
11 focused on ending overfishing is just remind
12 people, broader audiences, the difference between
13 overfishing and overfished which are two terms we
14 use when we're talking to the lawyer side of the
15 House very specifically. But when we're at the
16 Bar we're a little broader on how we use. But one
17 is the rate and one is the population side.

18 But here is the important slide that I
19 want to spend just a minute on. This is the 43
20 stocks as of the end of the third quarter that are
21 still subject to overfishing. We have got 43
22 around the country. You can see it's mainly on
23 East Coast and highly migratory species, the
24 secretarial managed stocks, but a few out on the

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1 West Coast and elsewhere. So as we get into
2 talking about the annual catch limit requirements
3 of the new Act, these are the important ones to
4 remember. This is the 43 that are going to be the
5 first major tests of this new Act.

6 Now those 43 changed. Our annual
7 report to Congress last year, I believe, had 46.
8 So what we've done is we've started reporting on
9 these quarterly. We've post them on our website.

10 So you can see as stocks go on and up, the number
11 doesn't change that much, but the individual
12 stocks do.

13 If you go back to 2001 just as a point
14 of interest, we've taken 16 stocks off the
15 overfishing list. That's the good news. The bad
16 news is 17 new ones have come on. Now why is it
17 that 17 new ones come on? There is a variety of
18 reasons. Maybe there was a failure in our
19 management systems. But what we've looked at and
20 notice more is as we get new and better science,
21 we discover new stocks are subject to overfishing.

22 It's a lot like diagnosing a disease. You have
23 to find out there's a problem before you can solve
24 it. We're at 43 right now. That's going to be the

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1 major test. I'll talk about that.

2 MR. BILLY: Before you move on, what's
3 the denominator? How many total are there?

4 MR. RISENHOOVER: We track about 530
5 stocks. So it's about 20 percent are subject to
6 overfishing. You'll also notice we're talking
7 about these FSSI stocks. That's the Fishery Stock
8 Sustainability Index. That's our Government
9 Performance and Results Act performance measure.
10 So we've narrowed that stock. There's 530 major
11 stocks and stock complexes. We've narrowed that
12 down to 230 that we're trying to track over time.

13 Those 230 are any stocks that have ever been
14 subject to overfishing and are kind of the
15 important stocks. It represents approximately
16 about 90 percent of the landings in that 230. So
17 you have 300 other stocks that represent 10
18 percent or so. We're trying through our
19 performance measure to focus on which ones are
20 important and track those subject to overfishing.

21 The other measure then is subject to
22 overfished. It's hard to get the verbs with these
23 two words. We were hoping they would have fixed
24 that. So these are the overfished stocks. The

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1 ones that are bold are both experiencing
2 overfishing as well as overfished. You can see
3 there's a lot of duplication there that both
4 stocks have both things.

5 The historical perspective on this is,
6 I have to think a minute, we have taken 29 stocks
7 off the overfished list since 2001. Twenty-nine
8 have come off and I believe it's 19 have come on.

9 Management failures in some case, yes, but in
10 other cases, better science, better data, results
11 in the overfished determination. So this is the
12 other half of it. You have to work on ending
13 overfishing up front, but then you also want to
14 keep our eye on rebuilding.

15 MR. FLETCHER: Alan, I'd like to see
16 you put some kind of an asterisk next to yellow
17 fin and big eye because that's really misleading
18 when you lump that altogether when the impact of
19 U.S. Fisheries on those stocks is so minor. Bob
20 Fletcher, by the way.

21 MR. RISENHOOVER: That's a good point.
22 We do have international stocks as he mentioned.
23 Where did they go?

24 MR. FLETCHER: They're on the back.

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1 MR. RISENHOOVER: Right. We do have
2 that on the overfished and there are some stocks
3 where the international harvest is primarily where
4 the problem is and I'll talk about when we do the
5 ACL rules how we're going to try and handle those
6 stocks. It's kind of the tail wagging the dog.
7 You can cut the tail off and it doesn't matter.
8 The dog keeps going.

9 So on those, we have to look at that.
10 Some other ones are things like Red Drum. It's
11 closed in the EEZ. What else can you do as a
12 federal government? You close the fishery.

13 Where we have state problems or state
14 disuse or challenges, let's use the word
15 "challenges," I guess, you have state challenges,
16 you have international challenges. Those are
17 things we're looking at moving forward with under
18 the Act. But we do recognize that and what we're
19 doing now as we're moving along is we're trying to
20 start categorizing where can we make a difference.

21 If we have limited resources, where can we make
22 the biggest difference? You know, closing down
23 the big fishery domestically, does that make a
24 difference? We're looking at trying to categorize

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1 even further than what we've done here in the
2 future.

3 CHAIR DiLERNIA: I'll let you complete
4 your presentation and then we'll take additional
5 questions from there on.

6 MR. RISENHOOVER: Okay. So those are
7 the overfished. I'll run quickly through the
8 domestic provisions and again kind of give you an
9 overview of where we're at. The first is ending
10 and preventing overfishing. As I mentioned, this
11 is the major one. A lot of you have been involved
12 in this.

13 We went early this year in February,
14 took a couple months of public comment. We got
15 over 2500 public comments in an initial what's out
16 there, what are people's concerns. We held nine
17 public hearings on it and took comments to the
18 public hearing as well. What we're doing now and
19 I think the last meeting I briefed you all in June
20 I thought we were getting closer to a proposed
21 rule. We're still getting closer to a proposed
22 rule and I'll explain what some of the issues are
23 that are slowing us down.

24 But anyway, just to remind you, annual

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1 catch limits need to be set such that overfishing
2 does not occur. It can not exceed the
3 recommendations in the council's science and
4 statistical committees. You have got to have some
5 sort of accountability. So if you have a measure
6 in place, an annual catch limit, and it doesn't
7 work for some reason, what are you going to do and
8 that what are you going to do needs to take care
9 of the overfishing issue. As I mentioned, it's
10 going to be required for those 43 stocks on that
11 first map by 2010. So that's coming quickly.

12 We took the public comments. We've
13 been going through those. We've been working with
14 our regions drafting a proposed rule and, as many
15 of you have heard me say before, hopefully we're
16 getting close to that in kind of context where we
17 are with that.

18 But there are a number of issues we're
19 looking at. The first one is how do you make sure
20 this new rule is going to be flexible going on up
21 to represent what's going around the regions. So
22 if you have something that's working, you notice
23 there isn't a lot of overfishing in Alaska.
24 Right? Whatever rule we put in place, we don't

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1 want to harm how they're managing in Alaska. We
2 have to be flexible enough that this rule applies
3 to all the regions, but it also has to be strong
4 enough to meet the mandates of the Act and that's
5 kind of the big challenge is how do we make sure
6 such that overfishing does not occur but not mess
7 things up or it's not occurring or institute a new
8 regulation that requires people to do something
9 that maybe doesn't have an effect. So we want to
10 target where the effect is but be flexible enough
11 to make sure we're not messing things up.

12 Another issue is which stocks need the
13 ACLs? If you read the Act, it says all fisheries.

14 Well, a fishery is a combination of stocks. So
15 we're looking at that. Tom mentioned how many
16 stocks do you have in total. We have about 530
17 that are managed in some way. But there's about
18 1700 others that are included in that 530 because
19 of these stock assemblages and complexes.

20 Does it make sense to have an ACL for
21 all of those? If so, how do you do it? Again, we
22 want to concentrate on those 43. That's the first
23 major test where we know there's a problem and we
24 need to solve it. So how do we put an ACL on all

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1 stocks or fisheries? How do we combine those?

2 The state waters issue and the
3 international waters issue is another one. If you
4 have a stock such as red drum where you have
5 closed it in the Federal Waters, in the EEZ you
6 still need an ACL, an annual catch limit. And if
7 you do, is that zero? How do you work with the
8 states then on things like red drum especially in
9 the Gulf? In the Atlantic, we're going to be
10 transferring authority of red drum to the Atlantic
11 States sometime in Vince's and my lifetime.
12 Right? So how do you work with the states to do
13 that?

14 You have the states' waters issues as
15 well. Then you have the international. Now the
16 Act did have some provisions in there on
17 international. We'll probably have some
18 exemptions for those based on what's in the Act
19 that if you do have an international fishery
20 that's managed, we need to go work with the RFMO,
21 the Regional Fisheries Management Organization,
22 and try to end overfishing on the international
23 level instead on just on the domestic level;
24 whereas, as Bob has pointed out, you can't solve

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1 some of these problems by shutting down U.S.
2 domestic fisheries. So that's another issue.

3 We have the issue of limits and
4 targets. Some regions have very strict limits and
5 targets under those and they manage to those.
6 Other areas don't. So how do we have an ACL where
7 they don't have a strict limit on catch? So we
8 need to look at that.

9 Probability of success. Do we mandate
10 what your probability of success needs to be? Can
11 we do that? Many places we don't have the data to
12 say these management measures have a 70, 80, 90,
13 10, 50 percent change of succeeding. What we're
14 looking at is what -- You try to measure that, but
15 that's where your accountability measure comes in.

16 So if your management measure may not work, you
17 need a stronger accountability measure. You have
18 a very strongly managed fishery such as an IFQ
19 perhaps. Maybe your accountability measure
20 doesn't ever kick in because you're so structured
21 at the beginning on what folks delay at.

22 We have the new terminology problem.
23 The Act mandates "allowable biological catches"
24 but doesn't define it. We need to think about

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1 defining that in such a way it makes sense to all
2 our regions and our fisheries. It includes this
3 new term "annual catch limits," ACLs. What does
4 that mean? Is it a limit? Is it a target? How
5 does it relate to overfishing? So we're trying to
6 sort those out across our six regions and eight
7 councils.

8 And then finally I mentioned the
9 accountability measures. What does that mean
10 exactly? And we're kind of come up with three
11 broad areas for accountability measures. You can
12 be very accountable up front. That is set quota
13 is very conservative or set your hardest very
14 conservative.

15 Another accountability measure might be
16 if you have the data in-season monitoring. As the
17 fishery progresses through the year, you're able
18 to monitor it. You're getting towards your limit
19 or your target. You might be able to shut it
20 down.

21 And then finally you have kind of a
22 retrospective accountability measure that you look
23 back at what happened the previous year, adjust
24 your harvests for the following year accordingly

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1 or change seasons or have area closures. So we're
2 also looking at what are all the possible
3 accountability measures that are out there that
4 are being used now and how do we weave those into
5 this new rule.

6 I spent a little extra time on this
7 because I think this is the main one folks are
8 interested in and as I said before, hopefully the
9 proposed rule is going to be out soon for public
10 comment. We need to get that done because the
11 councils have to have these in place for those 43
12 stocks by 2010.

13 A second area was to promote market-
14 based approaches. As you know, this was a
15 priority under the President's Ocean Action Plan.

16 The Administration also set a goal of doubling
17 the number of these by 2010. So it is a priority.

18 It was a priority in our '08 budget request which
19 until when I got on the plane yesterday it was
20 looking pretty good. When I got off the plane, it
21 wasn't looking so good anymore. So I don't know
22 where we are with that. We had \$6 million new
23 money for implementation of these programs. I
24 don't know what happened to that. We'll have to

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1 find out.

2 But anyway, the Act included some goals
3 that they would have to rebuild overfish
4 fisheries, needs to promote safety, reduce over-
5 capacity, economic benefits. But there's a lot of
6 issues with this as well and we went out this
7 summer and fall and asked people for comments on
8 what do you think needs clarified under the Act.
9 Then we got about another 2500 comments. We're
10 currently going through those, looking at those
11 comments, talking to our regional folks, getting
12 organized internally to figure out what do we do
13 next. Our initial idea is to go forward with some
14 proposed guidance, but that's going to be off into
15 the future a little bit.

16 Some of the issues here are some are
17 listed up there. Others are what's the
18 eligibility to acquire the privileges, how do you
19 charge fees, how do you set the transferability of
20 these privileges, how long should those privileges
21 last, a word I can't read, and other things. So
22 this is one that we're working on a proposed rule,
23 but again, it's off in the future a little bit.

24 Improving science, the main thing is

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1 the new Recreational Data Collection Program and I
2 think Gordon and Pres will be here this afternoon
3 to talk about that. So I won't spend much time on
4 that. The main thing is get this registry in
5 place. That will be a regulatory action. We're
6 working with them on that.

7 Some other things to improve science, a
8 stronger role for the SSCs. There are also
9 requirements that they have to file financial
10 disclosure information. We're collecting that.
11 We owe Congress a report the beginning of next
12 year on recusals and financial disclosure. That's
13 not what that was about, but anyway so there is
14 this stronger role for the SSCs in addition and
15 that is they set the ABCs that the council uses.
16 So the science and statistical committees will
17 give the councils an allowable biological catch
18 that those councils cannot exceed.

19 What we're doing to implement this is
20 I've asked all the councils to give me a plan on
21 how they're going to implement this. Some
22 councils don't really use their SSC right now.
23 Some use them in different ways. So we need to
24 make sure that everybody's implementing the Act

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1 and implementing it somewhat consistently.

2 This is really going to kick in when we
3 do those ACLs in 2010 because that's where the
4 thread works. The council supplies the ABC. Oh,
5 I'm sorry. The SSC provides the ABC. The council
6 takes that, develops its ACLs based on that.
7 Sorry for the alphabet soup there.

8 A couple other things. I'm going to
9 spend a little time on something that was just
10 released last week, but it authorizes some new
11 research programs. I'm going to talk a little bit
12 more about the Deep Sea Coral and the by-catch,
13 but it also authorized our Cooperative Research
14 Program and we all know we've had a Cooperative
15 Research Program for a number of years. We now
16 have a Congressional authorization for that.
17 Hopefully, that will help us in the out-years in
18 budget but also the structure of that report and
19 we already have a few folks calling us on how they
20 can participate in that.

21 I want to spend just a second on deep
22 sea corals. The Act did provide some new
23 authorities for the councils on deep sea corals,
24 especially that we can designate areas to protect

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1 these corals from fishing gear. Before you had to
2 relate it as essential fish habitat. But the
3 corals were important to Fishery. Now we can
4 protect them without that relationship being
5 established. That was a big deal.

6 The other thing it did is it required a
7 series of reports that (1) we released in January
8 to Congress on how we're setting this up, but we
9 just last week released the state of deep sea
10 corals ecosystems. So that's available on the
11 NMFS's website or you can order a copy of it. But
12 that's one of the recent things we did just last
13 week in implementing that Act. So that's another
14 check for Alan's sponsors. But that's an
15 important one.

16 DR. HOLLIDAY: All the MAFAC members
17 will be getting a letter from the Office of
18 Habitat Conservation about how it's important.

19 MR. RISENHOOVER: Moving right along.
20 And then it authorized a new by-catch reduction
21 engineering program. That I think is going to be
22 established either this week or next week. I
23 don't know if I need to sign the final policy
24 directive for it or not, Mark, if I did. But it's

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1 going to happen. So we now have a program
2 together. We have terms of reference where we'll
3 have regional involvement in this national program
4 to look at reducing by-catch and developing
5 engineering programs to work on that. We'll have
6 annual report on that program next year. We're
7 getting it established on time and we'll meet the
8 annual report on time.

9 And this is the exciting slide for me
10 here because here is one of the programs and this
11 is from Hawaii that was funded out of this. We
12 have a little funding for this program. Hopefully
13 in '08, we were going to get about \$400,000 more.

14 Again, I don't know what happened during my plane
15 ride, if it's still there or not. But what this
16 is showing is looking at reducing the by-catch of
17 sharks and on the one that's moving there, that's
18 a regular lead weight, regular hook and bait and
19 you can see the shark pretty excited about eating
20 it. But what they've been working with are these
21 e-metals that have some sort of electronic charge
22 and if you watch this, the shark goes up to eat it
23 and then doesn't want anything to do with it.
24 This is something we're thinking about maybe in

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1 the Atlantic. Sharks really are in trouble in the
2 Atlantic and we're coming out with a final rule on
3 reducing the harvest for sharks. But we also need
4 to reduce the by-catch. So with these e-metal
5 technologies, they'll allow us to repel sharks but
6 still harvest target species. That's a big deal.
7 So a little bit of money here goes a long way for
8 this and we now have a program that's going to
9 institutionalize in the agency to do just that.

10 Another big provision in the Act was
11 the requirement to integrate and streamline our
12 procedures relative to NEPA and the Magnuson-
13 Stevens Act. If you look at NEPA, kind of the
14 minimum time NEPA requires is the maximum time
15 Magnuson allows in our process. So we put a work
16 group together to look at how do we better mesh
17 these two programs. There's been a lot of talk
18 about this being a NEPA exemption. It is not.
19 NEPA is still something we're required to do. The
20 Act didn't exempt us from that.

21 The councils put out a strawman in
22 February. We took public comment on that as well
23 as some broad statements or concerns we had. We
24 had about 3,000 comments on that. We've combed

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1 through those. We've been working closely with
2 the Council on Environmental Quality. We're
3 hoping to meet with the councils again this week
4 to kind of go over where we are on this and come
5 out fairly soon with this.

6 This is one of the ones you're going to
7 see that we're late on. We were by the Act
8 mandated to have a rule out in July for public
9 comment. We missed that deadline. But hopefully
10 we're getting close again. But there will be
11 another 90 day public comment on what we come out
12 with NEPA. So this is ongoing and I think we're
13 getting fairly close on it.

14 Just some other provisions, I mentioned
15 the conflict of interest. I kind of got
16 sidestepped on that, the SSCs there. The conflict
17 of interest rules especially the financial
18 disclosure for the SSC, also this report to
19 Congress on recusals of council members because
20 they're substantively involved with the decision.

21 It authorizes another program we
22 already have in place, our joint enforcement
23 agreements. And there were several parts that
24 addressed the hurricanes and disaster provisions.

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1 We're looking at doing guidance on those as well.
2 And when I get to the end here, I'll kind of
3 summarize how we're going to try and step all
4 these -- level rules out.

5 I'm going to run through the
6 international ones fairly quickly. But we have to
7 take action to address international overfishing.

8 So Congress recognized it wasn't enough to do it
9 domestically. We need to look at it
10 internationally as well. And the main thing that
11 the Act focused on was the illegal unreported and
12 unregulated fishing. So that's a theme through
13 here.

14 We're required to submit to Congress a
15 bi-annual report next year. The main provisions
16 of it are there that we need to look at what
17 nations have IUU fishing and then what the
18 regional fishery management organizations are
19 doing about that. After we identify these
20 nations, we need to notify them. We need to
21 conduct consultations with them, seek
22 international agreements with them on by-catch and
23 otherwise to try and end those problems.

24 That's something we're working on. We

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1 published a definition of what IUU is. We're
2 working on regulations in this bi-annual report on
3 IUU fishing as well.

4 The certification process is we have to
5 certify whether corrective action is being taken
6 by the nation, notify -- they'll get a positive or
7 a negative certification. And basically if they
8 get a negative certification, we can block some
9 imports.

10 The President will take that under
11 consideration if we do make those negative
12 certifications. But again, our International
13 Affairs Office is working on a rule-making to
14 implement that.

15 But what we have been doing is trying
16 to build capacity internationally as we go on. So
17 we've held a number of workshops already on marine
18 mammals, sea turtles, sea birds, other resources.

19 We have a stranding response and our enforcement
20 folks have gotten a little extra money in the last
21 years to look at international overfishing
22 problems and IUUs as well.

23 That's the quick summary. I'm not
24 going to spend any time. Again, the domestic

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1 provisions, we're focused on overfishing.
2 International, we're looking at how do we multi-
3 laterally better manage these fisheries,
4 especially when it comes to IUU and then
5 hopefully, here's the kind of statistics on where
6 we were. When we went through the Act, we
7 developed an implementation plan and any of you
8 that have been to our website have seen that
9 implementation plan and we've been trying to track
10 it as we go.

11 In the Act, there were 30 tasks or
12 groups of tasks that had hard deadlines. Congress
13 said the Secretary shall do this by this date. We
14 made those our priority tasks. I'll talk about
15 some other things in a minute, but there were 30
16 of those in total that had dates ranging from 30
17 days to six months to a year to two years and one,
18 I believe, was even three years. Of those 30
19 tasks, we've completed 10 of them. We're one-
20 third of the way done with those.

21 Some of these weren't too difficult.
22 Others were a little harder. But I've listed
23 those on what we have gotten done. The bottom one
24 here, process for monitoring and certifying

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1 contracted performance was actually something the
2 Tsunami Center and the Weather Service was
3 required to do. So we're tracking the Weather
4 Service here, too, to make sure they keep up, nine
5 Fisheries and one Weather Service one. I think
6 many of you are familiar with some of these from
7 around the country that have already been done.

8 Of those 30 tasks, we had 12 others
9 that are on track. I need to kind of explain what
10 "on track" means and what we're tracking. We've
11 established internal deadlines and milestones for
12 all of the parts of the Act. The "on track" means
13 we're still meeting our deadlines. The first one,
14 the Marine Recreational Fisheries Information
15 Program, needs to be in place by January of '09
16 and Gordon and Pres will talk to you about that.
17 So that's still on track now. They're meeting
18 their internal deadlines.

19 The Annual Catch Limit Guidance, we're
20 still meeting our internal deadlines, but that's
21 starting to slip. The main thing this is tracking
22 is the 2010. So we're still on track to meet the
23 2010 provision that says get ACLs in place for all
24 stocks experiencing overfishing. So that's kind

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1 of a two part one.

2 The By-catch Reduction Engineering
3 Program will be done this week. That will move
4 onto the "Done."

5 A conflict of interest report to the
6 Congress is working its way through clearance.
7 Hopefully, in January that comes out. That will
8 go to "Done."

9 The Deep Sea Coral Report to Congress
10 will be out in January `08. That's different than
11 the one that was released last week. This is
12 another requirement.

13 The International Fisheries Report to
14 Congress is an `09 requirement and on down the
15 list. And then the bottom two again are Weather
16 Service requirements. They need to report to
17 Congress on tsunami technology. Those are the 22
18 that are looking pretty good.

19 Of course, there are eight that we need
20 to talk a little bit about. We have two tasks
21 that are pending that we haven't really done
22 anything on or establish milestones. The first
23 one is a secretarial appointment for international
24 agreements involving fisheries. It's a 2009

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1 requirement. We haven't done anything. It's not
2 really on track, but it's not due. So it's
3 pending. I don't know what that means.

4 A tsunami forecast system, the report
5 to Congress, they're working on that. I'm not
6 sure if The Weather Service is going to meet that.

7 The six tasks that probably we could be
8 criticized for are up there. There were three
9 tasks due at six months after the Act enactment
10 and that was the Ecosystem Research Study to
11 Congress. We contracted for that report. We've
12 gotten a draft report back from the contractor and
13 our Science and Technology Office is looking at
14 that.

15 A process for national experimental
16 fishing permits process, that's going to be a
17 rule. It's in final clearance now. So we missed
18 the July 12th, but hopefully it will be coming out
19 very soon.

20 There was a requirement for us to look
21 at the number and types of fishery science degrees
22 coming out of college right now. We were to
23 coordinate with the Department of Education. We
24 contracted for that report. We've gotten back a

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1 draft from the contractor. They were trying to
2 finish it up. These three tasks were important
3 and I think we're pretty close to getting those
4 done.

5 There are three tasks that are due next
6 month and since I came here, they're not going to
7 be done. Right? But this environmental review
8 process for NEPA, we were supposed to have a final
9 rule in place in January. We don't have a
10 proposed rule out yet. So we're working on that.

11 We hope to get one out. Again, it doesn't cause
12 anything not to happen. We're still implementing
13 NEPA as we always have. What we need to do is get
14 this proposed rule out on how NEPA would be better
15 integrated with Magnuson in the future.

16 IFQ referendum guidelines, I think
17 we're getting close on that. A proposed rule
18 should come out fairly soon on IFQs in the
19 Northeast and the Southeast. They're required to
20 have a referendum of the participants in the
21 fishery and we need to get some guidance out on
22 how those referenda should be run.

23 And then finally an over capacity
24 report to Congress is due in January. I have a

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1 draft of that. We have some internal concerns
2 with it. I don't know that we meet January, the
3 deadline for that. But hopefully soon after that
4 we can get it out. I'm just trying to get
5 everything lined up.

6 So those are the 30. Like I said, we
7 have one-third of them done. We have another
8 third that we're in pretty good shape on. Then we
9 have these eight that are a little behind that I
10 think we're getting close on.

11 Then we have some Priority 2 and
12 Priority 3 tasks. These were originally over 100
13 tasks. We've tried to combine them. Priority 1
14 tasks, remember, were things with a hard deadline.

15 Priority 2 tasks were things Congress said do it
16 but didn't give us a deadline. Priority 3 tasks
17 said these are things you could do in the Act.

18 I just pulled out a couple examples
19 here. Ten of those 50 we're done with. A lot of
20 them were self-implementing. We may need to
21 change our regs a little bit just to reflect the
22 new statute. But those are done.

23 We have another 12 that are complete
24 that we did have to take some action on. We

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1 established the Council's Coordination Committee.

2 All the councils passed a motion establishing
3 that committee.

4 A hurricane disaster assistance
5 program, the money has already gone out to the
6 states here in the Gulf. Joint enforcement
7 agreements and there are some others there.

8 So we have about 20, 25 of those 50
9 that were done. On the others, we have 18 that
10 are currently in progress. I'm going to do a
11 technical revision to all the fisheries
12 regulations just to update them. What we're doing
13 right now is going to hold that as the last thing
14 we do. As we go through all these other actions,
15 we have a parking lot. We're just putting them in
16 there and we may need to change a few things.

17 The LAP guidance again, we weren't
18 required by statute to do that, but we'll probably
19 come out with some guidance on it.

20 Peer review guidance, we're probably
21 come out with. Fish and Capacity Reduction
22 guidelines. So we have some other things we're
23 working on but at a slower pace.

24 I think that's it. I'll finish with

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1 just to stay informed. That website is where I'm
2 trying to get everything posted. That's kind of
3 the first portal of information for folks to go to
4 and hopefully we can keep that updated. What we
5 try to do is any time there's an opportunity for
6 public comment or review, we post a link to it
7 there. It's kind of a one-stop shop for staying
8 informed.

9 And then just to close, just because it
10 makes me feel better to say things like this, I
11 was thinking this morning. There's a lot of
12 things going on and folks are wondering what are
13 you going to LAP guidelines, when are you going to
14 have the SOC revisions. For these national rules,
15 we're trying to step those out.

16 So we're working on ACLs and the NEPA
17 rules now. We have about eight of these going on
18 and the Rec Registry. That's kind of the first
19 salvo of rules that will come out. The IFQ
20 referendum rates will be part of that, too.

21 The next layer of those are the
22 exempted fishing permit draft regs, draft regs on
23 the standard operating procedures for the councils
24 and the LAP guidelines for the new Act and also

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1 some disasters, guidelines on how disasters are
2 declared and kind of the New England experience
3 there.

4 That's where we are. We have about
5 eight national regs in play right now in addition
6 to the multitude of regional and other
7 headquarters regs we do just a normal course of
8 business. That's the wrap-up summary. If people
9 aren't too hungry, I'd take a question or two,
10 especially easy ones.

11 CHAIR DiLERNIA: Let's start taking
12 some questions. There's a lot there. I want to
13 thank you very much. You covered a lot and I know
14 you and your office having to confront all those
15 tasks, it's a lot of work and it's going to take
16 tremendous amount of work and organization.
17 Council members, Mr. O'Shea?

18 MR. O'SHEA: Thanks, Alan.

19 CHAIR DiLERNIA: Mr. Roberts.

20 MR. O'SHEA: Thank you, Mr. Chairman.
21 Alan, you mentioned a couple times that as an
22 example in red drum you said what more can be
23 done. The fishery's closed in the EEZ. But it
24 seems to me that there is this issue of state

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1 fisheries that have by-catch of federally-
2 regulated species and on the flip side there are
3 federal fisheries that have by-catch of state
4 fisheries.

5 What I didn't pick up in your brief was
6 a focus on going to the next step and saying to
7 some stressed and depleted stocks whether the
8 agency is going to be required to go further than
9 simply close the directed fisheries. What's your
10 prediction about or your feelings about dealing
11 with the by-catch issue on some of those
12 fisheries? Or the other way is are you limited
13 only in your action only required to close the
14 directed fishery and then you check the box and
15 you're off the hook?

16 MR. RISENHOOVER: I'm not going to
17 predict because again I'll be wrong. But what
18 we're focusing this guidance on is the ACLs. How
19 do we set an annual catch limit for the federally-
20 managed stocks? Part of that annual catch limit
21 should be by-catch. We'll have to look at the by-
22 catch in state waters. We'll have to determine
23 things like red drum. Do we want to have an ACL
24 for them and is it zero or is a higher number that

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1 includes that by-catch in state waters and those
2 are some of the things that we're really going to
3 need some public comment on on how we guide the
4 councils on doing those or the Secretary for some
5 of the highly migratory stocks.

6 We don't have a clear answer on that,
7 but that's one of those issues of how does the ACL
8 requirement relate to states and other countries.

9 MR. O'SHEA: Right. Thanks.

10 MR. RISENHOOVER: I don't think that
11 was an answer, but it's as good as it's going to
12 get.

13 CHAIR DiLERNIA: Mr. Roberts.

14 MR. ROBERTS: Thank you, Mr. Chairman.
15 Intriguing presentation, Alan.

16 Focusing on one thing, having served on
17 SSCs in two different council regions, I know
18 they're treated differently. But I'd like to know
19 some more detail about if, in fact, the council
20 cannot override an ACL recommendation of an SSC,
21 if I'm interpreting things correctly.

22 MR. RISENHOOVER: Yes, it's actually
23 allowable biological catch. So the SSC --

24 MR. ROBERTS: Just the ABCs.

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1 MR. RISENHOOVER: Provides the ABCs.

2 MR. ROBERTS: An ABC. Okay.

3 MR. RISENHOOVER: And then the annual
4 catch limit established by the council can't
5 exceed that.

6 MR. ROBERTS: Okay. Cannot exceed the
7 ABC.

8 MR. RISENHOOVER: Right.

9 MR. ROBERTS: And there is great
10 disparity as you pointed out. How do you intend
11 to bring the councils to a uniformity in the way
12 they're dealing with their SSCs? A lot of people
13 on those SSCs pass them on recommendations to the
14 council and the council may or may not pick them
15 up. But if you indirectly are giving the SSCs a
16 responsibility now to establish not to exceed
17 baseline for a policy decision, it's going to put
18 them in an entirely different light and
19 specifically may not treat their SSCs the same as
20 the Gulf. But they're going to have to be a lot
21 more uniform if, in fact, SSC is now setting some
22 sort of a baseline that can't be exceeded.

23 I'll tell you. A lot of people -- I
24 know at LSU, let's say, particularly in the Gulf,

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1 you would have to get permission from the
2 President's Office to serve on a committee of such
3 and if, in fact, the President's Office thinks
4 you're in a position of creating policy, you're
5 going to be denied the ability to serve on that
6 committee. I think this is a area that you're
7 going to have to spend quite a bit of attention on
8 and you probably already know that.

9 MR. RISENHOOVER: And we're going to
10 have to address it under this Annual Catch Limit
11 Rule. We'll probably have to address it under
12 some sort of peer review guidance under National
13 Standard 2. We also need to look as I mentioned
14 how the councils are doing it now.

15 CHAIR DiLERNIA: Could you speak up a
16 little bit please?

17 MR. RISENHOOVER: I'm sorry. I don't
18 know if we can ever get to any kind of uniformity
19 around the country. But what we want to
20 understand is how each council does it. I think
21 each council will be interested in that because
22 it's a fairly obvious lawsuit to say you didn't
23 follow your SSC's ABC. So we want to map that out
24 and see how the councils are doing that now

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1 beforehand and maybe we'll get to some sort of
2 conformity around the country, probably not and
3 probably not soon if we do.

4 But working with them, the Act didn't
5 give a deadline or an implementation date for
6 that. That's in effect now. But where it really
7 can be measured is when they start setting these
8 annual catch limits and various of you around the
9 table know some councils really don't get
10 information from the SSCs right now. So we've
11 asked them what's your current state, what's your
12 plan to conform with the law so I can run that by
13 lawyers, by the first quarter of next year because
14 that's when the ACL setting process is really
15 going to start.

16 CHAIR DiLERNIA: I'm sorry. Repeat
17 that last statement. The deadline for the SSC
18 requirement or use?

19 MR. RISENHOOVER: It's in place now.
20 The Act doesn't say it's effective at some future
21 date. It was effective upon enactment. But where
22 it's really going to become critical is when they
23 start setting their ABCs and their ACLs based on
24 that. So I've asked the councils to submit a plan

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1 to me about how they're meeting the Act now and if
2 they're not, how are they going to meet the SSC
3 provides the ABC requirement by the end of this
4 first quarter, March 31st.

5 CHAIR DiLERNIA: I have Mr. Cates and I
6 haven't seen any other hands yet. Mr. Dewey next.

7 MR. CATES: Prior to a fishery being
8 determined overfished, does the public get warning
9 signs or the councils?

10 MR. RISENHOOVER: It's probably a mix,
11 but usually it's based on a stock assessment. So
12 that stock assessment typically has two or three
13 parts to it, some public, some not. But there
14 isn't a public decision on or a public comment on
15 whether it's overfished. There would be public
16 comment when they establish their stock
17 determination criteria.

18 So the council in its Fishery
19 Management Plan says this stock is overfished when
20 these conditions are met or it's not overfished if
21 these conditions aren't met and that's a public
22 process for setting those stock determination
23 criteria. Then our science center does the
24 science, the stock assessment, peer reviews it and

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1 that presents a result then of whether it is
2 overfished or not overfished.

3 There is more public input into the
4 setting how you determine whether it's overfished
5 than there is in the science involved in
6 determining whether it is and that varies a little
7 from science center to science center.

8 CHAIR DiLERNIA: Mr. Dewey.

9 MR. DEWEY: Alan, on one of your slides
10 there, you mentioned the report to Congress on the
11 fishery science degrees.

12 MR. RISENHOOVER: Yes.

13 MR. DEWEY: And I was just wondering if
14 you knew that included anything related to
15 aquaculture, an aquaculture program.

16 MR. RISENHOOVER: I don't. But I can
17 check with our Science and Technology folks and
18 see if that was part of the statement of work.
19 But it's mainly how many fishery biologists, what
20 are their degrees, population dynamics, what are
21 coming out and whether there's a need to try and
22 grow more fishery biologists.

23 MR. DEWEY: But not necessarily what
24 schools are for what degrees and so on?

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1 MR. RISENHOOVER: Correct. But I think
2 that would be part of the basis for it. They
3 probably canvassed a lot of schools so we would
4 get that kind of information as well. But it's
5 are there enough new people in the pipeline so as
6 old folks leave we can fill in behind them.

7 MR. DEWEY: Thank you.

8 CHAIR DiLERNIA: I have Mr. Gilmore,
9 Ms. Tooley and Mr. Dorsett. Mr. Gilmore.

10 MR. GILMORE: Thank you. Alan, is the
11 emphasis on the Act on IUU fishing is really the
12 certification process or it's various nations and
13 the unilateral approach? The U.S. is already a
14 party to a number of multi-lateral organizations
15 and they have vessel black lists and one thing we
16 found out the hard way is that we haven't enforce
17 any type of port measures against blacklisted
18 vessels in agreements or a party to. Will you tie
19 that aspect into the rulemaking that you're doing
20 under Magnuson to bar those blacklisted vessels
21 from calling at U.S. ports?

22 MR. RISENHOOVER: Right. What we need
23 is an information sharing kind of network in there
24 and we posted on our website a warning that you

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1 can go and look at the lists we know of. But,
2 yes, these procedures will wrap that into how you
3 determine whether a boat doesn't have port
4 privileges as well as how do we start certifying
5 nations for IUU fishing. So I think it's going to
6 be part of a larger rulemaking for procedures.

7 CHAIR DiLERNIA: Ms. Tooley.

8 MS. NICKELL-TOOLEY: Thank you, Mr.
9 Chairman. Alan, you said that you may or may not
10 have \$6 million to implement market-based
11 approaches. If you do get the \$6 million, have
12 you any indication how you would use those funds?

13 MR. RISENHOOVER: Yes. We've done a
14 regional breakout of how those funds would be
15 expended based on need and we've collected
16 information from all the regions. So we've looked
17 at the President's goal of doubling the number of
18 these. We have a list of which programs are in
19 development and what stage of development they're
20 in and we've tried to allocate the funding based
21 on that.

22 MS. NICKELL-TOOLEY: So in our region
23 in particular we seem to be lacking human
24 resources more than anything. That's the type of

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1 funding that could used for that.

2 MR. RISENHOOVER: Yes. That request
3 was \$6 million and ten new FTEs, full-time
4 equivalent employees. So we have an internal
5 draft allocation of those and the problem is ten
6 employees across six regions. Okay. But it will
7 help. So we've looked at where there are not only
8 LAPs but any dedicated access privilege. For your
9 sectors, sectors may or may not be LAPs depending
10 on how they're made and try to factor that into
11 our draft allocation scheme. Hopefully, Congress
12 will approve something and there will be a good
13 chunk of that in there and we can get that money
14 out to the field.

15 MS. NICKELL-TOOLEY: Because I think
16 there are some short-term needs and then there are
17 some long-terms needs in monitoring in New
18 England in particular and they're going to have
19 new additional staff that aren't going to go away
20 in a few years and then some that you just need in
21 the short term.

22 MR. RISENHOOVER: Right, and we have
23 two parts to our allocation. We're trying to
24 build a base capability in all regions for

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1 dedicated access privilege programs and then
2 another part of that would be kind of rolling
3 funding. So as a program, say, develops in New
4 England, we fund that. But as it's implemented
5 and we started collecting fees from it or whatever
6 it implements the net funding shifted to a
7 different region.

8 MS. NICKELL-TOOLEY: And, Mr. Chairman,
9 just one more?

10 CHAIR DiLERNIA: Please. Go ahead.

11 MS. NICKELL-TOOLEY: Alan, you
12 mentioned the new by-catch reduction engineering
13 program and some of that --

14 CHAIR DiLERNIA: Can I ask you to speak
15 up a little bit?

16 MS. NICKELL-TOOLEY: Yes. You said
17 that's coming together at this point. Could you
18 just describe the program a little bit?

19 MR. RISENHOOVER: Okay. We've had a
20 series of smaller programs in each of our regions
21 or science centers. So what we're trying to do
22 under this, it was basically putting together a
23 terms of reference for how all these little
24 pockets of by-catch engineering interact. We'll

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1 have a national by-catch engineering coordinator
2 in my office that will look at all those programs
3 and then hopefully as we get funding be able to
4 allocate that funding based on some priorities.
5 So it won't be each individual region or center
6 that has the capability that gets some funding and
7 then they do it. We'll have a little more
8 national coordination. We'll tie it to our
9 National By-Catch Report and set out some
10 priorities for the program and then allocate new
11 funding based on that. If people have \$100K that
12 they're using for by-catch engineering programs,
13 I'm not going to take that away. We hope to build
14 on top of it.

15 MS. NICKELL-TOOLEY: Thank you.

16 CHAIR DiLERNIA: I have Mr. Dorsett and
17 Mr. Fletcher and Ms. McCarty.

18 MR. DORSETT: Thank you. You covered
19 the By-catch Reduction Program Report. I was also
20 curious about the Over Capacity Report. You said
21 that one was behind schedule. Is that the report
22 to identify the top 20 over capitalization
23 fisheries?

24 MR. RISENHOOVER: Yes.

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1 MR. DORSETT: And then suggestions for
2 reducing that capacity?

3 MR. RISENHOOVER: Right. That's due in
4 January. We have a draft. I don't know that
5 we'll make January.

6 MR. DORSETT: Okay. In developing
7 these reports, what's the protocol for public
8 input? It seems that these reports are more
9 internal documents. Then they go to Congress and
10 then I'm just curious about it.

11 MR. RISENHOOVER: Right. We don't have
12 -- We're not going to release it for public
13 comment beforehand and this one is one of the ones
14 that I know people are looking at and it's going
15 to have some implications. So we want to be very
16 careful on the underlying data of how do we define
17 capacity, how do we measure that capacity and then
18 how do we report that capacity.

19 And so we've also looked at just
20 instead of giving capacity numbers per fishery,
21 for example, we're also trying to align it with
22 some management issues. So maybe you have a
23 fishery that is over capacity, but it doesn't have
24 any over harvest problems or management problems

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1 associated with it right now. Maybe you have
2 another one that doesn't have that much over
3 capacity, but it's always over quota and you have
4 an overfished or overfishing condition. We're
5 trying to align those a little bit better to make
6 the report more meaningful.

7 CHAIR DiLERNIA: Mr. Fletcher, Ms.
8 McCarty, Mr. Billy and Ms. Lowman. Mr. Fletcher.

9 MR. FLETCHER: Alan, cooperative
10 research over the past few years was extremely
11 popular and developed some great information and a
12 lot of the industry support and it was a real sad
13 day when it disappeared and now you're indicating
14 that that money may be available again. In the
15 past, there's been the opportunity through on a
16 West Coast to specific states. They kind of
17 managed some pot of money for cooperative research
18 and had an advisory committee that they formed and
19 we kind of prioritized the various proposals. How
20 do you envision that now and then is that similar
21 to how you see this going forward in the future?

22 MR. RISENHOOVER: Yes. I don't think
23 it's going to have any major changes than how we
24 did cooperative research in the past. I think

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1 they're going to do it as things similar to the
2 by-catch reduction program. Some terms of
3 reference on how the small individual programs
4 around the country interact, how do we set
5 national priorities for that, how do we set
6 priorities for our funding requests.

7 Right now, we have a small pot of money
8 for cooperative research that's shared around the
9 country. I believe it's right around \$2 million.

10 The Northeast and the Southeast have some
11 earmarks for some dedicated cooperative research
12 in those areas. So it's how do we better grow
13 that money, coordinate that money, make sure we're
14 hitting the top priorities. But the Congressional
15 end which basically just established the program
16 is pretty much in line with how we have a program
17 now.

18 MR. FLETCHER: I thought you said there
19 was some money appropriated for that.

20 MR. RISENHOOVER: There is currently
21 money available in our budget, but it's not a lot.

22 So it's spread fairly thinly around the country.

23 But having a new authorized, Mark may have some
24 more information, vein in the Magnuson Act gives

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1 us the ability in budget discussions in the future
2 to go "Look. Congress just authorized a new
3 program for us. Bring money to it."

4 MR. FLETCHER: Okay. But they haven't
5 done that yet is what you're saying.

6 MR. RISENHOOVER: No. That's a future
7 thing. Mark, do you --

8 DR. HOLLIDAY: To that point the
9 difference between authorization which the
10 Magnuson Act did, given authorization to this
11 program, but there's not an appropriation which is
12 the actual giving of money to carry that out.
13 There's a big difference between them.

14 MR. RISENHOOVER: Right. And a lot of
15 times where we get hit by appropriation committees
16 that don't want to give anybody any money is
17 they'll say, "You have a cooperative research
18 program. That's nice. Where is your legislative
19 authorization?"

20 DR. HOLLIDAY: So you need both pieces,
21 an authorization and the money.

22 MR. FLETCHER: I understand that. But
23 I was under the impression that recently some
24 money had been made available. That's not the

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1 case I guess.

2 MR. RISENHOOVER: No. I don't believe
3 the '08 budget included an increase for that.
4 Hopefully, future budgets will. But I can't
5 predict that.

6 MR. SIMPSON: Mr. Chairman, at the risk
7 of trying -- and money, I think he's talking about
8 getting on the plane and the omnibus and you were
9 saying hopefully there was money. I think that's
10 where he's --

11 MR. RISENHOOVER: Right. In the '08, I
12 don't believe there was an increase for
13 cooperative research. So in the omnibus, it's
14 probably not a plus but could be a minus depending
15 on how they resolve their problems.

16 CHAIR DiLERNIA: Ms. McCarty.

17 MS. McCARTY: Alan, a little bit more
18 about the NEPA money, there's a lot of concern in
19 the North Pacific and probably other places as
20 well that the NEPA streamlining might either go
21 too far or not far enough and lots of folks in the
22 North Pacific want it to go a real long way.
23 Other places are probably more concerned about the
24 other end. Can you describe a little bit about

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1 where you think it might go and what the actual
2 goals of that streamlining are and what the public
3 comment has been and where you're responding to
4 it?

5 MR. RISENHOOVER: I can do a little bit
6 of that. And as I mentioned, we're hopefully
7 meeting with folks this week on that again. We've
8 been going through it with the Council on
9 Environmental Quality. We know the Council
10 positions. We've been working internally to try
11 again and it's how do you fit something new into
12 eight established processes.

13 But what we're looking at is time
14 lines. Some of the NEPA comment periods are much
15 longer than the Magnuson Act comment periods and
16 they seem to comment at different times. When you
17 start secretarial review now, we're running a 95-
18 day process where we also have to do 45 days of
19 NEPA comments plus the cooling off under NEPA and
20 APA. So we're just trying to almost take two time
21 lines and see how we can best make them fit and
22 then working with CEQ to see if some of the
23 requirements of the Magnuson Act effectively meet
24 some of the requirements of NEPA. It will still

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1 be NEPA but move forward.

2 So it's still going to be
3 implementation of both acts. We're not going to
4 exempt anything. But it's mainly time-lining,
5 council decision process-making, when do they make
6 the decision on their DEIS. Also a lot of it is
7 roles, what will the Secretary do, what will the
8 councils do under NEPA and Magnuson, trying to
9 outline those to be a little more standard around
10 the country. Right now, in some regions the
11 councils do most of the NEPA work themselves. In
12 other regions, they do very little. We're trying
13 to standardize that as well. But that's a real
14 fluid thing right now. So I'm a little hesitant
15 to say it's going to be this, this and this
16 because that will jinx it.

17 CHAIR DiLERNIA: MR. BILLY.

18 MR. BILLY: Alan, are you going to be
19 here tomorrow afternoon, the session on seafood
20 certification?

21 MR. RISENHOOVER: Yes.

22 MR. BILLY: Okay. Good. I have a
23 heads-up for that discussion tomorrow afternoon.
24 I'm real interested to explore whether the

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1 international provisions would in any way
2 contribute to helping the seafood industry take
3 advantage of certification in other countries for
4 species or species groups that are marketed in the
5 U.S. like Atlantic and Pacific whiting or pollock
6 in different countries or those kind of species
7 where in the marketplace they're under one general
8 label and the idea being can certification work in
9 the international context of those. Do any of
10 these provisions contribute to that?

11 MR. RISENHOOVER: Yes.

12 MR. BILLY: You don't need to talk
13 about it in the detail now.

14 MR. RISENHOOVER: Right. I may not be
15 the best for that, but we can at least get into it
16 some. Because if a country is certified for IUU
17 fishing, then there is the potential that that
18 product would be blocked from coming in which in
19 the marketplace would have an effect. There would
20 also be the effect of in the market saying this
21 doesn't come from another country that is known to
22 have IUU or some by-catch problems. So I think
23 you can kind of work it a little bit both ways.

24 CHAIR DiLERNIA: Ms. Lowman.

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1 MS. LOWMAN: Alan, I wondered if you'd
2 talk a little bit more about the process of coming
3 up with the guidelines. You said on it's on your
4 next tier, but as you know the Pacific Council is
5 scheduled to come up with an LAP alternative in
6 June and obviously we hope there wouldn't be some
7 big surprises that would make that complicated.
8 So I'm wondering if you could talk a little bit
9 more about what particular parts of the LAP are
10 you focusing guidelines on and kind of a little
11 more idea on time line.

12 MR. RISENHOOVER: Right. I can talk a
13 little bit more on time line. What parts we're
14 focusing on is what I have staff looking at now
15 based on public comments, internal discussions,
16 what is our skeleton of guidelines we need to look
17 at. But we are going to try to pull together a
18 work group that has a representative from every
19 region. The Northwest, for example, and the
20 Northeast would all be on that work group and then
21 with some oversight from a policy level on what
22 we're going to do.

23 But the timeline is still -- I'm trying
24 to get ACLs and EFPs and NEPA and all of those

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1 pushed out. It is going to be well into next year
2 before you see a proposed rule. I don't know that
3 that helps but that's where we are.

4 MS. LOWMAN: The main concern is we
5 don't want to have it going through the process,
6 have a final decision made in council and all of a
7 sudden get the -- is in violation of some of it or
8 it needs to be adjusted which would -- the whole
9 time line would be off.

10 MR. RISENHOOVER: And hopefully that
11 rulemaking will be informed about what is going on
12 around the country. If there are some flags,
13 hopefully we can throw them early or take the
14 benefit of somebody developing one in helping us
15 with our guidelines.

16 I don't know. Mark, the technical
17 guidance is out and that was a link off one of
18 your emails. So that's out already. That should
19 help.

20 CHAIR DiLERNIA: Mr. Roberts.

21 MR. ROBERTS: I thank you, Mr.
22 Chairman. Alan, one question. You said something
23 about law enforcement there. I'm more interested
24 in NOAA general counsel. Is there anything you

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1 can tell us about as you get to more market-based
2 approaches to fishing you'll probably be dealing
3 with fewer people but each of them will have
4 potentially a privilege or a share so to speak.

5 Does NOAA general counsel look at that
6 kind of a system to different in terms of
7 penalties? Enforcement is one thing, but if it's
8 a slap on the wrist when you get to council,
9 enforcement doesn't really mean a lot. When you
10 build the stakes up with the market-based fishery,
11 I'm wondering if there's any discussion about what
12 general counsel is going to be doing with that.

13 MR. RISENHOOVER: We did in our
14 administration proposal have increased penalties
15 and fines. Congress didn't take that. So there
16 are -- it's not a penalty schedule, but the Act
17 does lay out what the penalties are for different
18 sorts of things, civil and criminal. They will
19 still operate within that.

20 MR. ROBERTS: They will not change?

21 MR. RISENHOOVER: They can't because of
22 the statute.

23 MR. ROBERTS: Okay.

24 MR. RISENHOOVER: At least the range

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1 can't change or the thresholds.

2 CHAIR DiLERNIA: I have Mr. Rayburn and
3 Mr. Joner. Ralph.

4 MR. RAYBURN: Alan, on the response to
5 hurricanes and stuff that's in there, I know it's
6 proactive as well as just reflective. Right? I
7 mean, you all did the report. I'm curious because
8 you said something about some guidelines will be
9 coming out in the next month or so and is that
10 going to be -- is that just a report for Congress?
11 I forget now. Or is that developing an
12 infrastructure in the --

13 MR. RISENHOOVER: The Act did two
14 things. It modified 312. But then it also added
15 315, catastrophic regional disaster something or
16 another. And so our Management and Budget shop is
17 looking at how do we implement those in the
18 future. It's kind of one of these second tier
19 sort of guidance we want to look at. I think they
20 just went out recently with a request for comments
21 on some of the disaster provisions. At least,
22 that's tickling around in the back of my mind. So
23 that's just starting.

24 But you're right. It's also

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1 prospective. We also want to clarify what a
2 commercial fishery failure is and a resource
3 disaster a little bit more, too, since we're
4 seeing more requests for those things all the
5 time.

6 MR. RAYBURN: There is so much of that
7 activity at least in hurricanes of '05 that has
8 gone through the regional commission that it would
9 be good to really work closely with that group and
10 to stay close in kind of evolving this. So it is
11 a more responsive program -- It's not your all
12 fault, but -- of groups of wanting to do
13 something. But there weren't the resources there
14 and the resources we had were impacted by the --

15 MR. RISENHOOVER: Right. And the Act
16 doesn't -- There's no use prospective for future
17 things could apply. So it's not just for past
18 hurricanes. It could be for future. But it
19 doesn't lay as far as I know any groundwork for
20 how we would deal with a hurricane. Hopefully,
21 what it lays is some groundwork of how we funnel
22 disaster assistance after a hurricane.

23 CHAIR DiLERNIA: Mr. Joner.

24 MR. JONER: Alan, I have a question and

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1 I hope it fits under the category of people/system
2 management and that is what I'll call
3 underfishing. We have a developing problem in
4 North Pacific and Alaska region now with
5 arrowtooth. And we've heard from the Halibut
6 Commission staff a couple weeks ago that that's
7 probably a likely cause for the greatly reduced
8 average size of mature halibut. And in the North
9 Washington coast, for example, we have a growing
10 population and arrowtooth move in and take over
11 an area and they displace just about everything
12 else there. Nothing really eats it including --

13 So I guess it's one of those old
14 fishery biologists you described a little bit ago.

15 I see that as a really challenging problem in
16 ecosystem management and is there any effort to
17 look at that problem or even to recognize it as a
18 problem to challenges facing something arrowtooth
19 and one is by-catch and I can see where this would
20 be a good project for the by-catch group you
21 described or by-catch engineering program.

22 Everything that's been done so far on
23 reducing by-catch is done on an ad hoc basis. And
24 part of the problem with arrowtooth is how to by-

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1 catch. We want to help the halibut with it, but
2 we have to deal with halibut by-catch and the
3 other is marketing. We're working with Pacific
4 Seafood on developing a market for that and there
5 were some promising signs, but now the market's
6 really soft. There's no pun intended with
7 arrowtooth, but it's just such a poor quality
8 fish. It's hard to market.

9 There was a market in Asia for the
10 krill and in Eastern Europe for the harvests. But
11 that's hot and cold. I see it as a national issue
12 and is there anything being done, can it be done,
13 where would it fit in, where do we go from here.

14 MR. RISENHOOVER: I wish I knew the
15 answer to that. I don't know. Maybe the Alaska
16 regional director could help us on that one. But
17 I would just toss that to somebody else, Steve.
18 The Act doesn't talk about how do you develop
19 fisheries, how do you maybe balance a ecosystem by
20 catching an arrowtooth flounder. There are
21 probably other people that would suggest other
22 examples of stocks. But it really didn't have an
23 ecosystem focus. It did authorize some ecosystem
24 research reports and build on the pilot projects,

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1 but nothing specific to that, how do you harvest
2 something more.

3 MR. JONER: Do you see that as an
4 ecosystem question or would the Act, I guess?
5 Would that fit under the Act?

6 MR. RISENHOOVER: To a degree. But
7 it's also kind of the predator or prey. You said
8 they eat the halibut.

9 MR. JONER: Not necessarily.

10 MR. RISENHOOVER: It's just the
11 competition.

12 MR. JONER: It's just not much eats
13 them, like a sea lion, for example, will not. It
14 will eat halibut but not a flounder, not
15 arrowtooth.

16 MR. RISENHOOVER: Yes. So you're going
17 -- I don't want to go to that either.

18 MR. JONER: Yes.

19 MR. RISENHOOVER: I don't think I'm
20 going to be much help there, Steve.

21 MR. JONER: It all goes to the region
22 then.

23 MR. RISENHOOVER: That's what I think.

24 MR. JONER: -- authorized regions?

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1 (Laughter.)

2 CHAIR DiLERNIA: Are there any other
3 questions? Randy.

4 MR. CATES: One quick one. I haven't
5 heard much discussion on stock enhancement, if
6 that fits into the --

7 MR. RISENHOOVER: Right. There wasn't
8 anything specific to that on the reauthorization.

9 But Mike is going to be here this afternoon on
10 aquaculture. That's probably a good place to ask
11 that. That's kind of like Steve's question there.

12 I don't know if it fits under the Act or not. I
13 would have to look at the specifics.

14 CHAIR DiLERNIA: Dr. Holliday.

15 MR. RISENHOOVER: It's not fair that
16 you ask questions.

17 DR. HOLLIDAY: I waited until the end.

18 But, Alan, I first wanted to thank you for the
19 presentation. I heard it lots of times. I learn
20 something new every time. So either my attention
21 span is getting better or you're very polished in
22 your presentation.

23 MR. RISENHOOVER: Or maybe I'm getting
24 better.

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1 DR. HOLLIDAY: But I'm looking at
2 things sort of through this MAFAC lens these days
3 and you have all these 30 items that are on the
4 table. Can you think of one, two or three things
5 that really could engage MAFAC that you would be
6 looking for as a group to be helping out with MSRA
7 implementation? I mean, it's very informative to
8 know what's going on, but are there policy issues
9 or some strategic questions that MAFAC could be
10 helpful to the agency in the next 18 months that
11 we haven't been thinking about considered at this
12 point?

13 MR. RISENHOOVER: I think a lot of that
14 would depend on folks' interests on what they want
15 to tackle. But a MAFAC position on, say, our
16 annual catch limit rule would be helpful. We did
17 take the feedback I got from you all in June or
18 July, I forget when we met last, of putting that
19 back in at least on an ad hoc basis into what
20 we're doing. But, yes, there's a lot of
21 opportunities of stuff moving through. I think
22 kind of on the policy stuff I'm also interested in
23 the 2020 discussion as well as the NOAA ocean
24 policy discussion because we do have some latitude

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1 under Magnuson for how stringent are we going to
2 be on ACLs or not or how hard and long should we
3 push limited access or dedicated access privilege
4 programs. Some of those policy things, yes, I
5 think the individual members on the individual
6 rules will definitely have positions. MAFAC could
7 do that as well, the kind of the how do we take
8 Magnuson on past 2010.

9 Part of what I've been thinking about
10 is if the Act works and the agency gets it right
11 and the councils get it right after 2010 we're not
12 going to be talking about overfishing anymore.
13 And then a number of years after that we won't be
14 talking about overfished anymore. It will be a
15 rare event. What's the next major issue fisheries
16 are going to face then?

17 Because we're going to end overfishing
18 in 2010. Right? That's what it says. So four
19 years from now, what are we going to be talking
20 about? Is it allocation? Is it improving the
21 economics of the fishery? Is it some of the
22 import/export quality? How do we market U.S.?
23 What comes after and that's the sort of things you
24 talked about in the 2020 report and I don't know

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1 if that --

2 CHAIR DiLERNIA: MR. BILLY.

3 MR. BILLY: On this point, is there a
4 NOAA attorney here? There are some pretty strict
5 rules about who can comment on rulemaking.

6 CHAIR DiLERNIA: Say that again please.

7 MR. BILLY: There are strict rules on
8 who can comment on rulemaking and how you do it.

9 So you would have to lay out some agreed means
10 for the MAFAC committee to participate in a
11 rulemaking process beyond looking at future policy
12 or some of the other or after comments are in
13 participating with the agency in making choices
14 about what the final rule should look like.

15 MR. RISENHOOVER: Right. And I'm
16 always amazed at the attorney's advice regarding
17 FACA and what's yes and no when and why.

18 MR. BILLY: So you would have to be
19 careful.

20 CHAIR DiLERNIA: Okay. I don't know.
21 I'll take it under advisory. I don't know how to
22 respond, what to say. Ralph.

23 MR. RAYBURN: I would just like to say
24 I appreciate Mark's comments on looking

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1 strategically at this thing in the -- sustainable
2 fisheries because when our class came in that was
3 where we wanted to take it. So now having it in
4 your shop as Tony mentioned earlier, I think
5 really makes this as I see it very effective and
6 viable. So when you come in here, Alan, you're
7 not just holding up progress in D.C., but you're
8 getting some thoughts on how where you need to
9 head or suggestions anyway, you know, for five
10 years out or something like that when you do solve
11 all our problems. It's like stuff that's really
12 does advance it. So I think that's a significant
13 question. I just wanted to comment on that and
14 thank Mark for taking us that way because I think
15 it's a strategic area to be in.

16 CHAIR DiLERNIA: Okay. Are there any
17 other questions for Mr. Risenhoover? Mary Beth.

18 MS. NICKELL-TOOLEY: Thank you, Mr.
19 Chairman. Alan, those last slides that you added
20 to the presentation were very helpful. Can we
21 somehow get copies of that?

22 MR. RISENHOOVER: What I hope to do is
23 pull this into a little glossier of a report.
24 What I had my staff do after the last week or so

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1 is pull this together and we're still kind of
2 arguing about categories, what's on time, what's
3 not on time, what's on track. Because we do have
4 our internal milestones. So I hope by mid January
5 to have this progress report. But I don't see why
6 I can't have Mark post these on the MAFAC site
7 just with the caveat that I may change them a
8 little bit to make them look better probably.

9 MS. NICKELL-TOOLEY: Thanks.

10 CHAIR DiLERNIA: Mary Hope.

11 MS. KATSOUROS: Thank you for giving me
12 the opportunity. Alan, what happens if you don't
13 get in the budget plan additional funds? Have you
14 decided what programs you'll cut out in order to
15 do these?

16 MR. RISENHOOVER: We've talked about do
17 we cut things or do we just slow everything down
18 and we have a little extra money in `07 to kind of
19 speed some things up around the country. I don't
20 think I got any though. So that helped. But
21 again, if we don't get the, for example, extra
22 dedicated access money, the \$6 million, it's just
23 going to delay, string things out, take longer to
24 get stuff done. The analysis won't be done as

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1 quickly.

2 MS. KATSOUROS: And has Congress aware
3 of this?

4 MR. RISENHOOVER: I'm hoping that
5 message has been sent to them. We based the '08
6 request. We got some money right at the end there
7 right before the request went up last February.
8 So there are a number of fact sheets. Our
9 Legislative Affairs folks are aware of this.
10 We've prepared all the Q & As you could ever dream
11 of to support these requests including what
12 doesn't get done. So if you do look in the
13 President's budget, I mentioned the FSSI, that
14 Fishery Stock Sustainability Index. It shows what
15 can be done with the money and what can be done
16 without the money and how that metric moves.

17 MS. KATSOUROS: Okay.

18 MR. RISENHOOVER: So we do have some
19 performance links. It can always be better. But
20 where we really need the additional resources are
21 in kind of the science programs to support the
22 annual catch limits in particular.

23 CHAIR DiLERNIA: Are there any other
24 additional questions? Okay. We're pretty much on

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1 schedule. Five minutes over time. That's
2 wonderful. That's great. Thank you, Committee.

3 We will take a break for one hour and
4 when we return we will hear --

5 DR. HOLLIDAY: We'll be back at 1:30
6 p.m.

7 CHAIR DiLERNIA: 1:30 p.m. We'll be
8 back at 1:30 p.m. Off the record.

9 (Whereupon, at 12:08 p.m., the above-
10 entitled matter recessed and reconvened at 1:43
11 p.m.)

12 CHAIR DiLERNIA: On the record. Thank
13 you very much for being back on time.

14 MR. FLETCHER: We were.

15 CHAIR DiLERNIA: Yes, I know. We
16 switched agenda items this morning. Our next
17 presenter is Tim Hansen from Seafood Inspection
18 Program. Mr. Hansen, are you --

19 MR. HANSEN: I'm ready. Thank you, Mr.
20 Chairman.

21 CHAIR DiLERNIA: Tim, take it away.

22 MR. HANSEN: I will take it away.

23 Dr. Hogarth asked me to make this
24 presentation to you. This is a presentation I

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1 made to NMFS management last summer. It's kind of
2 what's going on in the seafood world today.

3 (Off the record conversation.)

4 MR. HANSEN: This little ridge here is
5 taking a lot of the sound out.

6 CHAIR DiLERNIA: If I may just though,
7 you're behind Tab 3, I believe, is the
8 presentation also.

9 MR. HANSEN: Okay. You might follow
10 along.

11 CHAIR DiLERNIA: Behind Tab 3, folks.

12 MR. HANSEN: Okay. Just maybe not
13 everyone knows, but in the midst of NOAA fisheries
14 is Seafood Inspection Program. I would like to
15 start out if I can make a page turn here that we
16 do have a program that's been around in the Bureau
17 of Commercial Fisheries and later NOAA Fisheries
18 for about 51 years now.

19 Our mission is to assist consumers and
20 improving the industry for the consumers and
21 improving seafood safety, quality and
22 marketability. We assure that all inspected
23 products meet the FDA safety and DOC quality
24 regulations, quality regulations and safety

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1 regulations.

2 We don't operate on appropriated funds.

3 We are a voluntary fee-for-service organization
4 because we gain all our operating funds, travel,
5 salaries and so forth from user fees which is a
6 charge for our services. We have an Inspection
7 and Certification Service and do this both in this
8 country and we also offer inspections services
9 overseas. We have principally approaching about
10 60 foreign seafood firms that participate in our
11 program and we presently impact or touch about
12 one-third of the seafood that is consumed in this
13 country which happens to about 1.9 billion pounds
14 in 2006. We have every reason to believe that
15 that figure is going up.

16 We also offer lab analysis and
17 consultative services to the industry and
18 training. We have an in-depth training program
19 that we offer those who are interested in it.

20 We ensure the quality and the safety of
21 seafood. We have grade standards. There are 23 of
22 them and we also ensure that company/customer
23 specifications are met for quality and safety and
24 so forth. And we also ensure compliance to the

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1 applicable regulations. A preventative system
2 required for CPU countries, processing, I should
3 say. We also ensure proper labeling.

4 What drives our business is basically
5 the big buyers of seafood, I think, WalMart,
6 Kroger, Safeway, Albertson's and so forth who
7 require their suppliers to have our services and
8 the reason they do that is to get the quality
9 levels and assurances of safety that they desire
10 for their consumers and their customers. We also
11 oversee federal buying of seafood. We do the
12 quality assurance part of that and we also work
13 with big distributors like Sysco, some others,
14 Kraft.

15 We offer federal marks that people can
16 use for their marketing purposes. It's "Grade A
17 packed under Federal Inspection." We have some
18 other marks that people can use for their point of
19 sale advertising and so forth. And we also go and
20 participate in an important international food
21 safety fora such as Codex Alimentarius and
22 International Association of Fish Inspectors or
23 World Seafood Congresses and American Society for
24 Quality to name a few.

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1 Just to give a little insight, not
2 everybody may know how food regulation works in
3 this country. But FDA is the primary agency for
4 food safety in this country except for meat and
5 poultry which is USDA Food Safety Inspection
6 Services has responsibility for that. Underneath
7 that, there are so called Agricultural Marketing
8 Act organizations. We are one of them. Most of
9 them occur in the Agricultural Marketing Service,
10 the USDA. They have meat grading, milk and dairy,
11 fruits and vegetables, outfits that are very
12 similar to our own that do quality and inspection
13 services on a voluntary basis. Generally
14 speaking, that's how food regulation is kind of
15 laid out in the Federal Government.

16 Let me just start with our baseline
17 question. How safe is seafood. There has been a
18 lot of questions about that, but it turns out it's
19 pretty safe. If you look at the CDC information,
20 you'll see that about 90 percent of all illnesses,
21 known illnesses, are from three causes: ciguatera,
22 scrombrotoxicity, and molluscan shellfish.
23 Ciguatera, of course, I think we have an event
24 going on in the North Gulf of Mexico right now

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1 which is a toxin that comes from a mephitic algae
2 that works it way up in the food chain and reef
3 fish particularly concentrate this and it will
4 make people sick. It doesn't really kill people
5 but it will give you a bad day.

6 Scrombrotoxicity is a histamine if you
7 will. That's probably the biggest, most important
8 food safety hazard in seafood and it occurs
9 usually through poor handling or poor fishing
10 techniques where the individual fish decomposes
11 and certain microbiological flora take over and
12 produce a toxic result.

13 Molluscan shellfish, most of this is
14 due to the vibrio that occur in the Southeast
15 United States in the summer time and this is a
16 *Vibrio vulnificus*, *Vibrio cholerae* and *Vibrio*
17 *parahaemolyticus*. I got this slide from Spencer
18 Garrett and I can't help but notice that the
19 outbreaks actually outnumber the cases which can't
20 be. So we're going to have to talk about that.

21 MR. O'SHEA: I think they're reversed.

22 MR. HANSEN: I noticed that you guys
23 were noticing it too. But I imagine that the
24 legend just should be reversed.

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1 MR. O'SHEA: What does that mean?
2 Percentage of seafood?

3 MR. HANSEN: It means that 90 percent
4 comes from three causes essentially.

5 MR. O'SHEA: Okay. Not 90 percent of
6 the seafood.

7 MR. HANSEN: There are a whole bunch of
8 causes which I'll get into. But these are the big
9 ones and if you control these, you essentially
10 control the safety of seafood to a large extent.

11 Just to go over some of the risks -- I
12 think we lost a slide here or maybe not.
13 Microbiological risks, we have a broad -- Yes,
14 John.

15 MR. CONNELLY: Just the last slide. It
16 might be helpful to define what outbreak and case
17 is.

18 MR. HANSEN: Yes. I think outbreak is
19 three or more, two or more. So you have to have
20 confirmed cases. This is CDC and a case, of
21 course, is just an individual getting sick. We're
22 talking multiples here. Those should be switched.

23 We have a wide variety of seafood
24 safety hazards that occur and they can come from a

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1 number of sources. They can come from the
2 environment naturally. They can come induced by
3 man. They can be induced in the food chain or in
4 the supply chain or processing and even storage.
5 Here are some microbiological risks that occur in
6 seafood, vibrios, Clostridium botulinum. The
7 Listeria are all natural pathogens. Anthropogenic
8 are man caused ones, Salmonella and
9 Staphylococcus. Salmonella is associated with
10 storage and Staph is associated with human skin
11 which grows on certain media such as hydrated
12 batter for breaded fish, for instances. If that's
13 abused, you may get a Staph outbreak or a Staph
14 growth and the occurrence of a toxin and it will
15 make people sick.

16 This slide should have been switched
17 with the other one, but anyway this is generally
18 as I just said five different sources of seafood
19 safety hazards. So it could be natural or man-
20 causes, in-processing and distribution chain or
21 even the consumer may mishandle it to cause some
22 of these problems.

23 Moving on, here are some chemical
24 contaminants that we have to deal with. The

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1 natural ones are paralytic shellfish poisoning
2 (PSP), ciguatoxin as I mentioned before, domoic
3 acid, mercury. Man-caused or anthropogenic,
4 pesticides, PCBs, mercury in that we have coal-
5 fired power plants which spew mercury from the
6 coal into the environment for instances, also
7 antibiotics. And in the processing and the
8 handling stage, we can get histamine. We have
9 bisulfites which are a food additive which are
10 sometimes abused that people are sometimes
11 allergic to, pesticides and food additives that
12 are used and some others.

13 Just to go through a couple
14 contaminants that are used quite a bit and I think
15 we're kind of back to a stage where we were about
16 20 years ago where the press and the newspeople
17 are questioning the safety of seafood, only this
18 time it's in a little different context. But two
19 contaminants that I kind of want to discuss just a
20 little bit are methyl mercury and polychlorinated
21 biphenyls because they've been in the news here in
22 the recent past.

23 Mercury is basically in about 45 or so
24 species. Sharks, swordfish, tilefish, king

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1 mackerel and tuna are particularly noteworthy as
2 being the most economically important ones. It is
3 a neurotoxin. It does have very definite effects
4 on the nervous system and the brain. It's very
5 toxic at certain levels. However, having said
6 that, there's never been a documented case of
7 methyl mercury intoxication into seafood
8 consumption in this country that we know of.

9 A little bit on the tolerance FDA has
10 established for this is one part per million. A
11 little bit about how the safety assessment and
12 tolerances are established. They would look at a
13 contaminant and then do an epidemiological study
14 to determine is this even something that the human
15 population is subject to. If it is, they'll do a
16 so-called safety assessment. They use what they
17 call a "may render injurious" standard.

18 What that is is they'll take all the
19 best scientists and science and a bunch of FDA
20 scientists will decide where the toxic levels
21 begin in actually according to science. They have
22 to come to consensus on that. Then they divide it
23 by ten. So that's to ensure there will be no harm
24 done to the human population. Sometimes they

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1 divide it by 100, I guess, for highly toxic
2 things.

3 Basically, we have a single bright line
4 that when it comes right down to trying to do food
5 safety regulation it's not very helpful. So we
6 have a tolerance of one part per million. Product
7 or fish, say, at 0.9 parts per million is
8 perfectly fine, but 1.1 part per million it has to
9 be off the market. It kind of works out for foods
10 that aren't very nutritious, say, crackers or
11 something. You might not want to take the risk.
12 But a food like seafood which is highly nutritious
13 and highly beneficial, it probably isn't very
14 helpful. What might be better is to consider a
15 whole range of levels depending on the benefit of
16 the food itself.

17 I'll just talk a little bit. FDA has a
18 current Consumer Advisory that suggests limiting
19 consumption of fish to 12 ounces per week. Mr.
20 Connelly tells me that the intention was just fish
21 that are high in mercury. But it kind of doesn't
22 read that way. What assured that this is a flawed
23 advisory is limiting the consumption of fish. If
24 you follow it, you would deny yourself a highly

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1 nutritious food source and it's designed to
2 protect the human population, but actually might
3 do harm in that people won't eat fish which is
4 actually more beneficial probably than -- has more
5 benefits than risks when it comes right down to
6 it. So we have to consider the benefits.

7 Just PCBs, there's been a lot of press
8 about PCBs of farm-raised salmon. First of all,
9 it's way below the tolerance level that the FDA
10 has established. They have not found any PCBs in
11 farm-raised salmon, even approach a regulatory
12 limit, first of all, although they have found some
13 in trace amounts. It's detectable.

14 Another thing to think about, some of
15 the latest science in examining the toxicity of
16 PCBs, is that the toxicity varies by the kind of
17 molecule, the shape of the molecule called
18 congeners and the ones that are shaped like
19 dioxins are pretty toxic but the other ones less
20 so. It kind of calls into question whether even
21 that tolerance level is the right one. So the
22 jury is still out on this. But I think it's safe
23 to say that farm-raised salmon are quite safe when
24 it comes to PCB levels.

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1 Moving on, just to talk about the
2 benefits of consuming seafood. We know most of
3 these things. It's less fat, more healthy fat,
4 more digestible protein. Of course, the Omega 3s,
5 the EHAs, and the EHAs are absolutely essential
6 for the development of human fetuses, infants and
7 children up until at least adolescence and there
8 are some studies that suggest even in the
9 adolescents that humans absolutely have to have
10 this to develop normally. And there's a lot of
11 research these days that suggest that a lot of
12 behavioral problems in children for instance is
13 because of a lack of EHAs in the diet.

14 We all know about the heart benefits
15 and the circulatory system. And there's a lot of
16 research by the psychiatry community on how it
17 affects mood, anxiety and even has positive
18 effects on certain mental illnesses. So this is
19 something that the benefits of getting Omega 3
20 into the diet are tremendous and important to all
21 of us. When you consider the benefits of seafood
22 over the risks, I think the benefits very much
23 outweigh the risks. It's something we all need to
24 have in our diet.

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1 Just switching over, just a little bit
2 about what NOAA's capability in science, I talked
3 a little bit about my own "brand," the Seafood
4 Inspection Program. But we also have researchers
5 and scientists in a couple of locations, probably
6 all the science centers, but mostly associated
7 with National Seafood Inspection Laboratory in
8 Pascagoula, Mississippi and the Northwest Fishery
9 Science Center in Seattle. We have researchers
10 that are doing research on various aspects of
11 seafood safety.

12 With the advent of aquaculture, we have
13 folks that are working on animal health issues
14 with the shipment of larva for rollout and across
15 national lines and so forth. There's a lot of
16 need to control diseases and so forth. And we
17 have folks that do that sort of thing.

18 The National Seafood Inspection
19 Laboratory is also involved in risk assessment.
20 It's kind of like a biological assessment and it's
21 a very rigorous scientific assessment using
22 statistical techniques and so forth. So
23 Pascagoula lab is doing that.

24 Contaminant monitoring and ecological

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1 monitoring, mostly it's out of the Northwest
2 Fishery Science Center. They looked at harmful
3 algal blooms. They do profiles of what kind of
4 contaminants are in the marine environment and so
5 forth.

6 For us, for Seafood Inspection Program,
7 we absolutely have to have scientific support to
8 be successful. So we need these folks to advise
9 us, do analytical work and be there to help us
10 form policies and procedures that make sense.

11 We're also doing quite a bit on risk
12 communication. I'll just show you quickly.
13 Spencer Garrett and the Pascagoula Lab and the
14 National Seafood Inspection Lab and Usha Varanasi
15 in the Northwest Fishery Science Center are
16 putting out these frequently asked questions for
17 seafood safety which are rather good because they
18 address a lot of the long-standing questions that
19 people have about safety of seafood and so forth.

20 The other thing I want to show you is
21 FishWatch. This is our new website and it's
22 absolutely wonderful. It's one of the best, I
23 guess, vehicles I've seen in a long time to convey
24 a whole bunch of information about not only

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1 seafood safety and quality, but how fish are
2 captured and how fisheries are managed and so
3 forth. I'd like to see a little more seafood
4 safety and maybe just a little bit of information
5 about the Seafood Inspection Program in there.
6 But this is really a site that everybody should
7 visit and use because it's very innovative and
8 very good. We are involving ourselves to some
9 degree in this communication of seafood.

10 Let me just talk about what's going on
11 in the industry. Some of you guys are industry
12 guys. So you know. I'll just go through this
13 quickly.

14 Over 80 percent of the seafood consumed
15 in this country is produced overseas. There are
16 approximately 20,000 foreign firms shipping to the
17 U.S. When I was an FDA'er, we used to think it
18 was 13,000 and then The Bioterrorism Act required
19 registration of food firms and we found 7,000 more
20 of them. So there are 20,000 of these guys who
21 are shipping in. We only have about 5,000 firms
22 in this country producing seafood. It's a
23 tremendous influx of poundage and so forth.

24 Some of these, I've been overseas many

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1 times, and some of the food safety controls of
2 some of these countries are probably not up to our
3 standards. Sort of unknowns in foreign countries.

4 Sanitation conditions. Prerequisite program,
5 what we call prerequisite programs such as is the
6 building sufficient and is the water supply clean,
7 do the individuals working there have health
8 checks for systemic diseases and so forth. Quite
9 often, we don't find this when we go to foreign
10 countries.

11 There is a regulation of the Food and
12 Drug Administration, you may or may not be aware
13 of called the Seafood HACCP Regulation and we're
14 not always sure that all of the foreign firms
15 comply with that. In fact, we're pretty sure they
16 don't. They have HACCP plans and they comply in
17 part. But by and large, they don't do as well as
18 domestic processors in this regard, this is a very
19 important preventive system of controls to prevent
20 food safety hazards.

21 Then there is the supply chain. Quite
22 often, we don't know what happens between here and
23 China or here and Ecuador quite often and we have
24 things that go wrong and product could be abused

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1 and food safety hazards would emanate from that.
2 So there's a lot of unknowns we talked about for
3 the seafood establishments.

4 A little bit about aquaculture drugs
5 because they're in the news. We find that control
6 is nonexistent or weak most of the time. There's
7 very little testing. For one thing, they don't
8 know how to do it. There's a tremendous cost to
9 this, probably not as much as holding up their
10 shipments these days, but it is an expensive,
11 time-consuming thing.

12 Because this is such an important part
13 of many countries' economies, there's large
14 pressure in not to regulate, not to look for
15 problems in seafood being imported into the United
16 States. And for aquaculture drugs, there's simply
17 not very many testing methodologies available. A
18 while back when I was at FDA, we got a list of the
19 drugs from Vietnam that Vietnam was using and
20 there was evidence on the order of 40 different
21 kinds of drugs, but only 12 of them we had tests
22 for. So we would have never known that these
23 drugs were being used if they hadn't gotten
24 stopped, things like ciproxin which we would have

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1 never ever in our wildest dreams thought that
2 somebody would apply this to a fish product. It's
3 an antibiotic. It's a big gun antibiotic for
4 humans that have very bad infections. These have
5 the effect of causing antimicrobiological
6 resistance and so forth. So this is something
7 that even though it doesn't have a definite human
8 health risk, in the long run it might. This is
9 something that the Food and Drug Administration
10 wants to not give and wants to regulate.

11 FDA, they perform presently about 100
12 seafood inspections overseas per year. I don't
13 think they're doing that well these days. It's
14 more like probably 60 or 70. If the total
15 inventory is 20,000, you get the idea how long
16 it's going to take them to go through that
17 inventory which will be roughly 200 years. So
18 they're not getting to these things through the
19 traditional means which is an in-plant audit of
20 the conditions of the seafood.

21 We do have something called affirmative
22 steps which is applied to the importer of record
23 and the idea for affirmative steps is the importer
24 has taken due diligence to ensure that the food

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1 safety, the seafood HACCP measures are in place
2 and the firm that produced the food overseas. The
3 problem with that is that it's generally weak,
4 easily falsified and FDA doesn't usually
5 vigorously pursue regulatory action against the
6 importers of record. Moreover, if there is a
7 regulatory action against the importer, generally
8 the producer of the food will just go to another
9 importers. So there's basically no effect and
10 this is how 80 percent of our seafood is regulated
11 right now, those three measures. It's probably
12 not the most effective way to go about things.

13 And this is the slide that probably you
14 won't want to share, Mark. Just a little insider
15 thought about the current challenges going on at
16 FDA. First of all, they're really not organized
17 to deal with imported food. They haven't had any
18 kind of a reorganization since the 1950s. Most
19 other federal agencies and food agencies around
20 the world have been transformed several times
21 since then and probably will continue to be so.
22 They are organized to deal with domestic food
23 safety problems, not imported ones.

24 They've had a tremendous amount of

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1 staff reduction due to retirement, the general
2 shrinkage. Somebody going to another job or so
3 forth. Over 50 percent of their current people
4 working for them are eligible for retirement. So
5 there's a tremendous loss of institutional
6 knowledge going on of people just going out the
7 door.

8 Moreover, they're losing critical
9 skills which they're not able to replace. They
10 don't have a filth person anymore. Usually, these
11 are people who enumerate insect legs and that sort
12 of thing. They have no one -- the FDA has no one
13 to examine parasites and figure out if they're
14 harmful and the FDA scrombrotoxin expert is about
15 to retire this month I believe.

16 All these areas are just critical for
17 seafood safety and they have no one following them
18 in these jobs. These are important because these
19 are the people that get on the stand and do court
20 testimony and without them it's a lot harder to
21 take regulatory action.

22 The biggie for them is, the most
23 important thing, is they've lost, they've been
24 reduced. Forty percent of the funding has been

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1 taken away from them in a three year period. In
2 any federal agency or any agency in government,
3 that would be devastating and it is for them.
4 They're just not able to get the mission done
5 because they don't have the resources and
6 essentially turning out the people either.

7 Also kind of turning away from focused
8 research on seafood. The Washington Seafood Lab
9 has been closed up. So important research in
10 scombrotoxicity and harmful algal blooms no
11 longer exist and we're seeing the same thing in
12 other labs across the country. And research is
13 absolutely necessary to make good regulatory
14 decisions. It's just not happening.

15 Also FDA, when there's a problem, a
16 food safety problem or a pharmaceutical problem,
17 everything stops or the field stops and they go
18 and try to get the cans of whatever, beans or
19 whatever it is, off the shelf and there's been
20 some fairly prominent crisis in the recent past in
21 the spinach pharmaceuticals, monkeytox the crisis
22 you never heard of but apparently the research
23 monkey came down with this disease which had a
24 high mortality rate which they were really afraid

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1 was going to break into the human population. So
2 the field was running around trying to figure out
3 where all the research monkeys were and not doing
4 seafood safety and that happens all the time.
5 That's just their reality.

6 All right. Of course, this has
7 elicited a fair amount of interest in the cause up
8 in the Executive branch that several bills in
9 Congress are probably not likely to go anywhere
10 this year but we have a coming election. There is
11 one called the Safe Fish Act that would give us
12 some responsibility. There's the Dingell Bill
13 which would, I believe, have a beefier service
14 sort of arrangement for imports and several
15 others. There have been many hearings as well if
16 you've followed any of that where the Congress
17 people pretty well beat up on FDA senior
18 management at these meetings.

19 Last summer, the Office of Management
20 and Budget put together a food safety crosscutting
21 agency group, the idea of which was to give the
22 next administration some food safety goals that
23 should go forth and that has been accomplished.
24 There is also an Import Safety Task Force which is

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1 a high level thing which is at the department
2 level which is headed by HHS and deals with the
3 problems with dealing with the import safety, not
4 only toys and food but anything else as well.

5 Those are kind of some of the things
6 that are going on in Congress. They're basically
7 current. What we have is what I call a perfect
8 storm. We have real food safety problems in the
9 seafood arena out there. We have a regulatory
10 agency that isn't up to par these days in terms of
11 getting their mission accomplished and a lot of
12 interest in the press and so forth.

13 That kind of presents some
14 opportunities for us. Maybe we should have a
15 partnership with FDA because we sort of travel the
16 same road. We do research. We do seafood
17 inspection and a lot of things along the same
18 lines. Maybe they could use some of our capacity
19 to accomplish their mission and maybe vice versa.

20 Inspection work, there's all kinds of things we
21 could do in terms of getting to seafood firms
22 overseas and so forth which I'm moving to in just
23 a minute. Also do some analytical work. We have
24 lab capacity.

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1 Research, both National Seafood
2 Inspection Lab and Northwest Fishery Science
3 Center do the same kind of research. In fact, in
4 recent times, FDA used the research for their
5 policy, to develop it, particularly some research
6 from the Northwest Fishery Science Center. We can
7 get involved in risk management policy or at least
8 assist them in that.

9 For us, for the Seafood Inspection
10 Program, we would hope that they would recognize
11 our inspections domestically. I had hatched a
12 plan and presented it to them about doing a fee-
13 for-service on imports because what happens is
14 that when an import shipment is tagged for
15 inspection, it generally sits around for six to
16 eight weeks and it costs the importer quite a lot
17 of money in terms of demurrage and quality to
18 warehouse it. So it would be a lot cheaper just
19 to pay it out. We have a guaranteed turnaround
20 time, say, of seven or ten days. FDA is
21 considering that. I don't know whether they're
22 going to accept that idea or not.

23 Overseas HACCP inspection, we have a
24 team in China right now. They certainly could use

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1 our results. We could do inspection for them if
2 there was a firm there that they have concerns
3 about. We could again -- we have labs. We could
4 do analytical work that they could accept.

5 We could -- This is Spencer Garrett's
6 idea which is to develop a way to assist foreign
7 labs to get up to snuff and get whatever approvals
8 they need from FDA or a recognized body that
9 they're a sufficient lab to do the kind of
10 analytical work that they're doing. We can work
11 with FDA on training the technical development not
12 only with each other, but for the competent
13 foreign authorities overseas and they could even
14 in their compliance work where they look at
15 particular cases for regulatory action share some
16 of our experts because we have quite a few
17 scientists and food technologists that are very,
18 very knowledgeable about a lot of these issues.

19 Just some of the research opportunities
20 that we may have: algal blooms, scrombrotoxin,
21 Clostridium botulinum, aquaculture drugs,
22 parasites, decomp, Listeria and then pathogens of
23 retail. These are just some of the things I think
24 we could be pursuing which would kind of be along

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1 our mission as an organization.

2 Also we could do risk management
3 policy. Since this is a scientific discipline, we
4 have common scientists. These folks could do this
5 sort of thing which would very much, I think, help
6 the regulatory process, help them make regulatory
7 decisions, if you will.

8 Develop good aquaculture practices.
9 I'm thinking about their thinking about good
10 aquaculture practices for human health. Ourselves
11 and Animal/Plant Health Inspection Service are
12 thinking about for animal health and somebody, and
13 I think USDA thinks about it, in terms of good
14 practice for animal husbandry and so forth.

15 And we could put those things together
16 and come up with good aquaculture practice or some
17 policies that perhaps would solve some food safety
18 problems and other problems in the long run. They
19 have a document they call the Fish and Fishery
20 Products Hazard Guide which I think are probably
21 some of the best policy work there is in the
22 Federal Government.

23 But science is always changing. We
24 have scientists that work in the area and we could

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1 work on that in the system as well.

2 Down sides, like any mission driven
3 organization, the FDA is a little turfey and
4 probably wouldn't want us stepping into their area
5 unless there was a true partnership and we
6 certainly don't want to do anything outside of our
7 mission such as I don't think we want to get
8 involved in the regulation of lettuce or something
9 like that and we certainly don't want the burden
10 of their mission. They actually regulate about 58
11 percent of the economy. So they have a huge
12 burden. I don't think it would be good for us to
13 partake of that burden particularly and we may
14 have increased expectations. If we go there, we
15 might have to continue to be in the seafood safety
16 area for a long time to come and that's something
17 that agency I think has to consider.

18 Just a few tickler questions, the
19 compliments of Mark Holliday, just a few things
20 that we kind of take away that we might think
21 about and hopefully getting your wise counsel and
22 advice on where we ought to be on some of these
23 issues. What's our most important long-term
24 objective? Is there anything we have to change in

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1 our organization to make any of this happen?
2 Current program, is it strong enough or does it
3 have weaknesses? And what should we be imparting
4 as a seafood quality and safety group as the new
5 administration that comes in?

6 And with that, I'll invite any comments
7 or thinking that you might have on this subject.

8 CHAIR DiLERNIA: Thank you. I actually
9 have a question and then I'll ask members if they
10 have questions. Getting back to the benefits of
11 seafood, the Omega 3s we're all aware of are very
12 beneficial. Have they ever compared the effects
13 of fish oil supplements to consumption of seafood
14 as a health benefit? In other words, are there
15 health benefits from the fish oil supplements that
16 could be realized? I'm not against eating
17 seafood, but I was just curious.

18 MR. HANSEN: Yes, I think there are. I
19 think the thing to be aware of with the
20 supplements are that you need to know how much of
21 that stuff you're actually taking. If you go to a
22 drug store and start looking at actually how much
23 EHAs or DHAs are actually delivering, it varies to
24 an extreme extent. So I guess I think there are

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1 the same health benefits in general at least as
2 far as EHAs and the Omega 3. But it probably
3 depends on how much you ingest. So you probably
4 want to be looking at the label.

5 CHAIR DiLERNIA: I see Mr. Connelly's
6 hand and then I'll start taking questions from
7 around the table. Mr. Connelly first.

8 MR. CONNELLY: Yes sir. Just on this
9 issue of pill versus fish, the industry doesn't
10 seek to sell medicine. They seek to sell kind of
11 an experience of a low fat or if you have to get
12 the fat, it's the right fat, high protein meal.
13 So if you're selling a horse pill, we could give
14 you a horse pill of Omega 3. The industry doesn't
15 seek to try to -- at all. In fact, we are saying,
16 when someone asks that question, that you're
17 missing the point of overall fish. It's not
18 medicine.

19 MR. HANSEN: Yes, it's great food. The
20 protein is more digestible. It's the right kind
21 of fat. It's great meat.

22 MR. SIMPSON: It tastes good.

23 DR. HOLLIDAY: And that's a
24 psychological experience.

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1 (Off the record discussion.)

2 CHAIR DiLERNIA: Mr. Forster.

3 MR. FORSTER: I sense that there's a
4 lack of interagency cooperation right now which
5 you allude to and as you suggested is discussing
6 this. What's happening I sense is that we're
7 leaving a vacuum out there. There's a whole lot
8 of self-appointed groups out there, third party,
9 so on and so forth. GLOBALGAP I saw, for example,
10 had certified all those supermarkets in Holland
11 just recently. We know WWF out there are doing
12 stuff and I think that's dangerous because at the
13 end of the day they're not accountable to any sort
14 of political process.

15 So I would argue very strongly that
16 government has to take this area of our food
17 safety into control. Otherwise, I think we leave
18 the whole field open to people with other agendas
19 which can change depending on what day of the week
20 it is.

21 MR. HANSEN: Yes. We've seen the
22 problem. I just laid out, I guess, but both FDA
23 and ourselves have seen that we can and should
24 work together on these issues in any way we can

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1 because they not only affect what they do
2 obviously as a food safety authority, but also
3 affect fishery management, a whole raft of things
4 that they do in this agency.

5 We have lots of reasons not always the
6 right thing to do to help protect the public. But
7 we have our own way. So we really want to work on
8 this. I'm working very hard with FDA on an
9 updated MOU. About 30 years or so ago, a guy
10 named Billy actually got them to agree to do a
11 basic memorandum of understanding. We've updated
12 that and we're back and forth. We're sort of down
13 to one basic issue that we have to sort of solve
14 now which is not going to be an easy issue. But
15 basically, this memorandum of understanding will
16 sort of lay out the framework of how we interact
17 with each other and very much I think both sides
18 want to see it.

19 They've also invited us to become what
20 they call a certified third party and do some of
21 their foreign seafood work. I think we're also
22 working with Agricultural Marketing Services and
23 other commodities as well to try to fill in this
24 vacuum. It's obvious that they're never going to

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1 get to it. They're never going to have enough
2 resources themselves to do what they need to do
3 properly regulate imports. They're going to have
4 to rely on other and we'll be one of the groups
5 hopefully.

6 CHAIR DiLERNIA: I have Mr. Cates and
7 Mr. Dewey. Randy.

8 MR. CATES: I have two questions. Has
9 there any work been done on gas-treated tuna
10 imports? And the second question would be if we
11 have -- obviously we have a problem with our
12 imports in inspection. Has there been any
13 discussions about, I hate the word "tax," where
14 the import pays for its own inspections? How are
15 we going to fund this?

16 MR. HANSEN: That's two things. The
17 Dingle Bill I think was just that. It would be
18 \$40 per line and will be charged, you know, every
19 entry will be charged \$20 to do this. This
20 represents oversight.

21 MR. CATES: On the gas-treated?

22 MR. HANSEN: No. Excuse me. On the
23 other side of it. We'd like to get involved for a
24 fee because we could get it done faster and

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1 ultimately cheaper if they would allow us to
2 inspect the fish. Whether they actually come
3 around, I don't know. They haven't said yes yet.

4 (Off the record conversation.)

5 MR. HANSEN: On the gas-treated, we
6 need to work on that.

7 (Off the record discussion.)

8 MR. HANSEN: I'll just stand close to
9 the mike. Sorry. Essentially, it passed a
10 certain color level generally that you can mask
11 some quality problems, what we're finding. Now
12 FDA has not -- They can't find a cause of action
13 to take regulatory action against this -- seafood
14 products essentially.

15 The CO, carbon monoxide, is a smoke.
16 It's generally regarded as safe. It's one of the
17 components that got a pass when we decided to be
18 more focused on food additives and so forth and
19 they haven't been able to make a case for what
20 they called something to be better than it is,
21 appearing better than it is under the statute. So
22 essentially, there's going to be no regulatory
23 action on CO at all in this country even though
24 other countries have banned it and don't like and

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1 so forth. I don't see it.

2 CHAIR DiLERNIA: I have Mr. Dewey and
3 MR. BILLY.

4 MR. DEWEY: I'm trying to get my mind
5 around the level of seafood inspection and so on
6 and I'm confused by -- I mean your third slide
7 talks about NOAA's seafood inspection wherein you
8 stated 33 percent of the domestic and foreign --
9 33 percent of the product is being --

10 MR. HANSEN: Yes, the product.

11 MR. DEWEY: Yet FDA was just one
12 percent or less --

13 MR. HANSEN: They don't really examine
14 product. That's the thing. They examine
15 processes of conditions of production and so
16 forth.

17 MR. DEWEY: But what we see in the
18 press all the time is less one percent of our
19 seafood is inspected, when, in fact, you're saying
20 here that 33 percent of it.

21 MR. HANSEN: Right. It's inspected by
22 us, not FDA. They examine one percent of imports
23 about.

24 MR. DEWEY: Less.

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1 MR. HANSEN: Or a little less.

2 CHAIR DiLERNIA: I'm confused.

3 MR. DEWEY: I'm just confused. I'm
4 trying to get a handle on the degree to which our
5 seafood is being inspected and I'm getting a very
6 mixed message here right now.

7 MR. HANSEN: All right.

8 MR. DEWEY: FDA who has the regulatory
9 authority is doing less than one percent of the
10 imports.

11 MR. HANSEN: Right.

12 MR. DEWEY: But you're doing 33 percent
13 of the --

14 MR. HANSEN: Of everything. Everything
15 that's consumed. A lot of our seafood is exported
16 somewhere. We may or may not look at that. It's
17 complex, but essentially that's what Fishery
18 Statistics came up with that our total is about
19 1.9 billion pounds of product actually inspected
20 and the consumption in 2006 in this country was
21 5.8 billion pounds.

22 CHAIR DiLERNIA: So where does the one
23 percent come in?

24 MR. HANSEN: That's products that upon

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1 entry. That's imports upon entry.

2 MR. DEWEY: But you're not the import
3 firm.

4 MR. HANSEN: No, we can't inspect it
5 until it enters. FDA will exclude us from any
6 import until they say they give the go-ahead
7 basically. Then we inspect it.

8 CHAIR DiLERNIA: So 33 percent of
9 domestic production.

10 MR. HANSEN: No, domestic consumption.

11 MR. DEWEY: The slide says "inspects
12 both domestic and foreign firms for products
13 consumed in the U.S."

14 MR. HANSEN: Yes.

15 MR. DEWEY: 1.9 billion pounds.

16 MR. BILLY: There is overlap.

17 MR. HANSEN: Yes.

18 MR. BILLY: The FDA is so limited that
19 many entities identities choose to have voluntary
20 inspection for a fee to supplement what doesn't
21 occur or supplement what does occur by FDA.

22 MR. DEWEY: Yes, I understand.

23 CHAIR DiLERNIA: Mr. Connelly.

24 MR. CONNELLY: If I could just lead you

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1 through some questions. Eighty percent seafood is
2 imported. How many pounds is that or tons
3 roughly?

4 MR. HANSEN: Whatever 80 percent of
5 5.8, something like five billion.

6 MR. CONNELLY: And of that, how many
7 pounds of that or what percentage of that do you
8 inspect?

9 MR. HANSEN: Of imports?

10 MR. CONNELLY: Yes.

11 MR. HANSEN: God knows.

12 MR. CONNELLY: I think that's Bill's
13 question.

14 MR. HANSEN: Quite a bit of it
15 actually.

16 MR. CONNELLY: Is it 25 percent or is
17 it six percent or is it 75 percent?

18 MR. HANSEN: You know the way
19 statistics are collected we don't entirely know to
20 be honest with you. We don't know the breakout
21 because there wasn't -- I think when the
22 statistics system was sort of brought through,
23 there was probably not a heck of a lot of reported
24 seafood. And so they didn't think about that

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1 breakout. But the long and short of it is that we
2 inspect 1.9 billion pounds. Presumably most of
3 that gets consumed in the United States.

4 MR. CONNELLY: And do you inspect for
5 the same kinds of things as FDA? FDA does testing
6 for contaminants or antibiotics or other things?
7 Does DOC inspection programs test for those kinds
8 of things or more quality, does it meet the spec,
9 testing?

10 MR. HANSEN: We do both. We have a
11 verification program. We just do some discovery
12 sampling of the product that we inspect. Take a
13 sample, send it to the laboratory, do appropriate
14 testing whether that's contaminants or micro or
15 whatever. We just do that to ensure that our
16 program is operating the way it's supposed to be.

17 Most of what we do, we do what we call
18 quality inspection. We ensure that, say you're
19 Kroger, which is one of the biggest buyers in the
20 United States -- you ought to know what you're
21 getting. You've defined this quality level that
22 you want your customers to have. Right? I mean
23 you're in the business of doing the same thing.
24 We just -- But they were sourcing the stuff from

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1 all over the world, from people they don't know,
2 people they do know, products they may or may not
3 be familiar with. What they want us to do is go
4 in and ensure that their quality specifications is
5 being met.

6 MR. DEWEY: That's when their product
7 comes into their receipt?

8 MR. HANSEN: It could be a number of
9 places. We do it in cold storages. There is even
10 proposals for us to do it in foreign countries.
11 We do it in the firm's place. Excuse me.

12 CHAIR DiLERNIA: I'm sorry.

13 MR. HANSEN: We do it anywhere all over
14 the place basically.

15 CHAIR DiLERNIA: Let me try to refocus
16 on my list. I have Tom Billy and then Mark
17 Holliday. Tom.

18 MR. BILLY: Okay. Thank you.

19 CHAIR DiLERNIA: And Mr. Roberts also.

20 MR. BILLY: I remember when I make a
21 presentation to the MAFAC Committee in 1974 to
22 address the question of whether NOAA should keep
23 the voluntary inspection program or get rid of it.
24 And the decision at that time was to keep it as

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1 an integral part of the Fisheries' programs.

2 It's come a long way and it does a lot
3 of good things for the consumer and for the
4 industry in the variety of services that it
5 provides. But the weak link in my opinion is FDA
6 and I used to work at FDA and I ran the Office of
7 Seafood which incidentally is no longer in
8 existence. That's another step FDA has taken.
9 They've eliminated the Office of Seafood and
10 merged the people in what they call Land Foods
11 into one mix and the Office of Seafood was set up
12 in 1991 to handle the last major crisis with
13 seafood safety. The resources that were provided
14 at that time dropped to less than 40 percent of
15 what a year ago compared to what existed in 1991
16 as money was reprogrammed for other things at FDA
17 higher priorities.

18 To my way of thinking, this is both a
19 critical area that it would be worthwhile for the
20 committee to spend some more time on and sort out
21 what the appropriate role of NOAA is in relation
22 to the Food and Drug Administration and other
23 entities. There are private inspection. Through
24 NFI and others, we can talk more about what

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1 industry's needs are. We can talk more about what
2 consumers expect and make some recommendations to
3 the new administration in terms of what would be
4 most appropriate here.

5 This is a very active area, this area
6 of food safety, more generally. I have a report
7 here from Congress and there is currently as I
8 tallied it up 17 separate bills all trying to
9 address food safety in one form or another and
10 with a wide divergence of approaches and funding
11 mechanisms and so forth.

12 So I don't know that anything is really
13 going to happen even next year. It's a complex
14 area with lots of issues associated with it as I
15 said and I think the MAFAC could provide some very
16 useful policy guidance. It doesn't make sense to
17 me to think about the morning presentation about
18 all the things we're going to do to manage the
19 fisheries but then not pay attention to the safety
20 and the quality and so forth of the product.

21 We haven't even talked about issues
22 like economic fraud, something that NFI and others
23 are wrestling with as well as the Voluntary
24 Inspection Program which is a rampant problem here

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1 in the United States and around the world with
2 species substitution and other types of issues.
3 There's a lot to reckon with and I think we've
4 heard a little bit. But we ought to spend some
5 time looking at this.

6 CHAIR DiLERNIA: I have Dr. Holliday,
7 Mr. Roberts and Mr. Forster. But before I call on
8 Dr. Holliday, it sounds like we're starting to
9 define our agenda for our next meeting. We
10 already have Mr. Raftican regarding our charter
11 revision and you know the rules, Tom. If you
12 suggest something we should do, you end up
13 chairing it. Looks like we'll be going in that
14 direction also.

15 Dr. Holliday.

16 DR. HOLLIDAY: Thank you. Briefly to
17 Bill Dewey's question about the statistics, in a
18 former job I had a bit to do with fishery
19 statistics and economics from the agency and I
20 understand where the numbers and the confusion
21 are. But I just want to say we'll get the numbers
22 straightened out and it's actually pretty easy to
23 understand once we lay it out for people. So it's
24 not -- The confusion will be resolved.

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1 MR. HANSEN: Maybe the confusion is
2 with me.

3 DR. HOLLIDAY: But I think just quickly
4 to Tom's point, one of the reasons Bill Hogarth
5 wanted this on the agenda, and we made this change
6 sort of at the last minute, was the result of we
7 talked about this at the NMFS Leadership council
8 and so all of the directors of the agency were
9 asking the very same strategic questions that Tom
10 was bringing up about what's the future direction
11 on this topic, what's the intersection with other
12 federal agencies, how does this comport or compete
13 with other issues that are in front of the Fishery
14 Service for dollars, for people and time. So what
15 more logical place do we get some good advice than
16 to come to MAFAC and say this is timely, it's on
17 the Hill, it's on the newspaper, it's in front of
18 our leadership and this is where we wanted to get
19 MAFAC's attention and ask these questions to try
20 to help us shape decisions and policies for the
21 future. So I commend everybody for picking up on
22 this. It's a terribly important issue for us to
23 consider.

24 CHAIR DiLERNIA: Mr. Roberts.

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1 MR. ROBERTS: I'm going to say you're
2 doing a stupendously good job.

3 MR. HANSEN: Thank you.

4 MR. ROBERTS: I look at this
5 information and it's hard for me to draw another
6 conclusion. We're inspecting whatever it is, one
7 percent. Do we have massive recalls in the
8 seafood industry? I don't remember many. I have
9 continuous USDA inspection of beef and poultry.
10 Some companies go out of business because product
11 gets out and they have to recall tons of material.

12 I'm looking at that contrast and I
13 think between FDA and Customs and you guys we're
14 inspecting one percent of some low amount.
15 Ninety-two percent of the incidents of illnesses
16 are in three categories and I'm not saying we
17 don't have a problem. But I'm impressed by what I
18 see.

19 Now there are things leaning obviously
20 and so for safety, I would probably be a bit of a
21 cynic and probably be the only one in the room
22 that will be that way. But looking at the
23 resources you have comparing to what USDA has, I
24 don't say you don't have to do this job. What I'm

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1 saying is I think you're doing it pretty well.

2 The second thing is I'd like to know
3 what's the difference in the agency between safety
4 illness type thing and quality. You said you were
5 doing quality work for the Wal-Marts, the big
6 supermarket buyers. Is that really a role for
7 NMFS as opposed to safety?

8 MR. HANSEN: First of all, quality is
9 just -- Safety is quality at large basically.
10 It's the same thing only we're worried about human
11 health versus satisfying your customers. It's the
12 same idea.

13 MR. ROBERTS: Okay. So the quality you
14 all are working on is related --

15 MR. HANSEN: It's the safety and
16 quality what we're doing.

17 MR. ROBERTS: But the quality is only
18 related to illness type issues.

19 MR. HANSEN: No.

20 MR. ROBERTS: It's not.

21 MR. HANSEN: It's related to what
22 appeals to the consumer and we don't know exactly
23 what that is. People that buy our services know
24 it and we apply whatever standards they want to

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1 apply to that.

2 MR. ROBERTS: Wait. Let me finish. Is
3 the quality thing than an economic fraud issue?

4 MR. HANSEN: That's another issue which
5 I didn't bring up but Tom did.

6 MR. ROBERTS: In times of tight budgets
7 and it's probably not going to get any better, we
8 don't have an Office of Seafood anymore in FDA, I
9 think it's time to get focused in on illness-
10 oriented safety. I'm a little concerned about
11 this quality issue. I think that's sellable
12 between the buyer and the seller and letting an
13 independent lab verify it for the buyer and the
14 seller whether it's the quality they bought or
15 not.

16 Anyway, I'm preaching. I'll move on.
17 I know Tom is biting at the bit to say something
18 I'm sure. But I think you're doing a good job
19 from what I see in the numbers quite frankly.

20 MR. HANSEN: Thank you.

21 CHAIR DiLERNIA: All right. I'm trying
22 to keep us a little bit on schedule. I have Mr.
23 Forster, MR. BILLY and Mr. Connelly. John.

24 MR. FORSTER: Thank you. As a

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1 technical question, in terms of inspections, do
2 you have different uses and different routines
3 with respect to fresh and frozen seafood? I mean
4 because fresh has a perishability. You don't have
5 very long to make a decision if you have a
6 concern.

7 MR. HANSEN: I'll stand close to the
8 mike so he can hear me. But essentially there's a
9 -- it's not fundamentally different. Obviously
10 with the fresh inspections, we have to make a
11 decision right then and there. Frozen we have got
12 time. We have maybe a year.

13 MR. FORSTER: And that was my point.
14 In terms of gearing up to inspect fresh seafood,
15 it has to be incredibly responsive because you
16 don't have that luxury of time.

17 MR. HANSEN: Yes. We have to be. So
18 essentially what happens is we have what they call
19 distribution firms that serve the supermarkets,
20 Wal-Mart, and so forth and it all comes in there,
21 fresh and frozen, and we have to make a million
22 daily decisions when we're in the firm about
23 whether a certain product meets a specification,
24 the here and now stuff.

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1 CHAIR DiLERNIA: Okay. MR. BILLY, Mr.
2 Connelly and then maybe we'll be able to move onto
3 the next agenda item. You pass? Mr. Connelly.

4 MR. CONNELLY: Just each department is
5 interested in safety. USDA is interested in all
6 kinds of activities including getting involved in
7 inspecting catfish which they argue is their fish,
8 not NMFS's fish. The Farm Bill is moving through.

9 There is a grading. There is a piece that would
10 cut out catfish from the Seafood Inspection
11 Program. We certainly don't think that's a good
12 idea. It's a Presidential issue. Do you have any
13 words on where that stands?

14 MR. HANSEN: I don't know where it
15 stands. Essentially, they're creating a parallel
16 universe. Part of the bill stated that they
17 wouldn't get across any of Department of
18 Commerce's Food Safety activities, whereas catfish
19 is largely a food quality, food grading activity.

20 So my take on it is that they don't want to pay
21 for it. They want to get it as a part of an
22 appropriation and not have to pay the freight like
23 they have to do with us. But I may be wrong. It
24 just seems nuts because there is already a

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1 program.

2 MR. CONNELLY: There's a flurry of
3 stuff going on today.

4 MR. HANSEN: I'm sorry.

5 CHAIR DiLERNIA: Okay. Tim, thank you
6 very much.

7 Our next agenda item is the Saltwater
8 Angler Registry Program. We have Gordon Colvin
9 and Pres Pate who are running that program.

10 (Off the record discussion.)

11 CHAIR DiLERNIA: For those of you who
12 don't know, Gordon and I had the pleasure of
13 meeting originally over 20 years ago when we first
14 assumed responsibility of Director of Marine
15 Resources for the State of New York and over the
16 years I must say, Gordon, we went from probably
17 knocking heads on every issue to probably going
18 together forward on every issue. So thanks for
19 the education perhaps.

20 MR. COLVIN: Thank you, Mr. Chairman.
21 That was a nice way of saying he went from trying
22 to get me fired to being a really good friend.

23 (Laughter.)

24 MR. COLVIN: It goes to show you what

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1 this business is like.

2 CHAIR DiLERNIA: Our state lost when
3 you retired.

4 MR. COLVIN: Thank you.

5 I'm here today along with Preston Pate
6 who is another former state director and suffered
7 a similar fate recently to talk to you about the
8 Marine Recreational Information Program, the
9 Fisheries' Services initiative to rebuild and
10 reconstruct our nation's Saltwater Recreational
11 Fishing Data Collection Program.

12 We're going to kind of do this as a tag
13 team. I'm going to talk first about the work of
14 the National Saltwater Angler Registry Team which
15 is a big part of this process and then Pres is
16 going to come up and talk to you about the work of
17 the operations team or the guys who are really
18 doing the nuts and bolts work on reconstructing
19 the surveys themselves.

20 I think probably this will work fast if
21 we give our presentations and then jointly take
22 your questions. If that's all right with you, Mr.
23 Chairman.

24 CHAIR DiLERNIA: Yes.

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1 MR. COLVIN: Thank you. The Marine
2 Recreational Information Program Initiative is
3 located and responsibility for it within the
4 Fisheries Services with the Office of Science and
5 Technology under Steve Murawski's oversight and
6 John Boreman's direction, the initiative
7 organization, the governances as indicated here
8 with an executive steering committee in overall
9 support and guidance for the effort and the
10 primary work is being conducted by three teams,
11 the Saltwater Angler Registry Team, the Operations
12 Team which Pres heads up and the Communications
13 and Education Team which is headed up by Forbes
14 Darby.

15 Members of the executive steering
16 committee are indicated here. As I said, John
17 Boreman chairs the committee and we have
18 representation from the councils, the interstate
19 commission executive directors on behalf of the
20 states. Bob Fletcher has been kind enough to
21 represent MAFAC on the committee and a number of
22 folks within the leadership of the Fisheries
23 Service as well.

24 The Registry Team is similarly composed

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1 of representatives from Federal Services, myself
2 and Ken Rickhus from Fish and Wildlife Service,
3 heavy on state membership because of the
4 importance as we'll see of the states to the
5 success of the Registry Initiative with
6 representation also from the Western Pacific
7 Council and constituent groups.

8 Eric Schwaab of MAFAC has graciously
9 agreed after having his arm heavily twisted to
10 serve as a liaison and a support person between
11 MAFAC and the Registry Team.

12 Now in setting up the overall Marine
13 Recreational Information Program, the executive
14 steering committee articulated several important
15 principles that the teams are trying their
16 darndest to adhere to. The first is that the
17 process is to be inclusive and I think what I've
18 talked about in terms of the membership of the
19 teams makes that clear. We are including our
20 principal stakeholders and partners in Fisheries
21 Management and data collection as well as our
22 constituents throughout the process and the
23 process is a collaborative one.

24 This is particularly important to the

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1 Registry. The Registry as we will see absolutely
2 requires a collaborative work between the states
3 and the Federal Fisheries Service if it's to
4 succeed and we are to attain our goals.

5 The process is also transparent. We're
6 committed to making our meetings open, making our
7 meeting proceedings available to the public via
8 our website and other means. And I think these
9 are all things that I think John impressed on us
10 at the outset that we've been gratified to try to
11 practice.

12 Turning to the Registry itself, the
13 initial basis of the registry as well as the
14 overall Marine Recreational Information Program
15 that we're going to talk about today stems from
16 the decision by Bill and others in the leadership
17 of the Fisheries Service a couple of years ago to
18 ask the National Research Council to review
19 comprehensively our Marine Recreational Data
20 Collection Programs nationwide. The NRC review I
21 believe was made public around the middle of April
22 of 2006 if memory serves and it included a large
23 number of, I think, candidly worded criticisms and
24 recommendations for improvement for the many data

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1 collection programs that we have.

2 Key among those was a series of
3 recommendations about the creation of a universal
4 sampling frame or saltwater angling effort surveys
5 based on registries of actual anglers rather than
6 some of the past methods that have been used which
7 included partial sample frames and telephone
8 directories, things of that nature. The NRC
9 repeatedly and specifically recommended creating a
10 national registry of all saltwater anglers without
11 exceptions either by the Federal Government or by
12 a collection of state registries using state
13 license data. Their emphasis repeatedly was on
14 making that registry complete and without
15 exceptions.

16 The Magnuson-Stevens reauthorization
17 picked on the recommendations of the National
18 Research Council. Section 401 of the Act requires
19 the Secretary to establish a new program to
20 improve the quality and quantity of information
21 the data collected under the Marine Recreational
22 Data Collection Programs nationally and requires
23 that the Service take a hard look at all of the
24 recommendations of the NRC report and to the

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1 maximum extent practicable include those
2 recommendations in the redesign of the survey.
3 That included specifically a section that requires
4 the creation of a federally-established registry
5 of saltwater anglers. It could be a national
6 registry or a registry divided into regional
7 registries. But it calls on us to begin to do
8 that in 2009.

9 However, although Congress asked us to
10 carefully consider and follow the advice of the
11 National Research Council, the mandated federal
12 registration of anglers is limited. It's limited
13 to those anglers and vessels that fish in EEZ or
14 that fish for anadromous fish. All other kinds of
15 fishing in state waters is not covered by the
16 federal mandatory registration requirement. What
17 this means is that Congress has created a dynamic
18 in which the Fisheries Service has to work with
19 the states who have the power to license if we're
20 going to obtain the goal of a complete registry
21 and a complete directory.

22 The Act enables the charging of a fee
23 for registration, but not until January of 2011.
24 The basis of the fee is not specified in the Act

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1 and therefore by default it will be undertaken
2 consistent with NOAA policy of being consistent
3 with the Agency's administrative cost for
4 administering a license or a registration program.

5 The Act says that we can register
6 either anglers or vessels and the Registry teams
7 believe at this point based on what we understand
8 about the direction of future surveys is that we
9 need to register individual anglers. We need to
10 register for-hire vessels. We don't need to
11 register private vessels. That's been our
12 recommendation.

13 Now the Act also says that anglers who
14 are licensed or registered by states can be
15 exempted from this national registration program.

16 But it goes on to say and the language emphasized
17 here is from the statute that that could be done
18 if the Secretary determines that the data that the
19 state provides is adequate or that the data is
20 used to conduct recreational surveys. In effect,
21 the Secretary is empowered here to determine what
22 kinds of state license data are sufficient to meet
23 the purposes of the Act and of the surveys that
24 will be developed and the states can qualify

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1 either by submitting licensed angler data or in
2 some respects by using their own registry data to
3 conduct surveys that are also subject to the
4 Secretary's review and approval.

5 Registry Team has adopted a development
6 plan which is posted on the website. These goals
7 are excerpted from the Development Plan and what
8 I'm going to talk about for the next few slides
9 here are what the Registry Team has recommended be
10 the structure of the Registry Program. So I'm
11 working from a set of recommendations which
12 ultimately we hope will find their way into NMFS
13 policy and even through rulemaking be adopted
14 officially.

15 The goals emphasize a few things.
16 First, we want to build a complete registry just
17 as the NRC recommended. We know that that's going
18 to take some time. It will not happen overnight.

19 So the emphasis is as much on build as it is on
20 complete. We're building a registry. We've
21 likened it to starting with a blank phone book,
22 the Manhattan Telephone Directory, and taking the
23 time we will need to fill it up with the names and
24 phone numbers of all of the nation's saltwater

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1 anglers.

2 We want to work with state registry
3 data. We know for the reasons that we've talked
4 about if we're going to get all of the anglers in
5 the book we need to get state registry data from
6 all the states. We would be perfectly happy,
7 totally delighted, to never have to register a
8 single angler federally.

9 We will work with regional data
10 collection partnerships. We won't necessarily
11 need to work only with states. In some instances,
12 we can work with the folks out in the regions who
13 are doing their own recreational data collection.

14 I'll get into that a more later.

15 And we must support the overall goals
16 of the Marine Recreational Information Program as
17 they develop and as they get fleshed out through
18 the Operations Team's work. The purpose of the
19 registry is to support improved data. That's all
20 it is. There is not some other agenda there. The
21 message that we want to consistently state and
22 make sure that particularly our stakeholders
23 understand is that this is about data collection
24 and improvement of data.

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1 A little bit about our schedule. As
2 I've indicated, we've completed our approach and a
3 development plan which have been posted on the
4 website as of this fall. The recommendations and
5 the discussion I'm talking to you about today and
6 that hopefully will be built into a proposed rule
7 that will be published in early 2008 are based on
8 that approach document.

9 The expectation is to get a final rule
10 in place this year so that we can begin to
11 contemplate registering anglers and making
12 exempted state determinations in time for the
13 January 2009 implementation schedule.

14 So the process, we also have to build
15 the physical process that will enable us to accept
16 angler registration applications and issue
17 registrations to them as necessary by the end of
18 the year and then begin to actually conduct the
19 registration process or to accept data from the
20 exempted states in 2009.

21 A lot of the discussion that we've been
22 involved in is about this question of how does a
23 state get designated as exempted so that its
24 anglers don't have to be federally registered and

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1 the team has spent most of its time on this
2 subject. One way will be for the states to
3 provide NOAA with a license or registry-based
4 frame of anglers themselves or as I indicated
5 earlier when I put the lines from the statute up,
6 the state can use registry-based information in a
7 regional survey found acceptable to NOAA. This
8 hybrid approach is what the Registry Team has
9 recommended to the executive steering committee
10 and the steering committee has endorsed.

11 A couple of points on that, states that
12 have licenses now just kind of for the record,
13 it's easier to say the states that don't have
14 licenses. There is no formal saltwater fishing
15 license in all of the northeastern states from New
16 Jersey to Maine, Hawaii and in the various
17 territories. All the other states do have a
18 license of one kind or another and potentially can
19 qualify for exempted state status subject to
20 considerations we'll talk about.

21 There are also a number of states that
22 are involved in regional surveys again, mostly on
23 the West Coast. The states that may have survey
24 programs in effect that will help to qualify for

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1 exemption primarily include Alaska and the Pacific
2 states of Washington, Oregon and California. Most
3 of the rest of the states are involved in surveys
4 that are part of or flow from NMFS and are done
5 more in partnership that way, although Larry's
6 going to want to talk to me about the Gulf of
7 Mexico I'm sure.

8 So when a state applies for exempted
9 state status it will need to describe its license
10 structure, who does it license, who does it not
11 license, its database and how it can transfer
12 information to us and one of the first questions
13 that we started getting into is while states have
14 exemptions to their licenses are those exemptions
15 going to be okay or are they not going to be okay.

16 Are they going to exclude too many people? Are
17 we not going to meet our goal of a complete
18 registry or are we?

19 So we talked a lot about what
20 exemptions would be okay and the ones that we
21 think are okay, first of all, for the young
22 anglers that are exempted by virtually all the
23 states. Also some of the states, not too many,
24 but some of the states have complete exemptions

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1 for senior citizens over ages 60 to 65, anyone in
2 that range. And we'll talk about this more, but
3 we've recommended that we accept them for an
4 interim period of about two years while the states
5 figure out how to get the seniors into the phone
6 book.

7 We're also thinking that folks who are
8 fishing on licensed piers and particularly on
9 licensed for-hire vessels. If they are exempted
10 that's not a problem because we have other surveys
11 that cover particularly for-hire vessels and we
12 don't need to have people in the phone book there
13 because we're getting their effort data out.

14 There's a few states that have exempted
15 for disabled anglers and active military on
16 furlough that just doesn't apply to very many
17 people or very many fishing trips. We're not
18 concerned about those.

19 The exemptions that we are concerned
20 about are these. A couple of states have
21 exemptions for fishing on licensed private boats.

22 Anybody who is a passenger on a boat that has one
23 of these doesn't have to get a state license. The
24 states that have that are Delaware, Maryland,

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1 Virginia and Florida and that's a concern.

2 There are few states that have complete
3 exemptions for fishing on private property,
4 Virginia for sure, and that's probably the one
5 state that we have the biggest concern about.

6 Another big one is this shore and
7 public pier fishing exemptions. These exemptions
8 occur in South Carolina, Florida and California.
9 The shoreline exemptions in South Carolina and
10 Florida are probably the biggest and most
11 troublesome ones.

12 And exclusion of some marine waters.
13 Maryland is the only state here, I think, we have
14 a problem where their license only applies in the
15 bay. It doesn't apply anywhere else.

16 We've actually been involved in ongoing
17 dialogue with each of the states that have these
18 problems and, interestingly, all of them are
19 working on them now. They're probably actually a
20 little farther along working on these than some of
21 the states without licenses are working on
22 licenses which is good news for us because I think
23 we'll roll these problems up in the next year or
24 so.

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1 Some other challenges that we have,
2 states that issue lifetime or long-term licenses
3 and may not refresh the data so that any contact
4 information we have is stale.

5 Combination licenses, combination on
6 the fishing, combination saltwater/freshwater
7 fishing. We want to make sure that we know who
8 the saltwater anglers. So we're not calling
9 people who aren't.

10 Senior licenses, I'll come back to that
11 one. We still think we have to get seniors
12 eventually. There's just too much fishing effort
13 that goes on to ignore it forever.

14 And the other issues are the technical
15 issues of getting data that can get to us in a
16 form that we can compile it and use it and get it
17 put to use in surveys.

18 Our goal being to get a complete
19 directory of everybody who fishes, we still
20 recognize that these particular problems of
21 lifetime licenses, combinations and seniors are a
22 real problem for the states to resolve quickly.
23 So the thought of the team was we'll accept
24 states' licenses and grant them exempt state

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1 status at the outset and in their memorandum of
2 agreement with the service, we'll specify a two
3 year period within which we need to collect the
4 rest of the data, find out how to get the rest of
5 the data in these groups within that time, how to
6 refresh the lifetime license holder, address
7 information, how to separate the saltwater anglers
8 from the rest of the combination license holders,
9 how to identify the seniors even though they may
10 not have licenses, they don't have to license them
11 but maybe a registration card or something like
12 that at the state where within a two year period.

13 We also, as we've said, have
14 recommended that consistent with the statute the
15 states involved in certain kinds of surveys,
16 again, subject to secretarial approval would be
17 eligible for exemptions. The recommended
18 conditions from the team are that first the survey
19 would be part of a regional survey, not a self-
20 standing survey, but the one that is regional in
21 nature, that surveys would include and involve the
22 use of angler registry frames for sampling and
23 that the surveys are determined by us to meet
24 national survey design and data collection

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1 standards that will emerge as the Operations Team
2 brings forward its recommendations for survey
3 redesign over time.

4 As I said, a lot of our consideration
5 involves state and federal communications. We put
6 a lot of emphasis on the question of how we'll
7 communicate with the states. We've established
8 regular progress reports and in email distribution
9 of information to state directors on how the team
10 is doing and how things are developing. As we get
11 more involved in outreach as time goes by and we
12 start contemplating outreach activities within
13 states, we will be reaching out to the states and
14 invite them to participate in that. We're not
15 going to march into a state, start doing stuff and
16 catching them off-guard. We've already actually
17 done a little bit of that in Virginia and North
18 Carolina and I think it's worked out really nicely
19 with some joint press releases.

20 The other thing is we tried to make it
21 very clear to the states, particularly the states
22 that don't have licenses or the states that have
23 those big exemptions, that if we can help by
24 coming and sitting down with their agency heads,

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1 their constituents, their state legislators, we'll
2 do that. The team will do that. I will do that.

3 We've been doing a fair amount of that already
4 this year and expect to do a lot more once the
5 state legislative sessions get into full swing and
6 that's been received pretty well.

7 I put a little stuff in here on where
8 the website is and one of the things I wanted to
9 mention is that we've just started in a process
10 now that Forbes is working on to reconstruct the
11 website for all of the Marine Recreational Data
12 stuff including not just the MRIP but the old NMFS
13 numbers and the websites that you're all used to
14 using to get those numbers. Hopefully, over time,
15 you'll see that emerge as a new product that will
16 look at lot better.

17 That's it for the Registry Team. Pres
18 is going to take over on Operations and then we'll
19 get to questions. If anybody wants to ask a
20 couple while he's loading up, we can do that, too,
21 to save time.

22 CHAIR DiLERNIA: Real quick, Randy, and
23 then we'll get to Pres.

24 MR. CATES: I have a question on how

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1 are you counting on enforcing this and, too, a
2 quick one would be why are we having any
3 exemptions at all if the goal is data collection.

4 A follow-up would be also gathering rights which
5 would particularly be important in Hawaii. Have
6 you thought of that?

7 CHAIR DiLERNIA: Do as much as you can
8 and then as soon as Pres is ready we'll come back
9 to Randy.

10 MR. COLVIN: Yes. I'll start. On the
11 issue of enforcement, enforcement will be tough.
12 If there are a lot of people involved and neither
13 the National Fisheries Service nor the Coast Guard
14 has a lot of assets to enforce this sort of thing.
15 We will be looking to the states under our JEAs
16 to help us with enforcement. Education will be a
17 big part of that process. It has to be.

18 CHAIR DiLERNIA: Second question.

19 MR. CATES: The second question was I
20 questioned why have exemptions if we're trying to
21 keep data.

22 MR. COLVIN: Part of that is just
23 reality. The big exemption that we're looking at
24 is the kids, the people under age 16 and all of

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1 the state exempts their youth, every one of them.

2 And we, the Registry Team, felt that there were
3 three things that we needed to consider on the
4 case of youth. One is that when we call a
5 household to get effort data we ask whoever we're
6 talking to for effort data by members of the
7 household. So in many cases, if there's an adult
8 in the household who is contacted, they can also
9 give us information on the trips the kids make,
10 not in all cases, but in many.

11 A second issue is that this
12 registration requirement is being adopted under
13 the Magnuson. You all know that the Magnuson Act
14 has tough penalties. Yet we have real concerns
15 about enforcing the registration requirement
16 involving minors. It just does not seem
17 reasonable or realistic.

18 And the third thing is that we are
19 going to invite kids to register voluntarily and
20 to the extent that we can generate a good
21 education and outreach program that talks about
22 the benefits of that maybe it will be attractive
23 to a lot of them.

24 I think those are the main reasons.

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1 Most of the other exemptions really involve so few
2 people that they're not going to affect the data
3 at all.

4 CHAIR DiLERNIA: You had a third
5 question related to native peoples and I think you
6 made that --

7 MR. COLVIN: I'll come back to that.

8 CHAIR DiLERNIA: You're going to come
9 back to that because there's a lot of people in
10 Hawaii.

11 MR. COLVIN: That's a tough one.

12 CHAIR DiLERNIA: Pres, are you ready?

13 MR. PATE: I'm ready, Tony.

14 CHAIR DiLERNIA: Go ahead.

15 MR. PATE: Thank you very much. I
16 apologize for not having had this presentation
17 prepared early enough to include it in your
18 briefing book, but I'm going to attempt to bring
19 you the most updated information. I held off on
20 completing my presentation today until after a two
21 hour conference call I had this morning with some
22 of our work group members to get them up to speed
23 and advanced on the development of some of the
24 projects that I'll be talking about later.

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1 Tony, I appreciate indulging me for
2 sitting down since I'm operating two computers
3 here if you will. I appreciate the opportunity to
4 come before this group which I've never met with
5 before and with Gordon bring you up to speed on
6 where we are with the improvements and redesign to
7 the MRFSS program, all of which has stemmed out of
8 recent debates and arguments about the accuracy
9 and reliability of recreational harvest statistics
10 being used by fisheries and debates that have
11 often overwhelmed the more productive discussions
12 of exactly what measures are necessary to ensure
13 the sustainable harvest by both commercial and
14 recreational fishermen.

15 A lot of this had to deal with what was
16 obviously eroding angler confidence that has
17 occurred as the MRFSS survey was being applied for
18 uses which it was not intended to do originally
19 which was to track long-term trends. But use of
20 the information evolved over time to be applied to
21 quota management and seasonal harvest which
22 resulted in a lot of skepticism about the accuracy
23 of the program and a lot of encouragement for
24 MRFSS to move forward with taking the measures

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1 necessary to fix the problems and they did so by
2 commissioning the National Research Council to do
3 an independent, scientific review of the MRFSS and
4 that report that resulted from that made a number
5 of important findings and conclusions that set the
6 stage for developing and implementing a plan for
7 better collection and analysis of recreational
8 fishing data.

9 Gordon's already given you some good
10 background information and about the structure of
11 the process. I'll concentrate on the role of and
12 the work of the Operations Team in moving this
13 forward. I'll try to avoid being overly redundant
14 to some of the things that he has said, but I may
15 not be completely successful in doing that.

16 The executive steering committee
17 established the Operations Team and developed
18 criteria for selecting its members that will give
19 the necessary national, technical and management
20 constituent representation on that group. It
21 charged the Operations Team with developing a list
22 of recommendations for upgrading the MRFSS in
23 response to the NRC report, the technical workshop
24 that we held in Denver a couple of years ago to

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1 bring together regional representation to identify
2 management needs and the reauthorization
3 requirements that were in Magnuson in addition to
4 constituent input. The Operations Team was also
5 asked to develop a work plan for addressing all of
6 these requirements and recommendations.

7 There are a number of work groups that
8 were formed by the Operations Team to evaluate
9 specific issues raised in the NRC report and how
10 these related to regional management needs. Each
11 of the four work groups shown on this slide have
12 from 12 to 20 members that collectively provide
13 the depth and diversity of skills necessary to
14 complete the Operations Team's task. Many of
15 these members represent state agencies and, as
16 Gordon said in his opening comments, the ESC and
17 the Operations Team recognize the importance of
18 involvement and support by our state partners and
19 want state representation to be optimized at every
20 opportunity.

21 After the work groups were formed, we
22 held a workshop. Actually, it was down the road
23 here at the Sirata Hotel to initiate group members
24 to the process and assign them their respective

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1 tasks and begin developing a list of priority
2 projects in five general categories of general
3 areas of -- design, data analysis, data
4 management, the standards, the for-hire fisheries
5 and fisheries that harvest highly migratory
6 species.

7 And now I'll give you some information
8 about the operations of each one of the subject
9 specific work groups. The NRC concluded that both
10 the dockside intercept random telephone survey
11 components of the MRFSS are inadequate and suffer
12 from weaknesses that may lead to biases to catch.

13 An effort as to the design analysis and analysis
14 work group was tasked with a relevant set of
15 projects to test the substances being applied to
16 MRFSS and redesign surveys to reduce bias.

17 The proposed projects of this group
18 will assess the appropriateness of statistical
19 estimation procedures, develop survey methods to
20 correct error in effort of catch estimates caused
21 by incomplete sampling of both private access
22 sites and night fishers and fishers inaccessible
23 by phone because they live outside the coastal
24 zone, have only cell phones or not included in a

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1 complete license frame.

2 Another important project undertaken by
3 this group or proposed by this group is one that
4 will focus on more accurate estimates of discarded
5 catch which is becoming a larger portion of angler
6 harvest and an increasingly important
7 consideration in the stock assessments.

8 The MRFSS currently relies to some
9 extent on input from state surveys applying the
10 same sampling methodology determined by the NRC in
11 their report to suffer from inadequate design and
12 possibly flawed assumptions. The NRC recommended
13 a greater degree of standardization among state
14 surveys and between state surveys and the central
15 MRFSS program. Achieving this will require much
16 greater degree of cooperation and coordination
17 among the management of these surveys in the
18 future. Projects developed by the data Management
19 and Standards Work Group will help standardize
20 these data elements and ensure compatibility among
21 the various surveys while being flexible enough to
22 recognize the need for region specific data.

23 In this report, the NRC recommended
24 that for-hire sector will be considered commercial

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1 and that survey methods and reporting requirements
2 should be different from those applied to private
3 anglers. The projects of the for-hire work group
4 will review and assess for-hire data collection
5 methodologies, identify potential sources of bias
6 and recommend changes in survey design to correct
7 them.

8 While the NRC did not identify highly
9 migratory species, fisheries specifically, in its
10 report, they are important targeted segments of
11 NOAA's data collection efforts. This fishery was
12 added to the MRIP sensitive report and Congress
13 made it clear that all recreational data
14 collection programs should be improved. The focus
15 of these projects will be the geographical
16 expansion of HMS data collection programs,
17 assessment of current methodologies for potential
18 biases and development of new methodologies as
19 needed.

20 There were 17 projects that were
21 developed by the work groups and reviewed by the
22 Operations Team at a meeting we had on November
23 28th. At that meeting, the projects were
24 prioritized and the report from that

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1 prioritization was submitted to the executive
2 steering committee with recommendation for
3 funding. The executive steering committee has
4 approved the Operations Team's recommendations and
5 we are beginning immediately to begin to wrap up
6 those projects that can be supported with
7 available funds and the remainder when the fiscal
8 year `08 budget is approved which we're hoping
9 will be real soon. But even the lack of that
10 approved budget is not going to affect our ability
11 and opportunity to move forward quickly on these
12 most important projects.

13 Mr. Chair, I won't go through that
14 whole list of projects that were approved, but
15 I'll give you some information about the ones that
16 were the most high priority. Even before we got
17 into the work group process of developing projects
18 to address bias and the like, we started a project
19 to test the benefits of using a dual framed survey
20 approach which was implemented in the Gulf of
21 Mexico in 2007 and it will utilize state saltwater
22 license databases and telephone survey sampling
23 frames and integrate information from the Coastal
24 Household Telephone Survey in an effort to go

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1 through all the licensed and nonlicensed
2 fishermen.

3 A similar project was initiated in
4 North Carolina in 2007 using the license program
5 that was initiated in my own state this year and
6 it's likely that if those are as successful as we
7 anticipate them to be then they very well may
8 become the standard for sampling in the future.

9 One of the highest -- The highest
10 priority project was to evaluate whether
11 estimation procedures appropriately make sample
12 design. This project will be done in two phases
13 and will be completed in June of 2009. The first
14 phase will identify procedures and revisions
15 necessary to align estimation sampling procedures
16 and will be completed in June of '08. The second
17 phase will identify procedures for revising
18 historical data and will be completed hopefully as
19 I said in July of '09.

20 The second highest priority was the
21 development of Marine Recreational Fisheries
22 Minimum data elements and regional national
23 standards. The report from this project will be
24 used to adjust state and regional sampling

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1 programs for more consistency and compatibility
2 and will be completed by October of `08.

3 The third project was improving
4 recreational fisheries discard data. The project
5 from the discard project will be completed by June
6 of `08 and will provide a comparison between
7 angler reported discards and observed data for the
8 for-hire fishery and develop methods that can be
9 used to better estimate private angler discards.

10 The next project is the design and
11 analysis methods to account for incomplete angler
12 license frames. This will be an assessment of
13 current survey programs that utilize license
14 databases of sampling frames and make
15 recommendations for future surveys and will be
16 completed by October of `08.

17 Private access fishing is one of great
18 importance to the group, receiving a high priority
19 consideration by the Operations Team and this
20 project will develop pilot studies to test
21 assumptions and identify potential biases
22 associated with harvest by angler using private
23 access points or other sites not acceptable by
24 dockside samplers.

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1 And, Mr. Chairman, I guess in
2 conclusion, I'm certainly pleased to report that
3 we've made some substantial progress since this
4 process began. I have to acknowledge the
5 commitment that all participants have made in this
6 initiative particularly the members of the various
7 work groups which are members or representatives
8 from the various state agencies that I'm confident
9 as we go along that we'll make some improvements
10 that will be visible in the short term and
11 hopefully patience by everyone to fully appreciate
12 the benefits for the long term. With that, Mr.
13 Chairman, I'm done.

14 CHAIR DiLERNIA: Thank you. I have a
15 question and then I'll open up the questions to
16 the Committee for both of you gentlemen. Do we
17 have a goal date as for when we would expect the
18 MRFSS system to be revised, completely revised, or
19 is there -- it has to be a few years out.

20 MR. PATE: I think there probably are
21 some expectations that we will be able to one day
22 turn one light off and the other one on and have
23 an entirely different program to work with. But
24 that will not happen.

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1 The changes that we are pursuing and
2 will be verified as necessary by these various
3 projects will result in some important but subtle
4 changes to the sampling program over time. There
5 will be some projects that will be immediately
6 applied that are not being used now such as some
7 of the sampling procedures for the for-hire
8 industry and others. But for most of the private
9 angling surveys, the improvements in statistical
10 estimation and sampling design will be more subtle
11 and affirmed over time. So there's not a magic
12 date that we've identified for implementation of
13 this new program. There are some changes that we
14 will be making immediately as some of these
15 projects are complete and the others will evolve
16 over time. We want the whole process to be
17 flexible enough and with proper oversight over
18 time to be able to make adjustments as necessary
19 as new information becomes available, as new tools
20 of statistical estimation and license frames
21 become available to us to use.

22 CHAIR DiLERNIA: Thank you. I'm going
23 to go back to your question, your third thought,
24 the last part of your question to Gordon and then

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1 I will open it up to -- I see Mr. Fletcher.

2 MR. COLVIN: Okay. Mr. Chairman, I'm
3 ready on that one.

4 CHAIR DiLERNIA: Okay.

5 MR. COLVIN: The Registry Team did have
6 a discussion of the issue that was raised in the
7 question and the recommendation from one of our
8 members was to consider the prospect for an
9 exemption from the registration requirement for
10 indigenous people and not surprisingly that came
11 from Ed Ebisui from Hawaii.

12 After some considerable discussion,
13 part of the basis for Ed's recommendation had been
14 as I understood it that there are many instances,
15 if not predominately, that the motivations of
16 indigenous people for taking fish were not
17 recreational primarily but had to do with a
18 complex array of issues, social, cultural and so
19 on and so forth.

20 The problem that we foresaw is that the
21 team is recommending that the registration
22 requirement be applied to angling and not to other
23 forms of removal of fish. So that as a practical
24 matter as we've set it up in the recommendations,

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1 a person would be required to be registered if
2 they didn't have a commercial fishing license
3 issued by a competent jurisdiction and they were
4 angling in the EEZ or for an anadromous fish and
5 that's the federal requirement. And so there was
6 a discussion of the enforceability issues that
7 might attend to exemptions of that nature and
8 ultimately what was agreed by the Registry Team
9 was that we would recommend that people be
10 required to register if they're angling but that
11 we would consider a fee waiver for indigenous
12 people and that's the recommendation going
13 forward.

14 Now there are still issues with that in
15 terms of the practicability of separating a bona
16 fide application for a registration certificate
17 via the internet or an 800 line from someone who
18 really does quality from someone who is asking for
19 a fee waiver who doesn't and we have to work that
20 out.

21 CHAIR DiLERNIA: Follow-up to that?

22 MR. CATES: Yes. Two of the points of
23 that. Is there a budget for educating the public
24 on this and I keep coming back to what are the

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1 consequences if someone does it. What's the
2 enforcement? What's the --

3 MR. COLVIN: There is not a breakout
4 yet of the budget that we will have for education.
5 I expect to see something along those lines
6 within the next month based on when we get a
7 budget and then we'll be putting together our '08
8 spend plan for the initiative and at that time, we
9 can share that information through Mark with the
10 chair of the committee.

11 CHAIR DiLERNIA: Okay. I have Mr.
12 Fletcher, Mr. Dorsett, Ms. McCarty and Mr. O'Shea.
13 Bob.

14 MR. FLETCHER: This comment and I've
15 said this before but I think it bears repeating,
16 probably the most remembered two words in the NRC
17 report when we all got together a couple of years
18 ago as fatally flawed. Fatally flawed was in the
19 -- it was a presentation by the guy from the NRC
20 and I would only encourage you, Pres and Gordon,
21 to remember that this is on the lips of so many
22 people around the nation that if you continue to
23 try to claim that we're only going to suddenly
24 modify MRFSS and make it better, you're going to

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1 struggle with some of these people who think MRFSS
2 is a dirty word and even our esteemed head of
3 science, Steve Murawski, at one of our meeting
4 said, "We won't use MRFSS anymore. That will not
5 be utilized. That is dead." And that whatever we
6 talk about in the future, this improved data
7 system, has got to be known as something other
8 than MRFSS and I just feel that that's important.

9 We have to if we're going to sell this
10 to an angling public that is somewhat skeptical,
11 we don't start off by waving the red flag in front
12 of them by saying MRFSS is going to be MRFSS but
13 it's going to be better.

14 MR. PATE: And we all agree with that,
15 Rob, and I think it's unfortunate that the
16 terminology of fatally flawed was used because it
17 was not in there. It was given in the briefings.

18 The agency and everybody keyed on that. What the
19 report said was that there were some significant
20 deficiencies of the current survey program that we
21 needed to examine and correct and the MRFSS
22 terminology is gradually being taken out of the
23 vernacular and will be replaced with the Marine
24 Recreational Information program over time and

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1 we're looking at totally innovative ways to
2 estimate angler harvest that perhaps would not
3 rely on the surveys. But I'm not optimistic that
4 we're going to find anything other than the
5 fundamental approach that we're using for
6 surveying our anglers. A survey is a survey and
7 there are ways to do it to make it as good as you
8 possibly can and that's what we're out to achieve.

9 MR. FLETCHER: In California, we did
10 two things to diverge from the MRFSS that we see
11 as being a big step forward and California calls
12 it CRFS, California Recreational Fisheries Survey.

13 But there are two things that I remember that
14 really stuck out in the presentation and seemed to
15 help get closer to becoming a credible data system
16 in the minds of anglers was they got rid of the
17 random digit dialing and they greatly increased
18 the onsite personnel on board and interaction,
19 most of that through the center states and I
20 really think that in our area nobody is saying
21 MRFSS anymore. They're all saying we have a
22 system that could be better. It still has
23 shortcomings, but it's a lot better than what we
24 were a few years ago and we're comfortable that

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1 we're going in a good direction.

2 MR. PATE: And I think and I hope, I
3 very certain to think that we're headed in the
4 same direction and utilizing some of the
5 opportunities that have in California that we hope
6 we'll have nationwide at the end of the period for
7 the angler registry. We can argue that there will
8 be substantial improvements to the survey design
9 and success of the surveys once we have the
10 universal saltwater angler as identified as
11 clearly as you all do in California and we do in
12 North Carolina. In that respect, I think we'll be
13 taking the current survey program to another level
14 that will be better understood by and supported by
15 the general angler public.

16 MR. FLETCHER: I just have one quick
17 question.

18 CHAIR DiLERNIA: Okay, Bob, quick
19 because we're --

20 MR. FLETCHER: There's a lot of
21 interest out there about this program. You've
22 done a good job of putting stuff on the website,
23 but there's nothing that replaces interaction,
24 one-on-one, with anglers and so as soon as we can,

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1 I would encourage you to get to the regional
2 councils and the interstate commissions with plans
3 for public meetings to bring everybody up to speed
4 on where we are. I think that would really be
5 helpful.

6 MR. COLVIN: Yes. You're preaching to
7 the choir on that one. The two of us talk quite a
8 bit about the need to step it up on that arena and
9 one of the things that you all might want to be
10 aware of is that is in the overall end Rec
11 Developmental Plan a milestone schedule for this
12 July whereby the executive steering committee will
13 essentially inform the world, particularly
14 Congress, about what the intent is in terms of
15 rolling this program forward and what the new
16 beginning is going to look like come January of
17 '09 which is the statutory deadline to get
18 something started. That's kind of the focal point
19 that we've been looking at strategically for
20 outreach and education is bringing ourselves to
21 the work of Operations Team and its work groups
22 forward to June and July, probably some kind of a
23 workshop or discussion in the Washington area
24 involving the entire group, the executive steering

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1 committee and the teams to come to agreement on
2 what it is we're going to bring forward as the
3 beginning of our new survey start in January
4 that's the point at which we really need to
5 explode the outreach programming and that's kind
6 of the strategy right now.

7 Hopefully, by then we'll have money to
8 spend.

9 CHAIR DiLERNIA: Moving right along,
10 Mr. Dorsett, Ms. McCarty and Mr. O'Shea. Quick.

11 MR. DORSETT: Thank you. I didn't
12 catch on your highest priority projects the need
13 to provide more timely recreational fishing data
14 to managers. We have the annual catch limits and
15 accountability measures coming online in 2010 and
16 2011 and how we're going to address what I think
17 is a very significant problem considering the
18 amount of recreational overages in certain
19 regions.

20 MR. PATE: That wasn't necessarily a
21 high priority project in and of itself as much as
22 it was embedded in some of the procedural
23 components of some of the other high priority
24 projects and some of the more expedient needs that

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1 the councils have, particularly South Atlantic
2 Council which is working on their, I can say this
3 because I'm familiar with it, catch limitations
4 now, some of those more expedient needs can be
5 improved with some internal adjustments made to
6 the process once we get these projects in place
7 and the new system in place.

8 There will continue to be the need for
9 feedback from the councils about what their
10 management needs are relative to the availability
11 of the survey data and if we see that the needs
12 aren't necessarily being met by the program, then
13 we'll work as hard as we can to try and make
14 adjustments necessary to get the data. But again,
15 getting back to what we're dealing with here, it's
16 fundamentally a survey and it does take time to
17 collect and compile the information and get it to
18 the managers. So the opportunity to use the
19 survey data for in-seasonal adjustments or the
20 opening and closing of the programs is still going
21 to be difficult and it's not going to be perfect
22 for that purpose. But we hope with all the
23 improvements that we make it will be better than
24 what we have now.

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1 MR. COLVIN: I haven't talked to Pres
2 about this, but one of the things that has
3 impressed me is that the number one priority on
4 this project is to match estimation procedures and
5 surveys design which doesn't sound like much but
6 it really is -- it was the highlight of the
7 technical side of the NRC criticism and
8 recommendations and it's the foundation for so
9 much that has to be done to improve the quality
10 and the timeliness of the surveys. It really is
11 the biggest building blocks of how to lay this
12 cornerstone.

13 CHAIR DiLERNIA: Ms. McCarty.

14 MS. McCARTY: Thank you, Mr. Chairman.
15 Most of my questions were answered by your answer
16 to Randy. But I am concerned a little bit about
17 Alaskan application of this. One of my concerns
18 is the Alaska subsistence fishery for salmon and I
19 assume from what you said to Randy that that would
20 not be exempted.

21 MR. COLVIN: Taking a fish by angling
22 would presumably not be. But let me tell that I
23 think that's all moot in Alaska anyway because I'm
24 quite convinced that Alaska will qualify for a

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1 state exemption.

2 MS. McCARTY: Okay.

3 MR. COLVIN: Either by virtue of
4 providing us with its angler license database or
5 by virtue of seeking approval of its state
6 conducted recreational survey as a survey-based
7 regional exemption.

8 MS. McCARTY: So when a state is
9 exempted, that program is just accepted whole and
10 you don't make any changes to it.

11 MR. COLVIN: Right.

12 MS. McCARTY: I see. Okay.

13 MR. COLVIN: One question that people
14 have asked me is would you take a partial database
15 from a state and say this class we'll take but
16 we'll have to send the federal registry to other
17 classes. No, we want to do it all or nothing.

18 MS. McCARTY: Okay, and one more
19 question. Does this apply to halibut as well?

20 MR. COLVIN: Yes. In the EEZ. The
21 Federal requirement in the EEZ.

22 CHAIR DiLERNIA: Mr. O'Shea.

23 MR. O'SHEA: Yes. Thanks. It seems to
24 me that reality is we're managing fisheries.

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1 We're going to manage fisheries based on quotas,
2 total removal, the catch limits that Chris Dorsett
3 talked about, and up until now, and again I'm
4 making a generalization, there have been pockets
5 of this, one of the ways some groups have worked
6 against quotas is to discredit the MFRSS system by
7 saying we didn't take that many fish and throwing
8 that in.

9 But if you follow this project to its
10 logical conclusion, the outcome is going to be a
11 bulletproof or a more reliable system to estimate
12 catch which is then going to be a driver, butt
13 this up against quotas, and it seems that any of
14 the surveying systems that we're using are going
15 to be dependent on cooperation by the anglers.

16 Now we've already incidents of certain
17 for-hire sectors in certain regions refusing to
18 participate in data collection because they felt
19 the data was going to be used against them. In
20 the MRFSS data we see where there's refusals of
21 anglers on the shore side interception to show
22 what's in their coolers.

23 So my question is looking ahead how do
24 you see that cooperation issues playing out in

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1 this and who is looking at it. Is that a policy
2 issue for the councils or is it going to come out
3 of this group?

4 MR. PATE: I guess you hit on what
5 we've hoped will be one of the most important
6 results of this process and that is increased
7 angler confidence in the survey methodology and I
8 can fully understand not being a statistician
9 myself how difficult it is for people that do not
10 work with these types of issues on a daily basis
11 to understand how you can randomly dial people all
12 over the coastal zones of the country and you can
13 apply that to intercept surveys when you've never
14 been contacted at either venue yourselves. So I'm
15 hopeful that as we make the improvements there
16 will be a marked increase in angler confidence and
17 the instances of refusal to participate in any
18 element of the program will be improved and as we
19 reach out as Bob Fletcher just suggested to the
20 councils and interstate commissions to get the
21 information out to the constituents as fully as we
22 possibly can there will be misses that we try to -
23 - the ultimate success is going to depend on
24 angler information and angler participation, not

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1 only allowing us access to the information that
2 they have or ensuring that that information is
3 accurate and that they are giving us facts that
4 will --

5 MR. O'SHEA: Even though they'll know
6 that the more successful they are the shorter the
7 season is going to be for them next year.

8 MR. PATE: Yes, it is.

9 MR. COLVIN: Obviously, that's the
10 paradox. But the best we can do is to do exactly
11 what Pres said is to build a process that people
12 believe in results and however reluctantly are
13 willing to accept them because they believe
14 they're right and it is difficult. There's no
15 question.

16 Bob pointed out a couple of really
17 important things that I absolutely agreed with.
18 One is this notion that converting to the use of
19 angler registries sends the right message to
20 fishermen that we're going to talk to fishermen
21 and we're not going to talk to other people about
22 -- and so on and so forth. There's going to be
23 more frequent contacts with fishermen as a result
24 of that and how many times have we heard "I've

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1 never been called. I never met anybody that's
2 ever been called. I never met anybody who met
3 anybody that's ever been called." Hopefully,
4 we'll get to a point where the experience of
5 having been surveyed is much more widely shared in
6 the angler community.

7 The second thing is I also agree that
8 we need to put more effort out on the docks and
9 marinas so that there's a lot more contact and we
10 need to pay a lot of attention to the quality of
11 that contact, a great deal of attention, and
12 that's something that we'll have to get to.

13 Now I'm talking to a member of the
14 executive steering committee. So this is one of
15 my bosses. So let's remember that when we get
16 together in June.

17 MR. PATE: Tony, I want to go back just
18 very quickly to a question or a point that Bob
19 made when he commented on the increased sampling
20 and things being done in California and we've
21 talked about that a lot internally and the
22 decision was made not to take the approach that
23 you can improve the program by having more samples
24 which statistically sounds sound. But before you

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1 do that, fix the problems that are in your survey
2 design and estimation procedures and then talk
3 about optimizing your budgets to increase that
4 sample size. So we're not discounting the
5 opportunity to have more dockside intercept but we
6 want to fix the fundamental problems first.

7 CHAIR DiLERNIA: Are there any other
8 questions? Mr. Roberts.

9 MR. ROBERTS: Just a comment. I think,
10 Ralph, this is probably -- Someone mentioned the
11 huge educational process that is forthcoming to
12 get people acquainted during the building of the
13 program and then the operation of the program. I
14 think this is a great opportunity for the SEAGRANT
15 office with its contacts and educational programs
16 in all the coastal states to at least assume some
17 responsibility to help the Fisheries Service in
18 that regard. Is there much relationship, liaison
19 work, going on now at that level?

20 MR. PATE: Honestly, I don't know how
21 far up the stream the potential partnership is
22 with SEAGRANT. But I will say that we're looking
23 very closely and pursuing all partnerships. In
24 fact, we have a meeting scheduled the first week

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1 in January in Silver Springs to bring in the CCA
2 and some other constituent groups and there will
3 be resources to help perfect the plan that has
4 been created to get the word out. But certainly
5 SEAGRANT can play a role in that.

6 MR. COLVIN: I agree. I have talked to
7 Forbes a little bit about involving SEAGRANT. I
8 think that's an opportunity we need to look harder
9 at. I was a member of the Board of Governors of
10 SEAGRANT in New York. I have a good sense of what
11 can be done with the state SEAGRANT extension
12 program. I think there's a role for them here. I
13 think we need to try to use that.

14 CHAIR DiLERNIA: Randy.

15 MR. CATES: Real quick. Are you
16 getting any cooperation from the states and, in
17 particular, Hawaii?

18 MR. COLVIN: I'm getting cooperation
19 from almost all the states. I think -- I would
20 not say that we've had close communication with
21 the State of Hawaii yet. I think that's dependent
22 on frankly some of us getting out there and we've
23 been unable to do that because of the continuing
24 resolution restrictions and we need to get

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1 ourselves there and I think that will be all
2 that's really needed to get things moving along
3 there.

4 CHAIR DiLERNIA: All right. Any other
5 questions? I just have perhaps a comment and I
6 hope I'm absolutely wrong. But my fear, it falls
7 into the category be careful what you ask for, you
8 just may get it. Another recreational community
9 on the east coast was very active in lobbying to
10 have the MRFSS system revised and revitalized and
11 fixed and corrected.

12 I think you're going to do a good job
13 of fixing it and when you do that, in that
14 process, you're going to capture a lot more of the
15 landings that currently I don't believe are being
16 captured. And as a result, we're going to see
17 with this improved system that the recreational
18 community is responsible for a greater part of the
19 mortality than they are currently being credited
20 with. And that's a fact and that's reality.

21 The problem becomes when that mortality
22 that we're now capturing with the improved system
23 gets applied to old fishery management plans that
24 divided many of those species between the

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1 recreational and the commercial communities. At
2 the time many of the FMPs were developed, the
3 datasets, the data collection process, for the
4 commercial community was, I guess, you would say
5 much more accurate and I think for the
6 recreational community it significantly under
7 estimated the recreational catch and mortality.
8 So what's going to happen is we're going to have a
9 great system and that great system is going to be
10 applied to old quotas and division of quota and
11 the recreational community will find that contrary
12 to what they had hoped that the revised system
13 would give them more fish or greater fishing time
14 or less regulations that the regulations are going
15 to be more significant or they would consider more
16 severe.

17 I hope I'm wrong. But that just may
18 develop.

19 MR. COLVIN: You're not suggesting,
20 Tony, that there's going to be a need to
21 potentially revisit some FMP based allocations.

22 CHAIR DiLERNIA: I'm suggesting that
23 and how we're going to go about doing that that's
24 --

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1 (Off the record comments.)

2 MR. PATE: We're pursuing the truth and
3 how we manage to abuse the truth is --

4 CHAIR DiLERNIA: It's very interesting
5 if we just use summer flounder if we have --

6 MR. COLVIN: Please don't.

7 CHAIR DiLERNIA: Thank you very much,
8 gentlemen.

9 (Applause.)

10 CHAIR DiLERNIA: Committee, we are 4:00
11 p.m. We're about 15 minutes or so or maybe a half
12 hour behind schedule. We're going to take a 15
13 minute break and when we come back, I have some
14 more housekeeping and our last presenter. So 15
15 minutes. Off the record.

16 (Whereupon, at 3:56 p.m., the above-
17 entitled matter recessed and reconvened at 4:16
18 p.m.)

19 CHAIR DiLERNIA: On the record.
20 Actually, Michael, why don't you go first? Go
21 ahead. You go first and on the agenda we have
22 Michael Rubino on the aquaculture program and then
23 once Michael is done, there's nothing else on our
24 agenda for today. But I do have some additional

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1 housekeeping items that we have to get to.
2 Michael, why don't you lead off?

3 MR. RUBINO: Thanks very much and
4 thanks for the opportunity to be on your agenda.
5 I went up and down on the plane one more time than
6 I thought I was going to today. But on the way, I
7 was reading *Fish Farming International* which some
8 of you probably see and on the inside they have
9 their year end review and they have 30 sort of key
10 things that happened in aquaculture and fisheries
11 around the world and at the top is "NOAA Releases
12 Ten Year Plan for Aquaculture" of those 30 items.

13 Of the 30 items, four other ones deal
14 with programs or projects that NOAA is involved
15 in, "Pioneer Takes Marine Cobia Market." This is
16 funding through the National Marine Aquaculture
17 Initiative and other things. There's actually
18 "Cobia Producers Now on Police," an indication of
19 the challenges we face in terms of permitting
20 projects in the United States. The next one is
21 "Offshore Mussel Farm First for USA in New
22 Hampshire" where fishermen have been working with
23 the University of New Hampshire for a long time
24 developing mussel cultures in deep water and the

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1 last one is entitled "King Crabs Hatch In Alaska"
2 at the Seward Hatchery.

3 Your charge to us, I guess, it was a
4 couple years ago now to develop a ten-year plan
5 with the NOAA aquaculture program has paid some
6 enormous dividends not just to the program and
7 NOAA but I hope for you as well. I wanted to give
8 you sort of a quick update on where we are with
9 your charges to NOAA, the recommendations that you
10 had for NOAA, where we are on implementing the
11 ten-year plan as a program, some of the challenges
12 we're facing and then I'd like to hear from you in
13 terms of whether you really think these are
14 challenges and what we can do about them.

15 In your charge to NOAA, the ten-year
16 plan was one. We did that. We drafted it. We
17 went around the country for public comments,
18 revised it, and finally got it done. It's allowed
19 us to present a vision of where the agency could
20 go in aquaculture. It's broad-based. It includes
21 on-land, near-shore, offshore, fin fish,
22 shellfish, commercial aquaculture, stock
23 enhancement, the full range of aquaculture
24 activities that we're charged with. Based on

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1 that, we also do sort of internal five-year plans
2 that have budget and staffing attached to it and
3 every year we revise that as we go forward.

4 The other thing you charged us to do
5 was to hold a National Marine Aquaculture Center
6 Summit which we did last spring. A number of you
7 were -- You were all invited. A number of you
8 attended. A number of you were involved as
9 speakers and as moderators. Thank you very much.

10 It was one of the first time I think we had such
11 a collection of sort of the seafood business
12 community, everything from fishermen to large
13 companies to banks, those who invest their own
14 money, their own sweat, their own careers and
15 asking them what would it take for you to invest
16 in aquaculture here in the United States and then
17 what's the role of the Federal Government in terms
18 of supporting that, in terms of regulation, in
19 terms of research, in terms of education and in
20 terms of international coordination.

21 You also recommended that there be an
22 actual budget line in the NOAA Fisheries budget
23 that says aquaculture. We already had a budget
24 line for the Office of Oceanic and Atmospheric

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1 Research that says aquaculture under which comes
2 the Competitive Grants Program called the National
3 Marine Aquaculture Initiative and some of the
4 earmarks that SEAGRANT manages for the aquaculture
5 program. In the FY `08, the budget that Congress
6 is currently considering, there is an aquaculture
7 line in the NOAA Fisheries budget and there is at
8 least in terms of the President's budget an
9 increase from \$1 million to \$4 million of funding
10 for that line.

11 We don't know what we're going to get
12 yet. I mean, Congress is trying to resolve that
13 right now between the Senate and the House. But
14 it means that internally NOAA, Department of
15 Commerce, OMB, took your suggestion and
16 implemented it.

17 Another one of your recommendations was
18 to create Office of Aquaculture at NOAA. That has
19 not been done yet. It's been in discussion for
20 some time. The Senate draft of this Aquaculture
21 Bill actually has a whole provision in there
22 institutionalizing aquaculture in NOAA and create
23 an Office of Aquaculture. It would create the
24 regional advisory committees to advise the

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1 Department of Commerce on aquaculture. That's one
2 thing that hasn't been completely executed yet.

3 Another one was to create centers of
4 excellence for aquaculture science within NOAA and
5 we're actively discussing that within NOAA in
6 terms of the NOAA Fisheries and the National Ocean
7 Service Science Center as to what format that
8 would take, how we would do it. So this past year
9 actually we've gone around and sort of cataloged,
10 we started with NOAA Fisheries Science Centers,
11 what is there in terms of scientific capability,
12 scientists and what they're doing. This next year
13 we want to sort of match that up with what are our
14 future requirements likely to be and what should
15 these science centers be gearing up to do to meet
16 those future requirements.

17 A couple of things about implementing
18 the ten-year plan. The program has four key
19 areas, regulation, science, outreach and
20 education, and international. Regulation, it's a
21 two-fold process. We're trying to do a better job
22 under existing laws and regulations to process
23 permits that come in the door, their EPA permits
24 and their U.S. Army Corps of Engineers permits on

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1 which NOAA Fisheries has to comment under
2 Essential Fish Habitat or Endangered Species Laws
3 and one of the issues that we've had that we've
4 worked with is on shellfish farming where the
5 Corps of Engineers is extending jurisdiction on
6 the Clean Water Act on shellfish farming. So
7 we've worked, the aquaculture program has worked,
8 closely with the habitat program at NOAA Fisheries
9 as well as with the Corps of Engineers and the
10 shellfish industry on trying to sort that out and
11 this coming spring in the planning stages NOAA
12 will co-sponsor a conference or symposium on
13 shellfish and the environment which Bill Dewey is
14 involved in organizing with Sandy Schumway, Kerry
15 Griffin from our Portland office, Susan Bunsick
16 from my program and some others.

17 The other part of regulation is what
18 are we going to do about federal waters. We have
19 two routes, federal legislation or going through
20 the councils and we have activities going on in
21 both. We've drafted another bill this past year.

22 We've reintroduced the offshore legislation. As
23 you know, it's not just an offshore bill, but it's
24 really a marine aquaculture bill and I'll get back

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1 to that in a minute.

2 The Gulf Council doesn't want to wait
3 for national legislation. So they've been going
4 through a multi-year process of an amendment to
5 their regulations to ask NOAA Fisheries to develop
6 regulations for aquaculture in federal waters.
7 And I think they're on track. They've completed
8 an alternatives analysis, a draft EIS. NOAA's
9 general counsel of NMFS's general counsel is now
10 looking at that EIS. Before it goes to EPA in
11 January, it will be published in the *Federal*
12 *Register* or it goes out to public comment for 40
13 days. So they're on track I think to have perhaps
14 a vote at the April Gulf Council meeting on that
15 assuming there are no issues with NMFS's general
16 counsel. That's the regulatory side.

17 The research side, I mentioned what
18 we're doing with the labs and the science centers
19 in terms of capabilities. We also manage the
20 National Marine Aquaculture Initiative which is a
21 competitive grants program. In the President's
22 budget, traditionally it's been a \$1.6 million.
23 It's not a very big grants program. The last year
24 we had a budget fiscal year `06. We have about \$4

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1 million put out in grants and we've put out about
2 -- I guess we've ordered about 20 grants or so
3 over the past two years with that money all of
4 which is on the aquaculture website. It's a whole
5 range of species, technologies, primarily directed
6 at those things, at sort of -- that sort of last
7 couple of steps of getting research into
8 commercial application in terms of aquaculture
9 whether it be commercial or stock enhancement. So
10 there was an emphasis on pilot and demonstration
11 projects and the other key activities that would
12 go along with that.

13 This year we don't know how much money
14 we will have again because Congress is working on
15 the budget right now. The Senate mark was \$6
16 million. The House had zero in it. So hopefully
17 we'll know in a week or two what we have.

18 But the aquaculture proposals did go
19 out. The team has reviewed with an outside peer
20 review panel to do a total of 250 proposals.
21 We've boiled that down to 40 or 50. Those 40 or
22 50 will be invited to submit full proposals. A
23 peer review panel will sit down with those in
24 February or so, March, and make the final

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1 selection. Anybody who wasn't selected for the
2 final round can submit a full proposal as well.
3 But it just shows you the level of interest.
4 Those 250 proposals probably represented \$80
5 million worth of research activities and we're
6 likely to have \$3, \$4, \$5 million. You know with
7 \$3 million you can do two large projects and a
8 handful of medium-sized ones. If you have \$6
9 million, you can do maybe four large projects at
10 \$1 million each and five at \$200,000. So again,
11 it's not a lot but I think over the years those
12 projects have really allowed the agency to work
13 with industry, state, university partners in
14 developing some interesting things.

15 Also on the research side this year,
16 we're working with USDA on a Feeds Initiative,
17 looking at alternative feeds, sort of following an
18 FAO process of convening an expert panel of
19 scientists. They'll meet at the end of January
20 and then that panel will meet with a wider group
21 of stakeholders from industry, from NGOs, from the
22 research community and others, consumer groups, to
23 talk about where the country should be going, at
24 least, Commerce and Agriculture in terms of

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1 federal research priorities for alternative feeds.

2 If nothing else, we have raised a level
3 of debate about aquaculture in the country and the
4 role of aquaculture in our seafood supply. But by
5 raising expectations, we've also created some
6 challenges in the sense that it takes budget
7 resources, people, institutions and partnerships
8 to implement all these things.

9 So my biggest fear is that we've raised
10 expectations that can't be met and there are some
11 big challenges. There are still groups who think
12 aquaculture is part of the problem, not a
13 solution. There are fishermen who think of
14 aquaculture as competition rather than thinking of
15 aquaculture as another tool to produce seafood.
16 And these are real legitimate concerns, social
17 concerns. Anytime you do something new, there's a
18 transition period and how do we work aquaculture
19 in so the fabric of our seafood community is the
20 fabric of our coastal communities. How does
21 aquaculture reach into the heartland in terms of
22 feeds, grants, technology and so on?

23 These are not easy issues. But I think
24 that I've said and many others have said if we

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1 don't roll up our sleeves and tackle these issues
2 and face them head on, the alternative is we're
3 going to keep importing seafood for better or for
4 worse.

5 And my wife likes to kid me in the
6 morning saying, "Michael, what's wrong with
7 importing seafood from China?" There's a lot of
8 good seafood coming from China and lots of other
9 places around the world.

10 (Off the record comments.)

11 MR. RUBINO: We as a country are
12 players in this global aquaculture game in terms
13 of technology, investment, feeds, services and so
14 on. We're importing a lot of seafood. I guess
15 I've argued and some others have argued that it's
16 important to have domestic aquaculture even if
17 we're going to play in this global marketplace in
18 terms of having good models of production here, in
19 terms of local food supply, in terms of knowing
20 how it's grown under safe, environmentally sound
21 conditions, all the benefits that go along with
22 that in terms of coastal community development,
23 maintaining working waterfronts and so on.

24 I think to get to the next level in

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1 terms of this program we need some kind of both
2 external and internal push, a combination of both,
3 and the current vehicle is this Marine Aquaculture
4 Bill. There are other ways of doing it. NOAA
5 remembers Aquaculture Act of 1980 as a driver
6 behind NOAA Aquaculture Programs.

7 So many of you and many stakeholders
8 over the years charged NOAA with developing this
9 bill, sending it to Congress. Now really it's up
10 to all of you and others around the country
11 collectively to decide if this is something you
12 would like the Federal Government to do.

13 As I said, the bill has a couple parts
14 to it, the administration bill and a regulatory
15 part to deal with what are we going to do about
16 federal waters and offshore aquaculture and it has
17 a research and development section for all of
18 marine aquaculture to sort of expand a research
19 program for aquaculture.

20 Most of the action on the bill has been
21 on the Senate side. The Senate Commerce Committee
22 staff has now drafted two versions in the Senate
23 bill, the latest one of which came out about three
24 weeks ago. It's a bill that has three or four

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1 parts in addition to the regulatory part, the
2 research part and there's a part that would
3 institutionalize aquaculture within NOAA in terms
4 of creating an office. The research part, by the
5 way, has an authorizing figure of \$65 million in
6 it, \$35 million of which would be for a research
7 program. Of course, it's an authorizing figure.
8 It's not an appropriated figure. But at least,
9 it's a marker. And the Committee is also
10 considering an economic incentive provision to the
11 bill which would be again for all the marine
12 aquaculture.

13 Bill Hogarth invited a small group of
14 environmental NGOs and industry and aquaculture
15 representatives to sit around the table and go
16 over this Senate draft a couple weeks ago. I was
17 quite surprised. I think we had a lot of
18 agreement around the table on most of the key
19 issues of the bill with a couple of key
20 exceptions.

21 Most of the key exceptions and issues
22 have to do with the business certainty of
23 operation in terms of length of permit, an
24 environmental bonding provision that would include

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1 environmental liability without some defining
2 that, being able to sort of retroactively change
3 permit requirements.

4 So I'm hoping that over the next month
5 or so as people send comments back to the Senate
6 committee some of these key issues could be
7 resolved. But I think we should know sometime in
8 January or February whether this bill is going
9 anywhere in this session of Congress.

10 Is there a Plan B? Of course, there's
11 a Plan B. Again, a different form of a bill. We
12 could go through the councils in terms of
13 regulation. There could somehow be an internal
14 ground swell within the agencies in terms of
15 supporting an aquaculture research program.

16 But that's tough to do. When I sit
17 around the table with all the other programs in
18 NOAA, they're all fighting over the same shrinking
19 pie. Even if the pie stays the same, Congress
20 adds new mandates, salaries go up two or three
21 percent a year. So in reality some new programs,
22 I mean, we're a rounding error. But it's tough.
23 Even if you do all those things of sort of working
24 with other programs, trying to get the integrated

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1 ecosystem assessment work to look at aquaculture,
2 working with habitat or sanctuaries or coral reef
3 programs, that gets you part of the way there.
4 But at some point, you really haven't made a
5 decision until you've made a budget decision.

6 Why don't I stop there as an
7 introduction and I think as I said I want to thank
8 all of you again for all of your advice, in a
9 sense helping to get this process started with
10 your charge on the ten-year plan. It's been
11 invaluable to the agency and to me in terms of
12 getting this program off the ground. I'd like to
13 hear your ideas about these challenges and where
14 we go from here.

15 CHAIR DiLERNIA: Members, questions?
16 Comments? Mr. Rayburn.

17 MR. RAYBURN: Thank you. If you had
18 the opportunity where the Secretary had come to
19 the summit and stuff like that, it seemed like --
20 I'm just kind of thinking out loud, but
21 aquaculture started as a fish issue and maybe
22 moved to the ocean issue. I wonder if it's moved
23 to the Commerce issue yet, at the Commerce level,
24 where it's really a Commerce activity rather than

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1 oceans, rather than fish. You know, it seems like
2 if we're going to break through, you're better to
3 try to elevate it to Commerce issue while you have
4 the Secretary there that at least has spend 15
5 minutes at your summit saying how great it was and
6 moved on. Have you made that transition or is
7 that something --

8 And another point in that, I think, it
9 seems like the most recent public comments on the
10 aquaculture amendment that the Gulf council is
11 running, whether you knew that was happening or
12 not, you could almost predict there was something
13 going on because of the bad press aquaculture got
14 the week before the hearings started taking place.

15 You could almost track when there's an article of
16 bad press on aquaculture. You think there must be
17 something, public hearing or something going on.
18 Maybe if you had the Commerce involved at that
19 level, then departmentally we'd have a better
20 handle on dealing with some of those. Be more
21 proactive in getting good press out from a
22 Commerce issue rather than from some of the other
23 things.

24 MR. RUBINO: Several different things

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1 in here.

2 MR. RAYBURN: Yes. I know. I just
3 rambled on.

4 MR. RUBINO: Good question. Certainly,
5 aquaculture is one of the top priorities of the
6 Department of Commerce. The Secretary in terms of
7 this legislation has this as the top of the
8 legislative priority. Certainly, at NOAA and it's
9 one of the top three of the Department of
10 Commerce. So he and his staff have been
11 personally involved in terms of going to Capitol
12 Hill and talking to senators and congressmen about
13 the subject.

14 I think the other part of your question
15 really was -- And I think the Secretary will
16 continue that in this to the final year and office
17 as well as well Admiral Lautenbacher, the
18 administrator of NOAA. We've gotten very good
19 support from senior management in NOAA Fisheries
20 as well. Bill Hogarth has been tremendous. Sam
21 Rauch and Steve Murawski I think have really
22 stepped up in terms of for the regulatory side and
23 the science side getting involved in aquaculture
24 and getting the whole agency and all of the office

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1 directors within the agency involved in
2 aquaculture. So it's no longer just a little
3 program issue, but it's become an agency issue and
4 I think that's really broadening the debate within
5 the agency and I think that will stand us all in
6 good stead long term. Because then you get the
7 perspectives of Protected Resources, Habitat,
8 Fisheries and you're really grilled in terms of
9 how we're doing this and the messages we sent out.

10 The other part of your question I think
11 was outreach and education in terms of trying to
12 be proactive on -- In other words, science agency,
13 we generate science. How do we get the results of
14 the science out there as a message? We're doing
15 that but it's tough to do with a small staff.
16 It's tough not to be reactive.

17 MR. RAYBURN: That's really my point.
18 Yes, the Secretary can show up at a meeting or he
19 could walk the Hill maybe, but has he really
20 activated his staff at the Commerce level that
21 maybe would provide more of those kinds of
22 resources for you to progress? That's where I was
23 heading and why I was connecting the two. It
24 seems like the Commerce level they can get the

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1 stuff out. At least, you have a departmental
2 initiative rather than trying to do it from two
3 tiers down or something like that. I just didn't
4 know whether you had that activation at the
5 Commerce level of not.

6 MR. RUBINO: And I think I answered as
7 best I could.

8 CHAIR DiLERNIA: Randy.

9 MR. CATES: Mike, I have two questions
10 and then for the factors, I think there are some
11 other -- issues, not really a question for you,
12 but might be of interest. The first question I
13 have is on the reviews of research proposals. How
14 does that mechanism set up? Who does it? And who
15 are they? And who makes those decisions on what
16 gets funded? That would be the first question.

17 And the other one is a simple one. Is
18 the USDA meeting in January open to the public and
19 where would it be?

20 MR. RUBINO: The Feeds Initiative
21 meeting?

22 MR. CATES: Right.

23 MR. RUBINO: The first question is
24 about a competitive grants process. It is managed

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1 by the Office of Oceanic and Atmospheric Research,
2 one of the agencies within NOAA, the SEAGRANT
3 office within that which does the work on it
4 because the SEAGRANT money that gets passed to the
5 states. But they also manage a couple of other
6 things like this grants program. So they use the
7 SEAGRANT legislative authority and process to do
8 the competitive grants.

9 That office invites a peer review
10 panel. They have a two step process. Applicants
11 are invited to submit a two-page proposal or a
12 concept paper plus CDs in terms of what it is.
13 They have a panel of about 30 people or more with
14 scientific background as well as from other walks
15 of life who have some aquaculture expertise,
16 involved in aquaculture and marine issues review
17 these proposals, about five or six each. They
18 score them. They make comments. They held a big
19 conference call to sort of talk about them.

20 The results of that are then presented
21 to the NOAA Aquaculture Program and the SEAGRANT
22 Office in terms of them -- We make a programmatic
23 decision to then invite a group of those projects
24 to submit a full proposal. So most of the ones

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1 that get asked would be the highest rated ones by
2 the peer review panel. But then we have to make
3 some decisions based on program needs as well and
4 you can't give all the money to one program, one
5 species. So you have some distributional things.

6 The second round will be 40 or 50
7 proposals, a smaller review committee, but same
8 kind of process to get down to however many you
9 have. That's how that works. That's a very
10 typical SEAGRANT review process.

11 What was your second question?

12 MR. CATES: The Feeds Initiative.

13 MR. RUBINO: The Feeds Initiative. We
14 have people from NOAA and USDA and some scientists
15 that form a steering committee to invite some
16 experts from the U.S., Canada, Norway, Japan and
17 some other countries to come. It's by invitation
18 only to this first meeting just so they can sit
19 down around the table and roll up their sleeves
20 and talk about where are the alternative feeds and
21 research.

22 I'd like them to produce a white paper
23 summarizing the literature and summarizing --
24 They'll then go and meet with a wider group of

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1 stakeholders at a second panel meeting to make
2 sure they're on track in terms of key issues and
3 to make sure from a stakeholder perspective they
4 have all the things covered.

5 We're still debating about whether to
6 have this process report to a conference that will
7 be open to everybody or just to report on the
8 white paper. That's still up for discussion. So
9 it's sort of a very typical FAO style and
10 scientists process.

11 CHAIR DiLERNIA: Mr. Forster.

12 MR. FORSTER: Thank you. I guess my
13 first observation is the whole thing is
14 frustratingly slow as it must be for you with the
15 process that you're going through with all the
16 debate around it. My first comment would be there
17 are two things that could happen. One is the bill
18 will go through, in which case the bill will at
19 least get authorization if not appropriation for
20 funding and that seems to be vital. Then there's
21 some funding to maintain the momentum for the
22 effort you're making.

23 If, for whatever reason, the bill
24 fails, then there's a secondary backup position

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1 that somehow we should be thinking of making
2 recommendations about continuing to fund the
3 program to maintain the momentum.

4 And in that light, I mean, we've had
5 discussions it seems to me lots of times about
6 demonstration as a way of trying to get over this
7 false impression, misimpression or however we want
8 to express it that aquaculture is a terrible thing
9 and I'm wondering in your discussions with the
10 NGOs if anyone actually put on the table, "Look.
11 There's a compromise deal which you accept that
12 you come up with the process. We'll have three,
13 four, five demonstrations, commercials,
14 operations, around the country because you're on a
15 big enough scale to have an environmental
16 footprint" and if they're willing to buy into that
17 as a concept to prove the point and if they are,
18 then great and if they're not, I think I would
19 have to ask them why not. Because it seems to me
20 a reasonable thing to do.

21 Given we have this incredible
22 credibility problem which has been created or
23 manipulated, however we want to look at it, about
24 aquaculture, demonstration seems to me the one key

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1 thing that we can do to try and soften some of
2 that to win over some public support. I mean, the
3 perfect example is Randy's operation in Hawaii
4 where he has basically good relationships with a
5 lot of the local people so they will understand
6 it. That's just because he's been there and he's
7 been operating. Only if we could do that in other
8 parts of the country. I think we would be a long
9 way ahead. We've been saying it for quite a while
10 and it's obviously much more different than just
11 saying it.

12 MR. RUBINO: I certainly think it's a
13 strong option.

14 MR. FORSTER: Okay.

15 MR. RUBINO: We have to find funding to
16 do that what you're talking about. I think we've
17 done it on a very modest scale through this
18 Competitive Grants Program and through some
19 earmarks, Congressionally authorized projects that
20 certain members of Congress have put money into.

21 There are some planning efforts going
22 on. In the Gulf of Mexico, there's a group
23 designing a pilot demonstration project right now.

24 Louisiana, Mississippi, Alabama SEAGRANT

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1 programs, private companies, feed companies -- all
2 working together. Sea World has proposed doing
3 one in California.

4 There are a lot of fishermen interested
5 in mussel farming in the Northeast of the U.S.
6 There is some cod demonstration projects proposed,
7 but not in federal waters but in state waters. I
8 think there are possibilities out there.

9 CHAIR DiLERNIA: MR. BILLY.

10 MR. BILLY: Another idea I'd like to
11 put on the table is we have the unique opportunity
12 with the election coming up to use the political
13 process to generate interest on both the
14 Republican and Democratic sides in aquaculture and
15 maybe get it as part of their plank and their
16 platforms for what they're going to do when they
17 get into office, whichever it is.

18 It would take contacts for the key
19 candidates in exploring that and then as it
20 becomes clear who the ultimate candidates are to
21 work that before the conventions to make that
22 happen. But I've seen it happen in the area of
23 food safety and other things and it certainly is
24 doable. I don't know who would do that, whether

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1 that's something the Secretary could at least on
2 the Republican side and maybe we could find
3 someone else to do it on the Democratic side to
4 cover all the bases. It's just an idea.

5 CHAIR DiLERNIA: Any other comments or
6 questions? Mr. Raftican.

7 MR. RAFTICAN: How do you raise the
8 awareness? I mean, this is really where we're at
9 on this. We have something that is going to
10 happen and we just have to make sure it goes well.

11 Have you looked at anything about where
12 aquaculture stands with carbon footprints and
13 climate change? I mean, it's something that will
14 be affected by it as terrestrial farming changes.

15 How do you put this out as a solution to a
16 problem as opposed to right now everybody is
17 pointing fingers at it? You have to get them to
18 point in the other direction. Has anything been
19 done on that or looked at in those context?

20 MR. RUBINO: We've talked about the
21 idea about looking at some carbon footprint kind
22 of analysis but probably doing it in the context
23 of sort of the whole life cycle analysis thing or
24 materials balance approach it used to be called

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1 where you look at resources and efficiency of
2 resource use. You could also look at it as Bill
3 McDonough, the Green Architect, would say from an
4 ecoeffective perspective in terms of what's the
5 footprint. So rather than doing less fad as a
6 footprint, you actually have a footprint that
7 works with nature and aquaculture has a lot of
8 components of that.

9 It's a very efficient form of protein
10 production. It could be done in a way where if
11 you place the properly waste equals food something
12 else, if you're using native species in a root
13 cause management program, if you're using
14 vaccinations instead of serving with antibiotics.

15 So there are a lot of things you can do along
16 those lines.

17 Somebody actually is looking at carbon
18 footprints. I think one of the guys at the New
19 England Aquarium has been looking at, say, salmon
20 from Eastern Canada in an aquaculture operation
21 going to Boston Market versus Alaskan salmon flown
22 in from Alaska and looking at the various carbon
23 effects, not just in terms of air miles but also
24 in terms of resource use.

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1 And I've discussed doing those kinds of
2 projects with Packard Foundation Modern Day
3 Aquarium. A couple years ago we had a three day
4 bull session almost of environmental scientists
5 who all published in their journals and
6 aquaculture fisheries scientists who published in
7 their journals and nobody talked to each other.
8 And Paul Sandifer works for NOAA and Don Boesch at
9 the University of Maryland co-chaired this group
10 and they came up with some joint research topics
11 and that was one of them.

12 I talked to Julie Packard and Mike
13 Sutton last summer about reviving that group to
14 bring these communities together from a research
15 perspective and try to find some joint answers. I
16 think these are ways of chipping away at some of
17 these questions. It's not done overnight though.

18 CHAIR DiLERNIA: Bill.

19 MR. DEWEY: Just a I guess as far as
20 trying to move ball forward, the aquaculture ball
21 forward, in my mind while there are still some
22 flaws from the most recent Senate version, those
23 can be worked out and you can get that bill to
24 move. It establishes the Office of Sustainable

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1 Aquaculture in NOAA and pushes that office out in
2 the regions as well. That's a \$65 million
3 augmentation with it. A lot of the key components
4 that you need to take this to the level it needs
5 to go in the country, if we could work out a few
6 of the flaws in it. Kudos to Dr. Hogarth for
7 convening a group of people to try to work through
8 those and find some compromise and try to make
9 that happen. I'm certainly encouraged by the
10 effort and I wonder if we're going to see it move
11 or not. I guess I would encourage MAFAC members
12 to pay attention to it and if it's something you
13 can get behind with your individual organizations,
14 that's great. It's certainly an opportunity for
15 the aquaculture to move forward.

16 CHAIR DiLERNIA: I have request for two
17 short comments, one from Mr. Connelly and one from
18 Mr. Roberts and then we'll close the discussion on
19 the aquaculture topic. Mr. Connelly.

20 MR. CONNELLY: Thanks. On the question
21 of international, you referenced that as part of
22 the plan. Who in the government is coordinating
23 our work, say, with COFI or FAO work on the
24 subcommittee? Who is doing that now?

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1 MR. RUBINO: State would take the lead.
2 NOAA's been involved in terms of working with
3 state on FAO and COFI things. Ag has only
4 recently been interested in it. We, at least in
5 terms of NOAA, have a draft of an international
6 strategy plan. It's really a laundry list of
7 activities that NOAA has been involved in over the
8 years both from an international coordination
9 perspective as well as a scientific exchange
10 perspective.

11 I get calls saying, "Michael, can you
12 get me an airplane ticket to go to this place or
13 to go this meeting" and I have no sort of sense of
14 order or priority of these things. So I'm trying
15 to get both our policy people and scientists over
16 the next several months to sit down and figure out
17 what our priorities are and how we cover these
18 things. That's sort of where we are on it.

19 CHAIR DiLERNIA: Mr. Roberts.

20 MR. ROBERTS: Just a general comment
21 just about where you ended it, Mike, by getting
22 your scientists together. The Gulf Council as you
23 know just concluded their public hearings and the
24 information I saw come out of those meetings in

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1 terms of the media coverage the same kind of thing
2 you would see probably whether it was in Northwest
3 or wherever, disease transfer, enrichment of
4 waters, escapement, all the things you keep seeing
5 being brought up.

6 I guess the question I have is are we
7 still directing our research along the lines of
8 more about how to grow certain species or are we
9 taking a subset out and trying to address the
10 enrichment issue and the escapement issue and the
11 genetic pooling issue? Are we focusing any money
12 on those things kind of generically as opposed to
13 species specific work?

14 MR. RUBINO: I think that if you look
15 at, say, the funding in the national approaches
16 that they've done both over the past six or seven
17 years and what we haven't done a very good job of,
18 and again it's on our to-do list for this year,
19 there's a lot of things on this to-do list, is to
20 pull together summary information on these key
21 environmental issues, not just from the projects
22 that the U.S. Government is funding but others.

23 We've learned a lot over the past 20
24 years with what not to do with the aquaculture. I

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1 think it could be done well. It could be done
2 poorly. As I go around the country and look at
3 aquaculture operations, we're operating under some
4 very stringent environmental laws in this country.

5 We have good actors in this country. We're doing
6 it well. They recognize that there's room for
7 improvement. They're working on it.

8 I mean I would like to shift the focus
9 of the debate of the environmental questions to
10 questions of how do we fit this into sort of our
11 social fabric, how do we think about this as an
12 opportunity in terms of producing more seafood --
13 Because really if you say things properly, if you
14 use best national practices, the environmental
15 questions really should be addressed. It does not
16 mean there's no room for improvement, but really
17 we've learned a lot over the past 20 years about
18 how to do these things.

19 So I'd like to have a series of papers
20 that summarize those things. It's our job as sort
21 of the nation's oceans and fisheries science
22 agency to do that. Whether we can get it all done
23 by this end of this fiscal year or not, I don't
24 know. We've identified groups of people to put

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1 those things together.

2 CHAIR DiLERNIA: Okay. Dr. Rubino,
3 thank you very much.

4 MR. RUBINO: Thank you.

5 CHAIR DiLERNIA: Thank you for your
6 time, for your presentation.

7 Folks, that's going to bring us almost
8 to the end of today's items. You're getting a
9 homework assignment for this evening. Behind Tab
10 9 is the 2020 document as it was sent out to NMFS.
11 It was posted. You're all aware that it was
12 posted on the website and over the course of a few
13 weeks, we received a number of comments. All
14 those comments have been duplicated. They're at
15 your places.

16 Now if I may, what you're going to be
17 doing with these comments, if you look at the last
18 two pages of the package that you have, just tear
19 that out, the last two pages it says "Attachment.
20 Committee Worksheet." In preparation for
21 tomorrow's discussion, if you go through -- The
22 way it's arranged here, it says, "General reviewer
23 seven." If you look at the comment, "General
24 reviewer seven," there's a comment there and the

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1 entire package is organized as per this list.

2 What I would like you to do is to look
3 at these comments and if you feel that the comment
4 is significant and you're ready to fall on your
5 sword to defend it and you would want it included
6 in the document, on your worksheet put an X or a
7 mark so that when we come together tomorrow we
8 have three hours in order to refining and
9 completing the document. I would like to go
10 through all these comments. I'll just basically
11 say "General reviewer seven. How do folks feel
12 about that? Does anyone need it included? Not
13 included?" And unless you say yes and we see a
14 strong sentiment to include it, then those
15 comments will not be include because these are
16 comments based on what we've published, what we've
17 put out there.

18 I see a hand there. Let me just go
19 over my notes here first. Okay. An example would
20 be there's a recurring theme throughout the report
21 that there's a need for more timely, reliable data
22 which has credibility with stakeholders. To do
23 this, data acquisition and assessments must be
24 doubled within the next five years. Be prepared

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1 to discuss something like that.

2 Mr. Connelly.

3 MR. CONNELLY: Have any of the comments
4 that are in the attachment that we've just been
5 handed been incorporated?

6 CHAIR DiLERNIA: No.

7 MR. CONNELLY: Okay.

8 MS. KATSOUROS: We wouldn't have been
9 that arrogant.

10 MR. CONNELLY: I would have come and
11 helped.

12 CHAIR DiLERNIA: Okay. So that's where
13 we are with that.

14 Dr. Hogarth doesn't even know that yet,
15 but I will not be on Thursday. So I've asked MR.
16 BILLY if he could stay in my stead on Thursday
17 morning to help to chair the meeting.

18 The way it looks I have coming out of
19 today's meeting two assignments or two work tasks
20 that we are going to have to be considering as to
21 how to accomplish. One deals with the revisions
22 of the Charter for the MAFAC Charter and I've
23 asked Mr. Raftican to head that work group and the
24 other would naturally be assigned to the Commerce

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1 subcommittee, MR. BILLY chair, to work on seafood
2 quality and safety questions.

3 When we're going to find time for that,
4 I'm not sure yet. I know again I won't be here on
5 Thursday. Perhaps the Charter revision work can
6 be done during the time that was allocate towards
7 2020 on Thursday morning. Let's see how things
8 begin to shake out over tomorrow.

9 Are there any other questions? Dr.
10 Hogarth, welcome. Would you like to say a few
11 words before we --

12 DR. HOGARTH: No, I'll wait until we
13 end. I'm sorry I wasn't here today. We have been
14 trying to work out something with Japan for
15 humpback whales. So I think I finally today
16 convinced them that they'll agree not to hunt
17 humpback whales until we can try to work through
18 the future which I will continue to do. We'll
19 talk in the morning briefly.

20 CHAIR DiLERNIA: Very good. Yes.

21 MR. JONER: Since you won't be here on
22 Thursday, are we going to talk about our next
23 meeting?

24 CHAIR DiLERNIA: I'd like to do that

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1 tomorrow. I think we're pretty tired today, but,
2 yes, I'd very much like to talk about our next
3 meeting which I believe we have already -- There
4 was a general agreement to hold it in New York
5 around the first week of July and I've been in
6 communications with the hotel regarding that. But
7 perhaps we can start off the day tomorrow with
8 just going over some of those details.

9 Mr. O'Shea.

10 MR. O'SHEA: Thanks. Real quick. This
11 has to do with the revision of the Charter and I
12 thought I heard this morning that the Charter has
13 to be renewed every two years and it's currently
14 in a final stage to be signed shortly and can't be
15 changed.

16 CHAIR DiLERNIA: No, it can be.

17 MR. O'SHEA: So -- It can be changed?

18 CHAIR DiLERNIA: At any time. It can
19 be amended.

20 MR. O'SHEA: Okay. Because I was
21 getting at if the current version isn't amendable
22 then the urgency of revising it for the next two
23 year thing probably wouldn't otherwise have to be
24 done this week.

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1 CHAIR DiLERNIA: Dr. Holliday.

2 DR. HOLLIDAY: The version of the
3 Charter that's in front of the Secretary now would
4 not be the charter that would be amended by the
5 actions that you're taking. So we would then, if
6 the Committee chose to move forward with the
7 Charter, recommend the changes, we could initiate
8 that in March and change the Charter at any point
9 in time. But we need to have the current Charter
10 in place so that the Committee maintains
11 continuity. But at any point during the two year
12 tenure of that charter you can change. So the
13 urgency depends on how quickly the committee would
14 like to proceed.

15 MR. O'SHEA: Yes.

16 DR. HOLLIDAY: But the one that's
17 currently --

18 MR. O'SHEA: Not solely when it comes
19 up for renewal.

20 DR. HOLLIDAY: Correct.

21 MR. O'SHEA: Got it. Thank you.

22 CHAIR DiLERNIA: Mr. Cates.

23 MR. CATES: I'd like to make a quick
24 comment relating to aquaculture since Mike's here

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1 and Dr. Hogarth. First, there is a study ongoing
2 from the House side. The questions that are
3 coming have shifted dramatically. My sense of
4 everything is that a lot of the efforts that are
5 going are working. Within NOAA staff, I've
6 noticed a great interest in the last year. Things
7 are better at the Fish Expo in Alaska, a complete
8 turnaround with the engagement between fishermen
9 and aquaculture issues. I think a lot of the
10 efforts that are ongoing are starting to have a
11 positive effect. I'm a lot more optimistic than I
12 was a year ago about the bill and our sense of
13 where we are. I just wanted to make that comment.

14 DR. HOGARTH: And let me just add to
15 that. I don't know what was said today and I
16 guess we'll have an opportunity somewhere later to
17 have the input because I've been meeting recently
18 with both the House Resources and with the
19 Commerce committee and I think there's some things
20 that we need to discuss I think based on that.
21 But we can do that it comes back up. We'll need
22 to do that.

23 I'll just say there seems to be
24 interest. It just seems to me that we don't have

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1 a champion so to speak and it seems like anything
2 that happens on the Hill has to have a champion
3 and so far we don't have one.

4 The Magnuson had a couple. It rammed
5 it through. Unless you find a champion and
6 honestly Senator Stevens can't afford to be the
7 champion for aquaculture in Alaska, but he will
8 support it and he made that very clear.
9 Unfortunately, we can't get a champion and we
10 really need a champion, I think, in the House. We
11 need to think about that while we're here. If we
12 want this bill, we have to go out and find a
13 champion to go back -- before I leave -- The
14 Secretary has made me a promise I'll stay involved
15 in Agriculture. I don't know exactly how to keep
16 doing all this personally.

17 CHAIR DiLERNIA: To your point, Dr.
18 Hogarth, I have a question and I don't know if Mr.
19 Connelly perhaps can answer it for me or Mr.
20 Rubino. Is there any one particular state or one
21 particular area of the country that a consumption
22 of seafood is significantly higher than the rest
23 of the country and if we go with the 80 percent
24 rule, is there room there to look for some

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1 members?

2 MR. CONNELLY: From a consumption
3 standpoint, certainly Hawaii is a large consumer
4 of fish. New England and Seattle, Pacific
5 Northwest, obviously Alaska, places you think.

6 DR. HOGARTH: And one other question,
7 did you all get any briefing on the budget at all
8 yet? I'll call tonight and see if we can get
9 that.

10 MS. KATSOUROS: Did they not pass it?

11 DR. HOGARTH: Yes, it's not good news
12 for us with earmarks.

13 MS. KATSOUROS: But has it been passed?

14 DR. HOGARTH: Yes.

15 MS. KATSOUROS: Yes?

16 DR. HOGARTH: -- yes.

17 (Laughter.)

18 CHAIR DiLERNIA: I love it.

19 (Off the record comments.)

20 CHAIR DiLERNIA: Mark.

21 DR. HOLLIDAY: Before John -- Folks
22 please. Before John Oliver left at lunchtime
23 today, we agreed that on Thursday after lunch we
24 would try to reserve some time to talk about

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1 what's happening on the omnibus and we'd get some
2 slides and things sent down from the Management
3 and Budget Office. So today and tomorrow there's
4 a lot of things happening that we want to try to
5 sort that out and provide the information to you
6 on Thursday.

7 CHAIR DiLERNIA: Okay.

8 MR. RAYBURN: Since Bill is out of the
9 room.

10 CHAIR DiLERNIA: Yes.

11 MR. RAYBURN: It looks like we'll be
12 able to get a pretty nice gift along with the
13 room. Anybody that hasn't and is interested in
14 donating it's \$45. I appreciate it.

15 CHAIR DiLERNIA: Okay. Is there any
16 new business for this day? Tomorrow breakfast is
17 at 8:30 a.m., whatever, and business will begin at
18 9:00 a.m. We're adjourned. Thank you. Off the
19 record.

20 (Whereupon, at 5:07 p.m., the above-
21 entitled matter recessed and reconvened at 9:00
22 a.m. the next day.)

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