

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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## MARINE FISHERIES ADVISORY COMMITTEE

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Wednesday, December 19, 2007

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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  
DR. WILLIAM T. HOGARTH, Assistant Administrator  
for Fisheries  
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  
ERIC SCHWABB, Maryland Department of Natural  
Resources

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## OTHERS:

JAMES BALSIGER, NMFS Alaska Region  
LAUREL BRYANT, Sanctuaries Foundation  
ROY CRABTREE, NMFS Southeast Region  
GARY GRAHAM, Texas Sea Grant  
MARK HOLLIDAY, NMFS Policy Office  
MARY HOPE KATSOUROS, Fish for the Future  
Foundation  
KATHRYN NOVAK, Ocean Conservancy  
JOHN V. O'SHEA, Atlantic States Marine Fisheries  
Commission  
ALAN RISENHOOVER, NMFS Sustainable Fisheries  
Office  
MICHELE SHEA, Fish for the Future Foundation  
LARRY SIMPSON, Gulf States Marine Fisheries  
Commission  
TYWANNA OTTS, NOAA Fisheries

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Adjourn

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

(9:02:06 a.m.)

1  
2  
3 CHAIR DiLERNIA: Good morning, ladies  
4 and gentlemen. I'm very impressed with everyone  
5 being here so bright eyed and bushy tailed given  
6 the known state of some of the individuals last  
7 evening after the dinner.

8 (Laughter.)

9 CHAIR DiLERNIA: One of our members who  
10 was not here yesterday, Eric Schwaab, has joined  
11 us today. Eric is back down there in the corner.

12 MR. SCHWAAB: Sorry I didn't make it.  
13 Thank you.

14 CHAIR DiLERNIA: Welcome. We also have  
15 another guest at the table, Gary Graham. Ralph,  
16 can you introduce and tell us a little bit about  
17 Gary, please.

18 MR. RAYBURN: Gary spent about 38 years  
19 working for the fisheries in the Gulf of Mexico  
20 through the SEAGRANT program in Texas. He was  
21 mentor back in the mid-70s when I got started a  
22 couple of years before I went on to other things,  
23 and some of the other things he was my mentor, and  
24 he's still my mentor. Anyway, Gary wanted to come

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1 and sit in in the group here for a little while.  
2 He wanted to come over and pay respects to Dr.  
3 Hogarth, too. But Gary, you should know, was one  
4 of the principals in the Gulf that helped in the  
5 transition of the shrimp fishery, the use of  
6 turtle excluder devices. He worked on it when  
7 many of the others have already left it aside, a  
8 lot of difficulties there. He's now working with  
9 the snapper fishermen and the shrimp fishermen on  
10 bycatch reduction devices in close relationship  
11 with the staff of the Pascagoula Harvest  
12 Technology Lab and others, but Gary has been a  
13 principal. And, by the way, he also served on the  
14 World Wildlife Fund's selection on the Smart Gear  
15 program, so he's noted internationally for his  
16 gear technology work, so I just wanted to  
17 introduce you to him, and him to you. And Gary is  
18 one of the leaders of the fisheries here in the  
19 Gulf of Mexico, and I appreciate him being with me  
20 today.

21 CHAIR DiLERNIA: Thank you. Gary, do  
22 you have anything you'd like to say to our group  
23 before we get started?

24 MR. GRAHAM: Well, just hello to you,

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1 and I'm glad to see you again, Tony.

2 CHAIR DiLERNIA: Well, it's good to see  
3 you. I'll add to Ralph's list of Gary's  
4 credentials. He boils some mean shrimp.

5 (Laughter.)

6 MR. RAYBURN: Hopefully, we'll enjoy  
7 those in July.

8 CHAIR DiLERNIA: Oh, we hope so, too.  
9 We'll be getting to that in a moment.

10 Actually, while we are in a sense  
11 alone, I have something for the Committee's  
12 private consideration prior to this evening.  
13 We'll be at the Hogarth's this evening, and we are  
14 all going to be saying thank you to Dr. Hogarth,  
15 but there is an another member of our MAFAC family  
16 that will be leaving us, that's Ms. Laurel Bryant.

17 And so I have a resolution that I would like to  
18 present for the Committee's consideration  
19 regarding Laurel, and thanking her for her  
20 outstanding service to our Committee. And I'll  
21 read it, and hopefully we'll have a motion and a  
22 second, and we can pass this. We'll have it  
23 printed it up and placed in a frame, and we'll  
24 present it this evening.

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1           "Whereas, the Marine Fisheries Advisory  
2 Committee, MAFAC, was established by the Secretary  
3 of Commerce in 1970 to advise, evaluate, and  
4 recommend policies and needed program changes on  
5 all living marine resource matters that are the  
6 responsibility of the Department of Commerce; and,  
7 Whereas, MAFAC has been reviewed periodically and  
8 determined that the Committee's continuance was in  
9 the best interest of the Department; Whereas,  
10 Laurel Bryant has served the Marine Fisheries  
11 Advisory Committee for the last seven years; and,  
12 Whereas, Laurel Bryant has served the Committee  
13 with dedication, commitment, and excellence; and,  
14 Whereas, Laurel Bryant has taken an opportunity to  
15 serve the National Marine Sanctuary program as the  
16 Director of Outreach and Communications, and will  
17 no longer serve the Marine Fisheries Advisory  
18 Committee as Executive Director, now, therefore,  
19 let it be resolved, the members of the Marine  
20 Fisheries Advisory Committee convey their  
21 appreciation to Laurel Bryant for her outstanding  
22 service, and wish her the best in her new  
23 position."

24           Do I have a -- okay.     Mr. Fletcher,

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1 motion. Mr. Raftican, second. Any discussion?  
2 Discussion, Committee? All those in favor of the  
3 motion respond by saying aye.

4 (Chorus of ayes.)

5 CHAIR DiLERNIA: Opposed? Thank you.  
6 The resolution is adopted unanimously.

7 MR. RAYBURN: Mr. Chairman.

8 CHAIR DiLERNIA: Yes, sir?

9 MR. RAYBURN: Is there any way to add  
10 all the names to that resolution?

11 CHAIR DiLERNIA: Pardon me, sir?

12 MR. RAYBURN: Add all our names to  
13 that?

14 CHAIR DiLERNIA: Add all our names to  
15 that. I'm sure that there's -- well, I'll ask our  
16 sub-staff there, if we could find a way to -

17 MR. RAYBURN: If it's not practical,  
18 that's okay, but I'd just add that that's  
19 unanimous, and all our names --

20 CHAIR DiLERNIA: It was unanimous by  
21 the Committee. They're not officially staff  
22 because they're -- well, take a look at it and  
23 see.

24 MS. KATSOUROS: The problem is the

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1 frame that we purchased is for an 8-1/2 by 11  
2 sheet, and I think that if we try to put in all  
3 the signatures, it may get crowded, but we're  
4 willing to try.

5 CHAIR DiLERNIA: Yes, we can sign it on  
6 the back.

7 MS. KATSOUROS: On the back. Okay.  
8 All right. That's fine.

9 CHAIR DiLERNIA: The next order of  
10 business, I've announced yesterday, you know I  
11 will not be here tomorrow. And I'm hoping that  
12 you'll still plan on meeting in New York.

13 DR. HOLLIDAY: I thought you said  
14 meeting tomorrow.

15 CHAIR DiLERNIA: No, I'm not going to  
16 be here tomorrow. I want you all to meet  
17 tomorrow, that's for sure. I'm hoping you all  
18 plan on coming up to New York in July. Are there  
19 any questions or any -- Mark and I were going over  
20 the dates. The meeting -- the travel day would be  
21 Monday, June 30<sup>th</sup>. And the working business days  
22 will be July 1, 2, and 3. July 4<sup>th</sup> is a national  
23 holiday, and you're all invited with families to  
24 our annual shindig on the pier.

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1 Gary, this year we had about 450. Gary  
2 was there, and he was boiling shrimp for us, and  
3 we had about 450 people this year, and it was  
4 really too many. It got a little bit out of  
5 control, and so this coming year we're going to  
6 drop it down to 300. But if the Committee comes  
7 with families, the Committee in itself, and NOAA,  
8 between NOAA staff, their families, and the  
9 Committee, that would be 100 people, at least, of  
10 the 300. And you all are invited to this, and we  
11 hope to see you all there. But as we get closer,  
12 we are going to do printed tickets this year to  
13 this event, only to try to maintain some type of  
14 control over who enters and who doesn't enter.  
15 The pier itself, we're at the capacity, just put  
16 so many people on the pier weight-wise, and so ---  
17 -- especially guys like you and me.

18 (Laughter.)

19 CHAIR DiLERNIA: So just to let you  
20 know that day of the event you'll have to arrive  
21 early. You'll have to arrive before 6 p.m., and  
22 don't plan on leaving before I would say 10:30, 11  
23 p.m. But you have to arrive by 6, if you arrive  
24 between 5 and 6 it's even better. And the only

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1 other thing we'll ask you to do is to bring some  
2 type of folding chair, an umbrella chair or  
3 something. We just don't have chairs for that  
4 many people. You can pick them up in Costco or  
5 something for like five, six bucks a piece, and  
6 just bring yourselves there that day.

7           The Service can pay for hotel rooms for  
8 the 30<sup>th</sup>, 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup>. The evening of the 4<sup>th</sup>,  
9 we cannot pay for hotel rooms, so if you're going  
10 to stay for the holiday on the 4<sup>th</sup>, that hotel room  
11 is going to have to be on your own, but I've been  
12 assured by the hotel that they will extend the  
13 government rate to you through the weekend, so  
14 should you choose to stay for the 4<sup>th</sup>, and for the  
15 5<sup>th</sup> or the 6<sup>th</sup> through the holiday weekend, you can  
16 get the hotel at the government rate.

17           Other than that, should you have -- I  
18 also had a dinner boat planned, if folks are  
19 interested in that. I'll circulate some social  
20 activities, but we had a dinner boat planned for  
21 Monday evening. That's the only evening we can  
22 get it at an affordable rate, and that would be  
23 about \$75 a person. That will be a dinner cruise  
24 in New York Harbor, and full dinner on the boat.

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1 And that will be about \$75 a person.

2 Also, my wife has been active in  
3 putting together, if the wives and spouses want a  
4 tour, a private bus tour while we all are working,  
5 if those that are not working want a private bus  
6 tour of Manhattan, we can do that also, so keep  
7 those things in mind.

8 Does anyone have any questions about  
9 that? This will be the last time we'll be  
10 together where we can speak about this before the  
11 event. Ralph?

12 MR. RAYBURN: I'm wondering, Mr.  
13 Chairman, if we could adjust the schedule so that  
14 -- I'm sure you're going to be obligated for a  
15 good portion of Thursday in preparation for --

16 CHAIR DiLERNIA: The 3<sup>rd</sup> I will not be  
17 there. I will not be meeting with you.

18 MR. RAYBURN: If there was some way we  
19 could even adjust the schedule so as we finish by  
20 midday, even if we had to work longer, then those  
21 who could come and help, could come help you and  
22 stuff like that. That will be your last meeting,  
23 I think, so I'd hate for us not to --

24 Unless he gets drawn out of the hat,

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1 that's right. Anyway, I was just thinking, if we  
2 could adjust the meeting, if we started on Monday  
3 mid-afternoon or something, and then we were able  
4 to finish by midday on Thursday, then perhaps that  
5 would give some of us time to help in your  
6 preparations.

7 CHAIR DiLERNIA: Well, that would be  
8 great, Ralph. Thank you, and we'll try to have  
9 the agenda reflect that. Again, we have a  
10 responsibility do business, and we have to do that  
11 business first. I really hope that we can adjust  
12 the schedule to do that, but we do have to conduct  
13 our business first.

14 Also, now that you mentioned drawing  
15 names out of a hat, or whatever, it will be -- the  
16 July meeting will be my last meeting, unless my  
17 name is drawn out of a hat. But even if my name  
18 is drawn and I stay, I will -- it would be unfair  
19 for me to continue to serve as your Chairman or  
20 liaison beyond that next meeting, and so I ask  
21 members to consider who would like to come forward  
22 in the leadership position, and I would suggest  
23 that the Committee elect a new Chairman, or  
24 Committee Liaison, or whatever at the conclusion

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1 of the meeting in July.

2 Dr. Hogarth, good to see you. Good  
3 morning. So keep that in mind, that's something  
4 that you all have to do. And if there are folks  
5 interested in running for a leadership position,  
6 they should let the staff and myself know.  
7 Perhaps by then, the charter revisions may be  
8 completed, and we may have the positions of  
9 Committee Liaison again, or Chairman again, and  
10 perhaps a Vice Chair, or whatever. But you will  
11 have to elect new leadership at your next  
12 Committee meeting, please be aware of that.

13 MR. JONER: Tony, where is this  
14 location in New York?

15 CHAIR DiLERNIA: The hotel is -- it  
16 used to be a Holiday Inn, it's now a Radisson.  
17 It's called the Radisson-Martinique.

18 MR. FLETCHER: Same place we stayed  
19 before.

20 CHAIR DiLERNIA: It's where we stayed  
21 before. It's one of the few hotels that will give  
22 us a government rate that's -- hotel rooms in New  
23 York City during the holidays go for six to seven  
24 hundred dollars a night nowadays, six to seven

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1 hundred dollars a night, which is outrageous, but  
2 folks pay it all the time. But they will give us  
3 government rate, and it's a clean place. It's a  
4 nice place. It's not a big fancy New York City  
5 hotel. It's not as fancy as this place. This  
6 place is beautiful, but it is clean, it's nice.  
7 And it's centrally located, it's on 32<sup>nd</sup> Street and  
8 Broadway, a block and a half from Madison Square  
9 Garden, a block and a half from Penn Station, two  
10 blocks from Macy's, one block from Fifth Avenue,  
11 so it's centrally located. Are there any other  
12 questions? Okay. So we will look forward to  
13 seeing everyone in July in New York.

14 All right. Is there any other business  
15 before we get to 2020? Okay. Bill, before we get  
16 to work, is there anything you want to say this  
17 morning.

18 DR. HOGARTH: Well, I just wanted to  
19 take the opportunity to thank all of you for  
20 serving on MAFAC. I think that we've been trying  
21 to go through a process in which to make MAFAC  
22 more of a part of the daily work, and to get you  
23 involved in some of the issues that we have to  
24 deal with. And I think the aquaculture issues,

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1 there's been a tremendous amount of work done by  
2 this group. I don't think at any fault of anyone  
3 sitting around this table that that bill is not  
4 introduced or moving. It's just, like I said  
5 yesterday, we have to find a sponsor, so to speak,  
6 and we continue to work on that. And I think if  
7 we don't find a sponsor, then at the next meeting,  
8 we will all be talking about what is another  
9 alternative, because I think the administration is  
10 determined to see aquaculture become a part of  
11 the fishery in the U.S., and some of the councils  
12 are looking at aquaculture. We're taking it very,  
13 very slow with the council process, because we  
14 think the bill gives us more central control, and  
15 a bill we would have, I think, better control of  
16 the various conditions and how you perform  
17 aquaculture in a more consistent manner, and so I  
18 think it gives us a better control overall. But  
19 if we don't, then I think we have to look at what  
20 can we do, because there is a lot of potential,  
21 hopefully a lot of people that are waiting in the  
22 wings to go to aquaculture. In fact, many of the  
23 former members formed a private, or private for-  
24 profit corporation and it's going to be trying to

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1 get a permit in offshore San Diego to go into  
2 offshore aquaculture already, so I think it  
3 behooves this country to move in that direction,  
4 because I think the issues can be addressed. And  
5 I think you all probably discussed those  
6 yesterday, but I think we're now centered around  
7 probably two major issues, and a third one that I  
8 think can be probably negotiated very easily.

9 The first one is the length of the  
10 permit. From a business standpoint, a 10-year  
11 permit doesn't get you very far with the lending  
12 institutions, and so that's one of the big issues  
13 we'll be facing. And the amount of the  
14 environmental buy-in, so to speak, for  
15 environmental cleanup, it's larger than for even  
16 the oil companies really, and so we just haven't  
17 figured out why it's so -- so there's some real  
18 business obstacles right now.

19 The State opt-out gives the state veto  
20 over a lot, but I think that one can be -- I'm  
21 pretty sure that one can be fixed pretty easily.  
22 I don't think that's a real issue. I think the  
23 State would get an opt-out, putting an opt-out up  
24 front, and that's what needs to be, so I just

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1 think we've got to find -- when we get back from  
2 the Christmas break, in January, I think the  
3 Commerce Committee is planning on marking up the  
4 bill and moving it, and then we've got to get  
5 someone in the House to do the same. The House  
6 only has one bill. They had another one they  
7 started, but they haven't offered anything, so  
8 there is a second Commerce bill, if you haven't  
9 seen it, we need to get you copies of it. If you  
10 haven't seen it, then we'll get copies before this  
11 week is over. We'll get copies made for you,  
12 because you should have that to look at, so we  
13 need that.

14 Now, the other is, I think, what you're  
15 getting ready to discuss, the Vision 2020, I think  
16 it's good. I've heard a lot of good comments, and  
17 one of the comments -- other comments I have  
18 heard, though, is that we went out and did a  
19 recreational constituent plan, we haven't done it  
20 on commercial, and that is a very true statement.

21 We've been working on commercial, but more of a  
22 region-by-region, and we are in the process of  
23 hiring a commercial coordinator that will be just  
24 like we have with Rachel, between the

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1 environmental groups and the Agency -- and we are  
2 in the process of hiring a commercial person, and  
3 that's one of the things we would like to try to  
4 do once the person gets on board, is to work with  
5 the commercial industry and see where they would  
6 like to see us go with putting some type of plan  
7 together for the future of the commercial  
8 industry. So that is in the wings, it's just that  
9 with the budget constraints and trying to get  
10 Magnuson passed on, we haven't done everything  
11 we'd like to do.

12 We brought the charter to you because  
13 we do think you all need to look at the charter.  
14 We need to make sure the charter reflects what  
15 this Advisory Committee really wants to do, and  
16 that it feels like it could be effective with  
17 this, or more effective. So it's here to be  
18 looked at, and make sure that you look at it  
19 carefully and move forward.

20 This business will be good, treatment  
21 from various -- the American public, fishermen,  
22 and processors, and academia, and all, and we need  
23 to keep it that way. We need to make sure that  
24 this group represents the broad band of the

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1 American consumers, and American people involved  
2 in fisheries, and so I think it's an advantage to  
3 do it.

4 One thing that I -- I don't know, maybe  
5 it's on the agenda today, but one last thing that  
6 I didn't get -- there's a couple of things that I  
7 didn't get done, that I'd like to see done, is I  
8 would like to look more at the role of National  
9 Marine Fisheries Service in labeling, or in this  
10 process of sustainable seafood, is something that  
11 we, as the Agency, should be doing more of, you  
12 know, not to be getting into competition with the  
13 Marine Stewardship Council at all, but is there  
14 something that we could be doing that, as the  
15 Agency that's managing this fishery, and doing  
16 some inspection, is there something we should be  
17 doing more? I'm starting to feel like it is, I  
18 just don't know that I will figure that out, so I  
19 hope that's something that MAFAC will talk about,  
20 because I think it's something that the industry  
21 has asked for it, and we thought we owe it to give  
22 a reason why or why not. And if we can, then we  
23 need to move forward in that, and that will be  
24 done. If not, we just need to say that we're not,

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1 and put reasons we're not, but I think we should.

2 And the other is that we're working  
3 very hard, but we found it very expensive and hard  
4 to get done, is IFQs, but I think the ones in  
5 place are working. It's coming in place very  
6 well, and we're working on the others, and that's  
7 a step to let the commercial industry become more  
8 businesslike, and make some more decisions on  
9 their own. And I think we need to do it, continue  
10 in that direction.

11 So, me, I just want to thank you. I've  
12 always been one that just -- I think we get good  
13 people, and let the good people do their work, and  
14 that's what I think the National Marine Fisheries  
15 is. There's a lot of excellent people in this  
16 organization, and we have a lot of people, good  
17 people that are willing to help. And we've got a  
18 lot of work ahead of us, so I think the next few  
19 years, particularly as we get Magnuson, the re-  
20 authorization of Magnuson implemented, it's going  
21 to take some real, I think, leadership and  
22 discussion when you look at the Marine Rec Survey,  
23 the registrations, and when you look at the  
24 overfishing, and rebuilding, and there's a clause

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1 in there about capacity, that you've got to report  
2 on capacity and what to do with the excess  
3 capacity is something this body should be  
4 discussing. So there's a lot of issues, and I  
5 appreciate you all taking your time to work with  
6 us. And I'm hoping that we've made the group more  
7 functional as we move forward, and you continue to  
8 do that.

9 I've enjoyed my seven years. It's been  
10 a great seven years. It's just -- I wasn't ready  
11 to leave, but the opportunity came.

12 MR. FLETCHER: Has it been that long?

13 DR. HOGARTH: Seven years.

14 CHAIR DiLERNIA: You're the longest  
15 serving, aren't you?

16 DR. HOGARTH: No, because Rollie is  
17 still the longest serving. If I stayed, I would,  
18 but the first year of mine doesn't really count  
19 because I was acting, because they didn't have a  
20 AA.

21 MR. FLETCHER: Time flies when you're  
22 having fun.

23 DR. HOGARTH: But all over the country,  
24 I think we've had some big issues, the fishery in

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1 Alaska calm down, the Hawaii fishery has calmed  
2 down, but we have a major issue with Sam, dealing  
3 with the Navy, just a couple of issues for us.

4 MR. FLETCHER: Sea lions.

5 DR. HOGARTH: And the sea lions  
6 population in California, the issues  
7 internationally, the collapse of bluefin tuna,  
8 we've been very effective in the international  
9 arena. Magnuson has got a lot more in it on  
10 international, and I think it's going to  
11 potentially cause some problems with the countries  
12 that we deal with internationally, because it  
13 looks like we are really interfering in their  
14 business, so to speak, but I think it is to  
15 protect their fishermen and the resource. So  
16 thanks very much, and I won't be out of it  
17 totally. I will still be doing IWC at least  
18 through June, and so I left here yesterday to go  
19 meet with Japan again to get them to not take  
20 Humpbacks, which the American public and  
21 Australia, most of the world thinks that the  
22 symbol of whales is Humpbacks, and so take away  
23 the Humpback, I don't think there's any real  
24 future for the IWC becoming the body that it needs

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1 to be. I thought I had an agreement, and I think  
2 I did until we told the State Department yesterday  
3 a word that wasn't supposed to be said until  
4 Thursday, that's because the State Department had  
5 to be the first out of the block, so the embassy  
6 in Japan announced it, and now Japan may back out,  
7 because we jumped the gun, so to speak, so --

8 But just thank you, and the group from  
9 the Gulf, really enjoyed last night. Gary Graham,  
10 and those that have been around me issues a long,  
11 long time, and really we've made some great  
12 progress. And in closing I want to thank all of  
13 you, but I really have to thank the three  
14 Commission Directors, only two of them are here,  
15 but whenever we need to do something in the  
16 federal government, it's always, you can't for  
17 some federal reason, so the Commission became  
18 their way of doing stuff. And I don't know what  
19 in the world we would have done without the three  
20 Commissions helping us through these processes and  
21 all. And it's no secret that I think SEA GRANT  
22 ought to be in Fisheries, but it isn't, but we  
23 have utilized them quite a bit. I think the only  
24 reason we don't use them more is I think that

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1 people just don't think about SEA GRANT on a day-  
2 to-day basis, and I think they could be helpful in  
3 several of these issues, in the seafood inspection  
4 and safety issues, and the Rec stuff, getting this  
5 word out. So thanks to all of you. And let me  
6 tell you, without three people that I call on and  
7 aggravate all the time, that's Mary Hope and her  
8 two daughters, it would be very difficult for us  
9 to do.

10 I'm going to figure out before it's  
11 over why Mary Hope loves fishing so much. I  
12 haven't figured that out yet. She seems to have  
13 this thing about the fishing industry, and it  
14 seems like her daughters are becoming just as, I  
15 won't say fanatical, but enthusiastic as she is  
16 about these issues. So tonight you'll be coming  
17 to our house for a reception, I hope all of you  
18 come, and that's being sponsored by Fish for the  
19 Future Foundation which Mary Hope has, so I just  
20 look forward to being with you today. I will be  
21 in and out just a little bit, but I'm here, and  
22 Laurel is not here, but I do thank her for the  
23 work she's done with MAFAC. She's now with the  
24 Sanctuaries Foundation, learning and helping them,

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1 but will be back. And Mark has taken over, and  
2 Mark seems to get a lot the stuff in the Agency  
3 where we need to have a centralized location to  
4 put things, and Mark is one of the brightest, and  
5 really does things in an excellent manner.

6 Most of what we're doing on capacity,  
7 what we're doing on Magnuson, Mark had done five  
8 years ago. And, in fact, Secretary Evans liked  
9 him very much, and so did Secretary Bodman, and  
10 then OMB went unglued because we sort of estimated  
11 how much it would cost to do it, so the report got  
12 trashed, because we were saying that the  
13 administration should spend this much money, and  
14 so just take the money out. The report stands on  
15 its own, here are the issues, but it never got  
16 much treatment after that, so we did use it in our  
17 Magnuson re-authorization. So I know you've got a  
18 lot of work to do. I hope you can get Vision  
19 2020.

20 MS. KATSOUROS: Well, I actually have a  
21 question of substance here.

22 DR. HOGARTH: Okay.

23 MS. KATSOUROS: You said that capacity  
24 was one of the issues that you will be looking at,

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1 and I know that NOAA Fisheries has probably a bit  
2 more on capacity excess, capacity, over-capacity,  
3 however you want to call it, than others. And I  
4 was wondering what would be the possibility of  
5 whether it's MAFAC or anybody else looks at it,  
6 that you take those reports that are sitting on  
7 the shelf, like you said, the last five years, and  
8 see what has been implemented. And if we bring  
9 those recommendations to whatever the next step  
10 is, so that you're not reinventing the wheel, so  
11 people don't think that we're starting from  
12 scratch. And I think that in many instances, the  
13 work that NOAA has done is sometimes over looked,  
14 and some of the reports that come out, because  
15 they lack those references, are not quite as good  
16 as they could be. And I think that whether it's  
17 MAFAC or whoever else you select, and since you're  
18 still not off the hook, that the report should be  
19 at least a foundation of whatever is done on  
20 looking at the capacity issue. Just my own --

21 DR. HOGARTH: I don't see Alan in the  
22 room, and, Mark, I don't know if you know exactly  
23 where we are on that report, but we could find  
24 out. Hopefully, they're building off what we have

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1 already done, but I don't know the status right  
2 now. We'll find out.

3 DR. HOLLIDAY: Well, he reported to the  
4 group yesterday that it was currently under  
5 review. The draft of it is under review.

6 DR. HOGARTH: So we do need to get it  
7 here, I think. This type of body ought to review  
8 that before it's to go outside, so if we could do  
9 that. So just thanks, and I'll let you go back to  
10 work.

11 CHAIR DiLERNIA: Well, Dr. Hogarth, I  
12 think we all would like to say thank you, also.  
13 Thank you for the opportunity to be able to serve  
14 the Service. Thank you for your friendship, thank  
15 you for your leadership, thank you very much, sir.

16 (Applause.)

17 (Off the record comments.)

18 CHAIR DiLERNIA: Okay, 2020. Some  
19 folks have joked that 2020 will be done by the  
20 year 2020. I'm not so sure that they were off.  
21 What we asked you to do yesterday was, as you  
22 know, the document was produced by a number of  
23 different individuals, a work group that we  
24 convened over a year ago. And individuals

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1 selected topics, and wrote on the particular  
2 topics that they volunteered to write on. And we  
3 took it, it's been refined twice, and was  
4 published, it was posted --

5 MS. KATSOUROS: It was approved by  
6 MAFAC.

7 CHAIR DiLERNIA: It was approved by  
8 MAFAC.

9 MS. KATSOUROS: And MAFAC gave it to  
10 the National Marine Fisheries Service as the MAFAC  
11 document. MAFAC approved it, and gave it to the  
12 Service in September.

13 CHAIR DiLERNIA: At that point, the  
14 Service published it, or posted it for comments.  
15 And what you have -- what you received yesterday  
16 was a series of comments. And I have to, again,  
17 thank Mary Hope and her staff for -- I don't want  
18 use the term "girls", but it is a family event,  
19 and it is staff, but Mary Hope and her staff, but  
20 staff sounds so formal, also, so I'm not sure how  
21 to do it, for the work that they did.

22 We received a tremendous number of  
23 comments, and the comments were consolidated, and  
24 put together, and organized according to the

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1 different categories that the paper is written  
2 along, Commercial Fisheries, Recreational  
3 Fisheries, Aquaculture, and Management Tools.

4 What we asked you to do yesterday was  
5 to review the comments, and to use your work  
6 sheet. And if there was any particular comment in  
7 the package, to identify it on the work sheet, and  
8 to present it as we went through the list, and  
9 present it to the entire Committee for review.  
10 And so barring any additional comments, I'd like  
11 to get right down to work, to going to review, or  
12 reviewing the comments that were received by the  
13 Service, because if there's something we want to  
14 include, having read the comments, we'll have to  
15 make some changes to the document, and then file  
16 the final document. Did I get that right, Mary  
17 Hope? Okay. Thank you.

18 Okay. So let's -- why don't we just go  
19 to -- again, this was a great help, the work  
20 sheet. The document is behind Tab 9. I'm just so  
21 used to going to it, it's easy to see it there.  
22 So are there any comments? I guess what I'll do  
23 is I'll look for -- maybe I just list it very  
24 quickly.

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1                   Reviewer Seven, general comments.  
2                   Ralph?

3                   MR. RAYBURN: It seemed like what the  
4                   comment, at least what I read out of it, was it  
5                   was asking for a statement of what we meant by  
6                   "economic status". And if that's not clear, maybe  
7                   it can be wordsmithed. That's what I read out of  
8                   it, is that -- maybe someone else got something  
9                   else. That should be an easy fix, so if it's a  
10                  clarification --

11                  CHAIR DiLERNIA: Under General, Number  
12                  Seven.

13                  MR. RAYBURN: Yes, on General, Number  
14                  Seven.

15                  CHAIR DiLERNIA: "Economic status." So  
16                  you want to clarify "economic status." Yes, MR.  
17                  BILLY. Yes, you've got to -- I'm sorry. I'm  
18                  going to sit this way, because I always sit to my  
19                  right. My left is --

20                  MR. BILLY: My suggestion is we just  
21                  remove "economic status". Just take it out.

22                  CHAIR DiLERNIA: Take out the --

23                  MR. BILLY: Just take it out. It  
24                  doesn't need to be said.

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1 CHAIR DiLERNIA: Okay. Any objections  
2 to that? Okay. We're on page -- just give me  
3 one moment. Page 7, "General Recommendations."

4 MS. LOWMAN: Just the last two words.

5 CHAIR DiLERNIA: Any objections to  
6 that? No objections? I'm going to try to move  
7 quickly here on this. MR. BILLY?

8 MR. BILLY: I have a procedural  
9 question. As I look back through this again, and  
10 in the context of the Reviewer's comments, there  
11 were a few minor, I'll characterize, comments,  
12 editorial comments that I identified. And I'm  
13 very reluctant to bog down this discussion with  
14 those, so let me give you a couple of examples.  
15 And then I'd like to have an understanding of how  
16 you would like to handle that kind of thing.

17 This same section we're in on page 7,  
18 as an example, it doesn't -- it says "seafood  
19 quality", yet it's really talking about safety,  
20 quality, and I would argue labeling. And that's  
21 -- labeling, part of it relates to accurately  
22 informed conservation concerns, and labeling is  
23 one way to achieve that. So the question is, those  
24 kinds of comments, should we just turn them over

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1 to Mary Hope, and deal with them on that basis, or  
2 how do you want to deal with that?

3 CHAIR DiLERNIA: Just one second. I'm  
4 not sure I understand your question. I'm trying  
5 to mark this, but I am going to ask folks to speak  
6 up a little bit. You all are out there, and I've  
7 got air conditioning vents right behind me with  
8 lots of background noise, and unlike council  
9 meetings where we have speakers, we have a  
10 microphone and a speaker, and it doubles as a loud  
11 speaker, we don't have that here. So between the  
12 acoustics of the room, this noise back here, and  
13 my 60 percent loss in both ears from working deck  
14 my whole life, it's tough. So forgive me, Tom, if  
15 I didn't get all of your question.

16 MR. BILLY: Yes. It's essentially how  
17 do you want to handle any editorial comments, or  
18 corrections that would improve the text at this  
19 stage, without rewriting the whole thing? I'm not  
20 talking about that, I'm talking about refinements  
21 in the text beyond what the reviewers have  
22 suggested, which we are asked to comment on.

23 DR. HOLLIDAY: I'll defer the final  
24 answer to Mary Hope, because it's the contractors

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1 job, or MAFAC, to make the changes necessary. But  
2 I would point out that you completed the document  
3 as you saw fit back in the late summer, and so I  
4 think there's a fine balancing line between  
5 rewriting documents and editorial corrections or  
6 improvements to it at this stage of the game,  
7 versus going through another round of the  
8 document.

9 I heard Tony say yesterday that our  
10 goal was to finish the document at this meeting.  
11 So to the extent - again, this is just from my  
12 perspective - to the extent Mary Hope and her  
13 staff can work with improving the editorial  
14 contents of it, I'm sure everyone's best interest  
15 is producing the best possible product as on the  
16 table. But, in balance, I wouldn't want to open  
17 the door to wordsmithing the document, because  
18 we've been doing quite a bit of that over the last  
19 18 months since we started the project, and I  
20 don't think we want to go too far in that  
21 direction. Mary Hope, did you have a thought on  
22 that?

23 MS. KATSOUROS: As long as they're  
24 minor, and they don't change substance or

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1 anything, that they are minor, we do have the  
2 references, Mark, to still add. We have like  
3 three pages of references that we've been putting  
4 together, that we need to add, and that would be  
5 the last part of this. But we are doing those  
6 references, so when we give you the ultimate,  
7 ultimate -- because the references were missing.

8 DR. HOLLIDAY: Right. So in hearing  
9 that, Tom, I guess the -- and anyone else who has  
10 those types of -- you asked what's the process,  
11 and so I think a direct markup of something that -  
12 - of an editorial nature that doesn't change the  
13 substance --

14 MS. KATSOUROS: The substance.

15 DR. HOLLIDAY: -- if you could get them  
16 passed to Mary Hope and Michelle over the course  
17 of today, because tomorrow is the final day of the  
18 meeting, and we hope to close this out. That  
19 would be the most effective way to serve your  
20 needs.

21 CHAIR DiLERNIA: Yes.

22 DR. HOLLIDAY: Does that make sense to  
23 everyone else?

24 CHAIR DiLERNIA: Makes sense. Heather?

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1 MS. McCARTY: I agree. I was also  
2 going to say that there's an opportunity tomorrow  
3 morning for the subcommittees to meet, or the  
4 committees on the different elements, including  
5 Vision 2020. That would be the time to go  
6 through, if we're going to make any minor changes  
7 like Mary Hope was talking about.

8 CHAIR DiLERNIA: Okay. Dr. Hogarth,  
9 and then Chris.

10 DR. HOGARTH: I read most of these  
11 comments, and I honestly think that it's --  
12 there's a lot of meat here, if you want to go  
13 back and rethink Vision 2020, it'll take a while.

14 Some of these comments get into the whole  
15 philosophy of why you said that, or why you're  
16 doing that, and a whole different way of thinking.

17 And I'm just wondering how you're going to sit  
18 here in three hours, do a lot of this. I mean,  
19 it's almost, in my opinion, a rewrite of this  
20 report, these comments, if you take them  
21 seriously. You're talking about a real rethinking  
22 of the report.

23 CHAIR DiLERNIA: Okay. There's hands  
24 going up all around. I have Mr. Dorsett. I have

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1 Ralph, I have Tom. Chris.

2 MR. DORSETT: Thank you, and my  
3 apologies, but I have a substantive comment, and I  
4 missed the June meeting, but provided this a  
5 couple of times in written form, and that's the  
6 statement of the Offshore Aquaculture bill should  
7 be passed by Congress, and implemented  
8 immediately. As Mike had mentioned, he's met with  
9 our group and others about the bill, and while  
10 we're close, I can't support that right now. We  
11 could support a bill for offshore aquaculture, but  
12 not this bill. And I've raised it a few times, my  
13 apologies, but it wasn't incorporated.

14 CHAIR DiLERNIA: Okay. Not ready to --  
15 I'd like to get some more comments before we  
16 decide on an action here. Ralph?

17 MR. RAYBURN: I was just going to say  
18 quickly, I think we can hammer this thing on, and  
19 on, and on, and wordsmith it to death. It seems  
20 to me like if we just stick with the process, and  
21 if Chris' comments were not entered in, maybe if  
22 there's a way we can restructure that, where it's  
23 not specific bill, but the framework bill, but my  
24 point really is, I would suggest that we go

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1 through these comments. If there's any that we  
2 feel we want to include in the document, that we  
3 do that. But we submit what we've done along with  
4 the comments to the National Marine Fisheries  
5 Service, and they can then review, and see whether  
6 or not there's other substantive comments here  
7 that they feel like are important to the document,  
8 or to their Vision statement, but not try to  
9 incorporate everything and rewrite based on these.

10 CHAIR DiLERNIA: Okay. Tom?

11 MR. BILLY: I share the same care today  
12 as to this version. And like all documents of  
13 this type, need continuous updating as more  
14 information becomes available, so I think an  
15 approach like Mary Hope suggested with minor  
16 editorial comments and so forth that I believe  
17 will just further improve the document produced by  
18 MAFAC is a good approach.

19 With regard to all these reviewers and  
20 the public comments, that's actually something  
21 that NOAA Fisheries did, not this Committee. We  
22 didn't oppose it, but that's -- and so my  
23 suggestion is that we can provide some input on  
24 how we feel about these reviewers' comments, and

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1 that would be useful. It might be more  
2 appropriate for NOAA Fisheries in finalizing the  
3 Vision 2020, publish a notice in the Federal  
4 Register, and as part of that process, it provides  
5 a summary and reaction to the reviewers' comments  
6 that were received, which is typical of a rule  
7 making process, or that kind of thing.

8 CHAIR DiLERNIA: Thank you. I  
9 understand, and I agree. Tom, I have Tom, Mark,  
10 and then I'd like to come back to Mr. Dorsett for  
11 a moment. Tom.

12 MR. RAFTICAN: On Chris' comments, he  
13 wasn't here in bringing them up. I look around  
14 the room, and I've been in Chris' shoes  
15 oftentimes. It's not something you want to get  
16 into voting to, or anything else, but I think  
17 maybe a one line kind of a minority statement --

18 CHAIR DiLERNIA: You're reading my  
19 mind.

20 MR. RAFTICAN: Put the recommendation,  
21 put Chris' comments in there, but as a minority  
22 opinion. I mean, it seems like the rest of the  
23 room was pretty much on it before, and we didn't  
24 have the opportunity to hash it out that fine, but

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1 maybe just simply acknowledging that there was  
2 another opinion.

3 CHAIR DiLERNIA: All right. Before I  
4 take any other comments, my next two speakers are  
5 Mark and Heather. Chris, I was wondering, would  
6 you feel comfortable crafting another sentence or  
7 a line for the Committee's consideration, maybe  
8 later on this morning, either for review or a  
9 qualifier for that statement, or something that --  
10 it sounds like in many cases the environmental  
11 community is getting very close to supporting an  
12 offshore aquaculture activity, and so you may want  
13 to suggest for the Committee's consideration  
14 something that, in a sense, supports environmental  
15 support for an offshore aquaculture activity, but  
16 is not as emphatic as the statement that you took  
17 objection to. And so while I understand your  
18 position, I would also ask if you could please  
19 offer a possible solution to help us out of that  
20 dilemma.

21 MR. DORSETT: Sure.

22 CHAIR DiLERNIA: Thank you, sir. And  
23 we'll come back to that a little bit later on this  
24 morning. Mark, Heather, did you want to speak to

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1 the point any more, or are we good? Heather?

2 MS. McCARTY: Mr. Chairman, thank you.

3 I think that there's probably, Chris, other  
4 segments of the public, and probably even other  
5 people on this Committee who share your reluctance  
6 to advocate for a particular piece of legislation.

7 I could be wrong, but I'm seeing nods over here,  
8 and so I think whatever we do, we shouldn't think  
9 that what we say in this Vision 2020 is advocating  
10 a particular piece of legislation in its entirety  
11 with all the words and stuff. I don't think  
12 that's what we need to say. How can anybody say  
13 that without having actually the document in front  
14 of them? I mean, that would be unreasonable.

15 MS. KATSOUROS: Plus, the document, the  
16 bill keeps on changing.

17 MS. McCARTY: Exactly. So we can't say  
18 we like this bill right now period, freeze it in  
19 time. That's not going to fly for anybody, I  
20 would think, particularly those of us who have  
21 constituencies who oppose the whole thing.

22 CHAIR DiLERNIA: I have Mark next, and  
23 then Larry.

24 DR. HOLLIDAY: Very quickly, it's just

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1 one of the dilemmas of meeting only twice a year  
2 is that between meetings we sort of lose some of  
3 the context of why we chose to go down a certain  
4 path, and so with respect to the public review  
5 process, I just wanted to kind of go back, almost  
6 all the way back to the terms of reference for the  
7 charge, which was we asked MAFAC to produce this  
8 report with broad public consultation, and so our  
9 anticipation was that the Committee would take  
10 their document and seek broad public input to help  
11 craft the Committee's vision for the future. So  
12 had the Agency wanted to go and do its own review  
13 of this document, and say we will take these  
14 comments, and we'll assign them some priority and  
15 weight, we would have done that, but remember, we  
16 posted this on our website so that the comments  
17 came back to MAFAC, to help fulfill that original  
18 charge in trying to get a broad perspective on  
19 your recommendations and your findings. And so  
20 while I'm not looking to shirk any work, and we  
21 look at all comments that come in, and acknowledge  
22 what value they have, I wanted to point out that  
23 the process of you seeking public input on this  
24 was really part of the original terms of reference

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1 that we asked MAFAC to undertake. And I think  
2 it's an important point to kind of reach closure  
3 on that, and see if you like these comments, you  
4 can reject or you can accept them, you can reject  
5 them, you can modify your document, but you've had  
6 a broader perspective of people contribute to your  
7 laying out the future for fisheries.

8 CHAIR DiLERNIA: Okay. One second,  
9 Eric, please. Let me just point out that we are  
10 on General Comment 1 of 37, and we've spent half  
11 an hour on it. So, Committee, just please keep  
12 that in mind. Eric, I'm going to go to you, and  
13 then we're going to -- I'm going to ask for going  
14 to the next reviewer's comments. Go ahead.

15 MR. SCHWAAB: Just to that issue on the  
16 aquaculture bill, given the uncertainty of what  
17 the bill is at this point, it would seem to me a  
18 simple fix would just be to change "the" to "a",  
19 and everybody is happy.

20 CHAIR DiLERNIA: I love that. And when  
21 we get to that, someone will suggest that change.  
22 Thank you. You suggest it. Yes. To my left.

23 MR. SIMPSON: Sorry.

24 CHAIR DiLERNIA: I'm going to sit

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1 there.

2 MR. SIMPSON: I won't take a whole lot  
3 of time, but Heather keyed in on it, and Chris  
4 brought up a substantive comment. And I think we  
5 ought to dwell on those, and I think we ought to  
6 give our editorials to Mary Hope, and she's the  
7 master that either accepts, or rejects, or  
8 whatever, and then ultimately does it. But on the  
9 issue of aquaculture, Heather was right, that the  
10 -- and Eric is right, "the" and "a" make a big  
11 difference. And I remember reading it, that's why  
12 I thumbed back on page 18, this is what I think  
13 personally. Some guy said it, but this is what I  
14 think, and maybe it didn't get translated exactly,  
15 but "Congress must establish through legislation  
16 an overarching policy, and a set of mandatory  
17 rigorous national standards for aquaculture  
18 similar", not the same, "similar to those found in  
19 Magnuson and Wild Stock Fisheries in order to  
20 provide the necessary framework to guide any rule  
21 making and subsequent facility for mini process."

22 Well, that's the concept that I have in my mind,  
23 that we should be advancing here. And I think,  
24 Chris, that's probably acceptable for you, so I

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1 mean, "the", and "a", and I think Eric did it, but  
2 I don't know, just say "a", and I'm guided by  
3 this. Each segment I may not necessarily agree  
4 with, but I think that's what we need to be doing  
5 here, is providing a framework.

6 CHAIR DiLERNIA: Well, Larry, thank  
7 you, and I appreciate the comments, and they will  
8 be incorporated. But I would like to, as someone  
9 who has to run the meeting, to try to bring some  
10 type of order to the meeting as far as a process  
11 is concerned, because we can be -- the comments  
12 that we have are very valuable, and they're  
13 useful, but if I could try to focus them so that  
14 they be made at the time a particular -- when  
15 they'd be most appropriate, I think it could speed  
16 things up for all of us.

17 Randy, I'm going to just hold off on  
18 you for a second. I'm sorry. I saw your hand up.

19 I just -- is there -- and I'd like to go back to  
20 the worksheet. I would really like to go back to  
21 this worksheet. Are there any other comments on  
22 Reviewer 7 under General, before we go to  
23 Commercial Fisheries? Seeing none, take that out.

24 I'm about to jump to Commercial Fisheries, Randy.

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1 Is it -- go ahead.

2 MR. CATES: I would think to speed  
3 things up, the first question I think should be  
4 asked is should any of this be included, and take  
5 a vote on that.

6 CHAIR DiLERNIA: Any of the comments?

7 MR. CATES: Correct. Is there that  
8 jumps out, that anyone feels is strong enough to  
9 even put in the document?

10 CHAIR DiLERNIA: Okay.

11 MR. CATES: That might speed the whole  
12 process up.

13 CHAIR DiLERNIA: That would really  
14 speed things up fast. You can go home right now.

15 MS. KATSOUROS: Are we doing it by  
16 category?

17 CHAIR DiLERNIA: Okay. So let me -- I  
18 understand what -- and, obviously, I see hands  
19 that there are some people that want items  
20 included, so let's come back to -- Jim, then  
21 Heather.

22 MR. GILMORE: Take a deep breath, Mr.  
23 Chairman, stop --

24 (Laughter.)

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1 MR. GILMORE: And I notice that Dr.  
2 Hogarth has stepped out of the room, so I don't  
3 need to contradict him, him sitting right there.  
4 Reading through these comments, at least until I  
5 got up to the aquaculture part, there were people  
6 who took issue with what we did, there were people  
7 who were not quite as aspirational in where we  
8 were going to be in 2020 as we were. The quality  
9 of these comments didn't overwhelm me. There  
10 might be some issues here or there that people  
11 want to pull out, but I'll just signal my  
12 intention is not to advocate for any of these to  
13 be included in the document, so at least that's  
14 one less person who will be talking for the next  
15 couple of hours.

16 CHAIR DiLERNIA: Heather.

17 MS. McCARTY: I pretty much agree,  
18 though I think we should take it section by  
19 section, and give people an opportunity to say  
20 something if they want to. I don't think we  
21 should just dismiss it whole. I think it behooves  
22 us to take it step by step and take a look at it.  
23 We don't have to say yes or no to every sentence,  
24 but we can certainly go through it, I think. This

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1 is our public input, and we need to do that.

2 CHAIR DiLERNIA: Thank you. Yes. We  
3 all have sat at a computer screen or at a  
4 typewriter to write about an issue that we felt  
5 was important, and sometimes I've wondered if the  
6 other person that I sent it to had read it or not,  
7 and I think we should give it a few minutes on  
8 some of these comments, so thank you.

9 Commercial Fishers Review, I'm just  
10 going to go down the list, unless -- and I'll read  
11 off, and if you have something you want to say to  
12 that point, raise your hand. Otherwise, we're  
13 just going to move along.

14 Reviewer Two, Reviewer Three. Mr.  
15 Fletcher.

16 MR. FLETCHER: He says a lot of things,  
17 whoever the Reviewer is, but I think one of them  
18 that I think struck a supportive chord to me was  
19 this idea of the writing the regional councils  
20 with the widest possible array of options for  
21 imposing any kinds of management systems. After  
22 being on the regional council for 15 years, I  
23 always advocated giving the councils the most  
24 flexibility they could possibly get, and the

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1 preferred state of this issue, the issued stated  
2 in number three, it talks about being in a good  
3 place, but maybe that one point needs to be added.

4 That was the only comment I had, was I really  
5 like that one comment. Maybe the council should  
6 be given more authority to be the ones, they have  
7 to deal with the problem because they're right  
8 there on the front line with the fishermen. They  
9 hear it all, and we really -- we talk about what  
10 they've done being here in the preferred state,  
11 but not having given them that array of options to  
12 get there.

13 CHAIR DiLERNIA: Do you have any  
14 suggested language that you'd like to put there?

15 MR. FLETCHER: No. Well, what we feel  
16 the regional councils now have at their disposal  
17 the widest possible array of management options to  
18 address fisheries management issues, simply. That  
19 was the point that I thought came out of this  
20 review that I like.

21 CHAIR DiLERNIA: Okay. So the sense is  
22 that -- the point that you wanted to make is that  
23 the councils have as many tools available to them,  
24 not have their tools limited. Any objection to

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1 that? Okay. So we will find a way to include  
2 that concept, that thought in the final document.

3 Anything to that point? Okay. Anyone else on  
4 Reviewer Three? Bill.

5 MR. DEWEY: On his first comment --

6 CHAIR DiLERNIA: His? Reviewer  
7 Three's?

8 MR. DEWEY: Reviewer Three's first  
9 comment, of course, the second half of that, it  
10 struck a chord with me, and I just throw it out to  
11 the rest of the Committee, but we believe that  
12 much of what is envisioned in the preferred state  
13 of the issue is achievable, but reaching long-term  
14 potential yield is unlikely to occur because of  
15 factors unrelated to management or technology,  
16 chief amongst these, environmental changes,  
17 pressure from the environmental community, or  
18 restrictions on commercial fishing, and loss of  
19 access to working waterfront necessary to  
20 successfully conduct commercial fishing,  
21 processing and distribution to urban areas. This  
22 is something that crossed my mind when I first  
23 reviewed the Vision 2020. It isn't really  
24 addressed there, is that, in particular, that loss

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1 of infrastructure and other challenges facing the  
2 fishery. And I just didn't know if it was  
3 something that we should address, others feel like  
4 that should be addressed in the document or not.

5 CHAIR DiLERNIA: Well, let me try this.

6 While I don't take a position one way or another  
7 on the statement. I understand the statement.  
8 What we're trying to do is refine positions or  
9 policies that we have established as our working  
10 framework early on for this process. It sounds to  
11 me almost like by accepting this, we would be re-  
12 introducing an additional and new concept to the  
13 document.

14 MR. DEWEY: I think it would be. That's  
15 right. I just put out to the rest of the  
16 Committee whether they feel it's important enough  
17 to consider doing that, or just to let it go. I  
18 mean, I'm fine either way, but it was one thing  
19 that stood out to me when I first reviewed the  
20 2020 document.

21 CHAIR DiLERNIA: So the problem --  
22 again, we get torn between trying to complete a  
23 document, and introducing or -- we run the risk of  
24 -- by completing the document, we run the risk of

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1 omission, and by trying to be as inclusive as  
2 possible, we run the risk of delaying the document  
3 again, and so the dilemma is risk of omission or  
4 delay.

5 The third question is, does a new, or  
6 additional, or a second document, 2025 so to  
7 speak, let's use -- does that evolve from the  
8 process that we're about to undertake here? I  
9 mean, if we see that there's a number of issues  
10 that we -- the public has alerted us to, perhaps a  
11 future document would address those issues. I  
12 offer that for the Committee's consideration.  
13 Eric.

14 MR. SCHWAAB: I just wonder if we ought  
15 not just take a step back and think about the  
16 purpose and the value of the document. It seems  
17 like, in some sense, we were asked to take kind of  
18 a snapshot assessment of the current state, future  
19 opportunities that might exist with respect to  
20 fisheries management. We, I think, did a pretty  
21 good job at that. That has now been used to sort  
22 of initiate this dialogue, and it might be that  
23 you could really use this document as the  
24 beginning of an ongoing dialogue, as opposed to us

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1 trying to create the perfect document, and task or  
2 challenge NOAA, or even do ourselves, set up some  
3 kind of a mechanism where this can be the start of  
4 a conversation, and this can inspire continued  
5 thought, and dialogue, and decision making about  
6 direction. Just simply say, you know, we took  
7 this snapshot, we laid this out as kind of our  
8 assessment, we laid these recommendations out, and  
9 they should be the basis of this kind of dialogue.

10 And somebody ought to manage that dialogue going  
11 forward, and this shouldn't be a static one time  
12 thing. Maybe we can in some way characterize it,  
13 and use it in that way.

14 MS. KATSOUROS: You could even post the  
15 excerpts of the comments received.

16 MR. SCHWAAB: Yes. I mean, I think  
17 that NOAA on its own, or on our behalf, could  
18 essentially create some kind of an ongoing web  
19 dialogue about this.

20 CHAIR DiLERNIA: Well, what I would do  
21 is list -- building on what you're saying, is --  
22 Mary Beth.

23 MS. NICKELL-TOOLEY: Yes. As someone  
24 who has written comments on things many, many

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1 times, the fact that we have 30 pages of people's  
2 comments, I think we really need to consider them.

3 Regardless of what we've done to date, if -- we  
4 need to really take them seriously in some  
5 fashion. And I don't disagree, that perhaps we  
6 don't need to make many changes, but I think that  
7 Bill's comment was particularly good, and we  
8 should be creating the process here of those  
9 particular items, how are we going to do this?  
10 Are we going to make a list today, and then  
11 tomorrow the Committee is going to amend the  
12 document, and then kind of come back to the  
13 Committee for our reconsideration, and we have a  
14 final document? It's just a little unclear to me  
15 how we're going to incorporate. I think you need  
16 -- people put time into making the comments. We  
17 need to consider them, and I think that we should  
18 consider amending the document based on any  
19 comments that people think are substantial. And  
20 then create a document at some point that through  
21 email people are going to say okay, this is our  
22 final document. So I'm a little unclear where  
23 we're at now.

24 CHAIR DiLERNIA: Mark, you want to try?

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1 DR. HOLLIDAY: Yes. I can sort of  
2 suggest how the process we thought might work for  
3 the next day and a half. This morning's  
4 discussion was to highlight these issues that were  
5 found in the comments that the Committee wanted to  
6 adopt or somehow incorporate, so let's use Bill's  
7 example as a case.

8 His point was that in Reviewer Three,  
9 the issue of the loss of infrastructure may be a  
10 tipping point that may not be recoverable, and may  
11 affect the achievement of these other future  
12 visions for the commercial fisheries. If the  
13 group felt that that message wasn't highlighted  
14 sufficiently in the current document, and you  
15 agree to incorporate that, then that comment would  
16 go to the staff, between now and tomorrow morning  
17 they'd try to find a home for that, and either the  
18 presentation of the issue, or what the background  
19 of the issue, some place to incorporate that kind  
20 of comment. That would be then discussed at the  
21 Vision 2020 Subcommittee as this is the strawman  
22 where they felt its home would be. The  
23 Subcommittee would address that, and then they'd  
24 have a product at the end of the Subcommittee

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1 effort to bring back to the plenary tomorrow  
2 afternoon and say we've incorporated these  
3 comments. These are where they are.

4 Now the volumes have to be -- I mean,  
5 my discussion with Mary Hope was that we didn't  
6 think that we were going to be -- have such a  
7 volume that this couldn't be done within the time  
8 frame based on the type of comments that we had  
9 seen in the draft that Mary Hope had put together,  
10 so we thought it was doable. But if there's 200  
11 of these things it's not going to be doable  
12 between tomorrow. But I was thinking a couple of  
13 dozen ideas that you felt needed to somehow be  
14 blended in here was something that the staff could  
15 work on today, the Subcommittee be vetted through  
16 them tomorrow morning, and then blessed by the  
17 Full Committee tomorrow afternoon. That was the  
18 proposed process that we envisioned.

19 MS. NICKELL-TOOLEY: I think that  
20 process sounds very reasonable, if we just create  
21 like probably a short bullet list to sort of get  
22 us there.

23 DR. HOLLIDAY: Well, that's why I'm  
24 taking notes based on these things, and reaching

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1 the conclusion of what to include, sort of yes or  
2 no, and I think that's the part we're struggling  
3 with right now, because we're still discussing  
4 things very generically, and it's sort of a vote  
5 up or down.

6 Bill made a good point, do people agree  
7 with it? Should we try to incorporate it, or Bill  
8 made a good point, but we don't agree with it as a  
9 group, and we're going to move on to the next  
10 comment.

11 MS. NICKELL-TOOLEY: I agree with  
12 Bill's point.

13 DR. HOLLIDAY: So we allocated the  
14 whole morning for this. I mean, we had three  
15 hours on the agenda, if we want to try to move  
16 through this, the 29, 31 commentators. That was the  
17 game plan.

18 CHAIR DiLERNIA: Heather, then Bill.

19 MS. McCARTY: I agree with Mary Beth.  
20 I think we have time, and I think we can do it. I  
21 don't think that Bill's comment was out of order  
22 at all. Though, I do suggest that if we take  
23 these kind of comments where they are word for  
24 word, where it says, for example, just using this

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1 as an example, "But reaching long-term potential  
2 yield is unlikely to occur", I don't know whether  
3 we want to make those kind of value judgments that  
4 are sort of based on these opinions, but discuss  
5 the issue itself, and say should we include this  
6 as an issue?

7 DR. HOLLIDAY: Or the concept, right.

8 MS. McCARTY: Yes.

9 DR. HOLLIDAY: But not verbatim. I  
10 don't think we were -- I wasn't suggesting we lift  
11 comments and incorporate them. Did the commentor  
12 or reviewer raise a point that you wanted to  
13 somehow blend into the findings and  
14 recommendations of the Committee?

15 MS. McCARTY: Right.

16 CHAIR DiLERNIA: Bill.

17 MR. DEWEY: And that's where I was  
18 going. I was not looking for verbatim, but the  
19 concept of a vision where our coastal communities  
20 have maintained the infrastructure, and the  
21 processing and distribution, et cetera, to support  
22 restored commercial fisheries, or whatever.  
23 That's where I was going, because that's missing  
24 from the document currently.

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1 CHAIR DiLERNIA: All right.

2 (Off record comments.)

3 CHAIR DiLERNIA: All right. So what  
4 we're going to be doing is --

5 MS. KATSOUROS: The commercial acts of  
6 --

7 CHAIR DiLERNIA: Hold on. Just one  
8 second, Mary Hope, please. What I'd like to do,  
9 the process that's just been described, whereas,  
10 we're going to go through these comments. If  
11 there's a comment that we want a sense of having  
12 it included, the Subcommittee will meet tomorrow  
13 morning. Mark will chair that meeting, and put  
14 together the additional comments that evolve from  
15 today, and bring it back for the Full Committee's  
16 consideration tomorrow afternoon. We're agreed?  
17 Okay. Mary Hope, did you have something?

18 MS. KATSOUROS: Right. So we're going  
19 to include the one about infrastructure from the -  
20 - so we're just going to go down and say yes, this  
21 reviewer, no, and just what we want to include.  
22 Right?

23 DR. HOLLIDAY: Right. We're good.

24 MS. KATSOUROS: Okay.

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1 CHAIR DiLERNIA: What number was that,  
2 Bill, so I don't start over again? Where we were?

3 MR. DEWEY: That was Reviewer Three.

4 CHAIR DiLERNIA: Oh, the commercial  
5 fisheries. Okay. Reviewer Four, anything? Yes,  
6 Ken.

7 DR. ROBERTS: I have a comment on  
8 Reviewer Three.

9 CHAIR DiLERNIA: Yes, sir.

10 DR. ROBERTS: Page 3 from Reviewer  
11 Three, I'm zeroing in on the comment, "New types  
12 of deal will be developed that are far more  
13 selective", et cetera. I think we heard yesterday  
14 from Alan that Fisheries was going to start a by-  
15 catch engineering research program, Bill? Mark,  
16 help me. What was the exact terminology?

17 DR. HOLLIDAY: By-catch reduction and -  
18 - BREP, Reduction Engineering Program.

19 DR. ROBERTS: I think being that the  
20 Committee just learned that yesterday, that's a  
21 very specific response that Fisheries has already  
22 made to the kinds of things that we say on page 17  
23 in our document, the second paragraph. I'm just  
24 suggesting that, Mark, if you and Tony can agree

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1 at some point, maybe you need to have specific  
2 reference to the fact that we are knowledgeable  
3 that something is already underway there with a  
4 specific title. You see our page 17, the second  
5 paragraph, "Technological innovation is critical  
6 in enabling U.S. fishermen to increase efficiency  
7 while" -- what I'm saying is we need to take the  
8 opportunity to point out that the Service is  
9 already proactive in that area, if we just learned  
10 it yesterday. Suggestion.

11 CHAIR DiLERNIA: Mary Hope, we are good  
12 with that for -- I see you're still writing, Mary  
13 Hope. I don't want to go beyond. Okay. Reviewer  
14 Four. Okay. Mr. Forster.

15 MR. FORSTER: These comments are in  
16 Comments Seven and Nine, which are the long ones  
17 that are appended. In fact, Seven and Nine kind  
18 of the same comments. They're from the same  
19 draft, substantially, but it's the idea that's  
20 expressed in the second paragraph there, or third  
21 paragraph, actually, where it talks about the fact  
22 that the commercial fishing families have the  
23 first rights options and access to develop the  
24 future of aquaculture here. And I just thought

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1 that was an interesting idea, and I can see all  
2 kinds of problems with it, maybe completely  
3 impractical, but we have in our other types of  
4 fisheries management, ITQ and private property  
5 rights as a way of controlling and better managing  
6 the fishery. If, indeed, we're concerned with  
7 preserving working waterfronts, and serving the  
8 fisheries infrastructure, is it inconceivable that  
9 we could come up with some scheme where the  
10 commercial fishing community had some entrenched  
11 rights at the start of an aquaculture development?

12 Now they may not choose to use those rights.  
13 They could have a use them or lose them provision,  
14 they could have a declining value over time, but  
15 in some way could they be given some initial  
16 value, which they could then use to actually  
17 invest, or to then participate in investment. I  
18 mean, it's a huge debate, I can see, but it just  
19 seemed to me it was an interesting idea, and a way  
20 which one might bring commercial fishing community  
21 and the aquaculture community together. It might  
22 be worthy of discussion.

23 DR. HOGARTH: Well, through the council  
24 process, you can do a subset of a certain percent.

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1 I think you'd have to look at -- because in  
2 aquaculture, I don't know that -- I don't imagine  
3 you'd be setting any limits to any real physical  
4 space which would be controlled, so it's  
5 interesting. I just don't know exactly how to word  
6 it. You could just say a system should be  
7 evaluated.

8 MR. FORSTER: I mean, I'm sure it's  
9 hugely complex. Just some way in which the  
10 fishing community would fit in ownership in this,  
11 seems to me would actually move this forward quite  
12 substantially.

13 CHAIR DiLERNIA: Mark.

14 DR. HOLLIDAY: Just to clarify, if I  
15 may. Your comment is something that -- MAFAC would  
16 recommend that this is something that be looked at  
17 and explored, rather than endorsing it. A concept  
18 that aquaculture privilege program or some  
19 equivalent of granting the privilege of first  
20 opportunity for these things be explored as an  
21 opportunity, as opposed to an endorsement.

22 CHAIR DiLERNIA: But consider it a  
23 small percentage or something.

24 DR. HOLLIDAY: Well, no, I'm just

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1 saying it's the concept that you're trying to  
2 incorporate here, rather than a specific  
3 endorsement of that as a policy statement.

4 CHAIR DiLERNIA: I have Randy, and I  
5 have Heather.

6 MR. CATES: I agree with the concept  
7 and the intent of this reviewer. Unfortunately,  
8 offshore aquaculture hasn't really been a good  
9 example of that, thus far. And I would somehow  
10 draft some language that encourages NOAA and  
11 National Marine Fisheries to make this a priority,  
12 because, in fact, it's been the opposite. And it  
13 is a real issue for me personally, and in Hawaii  
14 of who's going to do the work. And it should be  
15 for your coastal communities, and we should  
16 encourage that. The reality is not the case, and  
17 somehow if we can get the point across in NOAA and  
18 National Marine Fisheries that this social impact  
19 is a very important issue, and we're hearing about  
20 it loud and clear in Hawaii.

21 CHAIR DiLERNIA: I have Heather, and I  
22 have Tom.

23 MS. McCARTY: I agree with what these  
24 guys said.

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1 CHAIR DiLERNIA: Thank you. Tom.

2 MR. RAFTICAN: Yes. How do you get  
3 beyond where we're going right now, when the  
4 biggest problem with offshore aquaculture, or one  
5 of the major problems is essentially permitting?  
6 You know, you can put in pieces in place and say  
7 you've got the first right for commercial fishing,  
8 and I don't see -- that looks like something that  
9 holds it back. If you had -- other people are  
10 interested in working harbors, and that are also  
11 involved in the process, and I know this gets  
12 beyond the scope of work that we're looking at,  
13 but looks at something creating offsets for  
14 permitting by utilizing commercial fishing. And I  
15 have no idea how to put it out there, but the  
16 thing is how -- it looks like it might be a way of  
17 working towards a solution.

18 CHAIR DiLERNIA: Do we have -- one  
19 second. Do you have a sense of what we're going  
20 to do with this, where we want to go with this?  
21 Yes, if we want to add it as something that should  
22 be looked at further on?

23 DR. HOLLIDAY: Well, it's something, I  
24 think you have to go back to the general group.

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1 The proposal would be to try to blend this concept  
2 into one of the findings in the aquaculture  
3 section, and so is the Committee itself endorsing  
4 that attempt to do that, or not? I mean, that's  
5 the direction that we would need the staff to  
6 undertake. Whether the recommendation to explore  
7 the statutory or constitutional ability to reserve  
8 the right, or the granting of aquaculture  
9 privileges to commercial fishing interests is a  
10 viable future opportunity for the various reasons.

11 CHAIR DiLERNIA: An exploration?

12 DR. HOLLIDAY: An exploration, right.  
13 Not an endorsement of the concept. That's one of  
14 those clarifying statements, to try to --

15 CHAIR DiLERNIA: Something that should  
16 be explored rather than endorsed, supported.

17 DR. HOLLIDAY: Is that consistent with  
18 your original comment, sir?

19 CHAIR DiLERNIA: Mary Beth. No. Okay.  
20 Okay. So we're good with that. Randy.

21 MR. CATES: Point of discussion. The  
22 biggest barrier for commercial fishermen to jump  
23 into aquaculture is financing. I have personal  
24 experience with that. That's exactly what I did.

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1 If we're going to try and encourage that, somehow  
2 we've got to create an atmosphere that commercial  
3 fishermen can do that. Right now, a big  
4 corporation is the only one that can afford to do  
5 this. Somehow we've got to create an atmosphere  
6 that family, a fishing family, it's not knowledge,  
7 it's not the lack of experience, and it's not the  
8 lack of will, it's the lack of financing.

9 CHAIR DiLERNIA: And you may want to  
10 list that tomorrow during the Subcommittee  
11 meeting, and have that listed as a future  
12 discussion point, or something the Committee  
13 recognizes should be explored in the future.

14 All right. Reviewer Five, Six.

15 DR. HOGARTH: For those of you who are  
16 often in DC, the Executive Office Building  
17 evidently is likely to burn down.

18 CHAIR DiLERNIA: Say again?

19 DR. HOGARTH: The old Executive Office  
20 Building is on fire. I'm seeing fire trucks. I  
21 guess the White House was evacuated.

22 CHAIR DiLERNIA: It's right across the  
23 street. Any idea what the cause is?

24 DR. HOGARTH: The fire trucks are

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1 pouring water all over the old Executive Office  
2 Building. People were moved.

3 CHAIR DiLERNIA: That was a pretty  
4 building, too, it's a very pretty building.

5 MS. NICKELL-TOOLEY: It is a really  
6 nice building.

7 DR. HOGARTH: Didn't mean to interrupt,  
8 because you were moving fast.

9 CHAIR DiLERNIA: Yes, we were going  
10 fast. I got --

11 (Laughter.)

12 CHAIR DiLERNIA: Reviewer Seven. Oh, I  
13 love it. We're going good now, we're smoking.  
14 We're downhill on skis and it's greased. Seven.  
15 No. We have Eight.

16 MS. KATSOUROS: No, everybody didn't  
17 comment on all the --

18 CHAIR DiLERNIA: Nine. Good.  
19 Thirteen. Twenty-five. Okay. Recreational  
20 fisheries. Just one second. Yes?

21 MS. McCARTY: Reviewer Nine.

22 CHAIR DiLERNIA: Nine.

23 MS. McCARTY: On page 5, you went  
24 through that pretty quick. That's United

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1 Fishermen of Alaska, and we have that branch.  
2 That's a big group, and one that took a lot of  
3 time in putting together their comments, and so  
4 I'd like to go back to that. I think that's one  
5 of the ones that's in the appendix.

6 CHAIR DiLERNIA: Sure.

7 MS. McCARTY: So I just wanted to put a  
8 marker there.

9 CHAIR DiLERNIA: You want to discuss it  
10 now, or you want to come back to it?

11 MS. McCARTY: No, I have a feeling  
12 we're going to talk about aquaculture at the end.

13 CHAIR DiLERNIA: Okay. We'll get back  
14 to it then. All right. Recreational fisheries,  
15 Reviewer One. Mr. Fletcher.

16 MR. FLETCHER: He makes some valid  
17 points, but I don't know that they're appropriate.  
18 We're talking about a desirable state in 2020.  
19 It's like this reviewer's commenting on some areas  
20 that are shortfalls today. Just a comment.

21 CHAIR DiLERNIA: Is there anything that  
22 we could take out of Reviewer One's comments that  
23 should be incorporated? I actually made under  
24 Reviewer One, the very last bullet that he makes,

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1 I put a notation there. Again, I'm not going to  
2 introduce it. You may want to look at it. Is  
3 there anything from his specific comments that you  
4 would like to see included, either blended into  
5 the document, or as a future discussion point, as  
6 a bullet later on?

7 MR. FLETCHER: Well, there still is a  
8 real lack of good quality stock assessment to  
9 support the management of recreational fisheries.

10 It's true for commercial, but I think what we're  
11 getting at the problem with data, we're still -- I  
12 think we all know that we don't get the kind of  
13 money. I mean, look what the Ocean Policy  
14 Commission said, we've got to spend a huge amount  
15 more money to have good sense of where we are, so  
16 we can have intelligent management. Maybe  
17 something from that needs to be put into the  
18 document that we've gotten there at 2020. They  
19 have better stock assessment information.

20 CHAIR DiLERNIA: I don't see proposed  
21 language here. I don't disagree with your  
22 comments, Bob. I'm not sure how -- maybe you want  
23 to offer some language later on today, or tomorrow  
24 in the Subcommittee for inclusion. Okay. Anyone

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1 else on Reviewer One on Recreational Fisheries?  
2 Reviewer Two. Randy.

3 MR. CATES: I like the point about  
4 banning a recreational caught fish. I think  
5 that's a real big issue in our area. If you're  
6 commercial, you're commercial. If you're  
7 recreational, you're recreational, and you've got  
8 to play by the same rules.

9 CHAIR DiLERNIA: I don't disagree with  
10 you at all.

11 MR. FLETCHER: I agree.

12 CHAIR DiLERNIA: Yes. We can leave  
13 that in somehow? I mean, any objection to that?

14 DR. HOLLIDAY: So your vision for 2020  
15 is that there would be a policy, a federal policy  
16 prohibiting the sale of recreationally caught  
17 fish.

18 CHAIR DiLERNIA: Sounds like what  
19 that's evolving from, yes, which is a new -- yes,  
20 I see Mary Beth there. I'm going to get to her.  
21 Which is a new concept that has not been discussed  
22 in the paper, which maybe becomes a bullet point  
23 or a future point for future discussion, rather in  
24 the sense we being into the paper, because what

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1 we're trying to do is edit what we have. We don't  
2 want to introduce today totally new concepts and  
3 write whole sections on them. I don't disagree  
4 with you, Randy, at all. Mary Beth.

5 MS. NICKELL-TOOLEY: Well, that's kind  
6 of status quo. If you sell a fish, that's  
7 commercial. If you --

8 CHAIR DiLERNIA: You can sell bait with  
9 the fish down in Florida, can't you?

10 MS. NICKELL-TOOLEY: A recreationally  
11 caught fish, my understanding is that you cannot  
12 sell it.

13 MR. O'SHEA: North Carolina you can.

14 MS. LOWMAN: Oh, you can?

15 MS. NICKELL-TOOLEY: You can in Hawaii.

16 MR. O'SHEA: The rest you can sell.

17 MS. LOWMAN: You can in Hawaii.

18 MS. NICKELL-TOOLEY: Well, you  
19 certainly can't --

20 MR. O'SHEA: The whole United States,  
21 Mary Beth.

22 MS. NICKELL-TOOLEY: Oh, my God. It's  
23 a learning experience for me.

24 (Simultaneous speech.)

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1 CHAIR DiLERNIA: We sell red snapper  
2 off the back of the boats in Brooklyn every day,  
3 and I just can't figure out how they caught them.

4 MS. NICKELL-TOOLEY: I didn't think it  
5 was legal.

6 CHAIR DiLERNIA: No, it's legal in  
7 certain places.

8 MS. NICKELL-TOOLEY: You can legally go  
9 and catch fish, recreationally.

10 DR. HOLLIDAY: Some sections, yes.

11 CHAIR DiLERNIA: Yes.

12 MR. SIMPSON: It's part of you bought a  
13 license, how you catch them doesn't make a  
14 difference.

15 MS. NICKELL-TOOLEY: We're just stuck  
16 in the Northeast over there in different concepts  
17 of --

18 CHAIR DiLERNIA: Tom.

19 MR. BILLY: I think we should put ideas  
20 like this in a parking lot for future  
21 consideration by the Committee. We don't even  
22 have the facts, but we're learning them on the  
23 fly.

24 CHAIR DiLERNIA: It should be

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1 something, your parking lot, or someplace where  
2 for future discussion, items that have been  
3 identified by the reviewers that should be  
4 examined. Reviewer Seven, Recreational Fisheries.  
5 Chris.

6 MR. DORSETT: This is a point raised by  
7 Two, Seven, and Nine, I thought was a good one,  
8 and all I think we have to do is take on page 7 of  
9 the 2020 document, number one under Commercial  
10 Fisheries, "Achieve and maintain ample levels of  
11 stock", and put that into the recreational  
12 category, as well. I think that makes sense  
13 there.

14 CHAIR DiLERNIA: Chris, you were  
15 looking away from me when you were --

16 MR. DORSETT: Sorry.

17 CHAIR DiLERNIA: Which is fine, but  
18 again, my background noise, could you say that  
19 again, please?

20 MR. DORSETT: Reviewers Two, Seven, and  
21 Nine brought up a fact of achieving and  
22 maintaining sustainable stocks, which is the first  
23 item under our commercial recommendations, and I  
24 think it makes sense to have it in the

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1 recreational section, as well.

2 CHAIR DiLERNIA: Sure. Yes. Thank  
3 you. Dorothy, is that why your hand was up?

4 MS. LOWMAN: That's why my hand was up.

5 CHAIR DiLERNIA: Thank you. Wonderful.  
6 Okay. Reviewer Eight. Vince.

7 MR. O'SHEA: Thanks. Vince O'Shea.  
8 Thanks, Mr. Chairman. On the first paragraph, the  
9 last three sentences that start, it starts with,  
10 "Anglers are conservationists first and foremost",  
11 and then it goes on. But I really like these  
12 three sentences in here, and I think they say --  
13 particularly, they speak to the end-state where  
14 it talks about contributing to the overall  
15 atmosphere surrounding fisheries management. And  
16 the last sentence, that "sustainable management of  
17 rec fisheries will only be successful with the  
18 full support and investment of salt water  
19 anglers." I think that's a critical concept that  
20 needs to be built into our end statement here.  
21 And there's a lot of organizations that are  
22 working very hard for this conservation ethic, and  
23 I think that statement would give them credit for  
24 the good work that they're doing there. So I'd

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1 throw that out to the group. If you buy into the  
2 value of that statement, I would be willing to  
3 look a little bit closer at the document and find  
4 a place to park that, but I find it hard to argue  
5 with anything in those three sentences. I think  
6 they're quite visionary, as a matter of fact.

7 CHAIR DiLERNIA: No -- Tom?

8 MR. RAFTICAN: Just on Vince's point.  
9 And I think in the second to last paragraph there,  
10 "NOAA Fisheries is planning for future management  
11 decisions, plan implementing a variety of programs  
12 to enhance the conservation ethic of recreational  
13 anglers, not just proper release techniques", fits  
14 right in with that.

15 CHAIR DiLERNIA: Great. Okay. So  
16 we'll find a way to either weave those two  
17 statements into the document, or make them bullet  
18 recommendations at the end of the document.  
19 Vince.

20 MR. O'SHEA: I see Dr. Holliday taking  
21 notes there, but good MR. BILLY here suggested  
22 those things may fit in the conclusion sections,  
23 Mark, just insert it into the conclusions.

24 CHAIR DiLERNIA: Okay. Reviewer Nine.

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1 Eleven. Seventeen.

2 MR. SIMPSON: I wonder if we bid on  
3 Eleven, I wonder if we --

4 (Laughter.)

5 MR. SIMPSON: Gulf Coast State to get  
6 them.

7 (Laughter.)

8 CHAIR DiLERNIA: Reviewer Eighteen.  
9 Nineteen. Reviewer Twenty.

10 DR. HOGARTH: It looks like --

11 MS. KATSOUROS: They are, I think.

12 (Off the record comments.)

13 CHAIR DiLERNIA: Reviewer Twenty-two.  
14 Twenty-three. Twenty-four. Twenty-five. Yes,  
15 sir. Tom.

16 MR. RAFTICAN: There is an amazing  
17 consistency among a lot of this, and maybe  
18 something in the conclusion should say other  
19 things -- note that many were interested in this,  
20 but here you're looking at very specific  
21 management measures, as opposed to a long-term  
22 vision. I don't know if there's some way of  
23 acknowledging -- I mean, there's a lot of  
24 correspondence on red snapper. It's not my issue,

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1 but the thing is, it's probably garnered more  
2 press than anything else there. I'd hate to be  
3 the people out there thinking well, they ignored  
4 us again.

5 CHAIR DiLERNIA: Thank Reverend Zales  
6 for that.

7 DR. HOGARTH: But it doesn't hurt to  
8 say I think the --

9 CHAIR DiLERNIA: Yes.

10 DR. HOGARTH: While many comments were  
11 received on red snapper, just as a --

12 (Simultaneous speech.)

13 CHAIR DiLERNIA: Go ahead, Mark.

14 DR. HOLLIDAY: I mean, for all of the  
15 people who commented, one option is to acknowledge  
16 their comments, and say this is what -- when you  
17 send back the document to those entities that  
18 commented, you could acknowledge how you dealt  
19 with their comments, and say we're recommending  
20 that they go to the council, venue instead, or  
21 whatever, to acknowledge the time and energy they  
22 spent in providing you some input. I mean, rather  
23 than try to fit it into the document itself and  
24 acknowledge specifically these people did these

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1 comments, but we rejected them. That could get  
2 somewhat tedious.

3 CHAIR DiLERNIA: Yes, I agree with Mark  
4 there. I mean, we --

5 MS. KATSOUROS: I think we actually  
6 reviewed all the comments. Some of them were  
7 beyond the scope. I mean, we could include in the  
8 statement, MAFAC at their December meeting going  
9 through, however, some of them were beyond the  
10 scope of the present document. I think that's  
11 very fair to say.

12 CHAIR DiLERNIA: Comments while  
13 valuable were not appropriate to the particular  
14 issue.

15 MS. KATSOUROS: Or just beyond the  
16 scope.

17 CHAIR DiLERNIA: Beyond the scope.

18 MS. KATSOUROS: You know, species by  
19 species.

20 CHAIR DiLERNIA: Okay, Ralph. I see  
21 Ralph's hand.

22 MR. RAYBURN: Is the intent to put all  
23 these comments in the document as an appendix,  
24 recognizing that they were received, or just

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1 discount any ones that are not incorporated into  
2 the publication?

3 CHAIR DiLERNIA: I don't think we're  
4 doing --

5 DR. HOLLIDAY: It's your report, but I  
6 would advise not to try to incorporate that as an  
7 appendix. Take a short break?

8 CHAIR DiLERNIA: Yes, why don't we take  
9 a break. Good idea. Before we -- is there  
10 anything else on recreational before we go to  
11 aquaculture, because once we go -- we're going to  
12 take a short break before aquaculture. All right.  
13 Let's take a 10-minute break.

14 (Whereupon, the proceedings went off  
15 the record at 10:37:44 a.m., and went back on the  
16 record at 11:03:27 a.m.)

17 CHAIR DiLERNIA: Let's reconvene.  
18 Folks, we have two sections left, Aquaculture in  
19 the U.S., and management tools for the future.  
20 And I sense that there might have been some --  
21 there's some folks who have some discussion items  
22 particularly around the aquaculture section. So  
23 getting right to it, Mary Hope.

24 MS. KATSOUROS: There may be a little

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1 confusion in the numbering because the draft  
2 that's on our website is not the same draft that's  
3 in the notebook. It was just reordered where  
4 aquaculture became before management, and I just  
5 wanted people to know that. It's no big deal.

6 CHAIR DiLERNIA: It's a numbering --  
7 there's nothing of substance there.

8 MS. KATSOUROS: Yes.

9 CHAIR DiLERNIA: It's just web pages  
10 with numbers. Okay. Aquaculture U.S., Reviewer  
11 Two, those comments from Reviewer Two. Does  
12 anyone want to include, subtract, anything? Very  
13 good. Reviewer Four. Yes, Steve.

14 MR. JONER: Going back to Reviewer's  
15 comments on the other section.

16 CHAIR DiLERNIA: Reviewer Two?

17 MR. JONER: Reviewer Two's, which was  
18 Reviewer Four, I think, on page 3. Back on page 3  
19 in commercial, it says -- or in the General  
20 Section, Reviewer Four will be included in  
21 commercial and aquaculture, so I guess that's what  
22 that means. Duplicate it.

23 MS. KATSOUROS: Yes.

24 MR. JONER: The other is that there's a

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1 bit of schizophrenia within the commercial fishing  
2 industry on aquaculture. And my experience in  
3 trying to promote aquaculture by the fishing  
4 industry as a means of maintaining their market  
5 share, which is so important, and maintaining  
6 their livelihoods is that their first thought is,  
7 well, more fish means lower price. And quota  
8 shareholders look on it as well, you have to  
9 guarantee that my quota share will maintain it's  
10 quarter of a million dollar value, or whatever.  
11 And then you hear comments from maybe not this  
12 one, but the other reviewer, but if we do that,  
13 the commercial fishing families have to be first  
14 in line. So there needs to be something, and it's  
15 probably, I don't know, on the document, page 22,  
16 I guess, "Proposed Action."

17 I think Randy talked about funding, and  
18 there is something right in the middle of the  
19 page, page 22 under Proposed Actions, "Develop  
20 economic policies, making the resources of the  
21 fisheries finance program, capital construction  
22 available to aquaculture businesses", that should  
23 either be expanded or another one added to have a  
24 pilot program, regional pilot programs promote

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1 diversification within the fishing industry. I  
2 just thinking off the top of my head, so this --

3 CHAIR DiLERNIA: I'm listening. Go  
4 ahead, go, go.

5 MR. JONER: That promotes diversity by  
6 encouraging investment of existing commercial  
7 fishing operations into aquaculture. And then  
8 this recognizes the role that they have, and it --  
9 somehow you have to break the ice here with these  
10 communities, and show them that it's really in  
11 their best interest, and that it's not going to be  
12 a threat to their commercial harvest. It's going  
13 to be a supplement to it.

14 They have the infrastructure in place  
15 to do it, and that's the message I've tried to  
16 deliver, is a commercial fishing vessel has  
17 everything you need. You have people that know  
18 the waters, you have a vessel capable of going out  
19 there in almost all weather conditions, you have  
20 markets, you have everything you need, you just  
21 don't have enough fish. And how do you get more  
22 fish, you grow them. So I think that's really  
23 important to have this promoted, and encouraged,  
24 and assisted through National Marine Fisheries

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1 Service. And I don't know if that's exactly the  
2 appropriate place, but that's my guess.

3 CHAIR DiLERNIA: Well, what you're  
4 saying, basically, suggesting simply adding  
5 another bullet to page 22 for the Proposed  
6 Actions. Okay. I see two hands, I see Bill Dewey  
7 and Heather. Bill, and then Heather.

8 MR. DEWEY: To this point, Mr. Chair,  
9 that the bullet, the third bullet that exists  
10 there, I was thinking of just -- when Randy spoke  
11 to the same issue earlier, that that could  
12 potentially just be amended by inserting Marine  
13 after "prosperous", and deleting in the U.S. EEZ  
14 to make it more general, and applicable to near-  
15 shore waters, as well, if that was appropriate.

16 CHAIR DiLERNIA: I'm going to ask you  
17 to repeat that in a second, see if the staff can  
18 pick up on it. Okay? Could you repeat that  
19 again, Bill. Then, Heather, we'll come to you.

20 MR. DEWEY: So in the second line after  
21 "prosperous", insert "Marine", so "prosperous  
22 Marine aquaculture", and the delete "in the U.S.  
23 EEZ."

24 MS. KATSOUROS: That's good.

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1 CHAIR DiLERNIA: Heather was next in  
2 line. Larry, I'll get to you in a second.  
3 Heather?

4 MS. McCARTY: Yes, I like that, what  
5 Bill just said, but what I was going to point out  
6 pertaining to what Steve said, is that Reviewer  
7 Seven and Reviewer Nine, which people have pointed  
8 out is pretty much the same language, which makes  
9 sense because I think the same company wrote it,  
10 but they also talk about regional pilot programs  
11 for aquaculture. And I think that that goes along  
12 with their's, as well, that part of those reviewer  
13 statements, so I concur with Steve in having that  
14 language somewhere.

15 CHAIR DiLERNIA: I'm going to look to  
16 staff again now. Are we -- until Mary Hope looks  
17 up.

18 MS. KATSOUROS: Okay.

19 CHAIR DiLERNIA: We're good with that?  
20 Yes? You're better than me. I'm not sure I  
21 would have been able to get all that quick.  
22 Larry?

23 MR. SIMPSON: Just a comment, Mr.  
24 Chairman. I agree with Bill that support

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1 environmentally sound and prosperous aquaculture  
2 in the U.S., but this is a federal policy. And,  
3 of course, if you delete it, it still talks about  
4 EEZ in other places, it's fine, but I have  
5 ultimate confidence in the states to do their  
6 near-shore things.

7 CHAIR DiLERNIA: Well, speak up for  
8 both me and for Chad here, please.

9 MR. SIMPSON: I have ultimate  
10 confidence in the states doing their thing in  
11 their area of responsibility. I mean, it's not a  
12 big issue.

13 CHAIR DiLERNIA: Okay. Randy?

14 MR. CATES: I have a question. What we  
15 want is fishermen to have the chance to get into  
16 aquaculture, if they wish, and the barrier is  
17 funding, financing. Is there a way -- and the  
18 question is, is there a way to give credit when  
19 you go to apply for a loan for having that  
20 experience, being a commercial fishermen, such as  
21 you come out of the military and you can get a VA  
22 loan, or something, because it's good business to  
23 have these people with the experience working on  
24 the ocean. That's environmentally what we want,

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1 but the barrier is, unless you have all the money  
2 in the world, getting that loan to do an  
3 aquaculture venture is going to be very tough.  
4 And I don't know if it's feasible to do that.  
5 Under National Marine Fisheries Finance program,  
6 you have to be fully capitalized or you don't get  
7 the loan, and I don't know that commercial  
8 fishermen are going to be able to do that jump.  
9 That's my fear, so can we create a situation that  
10 will allow that?

11 MR. JONER: Mr. Chairman, couldn't this  
12 be done on the pilot programs where you bring in  
13 commercial companies, the folks from Bainbridge  
14 Island, the sea cage - what's the name of that  
15 company? NETSIS, yes. Bring somebody like that  
16 in as part of the pilot project for providing --  
17 that's going to be the biggest investment, isn't  
18 it?

19 MR. CATES: Pilot projects are great,  
20 but once you get through the pilot project, as I  
21 did, and now you want to create a business, and I  
22 was a commercial fisherman. I went through the  
23 pilot project, the lightbulb turned on and now I  
24 want to do it, getting the financing to do it is

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1 the biggest barrier. And what we've seen is,  
2 ultimately, you have to team up with corporations,  
3 and that's a tough thing. And I'm just wondering  
4 if we somehow incorporate and create an atmosphere  
5 that makes that leap easier.

6 CHAIR DiLERNIA: I have no comment. I  
7 hear what you're saying, Randy. I don't know  
8 where the Committee wants to go with this. Bill?

9 MR. DEWEY: To that point, one of the  
10 more successful programs I'm aware of in the  
11 United States from shellfish aquaculture has been  
12 the CRP project in Florida with the job retraining  
13 taking fishermen that were affected by the net  
14 ban, and training them through the federal --  
15 there's federal dollars for the job retraining  
16 program, making those fishermen clam farmers, and  
17 it was very successful.

18 CHAIR DiLERNIA: Mr. Forster.

19 MR. FORSTER: To that point, and  
20 there's a classic example, but the shellfish  
21 industry where you can take a few acres of beach,  
22 and plant some shellfish from existing sanctuaries  
23 is a totally different concept than the sort of  
24 thing this guy does. And we need to face reality.

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1 If we're going to go offshore fish farming, we're  
2 talking million dollar plus investments. I mean,  
3 that's just the way it's going to be. And I  
4 totally agree with Randy, if we can find some way  
5 to involve the existing constituency in that  
6 enterprise, we should try to do so, but let's not  
7 pretend that it's feasible for individual  
8 fishermen without much -- limited financial  
9 resources to get into this business, because it's  
10 going to be a real struggle, especially if we're  
11 talking EEZ situation.

12 CHAIR DiLERNIA: Okay. I don't know  
13 what to tell you, Randy. I don't know where we  
14 can go. You want to keep the thought and work on  
15 it, and bring it back to the Committee tomorrow?

16 MR. CATES: Maybe language just somehow  
17 encouraging NOAA and National Marine Fisheries to  
18 investigate and come up with a program.

19 CHAIR DiLERNIA: Fine. It's -- I don't  
20 think you'll find a single person around the table  
21 that disagrees with you, so it's a wonderful  
22 concept. How you want to build it into the  
23 document - and, again, I'm being presumptuous, but  
24 I don't see any hands objecting. John. Mr.

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1 Connelly.

2 MR. CONNELLY: Okay. Randy, on page  
3 22, are there words around VA there about just  
4 responding to the program CCF that could be  
5 expanded to get at that, that maybe you could  
6 propose this afternoon or tomorrow?

7 CHAIR DiLERNIA: Mr. Forster.

8 MR. FORSTER: I don't have the words to  
9 put in the document, but somehow, I think it was  
10 suggested just to embrace the idea of pilot  
11 projects as part of this, which somehow implies  
12 maybe some level of persistence at some point in  
13 time. That could be a way. And the other way, it  
14 seems to me, would be to regionalize it. And  
15 rather than trying to have a whole national policy  
16 of the industry complicated, take a region and say  
17 let's start here, and see whether it can be made  
18 to work here, and branch, go out from there.

19 CHAIR DiLERNIA: All right. Well,  
20 there seems to be agreement around the table. I'm  
21 hoping that between staff looking at it and the  
22 Subcommittee tomorrow, somehow some of that  
23 language could be incorporated into the document.  
24 It will be a shame for it to be lost because of

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1 the agreement that we have here. Mr. Roberts.

2 DR. ROBERTS: I agree with what was  
3 just said. Randy, the thing that aquaculture has,  
4 and I think a couple of the reviewers, and even we  
5 referenced, should be a parallel treatment of  
6 financial and technical resources that are  
7 available in agriculture to aquaculture. We say  
8 that basically in the document.

9 The National Marine Fisheries Service  
10 financial assistance program, whatever they are,  
11 capital construction fund or whatever that's left  
12 now, in no way parallel what the farm credit  
13 system is in agriculture. They have three banks  
14 in agriculture. You've probably been through  
15 this. The Land Bank, which lends money for land,  
16 the Production Credit Association, which lends  
17 production money, variable inputs up to seven  
18 years, and then the Farm Cooperative Bank, which  
19 grants loans to groups of farmers that want to get  
20 into processing; Sunkist Citrus products and some  
21 other ones around that are very famous. And so  
22 that's the approach agriculture has had. They've  
23 had those resources for years, and if the parallel  
24 is not there in the fishery service, particularly

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1 the Bank of Co-ops, which would allow a group of  
2 like-minded fishermen to get together. They don't  
3 all have to be working day-to-day in an offshore  
4 aquaculture operation, but if they actually banded  
5 together and had a loan through Bank of Co-ops,  
6 they could operation as a cooperation. But we're  
7 far away from that in what resources we have in  
8 the Fisheries Service financial program, so the  
9 parallel would probably, if it was implemented in  
10 the Fisheries like it is in agriculture, would  
11 probably give you what you want. It won't put  
12 all, like John is saying, it won't put all the  
13 people in the million dollar offshore businesses,  
14 but it sure wouldn't hurt, either.

15 CHAIR DiLERNIA: Okay. Hopefully,  
16 we'll be able to come up with some language later  
17 today or tomorrow to include that sentiment in the  
18 document. So anything else on aquaculture,  
19 Reviewer Seven, or Reviewer Nine? Let's take them  
20 together. Heather?

21 MS. McCARTY: Yes. Reviewer Seven and  
22 Reviewer Nine, as I said, I think are pretty much  
23 the same. If you look on page 19 of the reviewer  
24 document, under "Programmatic EIS", I'm not

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1 suggesting that we take this language whole, but I  
2 would like to capture some of these concerns from  
3 the public. One of them, as I've already stated,  
4 came from the United Fishermen of Alaska, which  
5 was a huge group, which represents I think like 80  
6 percent of the fish that's taken out of the North  
7 Pacific around Alaska. It's a big group. Jim  
8 Gilmore's group belongs to UFA, for example, and  
9 contributes to their meetings, so I'd like to  
10 capture their concerns, and maybe insert some of  
11 that language into the aquaculture section, just  
12 to reassure them and others that this group is  
13 listening, and that those concerns are valid. So  
14 perhaps just that last paragraph, I'm just  
15 thinking out loud here, just to get the concept on  
16 the table, just inserting that last paragraph  
17 without the first sentence, but just saying  
18 something like, "In the process of developing  
19 aquaculture, these issues and concerns will be  
20 considered", or something like that, and then just  
21 list those.

22 I'm particularly interested in listing  
23 the last part of that, "Impact some small business  
24 in coastal communities", because that's not really

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1 captured too well in the document that we have.  
2 So I've said this before, and I'll probably say it  
3 again, but I think that needs to be captured  
4 somehow. I hope we can support that.

5 CHAIR DiLERNIA: Mr. Forster.

6 MR. FORSTER: Can I just speak to that  
7 a little bit? The second paragraph of that same  
8 section that Heather is talking about talks about,  
9 "The PEIS shall incorporate research from a pilot  
10 program." I hate to go on about this, but to me,  
11 that's a perfect compromise. Yes, let's do the  
12 PEIS, but let's link it to this concept of a pilot  
13 program so we actually get something in the water,  
14 and we get some activity going that people can  
15 see, and things that we can measure, including  
16 economic impacts. So if we -- instead of just  
17 talking about an EIS or PEIS as sort of a generic  
18 thing, which can take years, and just disappear  
19 into the distance, we actually link it to the  
20 concept of a demonstration or pilot scale  
21 operation, either regionally or nationally, it  
22 seems to me that would be a big step forward.

23 CHAIR DiLERNIA: I agree. Are we good  
24 with including that to that point? Mary Beth,

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1 yes?

2 MS. NICKELL-TOOLEY: Yes, I just wanted  
3 to support Heather's comments about including  
4 something about the impacts on smaller businesses  
5 in coastal communities, because I think that for  
6 many people who question whether aquaculture is  
7 going to be good or not, if we could just have a  
8 reference like that, that yes, that's important.  
9 We need to address that in some fashion, I think  
10 would really be helpful.

11 CHAIR DiLERNIA: So we're in agreement.  
12 I'm looking over at Mark here, who's making  
13 comments in the margin, and Mary Hope, are we good  
14 with that, to include that?

15 MS. KATSOUROS: Yes.

16 CHAIR DiLERNIA: Wonderful. Thank you.  
17 That's very good. Thank you. Anything else on  
18 aquaculture before we go to management tools for  
19 the future?

20 Okay. Management Tools for the Future  
21 - Reviewer Two. Any comments? Reviewer -- I'll  
22 let you get there, take a moment or two. Reviewer  
23 Three. Mr. Fletcher.

24 MR. FLETCHER: At one point, we had a

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1 lot more discussion about the pros and cons of the  
2 concept of marine protected areas, and they kind  
3 of all went away as this document was refined,  
4 because I know it's a hot topic. But this  
5 reviewer brings back some of the issues, maybe he  
6 goes too far with it, but I'm reluctant not to  
7 consider some of the comments that they made  
8 regarding the whole approach to management by use  
9 of marine protected areas, marine managed areas.

10 We kind of just brushed over it in our  
11 issue statement number one. And I don't know that  
12 -- I mean, we're in the process in California of  
13 going through a bloodbath on this whole thing.  
14 Maybe in 2020 it will all have gotten beyond it,  
15 but there's just no sense for any of us right now  
16 that having gotten it, we'll survive it. So I  
17 guess I'm just in some ways saying that we  
18 probably need to be more sensitive to the comments  
19 that this reviewer put on the table relative to  
20 that.

21 I don't have an answer to it, Tony, and  
22 I know you always want the guy or gal that speaks  
23 up to have the answer. I don't.

24 CHAIR DiLERNIA: Yes.

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1 MR. FLETCHER: But I don't think what  
2 we've done so far is sufficient.

3 CHAIR DiLERNIA: Reviewer Two,  
4 Management Tools for the Future, "Aggressively  
5 protect those vulnerable resources, work  
6 cooperatively with" --

7 MR. FLETCHER: Not just Two, Three.

8 CHAIR DiLERNIA: Three. Okay. Three.

9 (Off the record comments.)

10 CHAIR DiLERNIA: We don't address MPAs  
11 at all. That was -- you're right, Bob, at one  
12 time it was included, and somehow it got -- MPAs  
13 got set aside onto the back burner. Perhaps  
14 whoever had originally volunteered maybe to write,  
15 didn't write on the topic, or -- well, we have it?

16 Okay, page 24 of the document. "Marine managed  
17 areas, MMAs, are an example of place-based  
18 management, resource management, have been proven  
19 an effective tool to supplement traditional  
20 management techniques. Examples include seasonal  
21 fishery closures, MPAs, and no transit zones."  
22 Page 24 of the document, and then the action is  
23 "Place-based management involving living marine  
24 resources must remain under the jurisdiction of

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1 NOAA Fisheries. NOAA Fisheries should champion  
2 place-based management in partnership with NGOs,  
3 fishermen, and other marine resource  
4 stakeholders." Page 24 of the 2020 document. So  
5 what else do we want to say about it? Tom?

6 MR. RAFTICAN: Just to jump ahead,  
7 Review Eight has, "Language should be added to the  
8 document similar to that included in MSRA", and it  
9 just gives a little bit of background on the MPAs,  
10 and maybe that might address at least some of  
11 Bob's concern, our concern.

12 MR. FORSTER: Yes. Eight is kind of  
13 restating some of what Reviewer Three's comments  
14 were. And I think just saying that, this  
15 preferred state of the issue at 2020 on page 24  
16 said, "Unique habitat, essential fish or marine  
17 mammal critical habitat, or rarely occurring  
18 marine ecosystems are protected with marine  
19 managed areas, developed with stakeholder advice  
20 and support." I'm not sure that's realistic,  
21 based on what we're going through right now. And  
22 I agree with Tom, what he said about Reviewer  
23 Eight.

24 CHAIR DiLERNIA: All right. We have a

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1 discussion developing. Mary Beth, and then Chris.

2 MS. NICKELL-TOOLEY: Yes, I think we  
3 should maybe consider the language in Reviewer  
4 Eight's comments second to my, I would suggest,  
5 language of the document stating that the  
6 designation of marine managed areas should be  
7 based on the best scientific information  
8 available, include criteria to assess the  
9 conservation benefit to the closed area, establish  
10 a time line for review of closed area performance  
11 that is consistent with the purposes of the closed  
12 area, be based on an assessment of the benefits  
13 and impacts of a closure. I'm not sure we need to  
14 exactly take that language, but that concept, that  
15 yes, we acknowledge that closed areas are a  
16 management tool that is currently being used, but  
17 we would hope in the future that they be based on  
18 the best scientific information available, that  
19 there would be criteria to evaluate them over  
20 time.

21 I mean, what I think a lot of people's  
22 fear is it's closed, it's closed, it's gone. And  
23 based on what is arbitrary in some people's eyes,  
24 so if we're looking at a system in the future that

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1 thinks it's a good management tool, okay, that's  
2 fine, but there should be some kind of criteria  
3 that goes with that, and should be acknowledged in  
4 the document.

5 CHAIR DiLERNIA: Okay. Chris had his  
6 hand up, and then I'll look for some type of  
7 agreement where we could go with this. Chris?

8 MR. DORSETT: Mine is on a slightly  
9 different topic.

10 CHAIR DiLERNIA: Thank you. Thank you  
11 for holding off like that. So would you -- what I  
12 heard Tom and Mary Beth saying is Reviewer Eight's  
13 comments could be used to satisfy the concern that  
14 Bob Fletcher has that's being raised by Reviewer  
15 Three. Bob, are we good with that?

16 MR. FLETCHER: Yes.

17 CHAIR DiLERNIA: Yes? Okay. Good.  
18 Mary Hope, good?

19 MS. KATSOUROS: Good.

20 CHAIR DiLERNIA: Thank you. Very good.  
21 Okay. So we're good with that. I'm going to go  
22 to Chris.

23 MR. DORSETT: Thank you. This is  
24 another one where I provided some comments in the

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1 past, but they weren't incorporated. I had an  
2 objection to the place-based management involving  
3 living marine resources must remain under the  
4 jurisdiction of NOAA Fisheries, as it seems to  
5 imply that the sanctuaries have no role, and they  
6 do under the law. And I really don't know how to  
7 address this one. I guess you could take out  
8 Fisheries, and just make it NOAA.

9 CHAIR DiLERNIA: That's it, just making  
10 it NOAA. Folks, any objection to that?

11 MS. NICKELL-TOOLEY: No objection.

12 CHAIR DiLERNIA: Thank you.

13 (Off record comments.)

14 CHAIR DiLERNIA: The problem Chris has  
15 is that the Marine Sanctuary program is NOS.  
16 Correct? And NMFS also has closed areas, so if we  
17 state NOAA Fisheries, that doesn't recognize NOS's  
18 involvement in this, so by just making it NOAA,  
19 you recognize both agencies within NOAA. Now if  
20 there's heartburn with that, let's see it. Eric?

21 MR. SCHWAAB: Well, I think that you  
22 could do that, but you'd basically -- the genesis  
23 of that statement goes back to the debate over the  
24 roles of the fishery managers, versus the role of

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1 the other entities with respect to these closed  
2 areas. So I think you ought to recognize, if you  
3 make that change, you're essentially rendering  
4 pretty pointless that whole statement, because it  
5 goes back to that core issue, that the fishery  
6 managers feel like they should be in the driver's  
7 seat on these decisions, as opposed to somebody  
8 else, including the sanctuary system.

9 Now I don't have a big dog in that  
10 fight, but I think you have to recognize that if  
11 you make that move, you're essentially gutting  
12 this recommendation.

13 CHAIR DiLERNIA: Okay. Committee,  
14 where do we want to go? Do you want to leave NOAA  
15 Fisheries in there, or just make it NOAA? Mary  
16 Beth?

17 MS. NICKELL-TOOLEY: Personally, I'd  
18 leave NOAA Fisheries in there. Certainly, in our  
19 region we have sanctuary that's very active, they  
20 work with the council, council and NOAA Fisheries  
21 manage the marine resources in the sanctuary, and  
22 it's a cooperative effort, but clearly, the lead  
23 is with NOAA Fisheries, so I would leave it in  
24 there.

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1 CHAIR DiLERNIA: Other comments?

2 Ralph.

3 MR. RAYBURN: If it's the same issue  
4 like with the monument in Hawaii, that that falls  
5 under a different management regime for fisheries,  
6 and this is a question both in fisheries  
7 management, likewise, if something like that was  
8 to occur in another area, you'd have that same  
9 difference of management regime between the  
10 agencies.

11 CHAIR DiLERNIA: Larry.

12 MR. SIMPSON: I agree it's stated  
13 either NOAA, NOAA Fisheries, and I don't have a  
14 dog in that particular fight. It does say that we  
15 think that this is how you ought to do marine  
16 protected areas. We have, in the Gulf, a proposal  
17 which is coming by executive order, which we don't  
18 agree is the way to handle this.

19 MS. KATSOUROS: And that's how the  
20 monument was done, too, by executive order.

21 CHAIR DiLERNIA: Mark.

22 DR. HOLLIDAY: Ralph, you asked Bill to  
23 comment on it, but just in terms of background,  
24 the issue with respect to sanctuaries and lead for

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1 Fisheries management or living marine resource  
2 stewardship. It did have its origins in the  
3 Western Pacific where the council and the Marine  
4 Sanctuaries program were at odds over who had the  
5 authority to manage the living marine resources.  
6 Not being able to put a sanctuary in place, and it  
7 was sort of overtaken by events using the  
8 Antiquities Act in the creation of the monument  
9 for the Northwest Hawaiian Islands, made the whole  
10 thing sort of moot. But the issue kind of does  
11 remain, that the Regional Fishery Management  
12 Councils have sort of the right of first refusal  
13 to manage the living marine resources within their  
14 areas of jurisdiction. If they choose not to do  
15 that, then the sanctuaries, as part of their  
16 sanctuaries plan, can develop regulations and  
17 controls over the behavior of any individuals for  
18 any commerce or non-commerce purposes in the  
19 sanctuary. And it's an ongoing issue within NOAA,  
20 and it kind of goes to the question we're going to  
21 be talking about this afternoon, about sort of  
22 these integrated policies from different statutes  
23 and where they come together under the Marine  
24 Mammal Act, ESA, Magnuson Act, Sanctuaries Act,

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1 Coastal Zone Re-Authorization. They all have  
2 objectives that lay out the future of who is  
3 responsible for these stewardship choices, and  
4 sometimes they're inherently in conflict, or at  
5 least confusing as to what the roles and  
6 responsibilities, division of labor might be.

7 It's kind of a long-winded answer to  
8 your question, but it did arise as a very  
9 significant point of contention between the  
10 councils and the sanctuaries programs in the  
11 Western Pacific.

12 CHAIR DiLERNIA: Ralph.

13 MR. RAYBURN: We could do that. I  
14 mean, when we discussed this area, and that was on  
15 my mind, not that that makes any difference, but  
16 there was a conflict. And what we were trying to  
17 say here was management of living marine resources  
18 should be done by NOAA Fisheries, or at least that  
19 was my thought. Recognizing the conflict, at  
20 least as much as I understood it, with the  
21 sanctuary program, so I think it kind of just  
22 relates to what Eric was defining. That is an  
23 issue, and if we dodge it, then we just say NOAA  
24 because then we don't -- pretty much status quo.

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1 But what we're really saying is it should be done  
2 by Fisheries, and maybe even with consultation or  
3 something, but it should be done by Fishery  
4 managers.

5 CHAIR DiLERNIA: Eric.

6 MR. SCHWAAB: Having led you down this  
7 path, let me -- I'm sitting here reflecting, and  
8 I'm thinking if we do incorporate some of that  
9 other language we talked about with respect to  
10 performance criteria, then I think that probably  
11 satisfies a lot of the concern, particularly from  
12 -- on the fishing side of this equation. It might  
13 allow you to leave it sort of at the NOAA level,  
14 providing the performance criteria that we talked  
15 about, and those evaluation criteria we talked  
16 about are incorporated. I think that will  
17 probably mitigate some of this concern. That's  
18 just my opinion.

19 CHAIR DiLERNIA: Go ahead.

20 DR. HOGARTH: We tried to do something  
21 with this in Magnuson, and lost. It wouldn't be  
22 put in, that Fisheries should. They said it  
23 should be understood, but where to address that  
24 was in the Sanctuary Act, which is floating around

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1 now, but the Sanctuary Act now that's floating  
2 around takes charge. It makes it very clear that  
3 Sanctuaries will manage fish, as well as the  
4 sanctuary, period. So it went from one direction  
5 to the other, and that's on the Hill right now.

6 CHAIR DiLERNIA: Mark.

7 DR. HOLLIDAY: Just a technical warning  
8 or clarification. We talk about -- the document  
9 2020 talks about marine managed areas, which is  
10 our sort of -- this is the dictionary here, the  
11 very general term "marine managed areas". Marine  
12 sanctuaries are very specific type of marine  
13 managed area under very specific authority under  
14 the Sanctuaries Act. Marine protected areas are  
15 also a specific example of a marine managed area  
16 that are being created under principally the  
17 President's Executive Order for marine protected  
18 areas, so just not to confuse the issue, but you  
19 need to keep straight in your mind these different  
20 authorities, and the different meanings of that.  
21 And Larry's point earlier about a proposal to  
22 create a series of marine managed areas, MPAs in  
23 the Gulf of Mexico, we had tentatively scheduled  
24 an agenda item to talk about that at this meeting.

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1 The representatives, we couldn't get them here in  
2 time, so we deferred that to the July, potential  
3 agenda for the July meeting to talk about the case  
4 example, they call it Islands in the Stream in the  
5 Gulf of Mexico, series of marine protected areas.

6 But a more generic discussion about this idea of  
7 setting aside areas, either under the -- this  
8 would be, again, under the Antiquities Act, a very  
9 encompassing authority to create these entities,  
10 versus under the Marine Sanctuaries Act, or under  
11 the Marine Protected Area Executive Order. So  
12 it's important to keep in mind where they come  
13 from, because they have different -- these  
14 different authorities have different meanings, and  
15 different abilities to reconcile who's in the lead  
16 for that relative to regional councils, or  
17 relative to NOAA line offices, or relative to the  
18 White House, in terms of making public policies.  
19 Sorry to jump in.

20 CHAIR DiLERNIA: No, we're fine.  
21 There's another hand. Vince.

22 MR. O'SHEA: Well, based on both what  
23 Dr. Hogarth said, and what Dr. Holliday just said,  
24 I'm wondering if it would be helpful to make the

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1 exceptions that you do know about, and then say  
2 outside of those exceptions, place-based  
3 management for living marine resources should stay  
4 under NOAA Fisheries, and then you avoid the whole  
5 issue of appearing to be going after the sanctuary  
6 program, moving the sanctuary program. That was  
7 just -- I thought that's where Dr. Holliday was  
8 going.

9 CHAIR DiLERNIA: Say that one more  
10 time, Vince, please.

11 MR. O'SHEA: Just say the exception of  
12 the Marine Sanctuary program, and any other -----  
13 if you said MPAs, you think they're special  
14 jurisdiction, with the exception of these two, all  
15 other place-based management things should remain  
16 under NOAA Fisheries. That would seem to address  
17 Dr. Hogarth's report that they tried to get the  
18 sanctuary thing moved around, and weren't able to  
19 do it. And I don't know if that addresses --

20 MS. KATSOUROS: But that means you've  
21 already given into that one, because --

22 MR. O'SHEA: I see Chris nodding his  
23 head. He's the guy that started -- I mean, had a  
24 concern.

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1 CHAIR DiLERNIA: Mary Beth.

2 MS. NICKELL-TOOLEY: I would agree with  
3 Mary Hope. Certainly, in our region, NOAA  
4 Fisheries has the lead on managing marine  
5 resources both inside the sanctuary, and outside  
6 the sanctuary. And I think that is the right way  
7 to go, and I think that in lieu of all these other  
8 people trying to go at it from different acts and  
9 things, it's getting very confusing. I would  
10 really like to see this group say that NOAA  
11 Fisheries is going to manage marine resources.  
12 And I'm sure --

13 MS. KATSOUROS: That's what the law is.

14 MS. NICKELL-TOOLEY: We might not  
15 resolve this, because I think we're not going to  
16 have total agreement around the table, but that  
17 would be my preference.

18 CHAIR DiLERNIA: One second, the boss  
19 wants me.

20 (Off the record comment.)

21 CHAIR DiLERNIA: Say again.

22 DR. HOGARTH: There's \$6 million of the  
23 '08 budget for NOS to build a Center for Coastal  
24 Fisheries and Habitat Research.

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1 CHAIR DiLERNIA: It's one of the 13  
2 pages of earmarks?

3 DR. HOGARTH: No, that's straight in  
4 their budget. They have 13 pages of earmarks.

5 CHAIR DiLERNIA: Okay. Jim.

6 MR. GILMORE: Breaking my vow of  
7 silence --

8 (Laughter.)

9 CHAIR DiLERNIA: Father Jim.

10 MR. GILMORE: I think we're up to page  
11 24 of this document. We've done a pretty good job  
12 of dealing with this document on a consensus  
13 basis, and I'd like it to end that way. And I  
14 look at this page, this is not a very well thought  
15 out page. It starts off by using the term "Marine  
16 managed areas", as a way of being as broad as  
17 possible. Then all of a sudden it evolves into  
18 only addressing MPAs, and then we get into the  
19 statements about the proposed action should be  
20 that something remain the way it is, although it's  
21 in dispute that that's the way it is. And I just  
22 think what this would benefit from would be to get  
23 Chris and several interested people together, and  
24 come up with a page that is more thoughtful and

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1 consensus-oriented.

2 MS. KATSOUROS: Let's just make sure  
3 we're including the latest document --

4 CHAIR DiLERNIA: Chris just said yes.  
5 Larry.

6 MR. SIMPSON: My advice, and I'm  
7 through, I'm taking the vow of silence. It's been  
8 my experience over 30 years that marine fisheries  
9 is short-rift, whenever you deal with oil  
10 companies, whenever you deal with Corps of  
11 Engineers, whenever you deal with monument areas,  
12 Dry Tortugas, national -- the Islands, whatever  
13 that thing is.

14 MS. KATSOUROS: Islands in the Stream.

15 MR. SIMPSON: No, no, no, not that one.  
16 The Islands, the chains of barrier islands, and  
17 how they say you can and can't -- my comment is  
18 Fisheries needs to be involved in all of those  
19 decisions. And I personally kind of like them  
20 running it, but I mean, druthers are one thing,  
21 but at least involved. I mean, for years you have  
22 -- you people don't deal with oil and gas like  
23 we've dealt with down here. It's just a second  
24 thought, Fisheries. And that's my comment about

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1 this whole issue, just have them involved.

2 CHAIR DiLERNIA: Dorothy.

3 MS. LOWMAN: Well, I'm going to support  
4 Jim's idea of Chris and others interested, because  
5 we have this opportunity tomorrow to have the  
6 groups work on it, and then they could come back  
7 with a page for the review, so it wouldn't really  
8 delay it, Mary Hope. But with that sort of  
9 deadline on it.

10 CHAIR DiLERNIA: I love it. Thank you.

11 It's a wonderful suggestion. It's a good way to  
12 build consensus on it. Thank you, Jim. So that  
13 brought us to Reviewer Seven or Eight? Where --

14 MS. KATSOUROS: It's seven now. We  
15 haven't decided what to do with Seven.

16 CHAIR DiLERNIA: We haven't decided  
17 what to do with Seven yet. Any comments on Seven?

18 DR. HOLLIDAY: Look to your left.

19 (Laughter.)

20 CHAIR DiLERNIA: I'm going to put a  
21 string here, a bell or something.

22 MS. LOWMAN: Well, I think Reviewer  
23 Seven makes one good point, we have a whole issue  
24 statement on encouraging the use of market-based

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1 mechanisms to address allocation issues between  
2 sectors, but we don't have anything in the general  
3 recommendations for that under management, so I  
4 would just suggest we put a one-liner in that  
5 section so that we have something that is then  
6 fleshed out in an issue statement. And we have  
7 the fleshed out part, but we have no little one  
8 sentence under the general bullets up front.

9 CHAIR DiLERNIA: Good. Okay. Reviewer  
10 Eight. Reviewer Nine. Reviewer Twelve.

11 MR. SIMPSON: Got to relate to that old  
12 folks and air conditioning comment.

13 (Laughter.)

14 CHAIR DiLERNIA: Fourteen.

15 MR. JONER: Fourteen needs a little  
16 work.

17 CHAIR DiLERNIA: Yes. Fifteen.  
18 Sixteen. We are done. We are done.

19 MS. KATSOUROS: There are not that many  
20 comments that we are actually --

21 CHAIR DiLERNIA: Alright. So right now  
22 we have staff going to work on incorporating some  
23 of the comments, making some changes. Chris is  
24 going to work with some folks on some new language

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1 on sanctuaries.

2 MS. KATSOUROS: No, those are the  
3 marine protective --

4 CHAIR DiLERNIA: Yes, that whole issue.

5 MS. KATSOUROS: Yes. We'll print out  
6 the latest and give you that page.

7 CHAIR DiLERNIA: Tomorrow morning --  
8 Heather.

9 MS. McCARTY: I just wanted to say,  
10 Mary Hope just said the latest version, maybe we  
11 could all have that, not just Chris, if we could  
12 all have the latest on that page, or whatever.

13 CHAIR DiLERNIA: Okay.

14 MS. KATSOUROS: Okay.

15 CHAIR DiLERNIA: What is it, \$2 a page  
16 they're charging us?

17 MS. KATSOUROS: Yes.

18 CHAIR DiLERNIA: A page, \$2 a page here  
19 at the Business Center.

20 (Off the record comments.)

21 CHAIR DiLERNIA: Alright. For  
22 tomorrow, so we'll try to get everyone -- okay.  
23 Tomorrow the Subcommittee is going to meet here at  
24 9:00 they're scheduled for.

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1 DR. HOLLIDAY: The room opens at 8, if  
2 you'd like to meet at 8. I think you need to  
3 determine what the other committees are going to  
4 need, and how we'll use the other two rooms that  
5 we have so we get the right people to the right  
6 places.

7 CHAIR DiLERNIA: All right.

8 DR. HOLLIDAY: Some people would like  
9 to attend more than one Subcommittee meeting.  
10 They don't all have to run for the full three  
11 hours, so I think we'll know by the end of today,  
12 based on this afternoon's discussions, what the  
13 charges are to the different Subcommittee groups,  
14 so it would probably be a good idea to --

15 CHAIR DiLERNIA: Wait.

16 DR. HOLLIDAY: -- settle that before we  
17 close up business today. But we do have the  
18 option, we have two other rooms, small rooms,  
19 nicer chairs, but not the view.

20 CHAIR DiLERNIA: I've been looking at  
21 Chad for two days. He's a good looking guy to  
22 look at.

23 DR. HOLLIDAY: I know, he's been  
24 looking at you, too.

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1 CHAIR DiLERNIA: I feel bad for him.

2 DR. HOLLIDAY: So that would be my  
3 recommendation, if we want to see where this  
4 afternoon's discussions go, but there will be  
5 opportunities for the various committees and  
6 working groups to meet tomorrow, and how we decide  
7 to organize that we'll decide by the close of  
8 business today.

9 CHAIR DiLERNIA: Okay. If there's  
10 nothing else, we're going to break for lunch.  
11 We'll be back in an hour. Dr. Hogarth said he'd  
12 be back at 1:00 also. Thank you, everyone.

13 (Whereupon, the proceedings went off  
14 the record at 11:50:54 a.m., and went back on the  
15 record at 1:22:52 p.m.)

16  
17  
18 MR. GILMORE: Okay. Well, good  
19 afternoon everyone. Tony has asked me to fill in  
20 here for him, and tackle this issue of ocean  
21 policies, agencies, priorities, and it's an  
22 opportunity for MAFAC to step forward and set some  
23 agendas. Mark has put good thought into this in  
24 the form of the annotated agenda items, the first

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1 item under Tab 7. And he has modestly put as the  
2 last item there under that tab the hypothetical  
3 paper for discussion purposes that folks might be  
4 taking a look at, as well. And I guess before we  
5 plunge into the open discussion, I'd just ask Mark  
6 if he has any comments that he'd like to make for  
7 us.

8 DR. HOLLIDAY: Thanks, Jim. I put this  
9 on the agenda in partial response to the feedback  
10 I got when I asked folks for agenda items. Some  
11 comments came back in with respect to how are we  
12 going to resolve some of the varying roles and  
13 responsibilities that NOAA has in front of it for  
14 the next several years, linked back to 2020,  
15 linked back to current legislation pending that's  
16 been introduced, or contemplated being introduced,  
17 such as the Oceans Bill, or NOAA Organic Act, for  
18 example, the Coastal Zone Management Act is  
19 currently under re-authorization, and all of these  
20 have some impact on the future policy direction  
21 for NOAA, and in particular, fisheries.

22 Coupled with that, we talked a lot  
23 about already this transition period, this window  
24 of opportunity as the administration changes with

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1 the next Presidential election, and, of course,  
2 the administrator of NOAA would be changing at  
3 that point. With Bill's retirement, we'll have a  
4 change in leadership at the Fisheries Service, and  
5 so understanding what our policies are today, and  
6 providing a reference point for future  
7 administrations for purposes of continuity, as  
8 well as guidance and direction in the future, we  
9 thought it would merit discussion on the part of  
10 MAFAC members what role and what responsibilities  
11 for identifying priorities, identifying issues  
12 that would be undertaken in the next  
13 administration, and laying out a vision, and this  
14 guidance of areas for MAFAC that might help shape  
15 the charge of the Committee over the next of  
16 couple of years, as well, would be the objectives  
17 for the discussion.

18 So in providing some background  
19 material, if you look through Tab 7, you have  
20 different pieces of information that other  
21 organizations or other pieces of information,  
22 documentation on the legislation, for example.  
23 We didn't necessarily expect everyone to read all  
24 the material, but it's there for your use, and

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1 background, the legislative drivers, for example.

2 And this all ties back to one of the -- I think  
3 the objectives that we'll be working on in the  
4 Fisheries Service and NOAA is, what are we going  
5 to be doing next with the recommendations coming  
6 out of the Committee on Ocean Policy, the next  
7 round of the U.S. Ocean Action Plan, the Executive  
8 Branch response to that, as we've included in the  
9 background documents the status of where we are  
10 today on the first round of recommendations and  
11 actions that the administration has undertaken.  
12 The Department and the administration is now  
13 working on what are we going to tackle next, and  
14 what priorities, and what precedence that should  
15 take in our public policy choices is something  
16 that I thought MAFAC would have an interest in,  
17 and this agenda is designed to kind of test those  
18 waters and see if there are things that you'd like  
19 to develop and discuss with respect to creation of  
20 an Ocean Policy Statement, or multiple statements  
21 about where we should be going and what issues  
22 should be the focus over the next few years with  
23 respect to developing those kinds of statements,  
24 and MAFAC's role in that. So that's the genesis

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1 of the idea, kind of reflecting what's going on  
2 legislatively, what's going on in NOAA, and some  
3 suggestions from MAFAC members about topics for  
4 this meeting.

5 MR. GILMORE: Thanks, Mark. I think  
6 we've got an interesting lump of clay here before  
7 us to mold as we see fit, so I guess with that,  
8 we'll just open up the floor to left or right. We  
9 intend to call more prominently on the left, those  
10 of us who have come from that --

11 (Laughter.)

12 MR. GILMORE: I don't think it reflects  
13 a political bias, geographic. I'm forgetting this  
14 is being recorded. Go back in my shell again.  
15 I'll take a vow of silence.

16 MR. RAYBURN: During this lull here, we  
17 had called upon to have Scott Rayder come down to  
18 one of the Congressional Districts in our state,  
19 and Scott was meeting with several university  
20 groups there, as well as kind of doing this open  
21 forum. And one thing that struck me, and I don't  
22 know what to do with it, but it struck me as the  
23 way the appropriations are positioned now, where  
24 NOAA and NASA are in the same Congressional, or in

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1 the same, I guess, Senatorial Committee, and how -  
2 - what a great job NASA does in their public  
3 relations efforts. And even though you don't know  
4 whether there's a space shuttle up or not, they  
5 still, apparently, walk the halls with the  
6 pictures of the planets and all that, and Rayder  
7 was saying a lot of those, if you look closely,  
8 are from a NOAA satellite. But, anyway, the  
9 concept was that they build an excitement of  
10 exploration, and of future, down to the public  
11 school level where all the kids want to be an  
12 astronaut or something like that. And it seems  
13 like in a strategic planning for NOAA in  
14 Fisheries, somehow we ought to try to recapture  
15 some of the spirit.

16 Like when I'm sitting here, you know,  
17 my dad told me when I was going through junior  
18 high that there's a way to feed the world from the  
19 ocean. And even though from then on everybody has  
20 told me no way, it'll never happen, but it's still  
21 kind of why I ended up here. And I heard somebody  
22 else say that, Brian Baird, I guess, at the  
23 California Commission was talking to a group of  
24 SEA GRANT folks out there in the fall. And the

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1 reason why he was doing his deal was because, it  
2 sounds kind of crazy, but I guess we all have  
3 those moments. When he was growing up he was  
4 reading like Bonzo Goes Fishing or something. He  
5 actually got the book, and Bozo the Clown is out  
6 fishing, and does this and that. But that  
7 captured his spirit as a kid, and now he's  
8 progressed into a fairly significant role of  
9 decision making in that area. So it seems to me  
10 we need to kind of find a way, and maybe it's just  
11 I'm old and all, and I've lost the fire, but we  
12 need to find a way to recapture that spirit of  
13 exploration, of opportunity, of the dependence on  
14 our human species on the oceans, and the  
15 resources, and the living resource of the ocean,  
16 something like that, in some kind of strategic  
17 effort, all the way up to -- starting at the  
18 kindergarten level, bringing it all up so kids  
19 want to either go fishing, or be involved in  
20 marine science, or go to the bottom of the ocean  
21 and explore what's out there in living resources  
22 and find from that then how their future will  
23 relate. So, like I say, I don't know if that  
24 makes any sense or not, but just seek to find that

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1 excitement in oceans again, if it ever was there.

2 It was for me at one time, to find that  
3 excitement again in the dynamic strategic planning  
4 process.

5 MR. O'SHEA: Thanks. You know, Mark,  
6 when I looked at this document, and it's a very  
7 similar point to what Ralph made, but I see it in  
8 a slightly different context; and that is, what we  
9 think the Agency is going to do, or what Ocean  
10 Policy is going to be in the next 10 years needs  
11 to be linked to the fiscal resources that are  
12 going to be provided for that.

13 Now Ralph mentioned sort of creating  
14 this excitement, and try to do what NASA did, but  
15 part of my job is to try to get resources. And  
16 the whole climate on the Hill has changed. I  
17 mean, the demands, and the things that trigger  
18 Congressional funding are things that weren't on  
19 the landscape 20 years ago. We're fighting two  
20 wars right now. We're going to have to pay for  
21 the consequences of that, there's foreign aid  
22 that's going to flow out of that. There's health  
23 insurance, there's Social Security, and the Joint  
24 Ocean Commission Initiative that Admiral Watkins

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1 and Mr. Panetta are on are trying to do something  
2 about the funding issue. And I've watched them  
3 the last two years look for different things.  
4 There's been four different runs made on the  
5 offshore oil trust. Stevens was one, but then  
6 there's three other guys that have stuff, so I  
7 think the macro thing, to me, is not -- I would  
8 click up a level from where Ralph is saying we've  
9 got to get the excitement. I think the bigger  
10 issue is, the strategic issue is how do we pay for  
11 this? And maybe the traditional sources of  
12 payment aren't going to be available. We need to  
13 look at new ways. And it may not be politically  
14 correct, but we're with friends here. Maybe the  
15 folks that are closer to the coast need to pay  
16 more, maybe the folks that benefit from the  
17 resources need to pay more. If we can't sell it  
18 to the whole country in Congress to send money to  
19 the oceans, then the alternative is to look for  
20 other sources.

21 So, Mark, I think the way I would look  
22 at it is link, strategically try to link anything  
23 that's going to look forward to where you want to  
24 be, and what you want to do, needs to have fiscal

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1 resources paralleling that, because if we don't  
2 get the money to do it, it's not going to happen.

3 And I think you and I are both saying the same  
4 thing, Ralph.

5 MR. RAYBURN: Yes. I mean, I --

6 MR. O'SHEA: But I think it's going to  
7 be -- I think it's bigger than just trying to put  
8 Dr. Ballard on a poster, and walking around the  
9 Hill. That's going to help, but I think it's a  
10 much bigger issue than that.

11 MR. CONNELLY: Vince, to that point, I  
12 would caution against creating a ghetto for  
13 ourselves where the coast starts to become the  
14 seafood thing. I would much rather run this out  
15 and engage the heartland in this. And, certainly,  
16 that's how we're coming at this from a health  
17 benefits from message, that that divorced mother  
18 and two in Paducah, Kentucky is -- she's an  
19 essential part of this whole thing, so she should  
20 want a functioning seafood community in the U.S.,  
21 as much as someone in Portland, Maine. So I would  
22 rather not create the ghetto for ourselves, and  
23 say we'll just go coastal, but rather find a  
24 pathway into the heartland and get them engaged in

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1 our issue, so they feel some connection to us.

2 MR. O'SHEA: I don't disagree with  
3 that, if you can make it work.

4 MR. GILMORE: John Forster, and then  
5 Eric.

6 MR. FORSTER: A thought, maybe a naive  
7 one, but it seemed to come out a bit this morning,  
8 and I think it touches on all of what's just been  
9 said, is that it seems to me there's an essential  
10 struggle going on between the idea of  
11 conservation, and the idea of utilization of the  
12 ocean. And even just the word "resource" can mean  
13 different things to different people. A resource  
14 to a coastal landowner is you look out and have a  
15 lovely view. A resource to the guy in Kentucky is  
16 fish, and seafood, and business. And somehow  
17 coming up with a statement, we need to go back to  
18 Ralph's idea of creating some excitement. We need  
19 to get back to this idea that the sea is there as  
20 a resource to be used. I hate to say that word,  
21 because it's politically incorrect, but we need to  
22 find ways to capture the things that can  
23 contribute to us. If that means zoning, so be it.  
24 If that means, whatever it takes, some way or

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1 another we're being swamped and overtaken by a  
2 conservation movement, which will very quickly tie  
3 up any productive resource that is open to us, and  
4 that would seem to me to be not a good end result.

5 MR. GILMORE: Eric.

6 MR. SCHWAAB: I guess I would raise the  
7 question, are we talking about development of a  
8 NOAA National Ocean Policy Statement, or a  
9 National Ocean Policy Statement championed by  
10 NOAA? And I would argue that what we need more is  
11 the latter, in that when you look at the policy  
12 documents, or the study documents that have come  
13 out, and I sort of lost track. I mean, at one  
14 time there was a federal coordinating body that  
15 was dealing with all of these issues, and it  
16 seemed to me that one of the real places where we  
17 could achieve some big gains, even within existing  
18 resources, is to just get better alignment of the  
19 federal agencies around these key issues that are  
20 important to oceans. And if you can get the USDA,  
21 and Interior, and Commerce within the  
22 administration all aligned around some common  
23 priorities, I think that would be something worth  
24 helping NOAA to develop to advance within this or

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1 the next administration.

2 MR. BILLY: When I first looked at  
3 this, and I thought about NOAA Ocean Policy  
4 Statement, I had several initial thoughts. One  
5 was that we're a Fisheries committee, MAFAC. And  
6 Fisheries is one small part of the oceans, so it  
7 got me into thinking about well, what are we  
8 talking about here? And, particularly, what the  
9 purpose would be. And I see some potential value  
10 in our working on a policy that would be used to  
11 influence use of the oceans worldwide for food  
12 purposes, as an example.

13 I think NOAA, and I've believed for a  
14 long time that NOAA should play a stronger role in  
15 the international community regarding the use of  
16 the oceans for food. And this becomes  
17 particularly important as we think about the  
18 growth of aquaculture, and it versus proper  
19 management, and some of the other objectives that  
20 NOAA Fisheries has in this arena, and that we  
21 noted in our 2020 document.

22 There's a broader picture that would be  
23 all uses of the ocean, for military purposes, for  
24 oil production, and all the competing, potentially

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1 competing uses. And maybe there's need for some  
2 thought in that area, as well, so that in the end,  
3 Fisheries gets its fair shake in terms of the  
4 competing interests and uses of the oceans off the  
5 coast of the United States, and worldwide.

6 I think what I concluded was that we  
7 need to be, based on our discussion, be very clear  
8 on what our intent, or our purposes are for this,  
9 how broad it's going to be, because we don't begin  
10 to have the expertise in this room, if it gets  
11 very broad. There's a lot of other uses of the  
12 ocean.

13 There was an article in the paper,  
14 *Washington Post*, a few days ago about the first,  
15 or one of the first LNG plants being put in 12  
16 miles off the coast of New Jersey. And it's going  
17 to be a full functioning LNG operation, and that's  
18 the first of many. They're working on it all  
19 around the coast. There's another use that's  
20 going to come about, and there are probably many  
21 other examples. So I just think we need to spend  
22 some time getting very clear on the framework, and  
23 the purposes for which we would pursue this area.

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1 MR. GILMORE: Heather.

2 MS. McCARTY: Thank you. When I read  
3 this, I thought that it was designed to elicit  
4 some discussion and recommendations about how  
5 responsibilities that NOAA has are divided amongst  
6 the various pots in NOAA. That's what I thought  
7 it meant. It seems as though there are different  
8 aspects of NOAA that are doing different things.  
9 We just had a little discussion about before  
10 lunch. NOS is over here, they're doing the marine  
11 sanctuary stuff. The folks at NMFS think that they  
12 should be managing the fisheries in those and  
13 around those sanctuaries, but it seems that,  
14 perhaps, they're not going to be, things like  
15 that. That's what I thought it was. I thought it  
16 was more internal, so that was my impression,  
17 entirely different than what you thought. And I  
18 do think there's utility in both, actually. And  
19 being a little bit immersed in some of the  
20 internal NOAA stuff, I think there's need there to  
21 sort of assign roles and responsibilities, it  
22 seems to me.

23 MR. GILMORE: One thing Mark and  
24 several of us got together over lunch and talked a

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1 little bit, and one of the key things we talked  
2 about was the obvious, and that is there'll be  
3 someone coming on board shortly to fill Dr.  
4 Hogarth's shoes, and then not too far down the  
5 line, there will be a new administration. And  
6 MAFAC has a strategic planning opportunity or  
7 strategic planning exercise looking at how it  
8 tackles these issues with an audience that is  
9 either going to be -- there's going to be an  
10 Acting, I assume, for some period of time, and  
11 then somebody all new from maybe a new party, and  
12 whether MAFAC wants to take that opportunity to --  
13 I don't know if you'd do it as a stepwise  
14 approach, as a set of priorities to be looking at  
15 over the next 12 months, and then something that  
16 would be a second tier of priorities that you want  
17 to emphasize for the new folks coming in, for  
18 those of us who are cycling off of MAFAC, you're  
19 going to have a lot of new players to deal with,  
20 as well. Doctor?

21 DR. HOGARTH: I think that during the  
22 transition, and there'll be a transition  
23 regardless, whether it's Democrats, Republicans or  
24 Democrats, or another, there are transition

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1 documents put together, but there also are  
2 transition teams that talks to various people.  
3 And I think that would be an opportunity for  
4 MAFAC, I think, because they ask the type of  
5 advisory committees that you have, so they know  
6 who to -- potentially who to talk to, so I think  
7 from that perspective, you want to put some type  
8 of a paper together, position paper, some thoughts  
9 that you could get into the hands of the  
10 transition team, it would be a very valuable time  
11 to do it. Now I'm not saying what to put in it,  
12 I'm just saying that if you want to know what the  
13 atmosphere, I think that's where it would happen,  
14 potentially quickly, is that during that time  
15 frame.

16 MR. GILMORE: Ralph.

17 MR. RAYBURN: It just occurred to me,  
18 I'm curious about I guess relative to MAFAC, and  
19 so this is just kind of simple, but relative to  
20 MAFAC, what -- how has it changed our, or MAFAC's,  
21 importance with the establishment, or the  
22 legitimization of the council, or the coastal  
23 coordinating council, or whatever it's called.  
24 It's that body now that represents the regional

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1 management councils. It seems now that they're  
2 legitimate in Magnuson, as I understand it, then  
3 they almost fill that role that MAFAC is trying to  
4 be dealing with, right, relative to fishery  
5 management-type issues, because they are  
6 legitimate now, and coming together, and can make,  
7 I guess -- are they operating as a FACA Committee?

8 And, if so, then we -- I think some of this class  
9 that we came in with, we're all looking to make it  
10 more strategic, MAFAC more strategic in the  
11 overall, and not so much -- and I think we've  
12 moved in that direction with a lot of guidance  
13 from leadership. But I guess getting back to my  
14 question, does MAFAC have a role now? Why would  
15 our position be different than what this council's  
16 coordinating group position might be, and what if  
17 they differ, how we coordinate, or are we going to  
18 be giving separate signals, they're going to be  
19 doing a document for transition, we try to put  
20 something together for transition. I would assume  
21 that the new administration would be more looking  
22 at the regional councils' opinions than what this  
23 FACA group is doing. But is there some issue  
24 there that we ought to get to first?

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1 DR. HOGARTH: I'm not aware of any.

2 DR. HOLLIDAY: Just take a stab at a  
3 response. Ralph's talking about the Council  
4 Coordinating Committee, which in the Magnuson Act  
5 was formalized as an entity, as a non-FACA group,  
6 FACA-exempt should be considered. But, again,  
7 that's within the realm of Fisheries Management  
8 Council responsibilities, and this is just my  
9 personal view. I've always thought of MAFAC, even  
10 though Fisheries is in the title of the Marine  
11 Fisheries Advisory Committee, it's a much larger  
12 universe of issues that surround successful  
13 management of living marine resources and the  
14 mission of NOAA, not just only a fishery  
15 management plan-type execution of a program or an  
16 FMP. So, in my view, I don't think things have  
17 really changed the roles and responsibilities.  
18 You call it legitimizing the councils, I mean, the  
19 council chairs, executive directors have been  
20 meeting for many years. I think Magnuson simply  
21 addressed this issue of could they meet in a FACA-  
22 exempt way, and solve some of the institutional  
23 problems, but I don't think it was really creating  
24 a different mandate for that group to carry out

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1 that, or in any way lessen the roles and  
2 responsibilities envisioned for MAFAC.

3 DR. HOGARTH: Yes, Mark is right. What  
4 happened there was the councils, if they wanted to  
5 give us any advice after they met, it had to be  
6 individual letters from individual guests, and  
7 everybody thought that sort of crazy to go back  
8 home and have to write, and so this was just more  
9 of a mechanism to say that there should be a  
10 coordinating council that can deal with the  
11 Agency, and give them advice without having these  
12 other problems, the FACA problems, so that's what  
13 that whole -- the bottom line, the way to deal  
14 with the system.

15 MR. GILMORE: Bill, did you have a  
16 comment?

17 MR. DEWEY: I did, or a question, I  
18 guess, maybe for Bill and Mark. On the second  
19 page of the first handout in the binder there,  
20 there's reference to the NOAA Ocean Council  
21 discussing the development of NOAA Ocean Policy  
22 Statements. And I'm just wondering what the  
23 relationship is between MAFAC and NOAA. Is the  
24 concept that we would be giving advice to that

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1 council in the development of policy statements,  
2 or that MAFAC would be developing these policy ---  
3 -- I'm trying to understand.

4 DR. HOLLIDAY: Well, I don't think  
5 there's any one answer to your question. I mean,  
6 the NOAA Ocean Council is comprised of NOAA  
7 representatives to advise internally the  
8 management of NOAA on bringing ocean issues to the  
9 executive management, so all the assistant  
10 administrators, and their deputies at the  
11 management level are advised by, there's probably  
12 close to a dozen different NOAA units that tackle  
13 atmospheric issues and ocean issues, et cetera.  
14 So the NOAA Ocean Council is looking at developing  
15 transition documents for the next NOAA  
16 administrator, just to institutionalize, if you  
17 will, what's the NOAA position on these things, so  
18 there's a ready reserve of information for the  
19 next administration on where things stand.

20 I think the task that is being  
21 contemplated for MAFAC is -- again, part of the  
22 charge to the group is to look out and see what  
23 are the priorities on a broad level that may go  
24 beyond today. What are the issues that are being

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1 contemplated for the next administration to  
2 undertake, as opposed to where we are today on  
3 current issues, and current policies. So there's  
4 a little bit of a time dimension difference  
5 between what the NOAA Ocean Council may be looking  
6 at, as well as scope, I think in terms of a  
7 broader -- and in response to Heather's comment,  
8 this notion of, I think it is a continuum. I  
9 think an Ocean Policy Statement could be whatever  
10 you want it to be, but it does represent from  
11 internal, fixing your internal house of what's  
12 happening within the roles and responsibilities,  
13 and the division of labor with line offices within  
14 NOAA. Then you can go up a little higher, and  
15 it's what's the role of NOAA with respect to other  
16 agencies that share responsibilities for living  
17 marine resource management. You can kind of go up  
18 the scale and then say okay, how does living  
19 marine resource intersect with these other  
20 sectors, these multi-sectors for energy,  
21 transportation, commerce, from an ecological and  
22 an ecosystem perspective, and so there's this  
23 continuum of where could you provide guidance and  
24 policy advice on the direction so that the

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1 statutory responsibilities that NOAA has been  
2 given responsibility for are fulfilled in an  
3 effective and efficient way. And those are the  
4 ones we're in charge of, but we're also kind of  
5 stakeholders to other federal agencies or state  
6 entities and internationally, where other entities  
7 are making policies that affect our ability to be  
8 successful, and how do we represent ourselves, and  
9 produce statements of guidance, direction, and  
10 policy that would help, again, ensure the  
11 appropriate role of NOAA in these other venues, so  
12 it's not one or the other. I think it's sort of  
13 this continuum, but the question is where would  
14 MAFAC, if at all, want to make any statements  
15 about -- a policy statement, and why would it be  
16 helpful? And those are some of the trigger  
17 questions, and what would it look like, what would  
18 the scope be? These are things that I don't think  
19 we would -- I was not anticipating would be  
20 completed by tomorrow, certainly, but it was  
21 something that -- it sounded consistent with the  
22 charter and the charge to the group, and because  
23 of the timing, it's -- there are these changes  
24 going on, there's all these legislative drivers

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1 that are talking about different roles and  
2 responsibilities, and some of them seem to be in  
3 conflict, or at least in competition. And in  
4 other cases, we're not sure where NOAA should play  
5 in that, and should we be passive, or should we be  
6 aggressive, should we be leading the charge? I  
7 mean, Oceans 21 talks about the nation's ocean  
8 agency, NOAA, doing blah, blah, blah, blah. Does  
9 MAFAC think that's a good idea? Where do you come  
10 out on some of these legislative initiatives that  
11 are being proposed? And then scaling back down,  
12 to within the Coastal Zone Management Act, here's  
13 a role for NOS, and here's a role for National  
14 Marine Fisheries Service, as we were talking about  
15 this morning, and sanctuaries, and MPAs, kind of  
16 at a micro level. So where do you want to make an  
17 impact, and you can do that by exercising your  
18 policy prerogatives to make these statements and  
19 provide advice to the NOAA administrator. And it  
20 could wind up being part of a NOAA position, or  
21 department position, or just MAFAC's advice. I  
22 don't know if that helps.

23 MR. GILMORE: Dorothy, and then Ken.

24 MS. LOWMAN: Well, I do see it as very

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1 important, and I think it's also an opportunity  
2 because we're in this timing of a soon to be  
3 transition time, it seems to me that working first  
4 at the NOAA level, because even as there are  
5 competing uses when you look at beyond Fisheries,  
6 there's competing uses, and the competing mandates  
7 just within Fisheries, and in all the things we've  
8 identified with 2020, for example. I mean, and to  
9 try to take the next step and say in the short  
10 term, and then in the longer term, how do these  
11 pieces fit together in a most effective way? And  
12 then I think that would get easier then to go and  
13 get the appropriate budgets for doing them, if you  
14 really show you have an integrated plan, and you  
15 understand there are some timing issues, some  
16 priority issues, and that those are somewhat  
17 fleshed out in a policy statement, or strategic  
18 sort of plan that could then -- then I think  
19 you're also in a better position to go and  
20 effectively create a good position when you're  
21 talking to other agency folks in a broader scale  
22 of all the ocean uses. So I think this is going  
23 to take us -- I mean, I don't think we're going to  
24 do it in a day, but if we could start to outline

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1 some of the steps would be, and some of the pieces  
2 that you want to be sure to have in there would be  
3 useful.

4 MR. GILMORE: Ken.

5 DR. ROBERTS: Mark, the National, NOAA  
6 Ocean Council is going to develop policy  
7 statements, and I understand from you they're  
8 going to be more shorter term administrative  
9 transition kind of things.

10 DR. HOLLIDAY: That's what's  
11 contemplated, yes.

12 DR. ROBERTS: Okay. They go into the  
13 NOAA Executive Committee, so there's a body who  
14 receives those, and takes some sort of action. Do  
15 we know when the Ocean Council is going to develop  
16 one on Fisheries?

17 DR. HOLLIDAY: Well, it's --

18 DR. ROBERTS: I know they have  
19 different time frames.

20 DR. HOGARTH: Jim has been sitting on  
21 the Ocean Council for me, because I got so tied up  
22 in international stuff, he could probably speak to  
23 what it is.

24 MR. BALSIGER: Well, since Bill has a

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1 short term, I'm going to correct him. I don't sit  
2 at the Ocean Council for him. Actually, Pat  
3 Montanio does.

4 DR. HOGARTH: Pat, yes.

5 MR. BALSIGER: I co-chair the NOAA  
6 Ocean Council, but I'm not supposed to have a  
7 Fisheries hat doing that, so Pat Montanio is  
8 actually the Fisheries input. We struggled at the  
9 NOAA Ocean Council to try to find policy  
10 statements that were narrow enough to be useful,  
11 other than things like we want resilient coasts.  
12 We can all agree with that, but Mark's example  
13 that you brought up at the micro level, you called  
14 it, is who should manage fisheries, sanctuaries or  
15 -- I mean, NOS or NMFS. We can't decide that, and  
16 so, frankly, I don't think that the NOAA Ocean  
17 Council's policy development so far has been  
18 useful or helpful at all to the NOAA Executive  
19 Council. Trying to solve that, we put together a  
20 group of people at a little different level,  
21 including Mark, who are trying to corral some of  
22 these issues, because the Assistant Administrators  
23 and their appointees, the Deputies who sat there,  
24 weren't willing to horse trade, so the policy

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1 statements that we developed so far I don't think  
2 are useful, and the documents that Mark is working  
3 on, and the idea of having something -- I guess  
4 the idea that we might put them in a transition  
5 document that new administration might see, see  
6 the kinds of general things we're pursuing as  
7 Ocean policy, that might focus a little bit, and  
8 I'm looking forward to seeing what those are. I  
9 think we're going to see them January 7<sup>th</sup> or  
10 something like that, the first week of the New  
11 Year. And there's been pieces that have shipped  
12 back and forth, that give me some positive thought  
13 that maybe we'll finally make some progress, but  
14 I'm not sure that answers your question.

15 The Vision 2020 document is a much  
16 better policy document than anything the NOAA  
17 Ocean Council has done so far, but we haven't  
18 given up.

19 DR. ROBERTS: That answers my question  
20 very clearly. He says the light is green, it's  
21 not red, and it's not amber, but somebody else  
22 above us is going to be issuing policy statements  
23 that we may come into conflict with, or be in the  
24 wrong time frame with. So I think the door is

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1 wide open, and that makes a lot of comfort to me.

2 We have two changes in administration. We have  
3 the change with Bill in administration, we have a  
4 change politically about a year from now, so it's  
5 very important to go ahead with that information.

6 DR. HOGARTH: Jim, and I could say  
7 this. One of the problems we've got in NOAA right  
8 now is we've got too many groups. We have the  
9 Ocean Council, we've got the Research Council,  
10 we've got the PPI, which is planning and something  
11 else, and then you got the budget process, which  
12 really has solid control over the programs because  
13 that's where the money is, so you get there and  
14 fight for the budget process, which so far I think  
15 has gotten us maybe a dollar. I'm not sure we've  
16 gotten a dollar out of that process, honestly.  
17 And then you've got the NEP, which is the all the  
18 deputies meetings, and then you've got the next  
19 group which meets, and then you've got the Admiral  
20 making the decisions. And there's no real --

21 (Laughter.)

22 DR. HOGARTH: -- operate the program  
23 through the matrix, so the matrix just sort of  
24 dies, so to speak. And we're just not very

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1 efficient. And I've said that. And I think the  
2 best thing could happen to NOAA is to reorganize,  
3 and I think the Admiral knows that, but trying to  
4 do it at this stage of the game, but I think  
5 whoever comes in as head of NOAA in 2009, that  
6 should be their first goal. That's what they  
7 should, I think, tell whoever is trying to hire  
8 them, unless you let me reorganize NOAA to make it  
9 more effective and efficient, then doesn't take  
10 the job, because there is a lot of overlap, there  
11 is a lot of this going on. I'm not badmouthing  
12 anybody, I'm not burning any bridges. I think  
13 it's just a fact of life, and I said it all along.

14 Fisheries would lose in this process, or they  
15 gain something in this process, but overall, I  
16 think the work would be more efficient, and maybe  
17 we'd get along a bit better with the Hill, because  
18 I think even the Hill is somewhat concerned,  
19 sometimes who is NOAA. They know who the Weather  
20 Service is, and they know who NMFS is at times,  
21 but I never forget, I went to Mississippi not long  
22 ago to a groundbreaking with a Senator, and they  
23 said who do you work for? And I said NOAA. He  
24 said, "What's that?" And I said, "I work at the

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1 National Marine Fisheries Service." Oh, so I  
2 mean, if that's --

3 MR. SIMPSON: You know who that was.

4 DR. HOGARTH: That was the guy on the  
5 budget, you know, the end of the program. NMFS  
6 with now NOAA Fisheries, and then that even  
7 confuses people more, but I think it's an  
8 opportunity for -- we really tried to get MAFAC  
9 involved, and I think we've got an opportunity to  
10 do that. The light is green. If you want to say  
11 something, I think transition is the time to say  
12 it. And if you want to say something about MAFAC,  
13 it's time to say it. You're supposed to give  
14 advice. You don't have to burn bridges, or be  
15 nasty in giving advice. You can give it in a  
16 positive, constructive way.

17 MR. GILMORE: My exit interview  
18 question is the NOAA Organic Act, the only one  
19 I've really looked at is the one that's in Oceans  
20 21. I mean, is that a helpful piece of  
21 legislation? Is that a harmful piece of  
22 legislation?

23 DR. HOGARTH: Well, NOAA thinks it's  
24 helpful to them. Still got to figure out what

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1 happens to Fisheries, because Fisheries is not  
2 part of the Organic Act, so you've still got to do  
3 something with them, we're not. And that's one of  
4 the issues, what do you do with trail-along to fix  
5 Fisheries?

6 MS. KATSOUROS: Unless they take  
7 Fisheries back, and make it its own agency.

8 DR. HOGARTH: Then you'll never have  
9 the money. And that's the other thing, we don't  
10 have champions on the Hill any more. We just  
11 don't. I was sitting around, and we talked about  
12 this. And people said Stevens was in trouble, so  
13 Stevens was going to be re-elected, and I was just  
14 looking at a budget passed by the House with all  
15 the earmarks, and so he's not very effective, but  
16 he got 15 earmarks for Alaska and Shelby got 21  
17 for Alabama, and '08 is in control, we got six.  
18 So if he's not very effective, how do you get 15  
19 earmarks for Alaska, and these help us, because  
20 when he doesn't have Alaska, use the money that  
21 goes to the Senator, we get to work with the  
22 states, and all. But the ones from Shelby all go  
23 to the State of Alabama, or to the University of  
24 Alabama.

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1 MR. SIMPSON: Teep Vernon. Sometimes  
2 that's a bad thing.

3 DR. HOGARTH: I saw the pages of  
4 earmarks, I was looking at it to see what they  
5 were, and how they happened, and it's passed by  
6 the House, but Shelby and Stevens got 36 earmarks.  
7 I don't think anybody else was close to --

8 MR. BALSIGER: Was it passed by the  
9 House, or the House and the Senate?

10 DR. HOGARTH: The House has passed it.  
11 The Senate right now is adding, the latest I was  
12 told at lunch is that they may have already done  
13 it, but they may make a few minor changes, but the  
14 main change is they had \$36 million for the war in  
15 the House, and said they will approve that. So  
16 they expect to have a budget wrapped up by Friday.

17  
18 MS. KATSOUROS: Bill, but you've got no  
19 new starts. All the new money for, my  
20 understanding, I could be wrong, I just got a  
21 call, that there was no new starts. The money  
22 that was for Magnuson-Stevens implementation is  
23 gone?

24 DR. HOGARTH: Right, no new starts.

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1 MS. KATSOUROS: So, I mean, if -- and  
2 I'm not --

3 DR. HOGARTH: Let me tell you this.  
4 You'll get a presentation tomorrow afternoon. I  
5 talked to John and we're having the budget office  
6 put together a few slides, so that you'll be able  
7 to understand it. They will be here tomorrow by  
8 lunch, so you'll get a presentation on it, rather  
9 than me trying to go through it. But there are  
10 some -- we'll be able to operate, but there are  
11 some bad things in here. But I don't see much ---  
12 - I do see about \$3 million for aquaculture, and  
13 then that's the money for aquaculture. I can't  
14 believe it, in Alaska, for aquaculture in this  
15 budget.

16 MS. KATSOUROS: I'm not a MAFAC member,  
17 and I'm probably speaking -- but, you know, NOAA  
18 does have some statutory requirements, and they  
19 get a lot of money, whatever you want to say, I  
20 mean in diminishing in hard times. And if one  
21 looked at what their statutory responsibilities  
22 are, like Magnuson-Stevens, et cetera, and you add  
23 up the money, what happens to all the rest? And  
24 how can you get a new bill, and then not have any

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1 money to implement it? You just say well, we  
2 can't implement it? And you know the deadlines  
3 you heard about. I mean, has the NOC looked at  
4 that?

5 MR. GILMORE: We've talked a little bit  
6 about the who, that is the next Bill Hogarth, and  
7 then the next, next Bill Hogarth, we talked a  
8 little bit about the what. Dorothy made a  
9 suggestion about getting down to brass tacks over  
10 what it is that we want to tackle here, if we want  
11 to tackle everything, or some things. Ralph  
12 tackled where yesterday. Are we going back to  
13 Hawaii?

14 MR. RAYBURN: Oh, yes. And there was a  
15 time frame connected with that.

16 MR. GILMORE: And there was a time  
17 frame connected. It's an opportunity. I mean,  
18 first of all, MAFAC, the way that we've tended to  
19 operate now, my sense, primarily dealing with  
20 Fisheries issues. That's why I asked the question  
21 earlier. Are we doing what the Councils are  
22 already doing, and now they're legitimizing this  
23 group. Maybe, maybe not, but we need to -- and  
24 nothing is good. I mean, the only reason why

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1 we're sitting around today I think is because Dr.  
2 Hogarth felt MAFAC was good from the get-go, and  
3 he put some folks on it, and he filled it out, but  
4 he's willing to spend time with us and stuff like  
5 that. But it seems to me that we need to, in my  
6 own mind, try to keep the focus on all living  
7 marine resources under the jurisdiction of the  
8 Secretary of Commerce. And I suspect all those  
9 living marine resources fall under NOAA, but it's  
10 not just fish management stuff. I mean, it can be  
11 -- we should be over -- in my opinion we should be  
12 understanding what's going on in sanctuaries that  
13 NOS is managing, and have the NOS folks come to  
14 this, and have them recognize that MAFAC is the  
15 Secretary's Committee, it's not just NMFS  
16 Committee, and we're not just talking about  
17 Fisheries type issues relative to Magnuson, even  
18 if it extends into the habitat.

19 We seek right at this point to elevate  
20 us up to the NOAA level, so that we're all living  
21 resources. We deal with the issues discussion  
22 here between sanctuary management of fisheries and  
23 NMFS management of fisheries in this type of  
24 forum. And maybe have the people we can try to

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1 better understand where the issues are to deal  
2 with some of the issues that maybe can be dealt  
3 with, at least to give, wherever our heart is, at  
4 least to give an opportunity to provide a venue  
5 for the decision makers that are having to deal  
6 with that at some level, and then make advice to  
7 the administrator, or to the Secretary, this is  
8 the way we understand this, this is the way we  
9 ought to go. But then we're elevating ourselves  
10 up so we can look at all the line offices. Maybe  
11 it's satellite data collection, and what can we  
12 gain from that, that would be useful in advising  
13 the Secretary on all living marine resources under  
14 his or her jurisdiction at some point in time.  
15 And we start bringing those issues in more than  
16 perhaps maybe a lot of the interest, details of  
17 Magnuson Re-Authorization. That's critical, no  
18 doubt, but we're kind of down there, and we need  
19 to be up here. And then when we're up here, then  
20 I think our strategic view, and the relevance of  
21 our strategic view in developing a strategic  
22 statement may be a whole lot more on target with  
23 what, at least in our charter, says we're supposed  
24 to be doing. And so, I mean, in that regard, it

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1 would seem we capture living marine resources in a  
2 vision statement, utilization, conservation, long-  
3 term management, ecosystem relationship to -- I'm  
4 sorry, ecosystems management relationship to  
5 sustained, those living marine resources, things  
6 like that.

7 I mean, in my mind, if we're getting to  
8 a strategic statement, it would include all that,  
9 not only just the organisms themselves, but all  
10 the other resources that NOAA has that will help  
11 the decision makers in managing those living  
12 marine resources, whether they're managed through  
13 sanctuaries, or MPAs, or regional councils, or  
14 international fisheries, or regional management  
15 organizations at the global level, stuff like  
16 that. If I'm just rambling, I'm sorry, but I  
17 thought you had dead time, and so it's --

18 (Laughter.)

19 MR. GILMORE: But I think, first of  
20 all, we can sit here and develop a strategic  
21 statement, but where we typically operate, it's  
22 only good for one line office, for example. We  
23 really ought to be -- and I think that's where  
24 we're heading, but we need to kind of vision the

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1 NOAA concept. And maybe at that point then NOAA  
2 administrator would see this as a relevant use of  
3 his time, or her time, to come in and hear what  
4 the discussions were, just like it's my  
5 impression, and I may be wrong, but the  
6 administrator never misses a Science Board, a  
7 Science Advisory Board meeting, or there is always  
8 high-level folks there. The same kind of role  
9 could be seen for this MAFAC, as they have their  
10 Science Advisory Board meeting. And I guess  
11 that's still relatively new, but I get the  
12 impression everybody gets excited when there's a  
13 Science Advisory Board, the Administrator is  
14 always there, or somebody key is always there. I  
15 may be wrong. And I'm not taking anything away,  
16 because like I say, we wouldn't be here unless  
17 Bill Hogarth had an interest in seeing MAFAC  
18 prosper. And I think because of his interest in  
19 it, we might be now able to take the next step and  
20 try to reach a little higher, that otherwise we  
21 couldn't have done five, seven years ago when he  
22 first took on this challenge of making us  
23 something. Does that make any sense? So,  
24 strategically then, can we vision at a NOAA level

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1 all living marine resources under the jurisdiction  
2 of the Secretary of Commerce, and what would be  
3 our strategic statement to reflect on those? Tom,  
4 did you want to build on that?

5 MR. FORSTER: This is not normally the  
6 sort of things I get involved in or speak to, so  
7 this may not make any sense. But I wanted to  
8 speak to what Ralph just said, and Bill said it,  
9 too. If he really had his way right now, he'd  
10 reorganize NOAA to make it more efficient. And it  
11 seems to me we keep coming, we're bumping up  
12 against all these other bits that may be  
13 functional, may be dysfunctional, but one way or  
14 another are not operating efficiently together.  
15 So the central part of our message is to the new  
16 guys to say look, get this agency organized in an  
17 efficient way so it functions to deal with these  
18 things, and then maybe you can come up with some  
19 suggestions. But in some respects, I mean, we  
20 could look to Bill to say what would you do? Yes.

21 And then, if we think it makes sense, we probably  
22 will, then that's our recommendation.

23 MR. GILMORE: Yes. I won twenty bucks  
24 from Ralph here today, because I said I bet we can

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1 get Bob Fletcher to say sea lions.

2 (Laughter.)

3 DR. HOGARTH: It didn't take much.

4 MR. RAYBURN: He had a big meal,  
5 though. You can -- he had a big lunch, so you've  
6 got to give him a little time.

7 MR. GILMORE: I supplement that from  
8 the income that I made off listening to Admiral  
9 Lautenbacher say no stovepiping.

10 (Laughter.)

11 MR. GILMORE: No stovepiping, no  
12 stovepiping, no stovepiping. And my guess is that  
13 it didn't quite work out the way that he had  
14 pushed long and hard. But here's something sort  
15 of coalescing around this idea that maybe we're  
16 looking less at 12-month near term advice to  
17 Bill's successor, and establishing ourselves as we  
18 are under our charter, as appointed by the  
19 Secretary, and advising NOAA, and that we want to  
20 be positioning ourselves for being relevant and  
21 helpful to the next administration, and drawing on  
22 the expertise here from Bill, and Mark, and Jim,  
23 and others about where the stovepiping is  
24 continuing here, and how we need to -- and the

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1 advice that we can provide to an incoming NOAA  
2 administrator for how to ease the tensions, or how  
3 to proactively deal with getting things banged for  
4 diminishing bucks. But is that the direction this  
5 Committee would like to position itself for?

6 MS. McCARTY: Yes.

7 MR. GILMORE: One comment that was made  
8 was that if we're meeting on a July/December type  
9 of cycle, that there should be a transition team  
10 formed for the next administration by that time,  
11 assuming we're not debating it in the Supreme  
12 Court over who gets -- might have several  
13 transition teams to meet with. I don't know. But  
14 would people want to position themselves by  
15 December, they would have ideas for a NOAA  
16 organization that they would want to be sharing  
17 with the incoming administration? Tom?

18 MR. BILLY: There's an assumption that  
19 whoever the new administration is will want to  
20 keep NOAA intact. I know several years ago, when  
21 Clinton came in, they looked real hard at some  
22 major departmental reorganization. It takes a lot  
23 of political push to do that, and in the end, they  
24 failed. But one example is to change agriculture

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1 to the Food Department, and to move things like  
2 NOAA Fisheries and some other entities into that  
3 out of NOAA. So we ought to get clear in terms of  
4 what our assumptions are, about this new  
5 administration, and what they're going to be  
6 thinking about, the overall structure of  
7 government. I haven't heard much yet, but I'm  
8 sure it's coming.

9 MR. GILMORE: Eric.

10 MR. SCHWAAB: No, we're not moving it  
11 under Maryland's D&R.

12 (Laughter.)

13 MR. SCHWAAB: Going to make one more  
14 attempt to make it bigger, because I agree with  
15 everything that you just said, Jim, about sort of  
16 positioning NOAA more effectively, but I also  
17 think that, Tom, the best defense sometimes is a  
18 good offense. And some of the biggest challenges  
19 that our coastal fisheries face originate from  
20 places where other people hold the key to the  
21 solution, whether it's U.S. Department of  
22 Agriculture, and all the farm build programs in  
23 the Mississippi River Basin. I mean, you name the  
24 16 other opportunities about that, and I think

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1 we're making a mistake if we're not saying to NOAA  
2 that you need to assert leadership on Ocean  
3 policies issues, and attempt to do that for the  
4 administration in ways that help to organize and  
5 guide some, and align some of the programs that  
6 some of these agencies have their hands around.  
7 And this, I was going through this Ocean action  
8 plan because I think it's that cabinet level  
9 committee on Ocean policy, and I sort of suspect  
10 they're still out there dabbling around, but I  
11 suspect they need leadership. And if NOAA isn't  
12 standing up and saying here's what the other  
13 federal agencies can do to better protect our  
14 coasts and oceans, and to better address some of  
15 the concerns that we have, then I think NOAA is  
16 missing an opportunity.

17 MR. GILMORE: Heather.

18 MS. McCARTY: It sounds to me like we  
19 have maybe sort of internal advice and external  
20 advice, and maybe two different sort of focuses.  
21 And maybe you shouldn't try to do them both  
22 together, but maybe separate parts of the whole,  
23 something like that.

24 I also wanted to ask a question. I

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1 don't know who to, but these two bills that we  
2 have in here, does it serve any purpose at all to  
3 comment on parts of those bills at this point, or  
4 is it too early, or what? I haven't been  
5 following their progress really, I just looked at  
6 it.

7 DR. HOGARTH: I don't think it's too  
8 early. I think what it seems to me going to  
9 happen, and everybody has got their own opinion,  
10 but talking to various people, they're really  
11 trying their best right now to get a bill, the  
12 budget bill, I think they've done some other  
13 things, still working on seafood safety and health  
14 issues. We get a lot of these other bills sort of  
15 sitting around resolved before the break for  
16 elections, and so that will be the fast and  
17 furious when they come up. And if you wait until  
18 July, I think that anything you want to comment  
19 on, it may be too late at that point, because I  
20 think July or August, they take the 4<sup>th</sup> of July,  
21 then they need to take August off, and some  
22 question that that August will we even be back in  
23 session with the election. And then we've got to  
24 go back through the whole budget process again.

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1 We know they want to do the `09 budget before they  
2 leave, because they don't want the public to go to  
3 election and say they haven't got an `09 budget.

4 MR. GILMORE: Randy.

5 MR. CATES: My understanding the  
6 revised offshore bill, accepting comments up to  
7 January 15<sup>th</sup>. So I think MAFAC needs to hurry and  
8 make any comments.

9 DR. HOGARTH: And we're going to get  
10 you copies of that. You won't have it before you  
11 leave here, but they'll mailed. You'll get copies  
12 of that bill.

13 MR. CATES: The other question I have  
14 is regarding this two-page document, talks about  
15 the Secretary of Commerce, Point One, Priorities.  
16 And number one being aquaculture legislation  
17 signing the law. Is there a plan right now of  
18 what he plans to do, how to accomplish that?

19 DR. HOGARTH: Well, we have sort of a  
20 course of action that we've outlined, but to be  
21 honest with you, I'm not sure where he is. We  
22 talked about it. He is doing things on the Hill.  
23 He has contracted with some, whether he plans on  
24 doing it again, I think we convinced him that he

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1 should wait until after Christmas, January or  
2 February. But he has the list of contacts and  
3 things that he's going to do. Yes. And then we  
4 have an action plan.

5 MR. CATES: I would think if we're the  
6 Advisory Board for him, personally, we're mandated  
7 to, maybe MAFAC should consider at least offering  
8 our help, just stating that to him. We're here if  
9 you need advice or help.

10 DR. HOGARTH: My point, I'll try one  
11 more time, and then I'll try to shut up. I think  
12 that would be very helpful. They know that you  
13 all have been involved in many of the issues  
14 there, so I think if you -- MAFAC has been  
15 involved, and you support a bill, but the bill  
16 needs to be such and such, something like that, I  
17 think it would be very supportive, and you'd like  
18 to be part of seeing a bill that's acceptable to  
19 the industry and to others, adopted. I think we  
20 made it very clear to the Hill that we are willing  
21 to change the administration's bill. We call it -  
22 - put that to the side. I mean, the  
23 administration bill is there, but we're willing to  
24 work to make this bill work. But if it's going to

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1 be a bill that nobody is going to be able to  
2 afford from an industry standpoint, there's no  
3 sense in going through the millions of dollars  
4 that we're going to spend for doing PEIS and this  
5 type of thing, so we've got to be realistic about  
6 what type of bill is passed, also. I think we  
7 worked around the environmental safeguard side of  
8 it. It appears to me we've got basically two  
9 issues, like I said this morning, funds and the  
10 link to the program. That seems to be what we  
11 heard from the NGOs the last meeting we had with  
12 them several weeks ago.

13 MR. GILMORE: All right. Let's take a  
14 five minute break, collect some thoughts. We've  
15 got until 3:00, I think, to come up with some  
16 direction for a Subcommittee meeting tomorrow, to  
17 flesh out something to come back in the afternoon  
18 and see if we can get the agreement of the group  
19 on. But I think what we need are some -- I think  
20 we -- I don't know if we have a consensus, but I  
21 think we're moving in the direction of a NOAA-wide  
22 initiative on our part to help move the agency  
23 forward in a more efficient, effective manner with  
24 our advice. And I don't know, at least on my

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1 part, I know I don't know the agency well enough  
2 NOAA-wide to see what all the walls are that we've  
3 said are there, that need to get knocked down. But  
4 let's just take a couple of minutes, and maybe  
5 have some folks talk among themselves, and see if  
6 we can't come up with a laundry list. It doesn't  
7 have to be perfected, but something for a  
8 Subcommittee to start chewing on tomorrow. How  
9 does that sound?

10 DR. HOGARTH: And how about the R&D  
11 programs? They're giving Massachusetts \$2 million  
12 to assess the scallops on their own. And Alaska  
13 has several million dollars to implement Magnuson.

14 MR. GILMORE: Five minutes, and then  
15 we're back.

16 (Whereupon, the proceedings went off  
17 the record at 2:26:45 p.m., and went back on the  
18 record at 2:45:23 p.m.)

19  
20 MR. GILMORE: All right, everyone. I  
21 know you took advantage of that short break to  
22 reflect and to refine the ideas, and to come in  
23 with a laser-like intensity for instructing the  
24 Subcommittee, whoever that group might end up

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1 being tomorrow, since all folks are welcome, on  
2 how we move forward, how we narrow down the scope  
3 of this a little bit, how we figure out what is on  
4 the table, commenting on legislative proposals  
5 before Congress or not, picking issue areas that  
6 are important, and trying to provide a little bit  
7 of a road map for next generations of NOAA  
8 administrators, and assistant administrators for  
9 Fisheries. And I just have a sense that it's been  
10 distilled to the finest points.

11 And so with that, I know that each  
12 comment will be pithy, and helpful, and move us  
13 toward a great Subcommittee meeting tomorrow  
14 morning. No pressure.

15 CHAIR DiLERNIA: I want to see him  
16 spell "pithy".

17 (Laughter.)

18 MR. GILMORE: All right. So we refined  
19 it, we figured it out, we have a plan. Wow.  
20 Heather, thank you.

21 MS. MCCARTY: I've taken a vow of  
22 silence. No.

23 (Laughter.)

24 MS. MCCARTY: No, I'm kidding. I wish

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1 I could. I think there's two things that we  
2 definitely need to do. One of them is to put  
3 together a short paper for the transitional  
4 purposes, that talk about the things that this  
5 group would like to see happen in the  
6 administration of NMFS, and the role of NMFS  
7 within NOAA. I think that's a short-term type of  
8 thing, rather than a long-term, though I do think  
9 there's parts of the Vision 2020 statement that  
10 could be used or useful in that.

11 CHAIR DiLERNIA: You chair --

12 MR. GILMORE: I just want to take that  
13 page out of the book, and say did I -- did they do  
14 that right, Heather? You were volunteering to  
15 work on a paper?

16 CHAIR DiLERNIA: Thanks. I got that.  
17 You got that right. That's the way it works. Yes.

18 MS. MCCARTY: Well, Mr. Chairman, if I  
19 could have a co-chair, that would be fine.

20 MR. GILMORE: I'm sure there will be  
21 an enthusiastic group of worker bees to join,  
22 including Tom.

23 MR. BILLY: It's an idea along a  
24 similar line. We've done a lot of work on the

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1 2020 document, and it reflects some of our best  
2 collective thinking about how things are or should  
3 be in a number of areas related not only to  
4 Fisheries management, but other important areas  
5 related to Fisheries. And we can use that as the  
6 foundation, it would seem to me, to have a  
7 discussion as soon as we want about, given that  
8 document, what are the three or four things that  
9 we collectively feel are most important to  
10 emphasize to the new administration. For example,  
11 it could be something like improving the science,  
12 the data, analysis of data. There could be  
13 another one on aquaculture in terms of the follow-  
14 through. There could be others like that, as  
15 well, something in the area of seafood safety and  
16 quality, and so forth. But we could have that  
17 discussion, and pick what we think are most  
18 important, and then dump the 2020 document on the  
19 table along with this analysis that says here are  
20 what should be your priorities for the next four  
21 years in terms of Fisheries and related matters.

22 MS. LOWMAN: Well, I think you could go  
23 a step further, and sort of see what those most  
24 important paths or objectives are that need to get

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1 to these general policies that we've laid out in  
2 Vision 2020, to make progress in the next four  
3 years. And then you could look at how do the  
4 different parts of NOAA need to work together on  
5 them, or how do you -- looks at their  
6 relationships to that, beyond just NOAA Fisheries.

7 MR. GILMORE: That's sort of a personal  
8 interest of mine, something I'd like to mention  
9 ecosystem based management. Everybody says we're  
10 heading there, and yet we know practically  
11 speaking that things within the bureaucracy  
12 inhibit the type of coordination that make that a  
13 smoother road to success, rather than have  
14 somebody inherit a yes, we understand, we're gung-  
15 ho on this ecosystem based management thing, and  
16 they find out two years later that internal  
17 division have precluded the kind of advancement.

18 MS. LOWMAN: I mean, I'd be happy to  
19 volunteer to be co-chair, with this as being part  
20 of the whole --

21 MR. GILMORE: Tom, you had a comment?

22 MR. RAFTICAN: Yes. Just Vision 2020  
23 is basically right now a 13-year plan. What we  
24 need really is just a 5-year plan, and that's --

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1 what you can honestly expect to look at. And  
2 maybe, instead of just putting the upsides on all  
3 these things you want, you might want to put an  
4 appendix with some of the downsides on it, because  
5 that's really where the money -- the rubber meets  
6 the road.

7 MR. GILMORE: Further comments?

8 DR. HOLLIDAY: Heather, could you go  
9 back, and you mentioned -- in your opening  
10 statement, I thought you said there were two  
11 things that you were thinking about. And we heard  
12 the one, was there a second one that we cut you  
13 short on?

14 MS. MCCARTY: No, I don't think so.  
15 Well, there's a couple of things that we need to  
16 do, I said, and I just talked about the best one.

17 DR. HOLLIDAY: Right.

18 MS. MCCARTY: The second one, I  
19 believe, may be to comment on legislation. If  
20 there's a time element there, we were talking  
21 about that earlier over there, and I don't know if  
22 it's actually possible to do any comments at this  
23 meeting. But if it's not, then there ought to be  
24 -- Jim's team or whatever maybe could comment, and

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1 send out to the rest of us, if we decide to do  
2 that, before July, because there might be a time  
3 issue there.

4 DR. HOLLIDAY: Okay.

5 MR. GILMORE: There are a few pieces of  
6 legislation referenced in here. I mean,  
7 obviously, there's the aquaculture bill, there's  
8 Oceans 21, there are a number of different things.

9 I've been a little -- I'm a skeptic about MAFAC  
10 getting into commenting on legislation, just  
11 because I feel that we do a good job of working to  
12 consensus, and that my thought is once you get  
13 into legislation, it's really the details that  
14 matter, and you can move along as a Subcommittee  
15 of like-minded people working on something and  
16 bring it to the Committee, and have it be  
17 fractious, and I don't know. I just -- maybe it's  
18 because what I do every day that I find the  
19 complications in it, but --

20 MS. McCARTY: I agree with that.

21 MR. GILMORE: -- I'm a skeptic on it.  
22 But I yield to the will of the --

23 MS. McCARTY: If I could, just one  
24 comment. It seems to me that we can say all we

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1 want, but if there's legislation that flies in the  
2 face of what we want, then we've wasted a lot of  
3 time. And that may happen anyway, but I was  
4 thinking specifically Oceans 21, and maybe the  
5 other Organic Act. I'm just hoping that John  
6 Connelly will jump in on some of this, because I  
7 know he does a lot of that sort of work. Maybe  
8 commenting just to each other is useful, and maybe  
9 commenting to the leadership is not necessary, if  
10 we comment to each other. But just to sort of  
11 develop positions, and kind of get it straight as  
12 to what it really means for NMFS and for NOAA.

13 MR. CONNELLY: On Oceans 21,  
14 specifically, the industries with whom we deal  
15 broadly, both the broad fishing and related  
16 seafood industries, and then other users, to use  
17 John's word, the oceans are not real excited by it  
18 at this point, and have made it clear, concern is  
19 -- there's not a sense that it will go any place  
20 in the Senate. However, no one wants to put the  
21 Senate in the position of having to consider this  
22 bill, but Mr. Farr does have a good relationship  
23 with Ms. Pelosi, and the Speaker has committed to  
24 him that she wants to help him on this. This is

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1 an issue for Farr.

2 DR. HOGARTH: And just to speak to  
3 that, and there is some concern, I think, right  
4 now with the hearing that the Resource Committee  
5 had about science really which was about  
6 flexibility in Magnuson, that if that opens up,  
7 that may open the door really for Oceans 21, and  
8 relevant things. If you look at Magnuson, nobody  
9 wants to open Magnuson, but it may get the door to  
10 Oceans 21 to be opened up, so that hearing that  
11 they just had on flexibility.

12 MR. GILMORE: Randy.

13 MR. CATES: If I understand right,  
14 we're discussing whether or not to comment on  
15 legislative issues? I would approach is as an  
16 advisor to the Secretary, we basically just offer  
17 -- we're a tool for him. If he wants us to  
18 comment on such legislation, then we would. I  
19 don't know if it's appropriate as a group to go in  
20 and comment. Maybe you guys have more experience  
21 with that. But our role is an advisor to the  
22 Secretary. Maybe we need to remind him from time  
23 to time that we're here, we're available, this is  
24 our position, if you need us.

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1 MR. GILMORE: I'm more comfortable with  
2 that, than more of a -- a more aggressive posture,  
3 personally. Heather.

4 MS. McCARTY: Remember what we did with  
5 MSA, the re-authorization? Didn't we have pretty  
6 extensive briefings, discussions about different  
7 aspects of that? That was very helpful to the  
8 individual groups and constituencies that are  
9 represented here, and that was really a good  
10 thing, so that might be a useful thing that MAFAC  
11 could have done, just for our own edification.

12 MR. GILMORE: So you're thinking for  
13 future MAFAC meetings, we will get a legislative -  
14 - have a legislative session?

15 MS. McCARTY: Yes.

16 MR. GILMORE: Who was on the strategic  
17 planning committee -- who was prior to this  
18 discussion? I guess I'd just ask the Subcommittee  
19 members, do you feel like you're raring to go at  
20 9:00 tomorrow morning to fashion something? Do  
21 you feel like you've heard enough discussion here  
22 to give you something to chew on and come up with  
23 something by tomorrow afternoon for the  
24 Committee's consideration? Ralph.

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1                   MR. RAYBURN: Yes. It's things like  
2 what Steve Murawski is pushing in that ecosystems  
3 approach to management, and his -- the PowerPoint  
4 that he has, he rolls out, really is a  
5 comprehensive NOAA-wide type of issue on  
6 ecosystems based management that it engages some  
7 of the elements I think that Eric was talking  
8 about relative to this farm bill, I don't know,  
9 stream flows, fresh water inflows, fisheries, data  
10 collection, all that stuff, ocean observing  
11 systems and all that, so even something along that  
12 scale, if that reflects -- to me, that's -- I saw  
13 him give it I think at the meeting that Mark had  
14 for us, the re-authorization thing. It's an  
15 extremely powerful message that he brings in that.  
16       And it's got that NOAA-wide coverage, because he  
17 controls, I guess, a budget in that area,  
18 ecosystem, so a powerful tool for us to latch  
19 into, and, again, use to elevate our focus, or  
20 elevate MAFAC's focus a little bit above just the  
21 day-to-day Fisheries types issues that other folks  
22 are dealing with. So I would suggest that as a  
23 possible source for consideration in developing  
24 strategy for the Committee, or for NOAA.

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1 MR. GILMORE: And also mindful of, I  
2 think it was Heather's comment about keeping this  
3 type of a tier, where we're recommending to NOAA,  
4 NOAA-wide recommendation, and at the same time  
5 keeping in mind that we want to have advice going  
6 to NMFS, as well, on perhaps a different set of  
7 issues.

8 I think this has been a good  
9 discussion. I'll be real interested to see what  
10 happens in the Subcommittee tomorrow. I guess  
11 unless folks have more they want to say, I'd say  
12 we'll just move on, and see what happens tomorrow.

13 DR. HOGARTH: I might have to go do a  
14 whaling issue real quick. I hope I'll be back  
15 shortly, but I just want to tell you, the  
16 reception at our house tomorrow is very, very  
17 informal, that means so, Ralph, you can wear your  
18 shorts if your wife says you'd like to. It's very  
19 informal. We look for all of you to be there.  
20 Fish for the Future is sponsoring this. It's just  
21 at a house with not much furniture, but that means  
22 we can just move around, but we look forward to  
23 seeing all of you. And I hope to be back, but  
24 after yesterday, the issue blew up, and we've got

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1 to do the news media now, so I've got to talk to  
2 the *Washington Post* and Japan real quick.

3 MR. RAYBURN: And there's a shuttle to  
4 your house.

5 DR. HOLLIDAY: Yes. While we're  
6 talking about the reception, you should know that  
7 we're providing van shuttle to Bill's house at  
8 5:45 and at 6 p.m., two rides over there, and  
9 there will be one coming back at 8:30 p.m. If we  
10 need another run, we'll make arrangements for  
11 that. I also have a mini van. I'll pick up  
12 stragglers, or take stragglers back as need be, so  
13 it's not far to walk either, if you really want  
14 to.

15 DR. HOGARTH: Yes, there's not a lot of  
16 parking.

17 DR. HOLLIDAY: So we have a hotel van.  
18 I think it holds 11 people, so I think a couple  
19 of trips. You meet in the lobby -- there will be  
20 two runs, one at 5:45, one at 6, and then a  
21 straggler mini van bus.

22 CHAIR DiLERNIA: What's the address?

23 DR. HOGARTH: 4649 Mirabella.

24 CHAIR DiLERNIA: 4649 --

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1 DR. HOLLIDAY: It's on the -- everyone  
2 sees the invitation from yesterday.

3 DR. HOGARTH: Gulf Boulevard. So you  
4 got Exxon on one corner, and Mobile at 46<sup>th</sup> Street,  
5 46<sup>th</sup> Avenue. A local bar is right down there on  
6 the corner. Don't stop there. It's a lot of fun,  
7 but don't stop there.

8 DR. HOLLIDAY: Okay.

9 DR. HOGARTH: And there's a sign that  
10 says Mirabella. And I'll be back shortly, I hope.

11 DR. HOLLIDAY: Thanks, Bill.

12 CHAIR DiLERNIA: Okay. Our next item  
13 is, where are we, safety, seafood. Right?  
14 Seafood Certification Standard. It says there's  
15 supposed to be a break in-between. You folks need  
16 a break, or you want to go straight through?  
17 Those of you want a break, raise your hand. Okay.

18 I don't see anyone voting for a break, so MR.  
19 BILLY, it's all your's.

20 MR. BILLY: Thank you. The subject  
21 area --

22 DR. HOLLIDAY: Tom, we have a  
23 conference call that people had asked from -- you  
24 had asked to tie into NMFS Headquarters, and the

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1 Partnerships and Communications Division, the  
2 people with Fish Watch, so we asked them to dial  
3 in.

4 CHAIR DiLERNIA: So should we wait  
5 until 3:15, the time on the agenda, when it's  
6 scheduled to start? All right. You want to have  
7 folks get up and stretch and everything until we  
8 get this going? Yes.

9 (Whereupon, the proceedings went off  
10 the record at 3:05:18 p.m., and went back on the  
11 record at 3:10:39 p.m.)

12 CHAIR DiLERNIA: Okay. Tom, it's all  
13 your's, please.

14 MR. BILLY: Okay. The next subject is  
15 Seafood Sustainability Certification and  
16 Standards, and some of you will recall that we  
17 began the discussion last meeting. Ralph chaired  
18 a work group that had some initial discussions  
19 about what's going on in this arena, and it led to  
20 a decision to have a more in-depth discussion for  
21 this next meeting.

22 What I thought I'd do is first call  
23 your attention to Tab 8, the Annotated Agenda, and  
24 there are associated with this Annotated Agenda

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1 some more detailed information in the background  
2 documents, including the current National Marine  
3 Fisheries Service Policy Directive on Private  
4 Sector Certification, the U.N. Code of Conduct of  
5 Responsible Fishing. There is an example of a  
6 Canadian Code of Conduct for Responsible Fishing  
7 Operations, obviously, from Canada. There is the  
8 Marine Stewardship Council background material  
9 that gives you information about how that is  
10 working, and then information and some examples of  
11 a NOAA Fishery Seafood cards associated with the  
12 FishWatch.

13 Mark, I don't know if you want to say  
14 anything in terms of helping to set the stage for  
15 this discussion. I'll provide you that  
16 opportunity.

17 DR. HOLLIDAY: Okay. Thanks. I'll try  
18 to be brief. Again, the reason for this being on  
19 the agenda is multi-fold. One, it is part of the  
20 follow-up from the June meeting when there was  
21 some discussion about the impact of MSC  
22 certification on the Fisheries Service, and some  
23 ideas about how to move forward on that. But in  
24 the interim, we've launched the FishWatch website

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1 as one of our attempts at improving public  
2 knowledge and understanding about seafood  
3 sustainability from the National Marine Fisheries  
4 Service perspective. We did promise to follow-up  
5 and share with you the current policy that we have  
6 in place with respect to private sector or third-  
7 party certification, so that's one of the  
8 background materials. And so, the notion was we'd  
9 have a discussion today to look at the general  
10 question of evaluating what role the federal  
11 government should have, if any, in developing any  
12 further a sustainability standard or a mark for  
13 wild caught or aquacultured, or both, fish or  
14 fishery products through some sort of  
15 certification or sustainability standard. And so,  
16 what we hope to generate was a discussion of the  
17 pros and cons, your thoughts about whether this  
18 was a good idea. If it was, what form it might  
19 take. If it was a bad idea, why was it a bad  
20 idea, so that we could kind of reach closure on  
21 the open question of what is the agency's policy,  
22 what is NOAA's position on federal sustainability  
23 standards? Are the current actions and activities  
24 with respect to the Magnuson Act, national

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1 standards sufficient? If not, what should we do  
2 instead or in addition to? And so that's the  
3 nature of the discussion we hope to get moving  
4 today.

5 Again, not that we'd reach conclusion  
6 by the end of tomorrow with a final product, or a  
7 final recommendation, but to initiate that  
8 dialogue and see where we want to go with this.  
9 And depending on what the Committee decides, we  
10 may see, if a Subcommittee would take the charge  
11 to work further on it, or if we reach the decision  
12 that there was nothing to be done, we'd move  
13 forward, move on. So that's sort of my take on  
14 where this came from, and what we hope to achieve.

15 MR. BILLY: Okay. Thank you very much.

16 Beyond the current policy of the National Marine  
17 Fisheries Service, we learned at the last meeting,  
18 and have received now more detailed information  
19 and access to the FishWatch website. And I  
20 thought it would be worthwhile to set the stage  
21 for a discussion to give an update on the  
22 FishWatch, and where it stands, so I'd like to  
23 call on Alan to set the stage, and if his staff  
24 calls in, they'll be available as a further

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1 resource for any questions.

2 MR. RISENHOOVER: Okay, just briefly.  
3 Thanks, Tom. As you know, we discussed the  
4 FishWatch website at the last MAFAC meeting. We  
5 took some of that input, rolled it back into the  
6 website. Again, our focus was trying to be on  
7 what the facts are, so if you've looked at that  
8 website, we tried to put those facts right up  
9 front on, is it over-fished? Is over-fishing  
10 occurring? So we tried to get that up front.

11 We also did add several things that  
12 were suggested by MAFAC, specifically the seafood  
13 and health link, so that now links off FishWatch  
14 to our seafood and health site. There's also a  
15 link on there to our seafood inspection program  
16 that Tim mentioned yesterday. So we're trying to  
17 build out that sort of thing, but the focus is  
18 still on let's get the stocks up there, and what  
19 their status is. So we launched the site in  
20 August at the National Seafood Cook-off, and asked  
21 folks to give us comments over a 60-day period.  
22 We got probably close to 1,000 comments, and about  
23 90 percent of those were positive. Some of them,  
24 what we categorized more as negative was why isn't

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1 this stock up there, why isn't that stock up  
2 there? So, overall, it was a positive response we  
3 got from the folks around the country.

4 So we had started with 25 species back  
5 in August, we're up to 36 now, so we've added 11  
6 over the last three to four months. And our goal  
7 is to have another 20 up in the coming months, so  
8 we've got 20 under development, and the under  
9 development part means we've identified which ones  
10 we want to put up, and we're working with our  
11 science centers and regions to get the facts on  
12 them before we go forward.

13 I guess the final thing I'd mention is  
14 we're going to have a second release of the  
15 website at the Boston Seafood Show this March, or  
16 February, whenever it is. We're going to have  
17 another press event, hopefully to point people  
18 back towards the site, so that it keeps somewhat  
19 fresh in people's minds, and we still get a lot of  
20 folks hitting at it.

21 We did do an analysis early on on the  
22 number of hits the FishWatch website is getting.  
23 Our most popular website is the protected  
24 resources website, and FishWatch moved immediately

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1 into second. So we are getting a lot of folks  
2 looking at the site, and still some comments  
3 trickling in on it. So that's where we are now,  
4 is trying to again focus on getting some more  
5 stocks up on it, and then re-release it, or  
6 release it a second time, or try to get some more  
7 press on it in February or March.

8 MR. SIMPSON: Tom, are other people  
9 being asked by FishWatch to comment, because I've  
10 been asked -- my office has been asked to comment  
11 a couple of times, and I thought that was real  
12 good. I don't know if they used them or not.  
13 That's good, that interaction, before it went on  
14 the thing, we were asked about a couple of  
15 species.

16 MR. RISENHOOVER: We're trying to  
17 collect data from a variety of sources, make sure  
18 that runs through our regions and centers to  
19 verify it, and then it goes on. And also  
20 including links to other relevant information.

21 We also are trying to keep a protocol  
22 in place for keeping the site updated, so as  
23 things change in the regions, or there's a new  
24 stock assessment from a center that we have points

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1 of contacts in all regions and centers, that on a  
2 basically monthly basis, verify the data on there.

3 It's one thing to have this site up there. It's  
4 much tougher to keep it current, and so when the  
5 status of a specific stock changes, and we change  
6 our quarterly report for the performance measures  
7 I mentioned up there, that there's also feedback  
8 loop that keeps the site up-to-date, as well.

9 MR. GILMORE: I'm wondering if there's  
10 a budget for FishWatch promotion, thinking about  
11 your comment about relaunching again at the Boston  
12 Seafood Show, and then maybe reaching beyond that  
13 so that John would know the types of meetings that  
14 go on out there with dieticians, and chefs, and  
15 all sort of -- the people who really need the  
16 information probably more so than those of us in  
17 the commercial fishing industry.

18 MR. RISENHOOVER: Right. Michael  
19 Kelly, who will hopefully call in in a few minutes  
20 here, does have an outreach plan basically for it.

21 So depending on resources available, where could  
22 we show it again? Who could we meet with to talk  
23 about how it's used, how to make it better, so we  
24 do have that. I haven't set a specific dollar

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1 amount budget, but we do have some resources to  
2 keep the site maintained, to keep the information  
3 up-to-date, and then also get the word out.

4 MR. BILLY: John.

5 MR. FORSTER: A couple of questions.  
6 Do you sense, do you have find in any sense you're  
7 in competition with the other programs that are  
8 out there? Are you harmonizing with them? I  
9 mean, how do you interrelate? And I guess another  
10 one would be, given that 80 percent of our seafood  
11 is imported, how much does FishWatch integrate  
12 with any of that, if at all?

13 MR. RISENHOOVER: Okay. On the first  
14 question, we haven't really harmonized with the  
15 other sites. Those other sites have their own  
16 criteria for their seafood cards, or what, so what  
17 we tried to do is say under the government's  
18 management, these resources are either over-  
19 fished, over-fishing is occurring. We talk about  
20 what their biomass is. We don't take that next  
21 step of saying because of these factors, you  
22 should, or you shouldn't, or you should avoid, or  
23 eat less. On some of the health concerns, we do  
24 link directly to the FDA site for folks to get

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1 more information. We've taken from other sites  
2 some nutritional information and put up there, but  
3 we haven't tried to say they're right, they're  
4 wrong, or how we fit together.

5 Now I have heard some of those other  
6 sites have been looking at our's, and updating  
7 their sites to reflect the information on our's,  
8 but yet, they still take that next step of making  
9 a decision, or trying to propose a decision on  
10 whether consumers should buy it or not. We don't  
11 take that step.

12 MR. FORSTER: And on the import?

13 MR. RISENHOOVER: And on the import,  
14 again, as I mentioned, we're trying to focus on  
15 domestically federally managed species right now.

16 Once we get a good handle on that, I know we need  
17 to move to seafood and health. We need to move to  
18 aquaculture, we need to move toward importing. So  
19 I'm not sure of the phasing of that, but those are  
20 comments we've gotten from a large number of  
21 folks, and the people running it do want to move  
22 into those, but we're trying to get a good number  
23 of our domestic slots up there first.

24 MR. BILLY: Okay. Randy.

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1 MR. CATES: You have on the list here a  
2 question about labeling. What are your plans on  
3 that?

4 MR. RISENHOOVER: Well, as far as  
5 labeling goes, I think that's what this discussion  
6 is for. We haven't, on the FishWatch website,  
7 labeled it as good, bad, or indifferent. We just  
8 tried to present the facts, and then the consumer  
9 can make up their mind.

10 MR. BILLY: We'll come back to that  
11 question. Any other comments on FishWatch?  
12 Suggestions? Ralph.

13 MR. RAYBURN: Yes. Thank you, Mr.  
14 Chairman. Does your tracking system allow you to  
15 deal with demographics, either regional or  
16 otherwise, on the FishWatch, or just purely --  
17 and, also, does it allow you -- can you follow  
18 how deep down into the website people go? Is that  
19 also a part of the feedback you get on the  
20 numbers?

21 MR. RISENHOOVER: We should be able to  
22 -- I don't know. There's two types.

23 MS. BRYANT: You can do the second  
24 part, but not the first part. It's not going to

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1 come from region, it is going to come from site  
2 how many clicks, was it a direct click, or was it  
3 an off. I mean, you're going to get that kind of  
4 detail, but not any kind of demographic  
5 information.

6 MR. RISENHOOVER: Right. There's two  
7 types of the way we measure people going to the  
8 site. One is whether it's just an initial hit,  
9 and then there's some way they can tell if they  
10 spent time at the site, or did a link under the  
11 site. So we have two measures of people that  
12 maybe just go look and say no, that's not what I  
13 want, and go away, as well as others that may  
14 drill down.

15 MR. BILLY: Okay. Very good. Thank  
16 you. Now I want to draw your attention to the set  
17 of questions, the trigger questions on the second  
18 page of the Annotated Agenda. And those questions  
19 are, is there a need for additional federal  
20 sustainability standards for seafood? If so, what  
21 form should they take? General guidance, or  
22 specific standards, or something else. What would  
23 be the scope, if there are such federal  
24 sustainability standards, being wild versus all

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1 seafood resources? Should it be limited to  
2 domestic production, or include imports,  
3 boundaries in terms of the definition of  
4 sustainable seafood, and then what role the Agency  
5 should play. And I should add here the states,  
6 because the states manage some of fish stocks, and  
7 it would seem to me that it's not just federal  
8 agencies, that we ought to, at some point,  
9 consider how the states fit into this in terms of  
10 sustainability standards as one possibility.

11 So those are sort of -- that's the  
12 general set of questions, and I'd like to open up  
13 the floor for your both general and more specific  
14 comments, or questions. Randy.

15 MR. CATES: I'll get to the question I  
16 had earlier on the labeling. Even in Hawaii, we  
17 have a similar program, Hawaii Seal of Quality.  
18 And it's working pretty well, and I would  
19 encourage this program to adopt such a thing. The  
20 business actually pays for it, and it's a very  
21 simple, you have to qualify for it. And it's a  
22 marketing thing, and it's working well.

23 MR. BILLY: I'd like to -- yes, sure.

24 DR. HOLLIDAY: Just follow-up. It's a

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1 label for seafood quality, or seafood  
2 sustainability, or -- I'm not sure I understood  
3 what it signifies.

4 MR. CATES: What our seal signifies is  
5 that it's grown in Hawaii, so it's a Hawaii  
6 product.

7 DR. HOLLIDAY: Okay.

8 MR. CATES: And you have to have a set  
9 of best management practices, criteria that they  
10 come and actually inspect our facility and see how  
11 we grow things. It's more on the agriculture  
12 side, but it is branched off into seafood now.  
13 And it's -- actually, I can get labels and put it  
14 on every package.

15 MR. BILLY: Who verifies the label?

16 MR. CATES: The State of Hawaii.

17 MR. BILLY: The State of Hawaii?  
18 Department of Agriculture?

19 MR. CATES: Correct. And in this case,  
20 National Marine Fisheries could do a very similar  
21 thing.

22 MR. BILLY: John.

23 MR. CONNELLY: Just by way of openness,  
24 I'm on the MSC Board of Directors. I went on

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1 there in May. That should not color my comments.

2 And I do not think NMFS should get on this at  
3 all. I think Mark's memo from '05 states that the  
4 ten standards we have in place define what  
5 sustainability is in the United States, and that a  
6 fishery that operates under that plan, or under  
7 those standards, and a product out of the U.S.  
8 waters under a fishery plan is, by definition,  
9 sustainable. By that memo, it is there. And that  
10 is, I think, NMFS should spend a hell of a lot  
11 more money in communicating those messages, that  
12 things are well managed in the U.S., with a few  
13 exceptions, and that is where industry,  
14 conservation groups and the government work  
15 together to develop a management plan to rebuild  
16 those few. But I think money, that a considerable  
17 amount more needs to be spent in communicating the  
18 current status of stocks, rather than going down a  
19 path of some kind of NOAA seal or NMFS seal, and a  
20 couple of reasons why.

21 First, from a market standpoint, and  
22 there are some markets that need this mark. In  
23 the U.S. there's not money. Maybe the Upper East  
24 Side of Manhattan, maybe Wellesley, Massachusetts,

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1 maybe South Beach, but Paducah, Kentucky doesn't  
2 need this mark, doesn't want it, will not pay for  
3 it, which really is the second point.

4           There is no premium in these marks,  
5 whether it be government marks, or third-party  
6 marks, independent marks. Businesses do not get  
7 any more for the extra cost of going through  
8 certification, and our research, other research  
9 shows that there is just an expectation of the  
10 American consumer that things are managed well.  
11 It's just kind of an expectation of that  
12 happening.

13           And, secondly, from a market  
14 perspective, the issue of accreditability of a  
15 program, and if NMFS is to go down this path, it  
16 would need to look at how the FAO sets out  
17 guidelines for what an accreditable program would  
18 need to look like, which would involve third-party  
19 certification, which is -- I just don't think a  
20 government agency should be looking at a third-  
21 party to accredit its work, or to certify its  
22 work. So I'm sure we'll have other comments, but  
23 those are kind of my opening anti comments.

24           MR. SIMPSON: Intuitively, it seems to

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1 me the federal government should be in this. It  
2 never was, in my mind, something that the domestic  
3 consumer or markets needed, or necessarily wanted.

4 After looking into the sustainability label some  
5 time back, one industry in the Gulf of Mexico, I  
6 was amazed and appalled at how much it cost. And  
7 I was also amazed and appalled at how, I don't  
8 know, unverified, or unchecked the big name, MS  
9 big name, MSC uses itself to sit itself promoting  
10 as far as its authority, when most of it comes  
11 from another source. I was told that industries  
12 need this sustainability to make inroads or to  
13 satisfy activities in foreign markets. And I got  
14 the sense in my mind that some of these industries  
15 were being held hostage by this, so I have mixed  
16 emotions about this.

17 I don't necessarily think that it's  
18 something that you could make a big industry out  
19 of within NOAA Fisheries, but at the same time, I  
20 think they're just as credible as some of these  
21 other entities to make this pronouncement that  
22 they are, these fisheries are sustainable.

23 And as a last side note, I never really  
24 thought about involving the states. I mean, why

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1 would you want to be involved in oyster  
2 production, or spotted sea trout? I mean, that  
3 doesn't -- it never really occurred to me, because  
4 it's not a great commodity. Anyway, my thought,  
5 my initial thought.

6 MR. BILLY: John wants to give a direct  
7 response, and then --

8 MR. CONNELLY: Larry, to the point of  
9 NOAA should be involved in this, my argument is  
10 they are involved. I think Mark's '05 memo  
11 defines how the government is involved in this  
12 process. Where we, as industry, and where  
13 government have utterly failed is communicating  
14 that, absolutely failed. And because we have  
15 failed, it has left a wide open field for others  
16 to come in and fill, and others have come in and  
17 filled that field. And in other markets, it is a  
18 requirement in Europe. The MSC mark is a  
19 requirement in most markets in Europe now.  
20 Certainly the UK, Netherlands, the Dutch Retail  
21 has just announced earlier last week that all  
22 4,500 stores if they're going to sell wild capture  
23 fish have to have MSC, and the aquaculture people.

24 MR. BILLY: John.

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1 MR. FORSTER: Yes. Touching all those  
2 points, John says that there's no premium out  
3 there for certification, and I'd have to agree  
4 with you. But, nonetheless, it's being demanded  
5 by some of the biggest buyers in the country, and  
6 to say well, NMFS is doing it, needs to  
7 communicate it more. Go back to 80 percent of the  
8 seafood is imported, and NMFS actually doesn't  
9 have any direct management control over that. So  
10 we do have all these self-appointed groups who in  
11 a way is a classic example of the free market at  
12 work. It's not a bad thing. And I'm just finding  
13 myself wondering whether the role for NMFS would  
14 be as an auditor of those various - touch on  
15 Larry's point, really - that NMFS could weigh-in,  
16 and just basically comment, audit, however you  
17 want to express it, that some of these standards,  
18 which are, to my way of thinking, not always well  
19 thought through, and some even portray a little  
20 bit of prejudice. And to be an arbiter there  
21 might be quite a useful role. And then let the  
22 free market work. Hell, if Wal-Mart wants to use  
23 MSC, or Global Gap, or whoever it might be, let  
24 them do it. That's life. That's between Wal-Mart

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1 and their supplier. But it would be nice to see  
2 some way of keeping some of these groups honest,  
3 because they're operating independently. There's  
4 a temptation, there's no risk, and they're not  
5 responsive to any form of democratic process.

6 MR. JONER: I love it as turn-about.  
7 NMFS can go there and comment on how well they're  
8 managing their certification. Take them to court,  
9 let's sue them.

10 MR. BILLY: Tony.

11 CHAIR DiLERNIA: Thank you. I'd like  
12 to build on what John Forster just said. And I  
13 didn't know I was going to be doing it when I  
14 raised my hand. But Thanksgiving I had a  
15 conversation with the executive chef for the  
16 Wegmans Supermarket chain, prepared foods, which  
17 is very large in the northeast, very upscale.  
18 They go into upper, middle class, and upper middle  
19 class neighborhoods, lots of prepared foods. I'm  
20 not sure where their reach goes beyond the  
21 northeast, and he said to me, "Oh, yes, all of our  
22 seafood is going to be -- the Wegman family has  
23 decided that all the seafood that we're involved  
24 with, will be green. It will be safe. It will be

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1 sustainable." Well, sustainable, and safe, and  
2 green, all different issues, and this is the  
3 executive chef of the very large supermarket  
4 chain, and I sit here and I say well, those are  
5 different aspects of it. And, basically, what  
6 they were looking for was some type of just a  
7 sticker on the package, Randy's sticker, or  
8 whatever that says yes, it's okay.

9 I'm reminded of the Palm Card, I forget  
10 which environmental group produced a few years  
11 ago, that had the critter. And it was either  
12 green, red, or yellow. And they walked in with  
13 those, and folks, okay, if it's green, we'll buy  
14 it. And if it's red we won't, and maybe once a  
15 month we'll buy the yellows. But it has to be  
16 very simple. It has to be very, very simple, and  
17 it has to give the consumer information. The  
18 consumer is asking for it. And if we just address  
19 the consumer's request and needs, we will be  
20 supporting the industry. It's that simple.  
21 Something has to go on the package, whether it's -  
22 - and I think John's concept of let's keep those  
23 groups that want to certify, let's keep them  
24 honest. Let's find a way, rather than us doing it

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1 ourselves, or NMFS doing it, let's - like Steve  
2 just said - let's review them, instead of them  
3 reviewing us. But it was very clear to me that  
4 this is the direction they were going in. And  
5 they didn't really fully understand what they were  
6 trying to do. They just knew the customer was  
7 asking for some type of additional certification,  
8 and they were going to present it to them. Thank  
9 you.

10 MR. BILLY: Tom.

11 MR. RAFTICAN: I heard what John said,  
12 and then John also answered it, and that you've  
13 got Wal-Mart opting for MSC certification. This  
14 is going to make an impact in Paducah. The other  
15 thing you have to recognize is when you're talking  
16 about such a widespread thing like this, we, NOAA  
17 does a good job of managing its fisheries. Not  
18 perfect by any stretch, but a good job. In terms  
19 of the worldwide market, we do a hell of a lot  
20 better. And, again, there are clear exceptions to  
21 this rule, but my God, it cost us more money to do  
22 that, take advantage of it. I'm not sure how to  
23 do that, but there clearly is an option to have  
24 free market enterprise help pick up the tab for

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1 the extra cost of our doing business.

2 MR. CONNELLY: How do you mean the free  
3 market?

4 MR. RAFTICAN: If we have -- if you can  
5 show that this is clean caught fish, that it's  
6 produced sustainably, that it's safe, I mean,  
7 that's what most of these people are asking for.  
8 And if you're doing it as a matter of course, for  
9 NOAA, and 80 percent of the seafood you import may  
10 or may not be, take a bow for what you're doing.

11 MR. CONNELLY: I'm with you. That's why  
12 I argue that if we collectively over the last 10,  
13 15 years had communicated that to the state  
14 fisheries, then Wal-Mart would not have used the  
15 MSC process to get around some issues.

16 MR. RAFTICAN: We've done a better job  
17 managing the last 10 years, too.

18 MR. CONNELLY: But it's not, as I  
19 mentioned at lunch, it's not good enough to do  
20 good. You need to tell people about the good that  
21 you do. And we've started the first part, but we  
22 haven't done the second part.

23 MR. BILLY: Tony, or Randy.

24 MR. CATES: I've gone through all this

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1 personally with my business. I've been evaluated,  
2 a couple of those cards. I've had meetings with  
3 companies like Whole Foods, trying to figure out  
4 what they want. A couple of things, we've got to  
5 advertise, NOAA has to advertise the good work  
6 that it has done. Labeling it as domestic is  
7 going to become a very important issue for our  
8 fisheries. It's going to be a selling point.  
9 You're going to buy salmon caught from the U.S.  
10 waters versus somewhere else, or you're going to  
11 have this fish, so we need to advertise the good  
12 work that we're doing. And most important thing  
13 is, these other companies, or these other labels,  
14 the most important thing in the whole project is  
15 credibility. It has to be credible. And that's  
16 what's missing with some of these other cards,  
17 they're not credible. And I could tell you first-  
18 hand experience, that once you lose that  
19 credibility, you cannot find one of those cards in  
20 Hawaii today. You could two years ago, you cannot  
21 now. They won't use them.

22 MR. BILLY: Yes. I'd like to add some  
23 thoughts that I have on this to the discussion.  
24 One is that the label is something quite different

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1 than a website, or cards, or other means of  
2 communicating about fishery products. The label  
3 is pretty strictly regulated. There are federal  
4 regulations in place, Food and Drug Administration  
5 is the regulator. NOAA Fisheries helps with  
6 regard to the voluntary seafood inspection  
7 program, but follows the FDA regulations. And  
8 it's no small matter to sort through putting some  
9 kind of additional mark on the label with respect  
10 to the availability of that mark to all product of  
11 a similar nature, and that comes under the  
12 Commerce Clause of the Constitution. And I bumped  
13 into that a couple of times in my career, where  
14 you can't make it available to one part of  
15 industry, and not another part of the industry,  
16 and that compounds the matter with regard, for  
17 example, to imports. So you would need to really  
18 think through, if it's going to be federal, how  
19 you're going to meet the legal requirements for  
20 what goes on the label, and make sure that it's  
21 accurate, and reliable to the consumer.

22 Another issue is the issue of, if I'm a  
23 major producer of some particular type of breaded  
24 product or canned product, I source raw material

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1 from 10 different countries, how am I going to  
2 insure that all of those countries have  
3 sustainable fishery management systems in place?  
4 If you don't, and you include it on part of your  
5 labels, but not others, you are going to quickly  
6 run into the Food and Drug Administration, because  
7 they believe that kind of thing is misleading to  
8 the consumer. How is the consumer to know? Are  
9 you implying that all of that product is, or how  
10 are they to make the decision in terms of what  
11 they're buying? So there are a number of issues,  
12 is all I want to point out. It's not a simple  
13 matter at all. If we, as a group, want to  
14 encourage NOAA to pursue this, and in particular,  
15 to develop some sort of a mark, federal mark for  
16 it. And then the issue of states comes into play,  
17 too, in terms of other broader interests, and  
18 aquaculture, as well, salmon from aquaculture,  
19 versus wild, how to sort that out. And what the  
20 standards would be.

21 I just wanted to share that from my  
22 background and experience in this area, as further  
23 consideration for this.

24 MR. GILMORE: Larry referred to the

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1 fact that there are hostages in these labeling  
2 programs, so I'll speak from the perspective of a  
3 hostage.

4 (Laughter.)

5 MR. GILMORE: Maybe we have Stockholm  
6 Syndrome here with MSC. We've got our issues with  
7 them, but we recruited Mr. Connelly to be our  
8 inside agent on the Board. But I think what we  
9 lose sight of is that there were three or four  
10 different fights going on here. And we're trying  
11 to see if NMFS can tackle the whole enchilada. I  
12 just don't think that's practical. I think that  
13 the point that 80 percent of the seafood is  
14 imported. Are we going to set NOAA up to start  
15 determining sustainability standards for all these  
16 imports? I hope not. But let's try to parse out  
17 what some of the fights are, and figure out where  
18 the Agency can play a constructive role.

19 And I think to the extent that there  
20 are -- as a seafood producer, and as someone whose  
21 exports comprise two-thirds of what we're doing,  
22 we don't want to promote domestic seafood. We  
23 want people to eat seafood. We want to feel good  
24 about it. We want them to think it's healthy, we

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1 want them to think it's nutritious, we want them  
2 to think it's a good value, we want them to think  
3 eat seafood, and not -- don't eat the Russian fish  
4 fingers from Gorton's. Only eat the American  
5 produced fish fingers from Gorton's, and we  
6 believe the message needs to be simple, not unlike  
7 Green Peace, which believes the message should be  
8 simple. Ban this, ban that, stop this, stop that.

9 We want to make it a simple message. And I think  
10 that the simple message for NMFS is not to get  
11 bogged down in trying to develop a sustainability  
12 standard, trying to figure out whether you're  
13 saying domestic or import is sustainable.

14 The particular fight that NFMS has is  
15 that, and it gets kicked off every year where the  
16 status of stocks comes out, there's over-fishing  
17 going on, and there are over-fished stocks, and  
18 the spin machines begin with people who want to  
19 say the oceans are in crisis. And we don't have,  
20 and John has said this straight out, you do not  
21 have an effective response from the Agency to say  
22 that fisheries in the United States, which is the  
23 only part of the fight that they come with. They  
24 can't deal with the Chilean sea bass controversy,

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1 or this controversy, or that. What's in their  
2 bailiwick that U.S. fisheries are producing fish  
3 in a sustainable manner. And I think that's all  
4 you can really ask the Agency to do, given its  
5 charge as a management agency. I know preaching  
6 to Mark, he agrees whole-heartedly with it.

7           The example we used at lunch today is  
8 that NMFS always tells people that there isn't  
9 over-fishing going on, and so what's the word.  
10 You just say over-fishing. How many negatives do  
11 we have to string together here, instead of saying  
12 these fish stocks are sustainably managed. This  
13 is the percentage of fish stocks, this is the  
14 percentage of landings being sustainably managed,  
15 simple, direct messages. And I think that's where  
16 the Agency needs to focus, and we can deal with  
17 these other possible situations with business-to-  
18 business things, where somebody doesn't want Green  
19 Peace hanging from their corporate headquarters in  
20 Amsterdam, and so we'll work out a deal with the  
21 World Wildlife Fund, and if the program, buyers  
22 express an interest in it, suppliers make the  
23 decisions, and we all go about our way. That's a  
24 different fight, and it's just the way it has to

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1 be. It's not clean, it's not pretty, but it's  
2 just the way it has to be.

3 MR. JONER: Everybody that's over here  
4 said the word "sustainability". And when I've  
5 been suckered by NMFS into being on a panel, and  
6 I'm giving the message that the opposition doesn't  
7 want to hear, they don't like my definition of  
8 sustainability. And according to them, there  
9 really isn't a definition of sustainability. So  
10 my big fear in this, this is directed to John, is  
11 that is this a moving target, or is this word,  
12 this concept nailed down to where it can't change?

13 NRDC will come to a Pacific Council meeting and  
14 say that what the council is doing on the  
15 rebuilding plan is not right, it's not  
16 sustainable. Now we'll go to court, and convince  
17 a judge of that. So I think that could be  
18 possibly the role for NMFS in this, is to making  
19 sure that there is a standard that's adhered to,  
20 and that -- I'll be a little bit facetious, say  
21 that it doesn't change where the boats all have to  
22 use biodiesel, or drink only free trade coffee, or  
23 whatever. But have it nailed down, and not be  
24 this moving target, because sustainable means

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1 different things to different people.

2 MR. CONNELLY: Just a couple of points,  
3 Steve, and I will get to your's. First, there is  
4 -- seafood does have a requirement to label its  
5 products wild or aquaculture, and as to its  
6 country of origin, whether U.S., China, Scotland,  
7 or Costa Rica. So we already have that ability -  
8 we don't have that ability, we have that  
9 requirement to label a product. And we already  
10 have that ability to say where a product is from.

11 And as far as the cards, and I'll speak  
12 for NFI here, we don't like the cards because they  
13 take complex fisheries issues and we call it  
14 fisheries management by graphic balance. If you  
15 have 10 green, you have to have 10 red. Well,  
16 that's entirely a simplistic way to take very  
17 complex situations from a globally sourced product  
18 in order to get it on a two-by-two card. It's  
19 kind of -- but it's entirely simple for a  
20 consumer, we'll grant that.

21 And the benefit of the MSC, and we  
22 don't endorse the MSC. We participate on it  
23 because some of our major fisheries are involved,  
24 and we want the program to improve significantly,

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1 and they are improving. But the benefit of the  
2 MSC is you want them. You don't have to do this.

3 If you're driven into it by your customer  
4 relationships, that, as Jim said, is a business-  
5 to-business deal, and if you don't like it, there  
6 are people that tell us, there are -- I've had  
7 shrimp companies basically tell Wal-Mart we don't  
8 want your business because of the way you're going  
9 to prescribe something to us, so they lose the  
10 Wal-Mart business. Frankly, right now they're not  
11 having a problem selling shrimp. But companies  
12 make that decision as to want to go down the Wal-  
13 Mart path or not, and so the carrot versus MSC,  
14 there are some benefits to MSC. And credibility  
15 of these programs, or Tony, I think to your point,  
16 the FAO spent a fair bit of time, as they normally  
17 do with stuff, developing guidelines for what a  
18 ecosystem -- excuse me, a certification in an  
19 eco-label program should entail, and so there is a  
20 guideline out there already that whether it be  
21 NMFS or others, and someone should scrub all the  
22 existing programs against those internationally  
23 accepted guidelines, and find out where people  
24 are. I think that would be very helpful for

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1 someone other than a business to do, because we'll  
2 be perceived as self-serving.

3 And finally, Steve, I told you I'd get  
4 to your point. I just instruct, again by Mark's  
5 memo, which is behind Tab - I'm sorry, I have my  
6 own book. Behind Tab 8. If you pull up Mark's  
7 memo and go to the one, two, three, fourth  
8 paragraph, it talks about primary objectives of  
9 NMFS, steward of most living marine resources, et  
10 cetera, et cetera. Halfway through there, it  
11 talks about the ten national standards prescribe  
12 the principles of sustainability that fisheries  
13 must follow as U.S. law on sustainable harvest.  
14 So when I talk about sustainability, I'm going to  
15 our government resource, the policy that was  
16 developed by our government. And when people  
17 don't like that, I say well this is part of being  
18 in a democracy. You don't like the government's  
19 choice, change government. But right now I have a  
20 document from the U.S. government that defines  
21 sustainability, in my mind. Mark, I really don't  
22 have this talk with me about sustainability, so  
23 I'm not sure, Steve, that's helpful.

24 MR. JONER: Actually, I actually read

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1 that. It didn't sink in, maybe because of my  
2 drama of being a hostage myself, a hostage to Wal-  
3 Mart, of all places, which I'm sure has stores  
4 conveniently located in Paducah, Kentucky, or the  
5 neighboring cities.

6 MR. BILLY: Ralph.

7 MR. RAYBURN: Thank you, Mr. Chairman.

8 May I reflect on the discussion from our last  
9 meeting, and that's when FishWatch was just still  
10 being developed before the roll-out in New Orleans  
11 in August or so. Some of that passion that I had  
12 at that time was led by, you know, being involved  
13 in this Wal-Mart initiative to an extent, just  
14 kind of got in the back door and continued going.

15 But I started talking with some folks, as to  
16 exactly what they were expecting out of some of  
17 the domestic fisheries that I have an interest in.

18 In fact, Chris and I have been working with these  
19 folks for a while to see what we can do about  
20 that, but one thing that struck me, and I was  
21 trying to sort through why a third-party is  
22 required. And the response, basically, was that  
23 the consumer doesn't trust the government, and so  
24 a third-party has to come into that, and somehow

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1 they trust the third-party, they don't trust the  
2 government.

3 Well, they're kind of thinking, well,  
4 with all the money that we put into managing our  
5 fisheries to whatever levels we do, sustainable,  
6 to meet those standards, and how could you not  
7 trust that? And the fact that third-parties come  
8 to the government to get the information to make  
9 the determination of whether or not it's managed  
10 sustainably or not, and without the government,  
11 then they don't really have anything to make that  
12 judgment on, so it seems really -- so we really --

13 I worked with Michael Kelly a lot on this  
14 FishWatch deal, and we tried to make some  
15 constructive input so that this could, at least,  
16 initiate the tool whereby a consumer, if they were  
17 interested in a fishery, a domestic fishery, if  
18 you will, would have a source, a government  
19 supported source to go to, and learn about the  
20 fishery. Yes, they have to determine what's over-  
21 fishing, or over-fished, and how that all meet.  
22 You don't have a clear yes or no, buy or don't, so  
23 we were really looking at this FishWatch thing as  
24 maybe, sort of labeling, an access point. And I

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1 think the vision that Michael had, anyway, and I  
2 don't know how high up it went in his  
3 organization, or his structure, was to have  
4 kiosks, or have some kind of quick check in front  
5 of the seafood counter so they could just plug  
6 that in. The federal government is managing this  
7 fishery, and it's sustainable, everything is  
8 great, to answer those kinds of questions. And  
9 so, I really thought this FishWatch was a tool,  
10 maybe complicated, maybe not, but it's complete,  
11 or it's got a good start, I think, where we can  
12 have people go to that. So it seemed to me like  
13 it, for the -- and I only say domestic, because I  
14 think maybe NMFS does limit it to domestic, but  
15 certainly they're involved in international  
16 affairs, too. Regional management organizations,  
17 I guess, so there may be some extension of that  
18 into international, but it seems to me like it is  
19 a role of NMFS to be involved in some kind of  
20 consumer education, or consumer activities that  
21 would support the sale of seafood, and how far you  
22 want to go with that. So I guess my comment would  
23 be, I think it is relevant to the government to be  
24 involved in this, not necessarily to compete

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1 against the certification, but to provide good,  
2 sound information to the citizens as to how to  
3 market seafood.

4 And that kind of rolled into me talking  
5 too much at another meeting, and I got the  
6 responsibility of setting up, or at least  
7 developing for a proposal, a symposium at the next  
8 American Fishery Society meeting in August to deal  
9 with eco-labeling. And the context, or least its  
10 theme basically is who's holding the cards on  
11 sustainable fisheries, seafood? Is it the  
12 government, or is it the third-party certifiers.  
13 And I have to submit that next month as to whether  
14 or not we get that symposium, but if so, the  
15 meeting is in Ottawa, Canada. We've touched base  
16 through just kind of various groups. We've got  
17 some Canadian folks who have been strung out for  
18 eight years on trying to get a certification  
19 through MSC, and hopefully we get government  
20 interest in it, too. And it may be something in  
21 the long range, Mr. Chairman, on this, it may be  
22 something that this MAFAC group, or your  
23 Subcommittee may even want to look at, as I  
24 proposed earlier, just as a sponsor in name, and

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1 sit in on that. And if it's a value, and if we do  
2 get the symposium, and it looks like the  
3 presenters, 20 or so, 30 presenters are worthy,  
4 may have a panel discussion to kind of continue  
5 this, see what we could bring back to MAFAC at the  
6 LV. I'd be gone, but at your meeting, whenever it  
7 would be in the late '08 period, and see whether  
8 you could flesh out something, what the issues  
9 are. So I just propose -- all this came around  
10 since our June meeting. I've kind of been into  
11 this, and it seems like maybe this is a venue that  
12 may be worthwhile. I'm not sure, like I say,  
13 whether it will make it or not, but it's been a  
14 good response so far. And people that I think are  
15 -- I mean, including the author of the FAO eco-  
16 labeling guidelines has agreed to make a  
17 presentation. At least, that's my understanding.  
18 She's out of Rhode Island, so it could be a good  
19 venue to consider, and I'll be happy to provide  
20 you information as it develops, if there's  
21 interest.

22 MR. BILLY: Thank you. Larry.

23 MR. SIMPSON: Yes. Initially, I want  
24 to say, intuitively, that NOAA Fisheries should be

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1 involved in this. I didn't mean as necessarily  
2 better to the MSC, or the other ones. But in some  
3 fashion, either commenting, evaluating policy  
4 statement, I don't know, whatever. But I have a  
5 question. Why does Wal-Mart require an MSC  
6 certification? Why does a foreign country require  
7 an MSC certification? Why can't they have a  
8 substitute certification?

9 MR. CONNELLY: From a business  
10 perspective, I'll give you a cynical answer, and  
11 I'll give you a business answer on Wal-Mart. The  
12 business answer on why the processors don't want  
13 multiple certifications, because if we're in the  
14 stock. If Wal-Mart says A, Costco is going to  
15 automatically say B. A could be the absolute best  
16 program around, but because Wal-Mart is taking  
17 lead, their competitor in the marketplace is  
18 Costco. There's no way in hell that they will say  
19 Wal-Mart did something right. They have to do B.

20 If Costco does B, Kroger is going to go to C. So  
21 the processors would rather have some limited  
22 competition to MSC, but not have 50, because then  
23 every retailer is going to want something  
24 different, and that totally disrupts how you

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1 package product, and process product. Does that  
2 make sense?

3 MR. SIMPSON: I mean, that's an answer,  
4 but you aren't getting to my point.

5 MR. CONNELLY: I'm just letting you  
6 know some limited number of competition to MSC,  
7 most processors would welcome. The question --

8 MR. SIMPSON: No. Why does Wal-Mart  
9 say, I've got to have MSC?

10 MR. GILMORE: I'll answer that.

11 MR. SIMPSON: Because they can?

12 MR. GILMORE: Because World Wildlife  
13 Fund is very influential, and they got together  
14 with Unilever 12 years ago, and Unilever was  
15 worried that Greenpeace was going to be propelling  
16 off their corporate headquarters, and they worked  
17 up, I think, a very reasonable sustainability  
18 standard. That's never been an issue for us with  
19 the program. And Unilever at that time owned  
20 Gorton's of Gloucester, and had Igloo brands, and  
21 Bird's-eye brands, and our biggest customer came  
22 to us and said we feel very warmly about this  
23 program, and we bet you do, too.

24 MR. SIMPSON: Kind of like when Senator

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1 Hollings said the SEA GRANT program does include  
2 the South Atlantic. Oh, yes, sir.

3 (Laughter.)

4 MR. GILMORE: And for us, again having  
5 NMFS involved in something like this, doesn't help  
6 us where the eco-label is showing a benefit, and  
7 that's in the European market. The German  
8 consumer, they might not have quite figured out  
9 who the MSC is. They figured out the World  
10 Wildlife Fund is behind it, and those German  
11 consumers respond very favorably to anything  
12 that's carrying a logo that the World Wildlife  
13 Fund says is deserving of carrying the logo. And  
14 that's a good deal. I mean, when I talk about it  
15 here in the United States, I can't find a  
16 journalist that's ever heard of the MSC. But as  
17 soon as I mention the World Wildlife Fund, people  
18 are impressed.

19 MR. CONNELLY: The other part of that  
20 was --

21 MR. SIMPSON: It's all the wrong  
22 reasons. It ought to be about whether or not  
23 you're sustainable or not, instead of --

24 MR. CONNELLY: Wal-Mart is running a

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1 business, and so businesses have to look at stuff  
2 in different ways. They want to open up 1,500 new  
3 stores, so if you think Wal-Mart has penetration,  
4 Wal-Mart wants to open up 1,500 new stores, and  
5 they have basically penetrated Bentonville,  
6 Paducah, they have basically penetrated rural  
7 markets, so as they move into more suburban  
8 markets, they have a huge image issue. So Wal-  
9 Mart has to open up 1,500 new stores. If they  
10 want to feed those stores with fish, they do need  
11 sustainable sources of fish. There's absolutely  
12 no doubt that for the amount of fish that Wal-Mart  
13 sells, they need sustainable sources. But they  
14 also have very significant siting problems. And  
15 when you think of Wal-Mart, at least as many of  
16 your comments are going to be about union issues,  
17 are going to be about lack of healthcare for their  
18 workers, et cetera. And so part of this is Wal-  
19 Mart's, and I do believe that they see a business  
20 value in a lot of their sustainability  
21 initiatives, but part of that strategy at Wal-Mart  
22 is also to say, we're a changed corporate  
23 citizen, so that my wife as a suburban kind of  
24 mother of four isn't going to go out in the picket

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1 line when Wal-Mart want to go into our town.  
2 Because as they open up 1,500 new stores, what  
3 they want to avoid is the siting fights. And MSC  
4 is one small part of a much broader sustainability  
5 initiative at Wal-Mart.

6 MR. BILLY: There is a parallel to some  
7 degree, as I think about it, in the food safety  
8 area, and that is, and I'll use one example, the  
9 inspection mark the Department of Agriculture puts  
10 on meat and poultry products. That inspection  
11 mark, which is the little round symbol, this is  
12 packed under federal inspection. Well, what comes  
13 with that is not only systems that address the  
14 safety of those products, but also how the animals  
15 are handled, there's a whole set of regulations on  
16 that. There's a set of regulations regarding the  
17 sanitation and water potability in the plants, and  
18 so forth.

19 In other words, there's a fairly complex  
20 suite of efforts that go into qualifying a product  
21 to meet that. But the cost of that program for  
22 the consumer, in terms of tax dollars, is \$1  
23 billion a year. That's how much is spent  
24 currently on the inspection program for meat and

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1 poultry products. And it's not a simple matter,  
2 it's complicated, and so again, that speaks to the  
3 government versus private, what are we really  
4 after here?

5 I just wanted -- that's an example of  
6 something that's been around for 100 years, it  
7 works. A lot of consumer confidence is in it, but  
8 it's not cheap, and it's complicated to make it  
9 work effectively. Randy.

10 MR. CATES: I think you gave a very  
11 good example of that. I mean, all these points,  
12 they've all got value to them. I think as far as,  
13 if we were to do a system, it could be funded and  
14 paid for by the business. I mean, actually, what  
15 we're talking about is advertising what we already  
16 know to be true, that our products are  
17 sustainable. We have sustainable fisheries, and  
18 we just need to advertise that.

19 I'm less concerned about the  
20 international imports, getting worried about  
21 whether they're sustainable or not, because we're  
22 tasked with our fisheries. What we want to say to  
23 our consumer is, our fisheries are sustainable. I  
24 think of the FDA and the drug business. I don't

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1 really, to my knowledge, don't have a third-party  
2 certifying a drug. And I wouldn't trust it. I  
3 trust the FDA saying this is safe or not safe.

4 MR. BILLY: Bill.

5 MR. DEWEY: So the shellfish story, at  
6 least on the West Coast, people are interested in  
7 sustainability certification for a variety of  
8 reasons, been pursuing it. As yet, haven't found  
9 anyone that will do aquaculture, that want to do  
10 aquaculture products, as yet, but we're working on  
11 that. And WWF has re-initiated their efforts with  
12 the mollusk dialogue. And that said, I think I'd  
13 like to speak in support of Jim and John  
14 Connelly's comments that suggest that NOAA is  
15 probably not the appropriate place to do that.  
16 And I also want to speak in support of their  
17 comments as far as messaging from NOAA relative to  
18 our fisheries. And just the negatives, and how  
19 many negative ways can you say it, I think is  
20 absolutely right, Jim, and actually, just go on  
21 the FishWatch site here now, and looking on  
22 sustainability status, the way they present it is  
23 over-fishing, no. Over-fished, no. I mean,  
24 there's a different way to say that positively.

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1           And I wanted to comment on John  
2 Forster's point, that maybe there is a role for  
3 NOAA in reviewing the various different  
4 certification programs that are out there. Nobody  
5 is doing that now, and whether it's NOAA, or maybe  
6 it's more appropriate for the National Research  
7 Council, or National Academy of Science, or  
8 something like that to do a review of all these  
9 various programs, so that there is some sort of  
10 scrutiny and consistency between them, might be a  
11 good idea.

12           MR. BILLY: Okay. John.

13           MR. FORSTER: Yes, and I'm probably  
14 echoing what's just been said, but what I'm  
15 hearing is that this is going to be a real sort of  
16 nightmare for NOAA to get into de novo, as it  
17 were, and reinvent a whole lot of new standards.  
18 But I'm also hearing that this is not something  
19 that I feel that NOAA needs to abdicate, just  
20 leave it to all the other people out there to sort  
21 of do whatever they're going to do, be it Wal-Mart  
22 or whoever. And so, is there a compromise? And  
23 Bill just touched on that, and maybe there are  
24 other ways of doing it, other agencies that could

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1 do it, but as somebody that's involved with a  
2 company that is trying to import or export seafood  
3 into this country right now, it would be helpful  
4 to have recourse to some agency that's responsive  
5 to the electoral process, and is a government  
6 agency, to say look, are we being asked to be on  
7 the reasonable things or not? And then it's a  
8 decision, it's a business decision, you make your  
9 decision. But to have some recourse when one  
10 feels one is being a little bit held up and backed  
11 up against the wall, I think would be helpful.

12 MR. BILLY: There is a precedent for  
13 that in the NOAA voluntary inspection program. I  
14 don't think the project still exists, but for some  
15 number of years, the supermarket industry  
16 developed a special set of standards for the fish  
17 counters. And it involved the sanitation related  
18 to the counter, the products and their labeling,  
19 the training of the staff that served or cut up  
20 the fish, and how the fish were stored in the back  
21 of a store, and received and all that. And it was  
22 a set of standards developed by the Supermarket  
23 Institute, but it was managed and audited by the  
24 NOAA voluntary inspection program. And they would

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1 determine whether a store or a chain of stores met  
2 the basic standard requirements, and then would  
3 continually audit, and all that was done at the  
4 expense of the stores, and the Supermarket  
5 Institute.

6 There are probably people still around  
7 that remember that, and how it worked, and what,  
8 if any, problems occurred, so there is some  
9 precedent for that kind of role, at least with  
10 regard to the voluntary inspection program. Other  
11 comments?

12 DR. HOLLIDAY: Following up on your  
13 point, part of the Annotated Agenda also talked  
14 about, if it's not a federal responsibility, are  
15 there other entities, are there organizations in  
16 the industry, and one of the reasons we put the  
17 Canadian Code of Conduct for Responsible Fisheries  
18 in place, it wasn't the Canadian government that  
19 took FAO's document, it was the Canadian industry  
20 that took that, and developed that into a set of  
21 criteria and standards. And each sector of their  
22 industry adopts that as a Code of Conduct for  
23 Responsible Fishing on their own. It's not a  
24 government labeling, it's not a -- it's an

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1 industry support, so each sector, the British  
2 Columbia Fisheries, will vote to adopt that Code  
3 of Conduct, and they made minor variations on the  
4 FAO one, but it's not the -- the point is, it's  
5 not the Canadian federal government doing it.  
6 It's taken an international standard or framework  
7 for sustainable fishing practices, adopted it to  
8 the nation of Canada, with the assistance or the  
9 support of the Canadian government, but it's not a  
10 Canadian federal activity, so there are other  
11 options that are sort of in-between. It's a  
12 third-party, versus a federal or state entity.  
13 That, again, is sort of a hybrid in-between, could  
14 be an auditing role for a governmental agency to  
15 ensure that validity and credibility of it, but  
16 it's some other established framework, and it goes  
17 back to nothing being prescriptive per se, but  
18 sort of a guidance on how one would carry that  
19 out.

20 MR. BILLY: Please.

21 DR. ROBERTS: I concur with Jim, and  
22 John, and Bill, the business people here. But I'm  
23 looking at one of the other business people next  
24 to John there, Randy, and I think Randy is

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1 interested in labels, or some visual recognition  
2 for the consumer. And maybe there's a point here  
3 where the sustainability, the 10 points that Mark  
4 says the fishery service is involved in, that is  
5 synonymous with sustainability, we're marketing  
6 that on FishWatch. I mean, people can go and they  
7 can -- but maybe there's -- we need to do more  
8 marketing of what is already there. And maybe  
9 there's a mark or a label that would satisfy a few  
10 people who would be willing to use it, if it was  
11 made available to them, and that's wider marketing  
12 outside of the website. And that may be something  
13 your Committee, Subcommittee wants to talk about,  
14 is there some potential better way to market  
15 what's already being said to be sustainable, other  
16 than just the website. And that's probably a long  
17 discussion.

18 MR. CATES: Well, the point I was  
19 thinking earlier, and the question to both of you  
20 folks is, what would stop a company that is  
21 harvesting a product that is determined  
22 sustainable from making its own label as  
23 sustainable under National Marine Fishery  
24 standards. Can you do that? I mean, the consumer

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1 -- this is Marketing 101. The consumer wants --

2 MR. BILLY: As long as it's true.

3 MR. CATES: If it's on the website, and  
4 labeled as sustainable?

5 CHAIR DiLERNIA: Yes.

6 MR. GILMORE: I think it would have to  
7 read it's not over-fished.

8 (Laughter.)

9 CHAIR DiLERNIA: No over-fishing  
10 occurred.

11 MR. BILLY: Ralph.

12 MR. RAYBURN: When FishWatch was rolled  
13 out in New Orleans, there were a lot of, well,  
14 decals, and bags and all that, that I understood  
15 there was a promotional aspect about that. The  
16 idea was to try to get fish counters and stuff to  
17 at least have some visible thing. I mean,  
18 granted, people aren't walking around with their  
19 Blackberries or something to just dial up to  
20 FishWatch and see whether that fish is there, but  
21 there was at least an initial effort on making  
22 some more visible marketing tool, if you will, if  
23 nothing more than just to reflect to the consumer  
24 that there is the FishWatch website out there to

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1 check that. I'm not sure how successful that was,  
2 whether it's just something people felt like they  
3 wanted to do, but at least that point, plus the  
4 idea of trying to have some type evolve if the  
5 resources were there, into some type of kiosk  
6 around those seafood bays or seafood markets and  
7 such so that somebody could check it out fairly  
8 quickly. I think they tried, is what I'm trying  
9 to say. I'm not sure how effective it was, or  
10 whether that program continues, or what.

11 MR. BILLY: Mary Beth.

12 MS. NICKELL-TOOLEY: Well, one thing is  
13 that seafood is already labeled, you know its  
14 point of origin, whether it's U.S. or Thailand, or  
15 wherever. I think it's really more about getting  
16 the point out that all U.S. seafood is managed in  
17 a sustainable manner, even Atlantic Cod, it's  
18 under a rebuilding program. It meets the  
19 standards of the land, meets the standards, the  
20 national standards and everything else. So U.S.  
21 consumers should feel comfortable buying any U.S.  
22 product, and feel that it's sustainable, so how do  
23 you get that out?

24 Well, when you get into requiring

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1 additional labels, Gorton's of Gloucester is --  
2 people found it very problematic just dealing  
3 with point of origin. When we had a sardine plant  
4 in Eastern Maine, certain times of the year they  
5 buy the product from Canada, so they had to switch  
6 out. They have to have two different cans now to  
7 meet that standard, and if you added another one  
8 on top of that, then maybe they have to have four  
9 different, I don't know. So it gets sort of  
10 problematic; so I think it's really more about  
11 getting out the message that all U.S. seafood is  
12 managed in a sustainable fashion, that every U.S.  
13 consumer should feel comfortable buying any  
14 product that was landed by a U.S. fishery.

15 MR. BILLY: Thanks. Laurel.

16 MS. BRYANT: I just wanted to kind of  
17 mention some of the discussions I've had recently,  
18 now that I'm on detail to the Marine Sanctuary  
19 Foundation. It's a huge issue. There's obviously  
20 growing interest, as you're all aware of. One of  
21 the things in describing FishWatch, and kind of  
22 keeping it separate, as kind of that neutral  
23 arbiter that's not trying to be an advocate one  
24 way or the other, one of the things that I believe

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1 pointed out that it also provides is that  
2 sustainability is not some static end-state. It's  
3 a very dynamic process. It's something that has  
4 to be worked on all the time, and so I keep  
5 referring, and I think somebody else here said it,  
6 as well, is those ten national standards. It's  
7 looking at that. You can have a fishery that  
8 perhaps is sustainable one year, and two years  
9 later, perhaps an El Nino moves in, and all of a  
10 sudden by-catch goes up, and that becomes an issue  
11 that is -- and it's a dynamic process. And that's  
12 been kind of the learning curve I've been going on  
13 with some of the folks that I've been discussing  
14 with, those 10 national standards. It's being  
15 monitored, somebody is surveying. This is part of  
16 what U.S. fisheries are, and if they are managed  
17 according to those 10 national standards, part of  
18 a plan, that kind of scrutiny and review is part  
19 of their sustainable status. And I just, when  
20 we're looking at labeling, and all of them are,  
21 it's not a definite, static end-process. It's  
22 dynamic, and I think that needs to be kind of  
23 included in the discussions and how it's  
24 considered.

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1 MR. BILLY: Thank you. Cathy.

2 MS. FOY: Thank you, Mr. Chairman. I'd  
3 like to speak to Mary Beth's comment. I believe  
4 the problem that NOAA has, the public does not  
5 trust that we are managing our fisheries well, so  
6 I think it does put NOAA in a very strange  
7 position of having to blow our horn as a  
8 government agency, but the truth of the matter is  
9 that the bad perception is out there, and you have  
10 to counter it, so I don't know if it means to do  
11 labels; I don't know. FishWatch, however you do  
12 it, public perception of our fisheries has to be  
13 changed, because the other message is out there,  
14 that we're harming our environment, that it's a  
15 constant thing on the news.

16 MS. LOWMAN: It's on the Simpsons.

17 MS. FOY: Yes. It's on the Simpsons.

18 CHAIR DiLERNIA: The Simpsons?

19 MS. LOWMAN: Yes, it's a terrible half-  
20 hour show, let me tell you.

21 CHAIR DiLERNIA: When it's made for that  
22 level, you know it's become part of the American  
23 fabric.

24 MS. NICKELL-TOOLEY: The perfect shock

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1 of the show was at New England.

2 MR. BILLY: People have been sitting  
3 here listening, that believe you don't have a dog  
4 in this fight, then you have spent -- any other  
5 thoughts?

6 MS. McCARTY: I agree with Jim Gilmore's  
7 comments, and Connelly's and others. I think like  
8 that, as well. I don't think that NOAA should be  
9 getting into this with a view towards putting  
10 together a sustainability standard that's any  
11 different than what we already have. I think that  
12 the public perception is the issue, and anything -  
13 - any money that's spent by NOAA or NMFS on that  
14 will be well spent.

15 MR. FLETCHER: After listening to the  
16 discussion, I tend to go the way Heather has gone,  
17 but I've also felt that a FishWatch approach to be  
18 a tool, and maybe it needs to be expanded a little  
19 bit, because I've heard a comment here earlier  
20 that there are some stocks that are over-fished,  
21 that are being managed in a very responsible way.

22 The subject of a recovery plan, the harvest is  
23 very limited, there is no over-fishing occurring,  
24 and the stocks that are being harvested under that

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1 recovery plan should not be considered red and  
2 stay away from them, because what little there is  
3 being harvested is within that recovery process.  
4 And I think FishWatch can expand a little bit to  
5 identify that, but beyond that, I think NOAA  
6 Fisheries, or NOAA shouldn't be in the business of  
7 trying to get involved in this, other than the  
8 possible idea of looking at some of these  
9 certification programs and see if they meet  
10 certain basic standards.

11 MR. BILLY: Jim.

12 MR. GILMORE: If I can just turn the  
13 conversation just a little bit, to go back to our  
14 last meeting. One issue that we had raised was a  
15 request that the Agency sit down with the Marine  
16 Stewardship Council and discuss the way these  
17 independent certifiers operate coming into U.S.  
18 fisheries.

19 We take a lot of the Agency's time, in  
20 my view, we, as a client working with our  
21 certifier, in asking for information, and making  
22 additional data requests or what have you, and the  
23 policy of the Agency is, you're a constituent; you  
24 can ask for information. We'll provide it to you.

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1 You don't get any special priority. And the  
2 Agency has been wonderful to work with in that  
3 regard. And I think we have to think about, as  
4 more U.S. fisheries get into this MSC program, in  
5 particular, to really just, as much as I would  
6 really like there to be at least one viable  
7 alternative, because monopolies are not a good  
8 thing to deal with, for now, at least, the MSC is  
9 the game in town. And there are a lot of  
10 fisheries getting into this. There are a lot of  
11 fisheries in the Alaska region in this program,  
12 and I would like to see the Agency lay down the  
13 law with the MSC about the time commitments that  
14 they're willing to adopt. And when the pollock  
15 fishery was certified, the certification report  
16 was, I'll say, introduce my bias, flawed, but I  
17 thought very unprofessional in its treatment of an  
18 agency that had gone very much out of its way to  
19 accommodate these certifiers. We fired that  
20 certifier, and we've got a very good working  
21 relationship with our certifier and the Agency,  
22 and it's been a good group. But I think we need  
23 to be thinking about, if the MSC continues to  
24 grow, the impact that will have on time by the

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1 Agency, and the Agency setting some parameters.

2 And the other issue is one that is Point  
3 Six under this NMFS policy directive on eco-  
4 labeling programs, and that is that NMFS is under  
5 no obligation to change its scientific or  
6 management operation to satisfy conditions of  
7 continuation of any private sector certification  
8 award. Any changes that are desired of NMFS with  
9 respect to scientific information or management  
10 should be addressed through the formal public  
11 fishery management council process of FMP  
12 development or amendment, and/or the NMFS  
13 planning, programming, budgeting and execution  
14 process.

15 Subsequent to the certification of the  
16 pollock fishery, the MSC changed its procedures to  
17 instruct its certifiers to -- I'll say be more  
18 professional, more collegial, but not deferential.

19 And what I would like to get to -- a point is  
20 where these certifiers come in and they study a  
21 fishery for a couple of years. They're well  
22 regarded professionals, but so are the people that  
23 they're working with in the Agency, and those  
24 people have been working with these fisheries a

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1 lot longer with an excellent track record. And I  
2 would just like to see the Agency impress upon the  
3 MSC, which oversees the actions of these  
4 accredited certifiers, that we need to be mindful  
5 of the burden that this imposes on the Agency, and  
6 we do expect you to be deferential to the  
7 professional fishery managers in the Agency. So  
8 I'd like to, I guess, reiterate the motion, I  
9 think it was a motion that was adopted at the last  
10 meeting that we make that meeting happen.

11 MR. BILLY: It hasn't, as far as you  
12 know?

13 MR. RAYBURN: The motion was to have  
14 other countries, too. I think we had five or so  
15 countries that were going to get together. Wasn't  
16 that part of it?

17 MR. CONNELLY: Just within the MSC  
18 governance, I'll encourage them to meet. The  
19 Canadians and the New Zealand governments are  
20 already asking for something like this, because  
21 these are countries that have gone through this  
22 now a couple of times. By far, though -- the U.S.  
23 is by far the largest supply into this system. I  
24 think we must have 13 of the 25 that are

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1 certified, and well over half that are undergoing  
2 certification right now. And our argument would  
3 be that there are three principles in the MSC  
4 process. The third is you'd have a functioning  
5 management system in place, and there's only so  
6 many times it needs to be looked at. If I'm going  
7 to get a physical exam, I don't mind once, I don't  
8 mind twice, but I don't need 23 every year.  
9 Especially, proctology.

10 (Laughter.)

11 CHAIR DiLERNIA: I knew he was going  
12 there.

13 MR. BILLY: On that, I'll call on  
14 Heather.

15 MS. McCARTY: I agree with Jim  
16 completely. The other thing I wanted to bring out  
17 is some of the people have said that the Agency  
18 should be looking at the certifiers, should be  
19 sort of overseeing the certification groups. I  
20 don't think that could really happen very  
21 effectively, because, as we've seen, really what  
22 the certifier group, MSC, for example, is doing is  
23 looking over NMFS, and so it would be, I think,  
24 inappropriate to have NMFS sort of looking over

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1 them. Though it might be satisfying, it probably  
2 would be inappropriate, so I think the NRC or  
3 something neutral should be the body that did  
4 that, but I think it could and should probably be  
5 done down the road, but not by the Agency.

6 MR. BILLY: Ralph.

7 MR. RAYBURN: I don't understand. So  
8 what if the NRC looks at the MSC program, if the  
9 European community is demanding MSC, what  
10 difference does it make, any more than what  
11 difference apparently it makes if NMFS says a  
12 fishery is sustainable, and MSC says it's not, you  
13 know? I mean, you're managing for a sustainable  
14 fishery, but somehow MSC says no, it's not  
15 sustainable, then I mean, I guess it seems to me  
16 like I'm not sure where we go with that but, why  
17 bother? Why bother checking over other, other  
18 than your own satisfaction. If MSC has done such  
19 a good job of locking up the European Community  
20 and other major markets that you're going to, then  
21 what difference would it make to say the MSC has  
22 its own little agenda going?

23 MS. McCARTY: Mr. Chairman, could I  
24 respond to that?

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1 MR. BILLY: Sure.

2 MS. McCARTY: You could say exactly the  
3 same thing for why should the NRC look at  
4 aquaculture, or why should the NRC look at the CDQ  
5 program, or why should it look at anything? It's  
6 so that people can understand it more fully, and  
7 make their own judgments. And I think the MSC, in  
8 particular, maybe there's other groups, as well.  
9 I'm not just picking on the MSC, but there may be  
10 other groups that perhaps are not as solid in  
11 their methods, so I'm suggesting just look at it  
12 for that reason.

13 MR. RAYBURN: Just for information,  
14 basically.

15 MS. McCARTY: Yes. There are being  
16 changes made for the better, but down the road  
17 things change again, maybe for the worse. Who  
18 knows?

19 MR. BILLY: Also, in other venues there  
20 are ways to have separation of function; risk  
21 assessors and risk managers separated  
22 organizationally, but still under one -- at some  
23 point, reach a common leadership, so there might  
24 be ways to look at how to do that in another way,

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1 just as a comment. I'm not arguing for it, just  
2 other ways to deal with it. Mark?

3 DR. HOLLIDAY: Just to comment about NRC  
4 or someone else, I think it's important to keep in  
5 -- to make sure you know what you're asking, or  
6 the charge to the group, because I think there's a  
7 difference between an audit of how well MSC or an  
8 organization is carrying out its charge, versus  
9 sort of a survey of the different programs that  
10 are out there, and how well are they complying  
11 with some established FAO guidelines that the U.S.  
12 may be a signatory to. So depending on -- I think  
13 it might be appropriate for NOAA to conduct one,  
14 but maybe, perhaps not another type of review  
15 study. And the other part of it is, if you go to  
16 NRC, bring your checkbook, because it's going to  
17 cost you a quarter of a million dollars. Somebody  
18 else might be able to do it, so I think those  
19 kinds of studies should be done. I'm just not  
20 sure it's black and white who should do them. It  
21 might depend on what you're asking, what the  
22 charge would be.

23 MR. BILLY: Bill.

24 MR. DEWEY: I guess to that point is --

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1 I was commenting on it, what was going through the  
2 back of my mind was the MSC monopoly, and that if  
3 there was a review being done, others might step  
4 up to the FAO guidelines to be seen as more  
5 competitive against the gold standard. If you  
6 just reverse, it could show that MSC is the gold  
7 standard, and cinch the deal for them, but that  
8 was what was going through the back of my mind.

9 MR. CONNELLY: There are competing  
10 programs out there that are called Friend of the  
11 Sea, and there's a question as to whether they  
12 meet the FAO guidelines or not, but there is  
13 competition out there. And businesses are looking  
14 at it as to which one is credible, and which  
15 isn't.

16 MR. BILLY: Ralph.

17 MR. RAYBURN: I understand it fully, and  
18 if the Committee likes it, the FishWatch deal that  
19 the folks working on the FishWatch program all  
20 tried to get it out for years, have really been  
21 strained. And there's got to be a decision point,  
22 I suspect, since it's, as I understand it under  
23 sustainable fisheries is whether or not that's  
24 something that folks feel is important and

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1 relevant to NMFS' mission, or is it something that  
2 is just superficial to it all, and not to go on.  
3 I get the impression that there are those kinds of  
4 decisions that need to be made, and from the  
5 discussion I've heard, I don't hear a clear  
6 consensus that FishWatch is making any difference,  
7 or if it's of any value. I mean, Bob mentioned it  
8 was a tool. I tried to reflect that it was a  
9 tool, but others have said it doesn't really  
10 matter much, so I was just kind of curious whether  
11 or not we have any -- am I misreading what folks  
12 say? Do they think it's a valuable tool or not?  
13 Should we try to work more closely with Alan and  
14 sustainable fisheries, and the folks doing that in  
15 partnership and cooperation, or whatever?

16 MR. BILLY: My sense from listening to  
17 everyone is that there seem to be a view that it's  
18 a positive development. They're off to a good  
19 start. We've heard about some changes that might  
20 be considered in terms of how they're describing  
21 the status of stocks, over-fishing, use some  
22 different words and that kind of thing. And, in  
23 fact, perhaps the opposite, that it needs to be  
24 promoted more widely. And some of the early

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1 discussion about different shows and that kind of  
2 thing, so I don't -- I have a different reading on  
3 that. It's new and it's off to a good start, but  
4 maybe we can provide some further guidance on how  
5 to make it even better. They may need a little  
6 more time.

7 MR. RAYBURN: I might say one thing, and  
8 I think it's -- and Laurel, correct me, but it  
9 seems to me, when it originally started, the  
10 concept was just to be more high-profile on the  
11 status of stocks. And it really -- we went  
12 through a little transition period, or it seemed  
13 to me we did, going from just a reflection on  
14 status of stocks, to actually a consumer  
15 education, seafood consumer education type of  
16 tool. And in that transition, perhaps, the term  
17 from over-fished and over-fishing kind of were  
18 retained in that sustainable fisheries-type of  
19 report, and didn't really maybe make all the  
20 transition needed to be, if, in fact, the tool is  
21 to be a seafood consumer education tool, rather  
22 than a sustainable fisheries report. So that's my  
23 understanding, but I'm not sure that's correct.  
24 But that's certainly the way I've seen this evolve

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1 in the last year or so that it's been put out for  
2 us to look at.

3 MR. BILLY: John.

4 MR. CONNELLY: Just from our viewpoint,  
5 as Bob mentioned, it is a tool, but you don't  
6 build a whole house with a hammer. It is one tool  
7 that is out there, and I guess our exhortation to  
8 NMFS and NOAA more broadly is that you need to  
9 fill up the tool box with a lot more  
10 communications vehicles, or a lot more  
11 communications tools, and to get that house built  
12 in a hurry, because right now we're living in a  
13 hut, and I have no idea where this analogy is  
14 going.

15 (Laughter.)

16 MR. RAYBURN: But a storm is coming;  
17 right?

18 MR. BILLY: All right. I think I'm  
19 going to wrap this up. And these are just my  
20 notes in preparation for the Commerce Subcommittee  
21 meeting tomorrow morning starting at 9:00,  
22 location to be announced. As I listened to the  
23 whole discussion, I sort of developed a sense of  
24 three areas that the Committee, the Subcommittee,

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1 and then the Full MAFAC Committee might want to  
2 consider for a resolution on. First would be this  
3 whole area we just talked about, about education,  
4 and promotion, that broader education and  
5 promotion effort, and what fisheries management is  
6 about. Obviously, FishWatch is one tool, but  
7 perhaps others, and that we should encourage the  
8 Agency to develop a whole program or strategy in  
9 this area, as it relates to sustainability, and  
10 the existing standards, and all the other things  
11 we've talked about. So that's one item.

12 A second would be the possibility of  
13 NOAA Fisheries carrying on a review of what's  
14 going on out there, and some of the -- I mean,  
15 this in the sense of a review now, not an audit, a  
16 review. We've heard about two or three different  
17 kind of certification programs; are there more,  
18 what standards are they applying, fact finding,  
19 getting information, who's participating, whatever  
20 we can find out about that kind, the existing  
21 state of play out there, and we would need to  
22 figure out whether that's just domestic, or  
23 international, if we want to look more broadly or  
24 not. That's something that NOAA could carry out,

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1 and it would inform then.

2 The third item I wrote was the  
3 possibility of some audit role for NOAA. If it's  
4 shown that there's a need, which is not clear to  
5 me, but maybe there is. Maybe there is some sort  
6 of an audit role that could be played by NOAA or  
7 someone else in this arena, if it's shown that  
8 that's needed in terms of consistency, perhaps  
9 recourse and the problems that develop, that kind  
10 of thing. So I wanted to encourage both the  
11 members of the Subcommittee, and the Full  
12 Committee to think about those areas, and any  
13 others, and, obviously, this is all subject to  
14 change as we go through our further discussions  
15 tomorrow morning. Tony.

16 CHAIR DiLERNIA: Tom, yesterday's  
17 discussion, there was quite a bit of discussion on  
18 seafood quality and safety questions.

19 MR. BILLY: The three items that  
20 Commerce Subcommittee has been asked to deal with  
21 are aquaculture, whatever we choose to say about  
22 what's developed so far, what else remains to be  
23 done. The second is seafood quality, safety, and  
24 labeling. And the third is this subject that we

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1 just finished discussing, so three hours, an hour  
2 on each item, and we may or may not have a  
3 resolution for the Full Committee to consider on  
4 each. Any other thoughts? Ralph.

5 MR. RAYBURN: Would you consider whether  
6 the group thinks it's viable to be a part of the  
7 American Fishery Society symposium on eco-  
8 labeling? Would that be one of your topics?

9 MR. BILLY: We'll talk about that at the  
10 Subcommittee, and then --

11 MR. RAYBURN: Whatever works. I just  
12 thought it might be an interesting venue. Thank  
13 you.

14 MR. BILLY: Any other thoughts? Okay.  
15 Thank you all very much.

16 CHAIR DiLERNIA: I'd like to take it  
17 back for a moment or two before we adjourn. For  
18 tomorrow now we have, Mr. Gilmore, your strategic  
19 planning committee is scheduled to meet. Tom just  
20 mentioned his committee. Mr. Fletcher, your  
21 committee is not going to be meeting. Right?  
22 There's no need for it, your subcommittee?

23 MR. FLETCHER: Well, if at all, we need  
24 to look at next steps for the working group's

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1 involvement. There's not a lot available for it  
2 right now, so I think there's not a whole lot of a  
3 report that needs to be developed.

4 CHAIR DiLERNIA: Okay. Then finally,  
5 2020 will meet again tomorrow. I've asked Dr.  
6 Holliday here to chair that meeting for me in my  
7 absence, because I will not be here tomorrow.

8 MR. FLETCHER: The charter amendment  
9 committee.

10 CHAIR DiLERNIA: Yes. Charter, that's -  
11 - I didn't write it down here, yes. Tom, you have  
12 that also. You have to work with that tomorrow.  
13 How many rooms do we have?

14 DR. HOLLIDAY: We have three rooms.

15 CHAIR DiLERNIA: We have three rooms.

16 DR. HOLLIDAY: And they're available  
17 beginning at 8 a.m. They don't have to meet for  
18 the entire time, so we could swap out if we wanted  
19 to do consecutive meetings, different groups.

20 MR. RAFTICAN: The charter shouldn't be  
21 taking too much time. We could do it after that.

22 CHAIR DiLERNIA: Say again.

23 MR. RAFTICAN: Bob, the recreational  
24 data shouldn't take too much time. We can use the

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1 same room after that.

2 DR. HOLLIDAY: I thought he said no.

3 CHAIR DiLERNIA: You're not going to  
4 meet. All right. So Rec is not going to meet.  
5 But that still gives us four meetings, strategic  
6 planning, commerce, 2020, and charter.

7 MR. BILLY: Well, how about if, whoever  
8 is going to be involved in the charter, we do it  
9 at 8 or 7:30 over breakfast.

10 MR. RAFTICAN: We could do that. I  
11 don't think it's going to take a long time. I  
12 think it's kind of setting up -- we don't have the  
13 materials we need in front of us, so just kind of  
14 set it up, get email addresses, contact  
15 information, and get ready for a next step there.  
16 So we could meet at 8:00 right here, and we can  
17 be done by 8:30, I would bet.

18 CHAIR DiLERNIA: All right. And  
19 everyone else is comfortable with their other  
20 Committee assignments for tomorrow? No questions?

21 DR. HOLLIDAY: We will attend. Some  
22 people know where they're going to be going. Tom,  
23 who is helping you with that endeavor?

24 MR. RAFTICAN: Bob, Catherine, Tom.

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1 CHAIR DiLERNIA: Charter, right?

2 MR. RAFTICAN: Charter.

3 MR. RAYBURN: But isn't the 2020, isn't  
4 it your Executive Committee, plus Heather and I?  
5 Or you've got another 2020?

6 CHAIR DiLERNIA: 2020?

7 MR. RAYBURN: Yes.

8 CHAIR DiLERNIA: No, 2020 is the  
9 Executive, and you and Heather. But the problem  
10 is they're going to be meeting --

11 MR. RAYBURN: Yes, that was going to be  
12 my point. Most of the folks in that Committee are  
13 tied up.

14 CHAIR DiLERNIA: Yes.

15 MR. RAFTICAN: What time are they  
16 meeting?

17 MS. McCARTY: So we need to stagger it.

18 MR. RAFTICAN: Start this one at 8, and  
19 start the others at 9.

20 MR. RAYBURN: Don't worry about it,  
21 Mark. It all works out in the end.

22 DR. HOLLIDAY: I'm using pencils.

23 MR. BILLY: Tony, I just want to observe  
24 for the record that your proclivity to the right,

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1 not the left may have resulted in all of the  
2 people involved in the charter are all on the  
3 right side of the room.

4 (Laughter.)

5 CHAIR DiLERNIA: Anyone on this side  
6 want to volunteer for the charter? No, we do have  
7 a problem as far as when folks meet, as far as  
8 2020 is concerned, because -- Jim, how long are  
9 your -- your meeting is going to take three hours,  
10 a couple of hours. Right?

11 MR. GILMORE: We're going to do it in an  
12 hour and a half so that we can accommodate --

13 MR. RAFTICAN: But you're starting at  
14 6:30. Right?

15 DR. HOLLIDAY: It might be advantageous  
16 to start the Commerce Committee and the Policy  
17 Committee, have them both start at 8.

18 CHAIR DiLERNIA: Commerce, and then --

19 DR. HOLLIDAY: With the idea that by the  
20 time 11:00 rolls around, those Subcommittees will  
21 be done, and the Executive Committee and others  
22 could meet to talk about the 2020. Because you've  
23 got a lot to do on the Commerce. You've got three  
24 separate activities. You guys might be done, and

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1 you might not be. Okay.

2 MR. GILMORE: No, I have no idea.

3 DR. HOLLIDAY: You have no --

4 CHAIR DiLERNIA: All the Committee  
5 meetings are open to all the other members, also.

6 It's simply a matter of -- by organization,  
7 people are assigned to different Committees, but  
8 we're all free to attend.

9 DR. HOLLIDAY: Right. Well, I'm just  
10 trying to give people the opportunity to them by  
11 trying to stagger them in a manner that makes  
12 sense.

13 CHAIR DiLERNIA: I agree.

14 MS. McCARTY: So everybody except the  
15 Vision 2020 meets at 8, and then the Vision 2020  
16 meets at 10.

17 CHAIR DiLERNIA: You're asking the  
18 question, and I'm looking to Mark as --

19 DR. HOLLIDAY: Yes, I'm looking at Tom  
20 because I don't know if his group would be done in  
21 two hours.

22 MR. BILLY: Yes.

23 DR. HOLLIDAY: You would be done. And  
24 at that point, at 10 you could have the charter

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1 group, and does the charter and 2020 overlap?

2 MR. FLETCHER: Yes.

3 DR. HOLLIDAY: Yes.

4 CHAIR DiLERNIA: Charter and 2020  
5 overlaps.

6 DR. HOLLIDAY: So one could be at 10,  
7 the next could be at 11. I think the --

8 CHAIR DiLERNIA: Charter is going to be  
9 quick.

10 MR. RAFTICAN: Charter is going to be  
11 quick.

12 DR. HOLLIDAY: I think Vision 2020 we'd  
13 want to reserve a little bit of time, more than an  
14 hour.

15 CHAIR DiLERNIA: Yes. You're going to  
16 start at 8, you're really going to want to break  
17 at noon for lunch. Charter, 10 to 10:30, and then  
18 2020, 10:30 to noon?

19 MR. RAFTICAN: Yes.

20 DR. HOLLIDAY: And what's the largest  
21 group?

22 MR. FLETCHER: We've got the afternoon,  
23 too.

24 CHAIR DiLERNIA: Well, afternoon we're

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1 supposed to report out. Yes.

2 DR. HOLLIDAY: No, we're reconvening at  
3 one to report out.

4 CHAIR DiLERNIA: Yes. The largest group  
5 would be --

6 DR. HOLLIDAY: Review of the action, any  
7 summary -- the wrap-up is at 4, for the day, and  
8 any other new business, that sort of thing.

9 CHAIR DiLERNIA: The largest group,  
10 Commerce probably.

11 DR. HOLLIDAY: Do you want to meet here  
12 at 8:00? Okay. So the Commerce Subcommittee will  
13 meet in this room from 8 to 10. Okay? And  
14 Executive Board Room One, which I have -- it's on  
15 the first level, I have directions to it. It's a  
16 ten-person room, and that would be the strategic  
17 planning group. And you want to meet for two  
18 hours, 8 to 10?

19 MR. GILMORE: Sure.

20 DR. HOLLIDAY: And the third group,  
21 we're not going to meet until those two finish.  
22 Right? At 10:00 to 10:30, you're going to run  
23 your charter group.

24 CHAIR DiLERNIA: Do it here.

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1 DR. HOLLIDAY: In the North Terrace  
2 Room. Right?

3 CHAIR DiLERNIA: Yes.

4 DR. HOLLIDAY: So anybody from strategic  
5 planning could come back and meet at 10 to 10:30  
6 to talk about the charter. And then from 10:30 to  
7 noon in this room, the Vision 2020 group would do  
8 their thing.

9 CHAIR DiLERNIA: Great.

10 DR. HOLLIDAY: So if you want to do  
11 charter, or Vision 2020, or Commerce, it's in this  
12 room. If you want to do strategic planning, it's  
13 in Executive Board Room One on the first floor.

14 CHAIR DiLERNIA: That's it.

15 DR. HOLLIDAY: Okay for everybody?

16 CHAIR DiLERNIA: Before we break, I'd  
17 just like to -- is Laurel here? She's not here.  
18 Well, we'll see Laurel later on to see -- I wanted  
19 to thank her for -- this will be the last time  
20 we'll be meeting. I won't see you here tomorrow.

21 I just wanted to -- I won't be here tomorrow.  
22 I'm sorry, I have to go back to New York early. I  
23 wanted to thank Laurel publicly for all the work  
24 she's done for us, and for the Committee,

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1 particularly on my behalf, all the work she's  
2 given me, and helped me over the years. I really  
3 appreciate it, and I'll see her later on this  
4 evening.

5 And in the same light, I'd like to thank  
6 Mark for taking over the Committee, and running  
7 with it. He has a very small staff. Do you have  
8 a staff at all at this point? It's small.

9 DR. HOLLIDAY: What time is it?

10 CHAIR DiLERNIA: And it's a lot of work,  
11 and I really appreciate it. And to you all folks,  
12 too, please. Thank you very much for -- I may get  
13 a little frustrated up here at times, but I know  
14 we're all working towards the common goal, and  
15 everyone has in their heart the good of our  
16 nation, and our nation's fisheries, and that's all  
17 I can ask for, so thank you very much. And I'll  
18 see folks tonight at Hogarths, and a question.  
19 Ralph?

20 MR. RAYBURN: I assume we're not going  
21 to sign Laurel's -- you're just going to sign it  
22 for us. Is that it?

23 CHAIR DiLERNIA: The way the frame is  
24 constructed, we can't sign it. I'm sorry.

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1 MR. RAYBURN: No, that's fine.

2 MR. FLETCHER: The bus is going right  
3 out front here at 5:45.

4 CHAIR DiLERNIA: That's right.

5 MR. FLETCHER: Tony, thank you.

6 CHAIR DiLERNIA: We're adjourned. My  
7 pleasure. Thank you.

8 (Applause.)

9 (Whereupon, the above-entitled matter  
10 was concluded at 4:56 p.m.)

11

12

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