

UNITED STATES OF AMERICA

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DEPARTMENT OF COMMERCE

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NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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MARINE FISHERIES ADVISORY COMMITTEE

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Wednesday,
November 12, 2008

The Marine Fisheries Advisory Committee met in the Bienville Room in the Hotel Chateau LeMoynes, 301 Rue Dauphine, New Orleans, Louisiana, at 9:00 a.m., James Balsiger, Vice Chair, presiding.

MEMBERS PRESENT:

JAMES BALSIGER, Vice Chair
MARK HOLLIDAY, Director, Office of Policy
TOM BILLY
RANDY CATES
BILL DEWEY
ANTHONY DILERNIA
PATTY DOERR
CHRIS DORSETT
ERIKA FELLER
MARTIN FISHER
RANDY FISHER, PSMFC
ROB FLETCHER
CATHERINE FOY
JIM GILMORE
STEVE JONER

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MEMBERS PRESENT (CONTINUED):

DOROTHY LOWMAN
HEATHER MCCARTY
VINCE O'SHEA, ASMFC
TOM RAFTICAN
ERIC SCHWAAB
LARRY SIMPSON, GSMFC
DAVE WALLACE

ALSO PRESENT:

TIM HANSEN
VIRGINIA HERRING
TOPHER HOLMES
WILLIAM JACOBI (VIA TELEPHONE)
PETER JONES
GARY REISNER
PHIL STEELE

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

(9:01 a.m.)

VICE CHAIR BALSIGER: This is the MAFAC Meeting which, Mark would know the exact rules but I think maybe I chair it. But it is sort of in the spirit of the motion or the action discussed at the last meeting where this committee was hoping to be more, I'm not sure I know what the word is, self-involved, I guess and wanting to elect their own chairman.

I think, and in the way that Tony DiLernia did for so long, I think that my partner here to my left, Tom Billy, can run the meeting and, if necessary, Mark and I will sort of be bailiffs here and make sure everybody stays in control. But anyway, thanks for coming and Tom, please take over.

MR. BILLY: Okay, thank you. I would like to welcome everyone, particularly the several new members that we have to the committee. And we will have an opportunity in a minute for all of us to sort of introduce

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1 ourselves, our affiliation, and our interests,
2 as appropriate.

3 There are a few initial things that
4 Larry Simpson would like to share with us
5 about New Orleans, and I am sure, welcome all
6 of you as well. So, let's start there and
7 then we will get back on the agenda.

8 MR. SIMPSON: Great. Thank you.
9 Welcome to New Orleans. New Orleans, New
10 Orleans, anyway they say it down here.

11 Some of the things that I was able
12 to put in front of you, this is a little
13 packet of note cards that one of my staff
14 members who is a professional photographer has
15 taken. Don't worry, if I didn't bring enough,
16 the lady is coming over who did the reception
17 tonight is bringing some more of these. So,
18 we will get some of those for everybody. If
19 you didn't bring your New Orleans restaurant
20 guide, I have got a few extra copies here.

21 But just quickly, tonight, on the
22 back of the thing, you see the little map, if

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1 you will go out to, Mark, what is the name of
2 it, Bienville, walk out Bienville and go
3 straight down to the river, down Bienville and
4 go behind Canal Place, you will see Aquarium
5 of the Americas on the river, right down here
6 at the bottom. It is five, six blocks easy
7 walking if it's not raining. And that is
8 where the little do is tonight. And there
9 will be hors d'oeuvres and drinks and so
10 forth. And it should be a nice venue. It is
11 a shark tank, and you know, the big aquarium
12 and everything. So hopefully, that will be a
13 fun thing for you all.

14 And I couldn't think of anything
15 really to do. There is a lot of things come
16 into my mind and so, my grandson being born
17 yesterday.

18 (Applause.)

19 MR. SIMPSON: This is the third
20 grandchild, second grandson. Eight pounds, 14
21 ounces. Evan Price Pruitt. My youngest
22 daughter, her first. So, I just figured this

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1 would be best.

2 There will be a lady that comes in
3 this afternoon named Ginny Herring who put all
4 this stuff on. I said, Ginny, this is what I
5 would like to do. And so she has handled it
6 all. I have nothing to do with it, other than
7 the idea. And the lady in the office, I had
8 the idea and she did all of this.

9 So, welcome to New Orleans. It is
10 a great place to eat. It is a lot of fun.
11 This central area right here is the Vieux
12 Carre, old city. And this was the original
13 old city, the highest piece of ground and then
14 it grew from there.

15 So, New Orleans is a fun place.
16 Enjoy yourself. If I can help you in any way,
17 just let me know. And I will remind you again
18 this evening about how to get down there. And
19 6:00 to 8:00, you will have time, if you are
20 not full, to go out and enjoy some of the
21 restaurants around. They need the business.

22 MR. BILLY: Okay. Thanks a lot.

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1 MR. SIMPSON: You're welcome.

2 MR. BILLY: All right. Now, let's
3 get on with the introductions. I'm Tom Billy.

4 Currently, I am consulting on a limited
5 basis. The name of my consulting company is
6 International Food Safety Consulting. I had a
7 39-year career in federal service, starting
8 with the old Bureau of Commercial Fisheries
9 back in the '60s and always had this interest
10 in fisheries and have now the opportunity to
11 serve on the MAFAC Committee that I remember
12 the first meeting of and participated in as
13 one of the staffers.

14 So, I was elected at the last
15 meeting the Committee Liaison. And as Jim
16 indicated, share the responsibilities for sort
17 of managing the meeting and being the liaison
18 between the Committee and NOAA Fisheries.

19 So, having said that, why don't we
20 go this way.

21 VICE CHAIR BALSIGER: Sure. I'm
22 Jim Balsiger. I think I know most of you. I

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1 am the acting head of the National Marine
2 Fisheries Service right now. I was just
3 talking to a few of you. I will be in that
4 position at least until January 20th and maybe
5 until February and maybe March and maybe April
6 and maybe a couple of years. So, it is a
7 great job, particularly meeting people like
8 this. So, I do feel a little bit on the
9 bubble, but I am scrambling and working as
10 hard as I can.

11 DR. HOLLIDAY: Hi. I'm Mark
12 Holliday. I am officially called the
13 Executive Director or Designated Federal
14 Official from MAFAC. I have been with
15 Fisheries Service since 1981 in various
16 capacities in fishery statistics, economics.
17 And I currently direct the Office of Policy
18 and work directly for Jim and the directors of
19 the Agency.

20 Any questions on logistics, your
21 likes or dislikes about the meeting, bring
22 them to Topher.

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1 (Laughter.)

2 DR. HOLLIDAY: Topher Holmes who is
3 our now Sea Grant Fellow, working with us for
4 the current year. He was with us at the July
5 meeting. Topher, you can finish introducing
6 yourself.

7 MR. HOLMES: That's pretty much it.
8 Topher Holmes, Sea Grant Fellow working for
9 Mark this year. I'm from Oregon State
10 University.

11 MS. LOWMAN: And I am Dorothy
12 Lowman. I am a consultant based out of
13 Portland, Oregon and I have clients in the
14 North Pacific that include both the Best Use
15 Cooperative as a Catcher/Processor Cooperative
16 up in the Bering, who work on the Bering Sea,
17 in the Gulf of Alaska, as well as I am just
18 starting a project for TNC, The Nature
19 Conservancy up there.

20 I have been doing a lot of work
21 down here on the west coast for the
22 Environmental Defense Fund, working on the

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1 Pacific Council's IFQ initiative, which just
2 took a major vote last week. And my
3 background is I spent a number of years doing
4 the sort of Pacific rim circuit as council
5 staff on a variety of different councils. And
6 this is my second term on MAFAC.

7 MR. GILMORE: And I am Jim Gilmore.

8 I am with the At-Sea Processor Association,
9 which is a Seattle-based trade association of
10 large catcher/processor vessels involved in
11 the Alaska Pollock Fishery, the Pacific
12 Whiting Fishery, and some other North Pacific
13 Groundfish Fisheries.

14 MS. FOY: I am Catherine Foy. My
15 current links are with the Aleutians East
16 Borough. Those are small communities that
17 rely specifically on commercial fisheries. I
18 am their marine mammal biologist.

19 I am also working with the Elliot
20 Marine Mammal Group and Fish and Wildlife,
21 looking at sea otters now. So, Steller sea
22 lions, sea otters, and I have added beluga

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1 whales to the list as of yesterday.

2 MR. CATES: Randy Cates. I have an
3 open ocean fish farm in Hawaii. I represent
4 commercial fishing. As a former commercial
5 fisherman, I am still involved with many of
6 their issues. And I have a marine salvage
7 company. So, if you go off the shoreline in
8 Hawaii, you will, unfortunately meet me in
9 that capacity. And some R&D work for the Navy
10 and the military, still.

11 MR. DiLERNIA: My name is Tony
12 DiLernia. I am currently a professor with the
13 City University of New York. I am at
14 Kingsborough Community College. I am the
15 director of the maritime technology program
16 there. For a number of years, I ran a
17 research vessel for City University also. I
18 was a captain.

19 I currently also own a charter
20 boat, operating out of New York. I
21 represented the for-hire fleet in New York for
22 a number of years as president of their

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1 association. I am a former member of the Mid-
2 Atlantic Fisheries Management Council. And I
3 am a member of MAFAC. This is my seventh
4 year. They decided to tick me up one more
5 year rather than leave me around for six and
6 retire me, I got an extra year out of the
7 deal. Thank you, Jim. I get to sit with all
8 of my friends for an extra year.

9 MR. SCHWAAB: My name is Eric
10 Schwaab. I am the Deputy Secretary of the
11 Maryland Department of Natural Resources,
12 where I have been for almost two years now.
13 Before that, I was the resource director for
14 the Association of Fish and Wildlife Agencies,
15 representing state fish and wildlife agencies
16 all across the country.

17 In an earlier stint at Maryland
18 DNR, I was the fisheries director as well and
19 sort of doing Atlantic State's Commission and
20 Mid-Atlantic Council, among other things.

21 MR. RAFTICAN: Tom Raftican. I
22 have got a bit of a change since the last time

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1 I was here. I have ran for 11 years, ran
2 United Anglers of Southern California but will
3 no longer be there in that capacity, but run
4 United Anglers for the past six years and will
5 continue in that capacity. We work with
6 recreational fisheries. We do a lot of
7 habitat enhancement and fisheries enhancement
8 and will continue to work in that direction.
9 And also have formed a new association called
10 the Sport Fishing Conservancy and will
11 continue to work in that capacity with fishing
12 clubs and recreational anglers.

13 MR. WALLACE: Yes, my name is Dave
14 Wallace. I am a new member of MAFAC. I
15 essentially grew up in fisheries and fisheries
16 policy. And in my career, which has been
17 solely devoted to fisheries, I have been
18 involved in mostly commercial fishing, even
19 though I am an avid recreational fisherman.
20 When the council system, when the Fisheries
21 Conservation Management Act was enacted, I was
22 involved in the Surf Plan, Ocean Quahog

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1 Industry and we had already come to the
2 conclusion that we were the enemy. If we were
3 going to race for fish, we would catch all of
4 the fish and we would give them away. And
5 that was a recipe for disaster. And so we had
6 already started working through the old
7 commercial, the former National Fisheries
8 Service Commercial Fisheries, I have forgotten
9 the name of it, through the regional
10 administrator at that time was Fozzie Norris,
11 to develop a program and go to Congress for
12 legislation to protect the industry from
13 ourselves.

14 At that point then, we recognized
15 that the Fisheries Conservation Management Act
16 was going to be enacted and it was going to
17 have the authority to manage it. And so the
18 Mid-Atlantic Council then, within a few months
19 of being formed, started the Surf Clam
20 Fisheries Management Plan, which was limited-
21 entry and a whole series of things, which was
22 revolutionary.

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1 Ultimately, we were the first in
2 the country to do ITQs, it is an ITQ fishery.

3 I represent individual companies and I
4 represent an association who represents the
5 ITQ holders.

6 So, we have, I think we have
7 demonstrated that there is a way to manage
8 fisheries where you reduce capacity to the
9 point where it is balanced with what the
10 resource can stand. I am very, very
11 interested in the marine environment. I
12 happen to also be a member of the MPA advisory
13 FAC over in NOS. And I hope to be able to use
14 this position and that position to have a
15 better-coordinated function between Jim and
16 Jack Dunnigan in being able to have two over-
17 arching programs that do two different things
18 with the same result, without having one
19 overpower the other.

20 And so I look forward to working
21 with all of you. And I see the next couple of
22 years as being very, very interesting. Thank

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1 you.

2 MR. FISHER: Hi. I'm Martin
3 Fisher. I am from Florida, St. Pete, Florida.

4 I am vertically integrated in the grouper
5 snapper industry. We own three commercial
6 boats in my family. I have a wholesale
7 business, retail business. I sit on the ad
8 hoc advisory panel for IFQ for grouper for the
9 Gulf of Mexico Fisheries Management Council
10 and I have been very active in advocating and
11 creating fishery advocacy groups, Gulf Fishing
12 Association and Fishermen's Advocacy
13 Organization. I am no longer part of them as
14 Executive Director but I still support them.

15 And we have got a lot going on in
16 the Gulf of Mexico, as you may know, LAPs are
17 already in place in red snapper. We are
18 coming up for referendum on Grouper IFQ and we
19 have got a lot of issues, including
20 aquaculture that is happening for us there.

21 MS. DOERR: I am Patty Doerr, with
22 the American Sportfishing Association. I am

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1 the Director of Ocean Resource Policy. ASA
2 represents about 700 or so fishing tackle
3 manufacturers, wholesale distributors,
4 producers. So, everything from Shimano
5 International down to the local bait and
6 tackle shop in North Carolina.

7 We focus a lot on marine protected
8 areas and fishery issues, obviously. We see
9 them as a growing issue in the next several
10 years.

11 And this is my first MAFAC meeting.

12 I am happy to be here. I am looking forward
13 to it.

14 MR. DEWEY: Good morning. I am
15 Bill Dewey. I am with Taylor Shellfish
16 Company in Washington state. We produce about
17 16 million pounds of clams, oysters, and
18 mussels, and geoduck every year. I manage
19 public affairs for the company I started back
20 in 1981 with a bachelor's degree in shellfish
21 biology and have been working in the industry
22 ever since.

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1 I also have a small clam farm of my
2 own that I do on the weekends and in my spare
3 time as well.

4 MS. FELLER: Hi. I'm Erika Feller.
5 I work for The Nature Conservancy,
6 particularly in our California program. I am
7 sure you guys know The Nature Conservancy. We
8 are a conservation organization focused on
9 biodiversity. We are in every state in the
10 U.S. and in about 30 countries.

11 I guess I am in kind of the
12 peculiar position of a conservation rep
13 because we are also trawl permit owners in
14 California and I have been doing a lot of work
15 on working with the groundfish industry in
16 central California, principally.

17 My background in fisheries is
18 varied and it is this issue that keeps coming
19 back to me, over, and over, and over, again,
20 even though I don't necessarily look for it.
21 I have been with the Conservancy for about
22 nine years. And in that time, I have been our

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1 agency liaison with NOAA, Fish and Wildlife
2 Service and the Forest Service. So, I kind of
3 have a bit of a varied background.

4 And I used to work for Congressman
5 Gilchrist for a couple of years. So, I know
6 Eric and Dave.

7 MR. O'SHEA: Good morning. I'm
8 Vince O'Shea with the Atlantic States Marine
9 Fisheries Commission. So, I have 15 coastal
10 states from Florida to Maine. And their
11 vision is working together to restore Atlantic
12 stocks. Thank you.

13 MR. FLETCHER: Good morning. I'm
14 Bob Fletcher, President of Sports Fishing
15 Association in California and I have been a
16 long-time involved in running and representing
17 sport fishing boats but I also was on the
18 Pacific Fisheries Management Council for 15
19 years. And I am a member of Pacific States
20 Marine Fisheries Commission Advisory Committee
21 and I am currently on the regional
22 stakeholders group for the Marine Life

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1 Protection Act in California, which is kicking
2 off as we speak. And it should be pretty
3 interesting. It is going to be probably
4 rather intense, as we work to develop a
5 network of marine protected areas in southern
6 California.

7 I am going to be retiring in April
8 from my job with the Sport Fishing Association
9 but will continue on as a consultant working
10 for them and perhaps others. So, nice to be
11 here.

12 MR. SIMPSON: I am Larry Simpson,
13 the Executive Director of the Gulf States
14 Marine Fisheries Commission. It is a five-
15 state compact from Florida to Texas. We share
16 Florida with Atlantic. I have the west coast.

17 And I have been with the
18 Commission; June 15th it was 30 years. I
19 started in '78 and as a member, a non-voting
20 member of the Gulf of Mexico Fisheries
21 Management Council all that time. Our
22 commission deals with, has a varied program

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1 from data to the habitat, recreational
2 fishing, sport fishing, all kinds of
3 activities.

4 So, I'm glad to have you all in the
5 southeast.

6 MR. FISHER: Good morning. I'm
7 Randy Fisher. I am the Executive Director of
8 the Pacific States Marine Fisheries
9 Commission, which includes Washington, Oregon,
10 California, Idaho, and Alaska.

11 We do a lot more than either Larry
12 or Vince and we do it a lot better.

13 MR. SIMPSON: I knew he was going
14 to do something.

15 (Laughter.)

16 MR. FISHER: We do very similar
17 things as the other two commissions. We are
18 actively involved in disaster relief, handing
19 out 170 million dollars to the fishermen on
20 the West Coast that were involved. And we
21 shut down the whole West Coast Recreational
22 and Commercial Fisheries this year.

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1 So, Congress gave us a bunch of
2 money and we are handing it out like crazy
3 people. So, that is what we are doing now.

4 MR. CATES: You must have a lot of
5 friends.

6 MR. FISHER: Yes, greed is a lovely
7 thing. I can tell you that.

8 MR. JONER: Good morning. I am
9 Steve Joner. I am with the Makah tribe, which
10 is a small tribe on the northwest tip of
11 Washington state. A small tribe with a big
12 fishery. And we do everything from whales to
13 whiting up there. I have been at this a long
14 time, too. In fact, I knew Jim when he was a
15 commoner working at Alaska Fisheries Science
16 Center long, long ago.

17 I deal with a lot of people at this
18 table, mainly through the Pacific Council
19 process and also with that gentleman Jack
20 Dunnigan who was mentioned earlier. We have a
21 sanctuary that is located within the usual
22 custom fishing grounds of the four coastal

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1 tribes of Washington. So, I will just say
2 that is a challenge doing that.

3 MS. McCARTY: I am Heather McCarty.

4 I guess I have been here for three years on
5 MAFAC. I am from Juneau, Alaska. I am a
6 fisheries consultant. I used to be a salmon
7 fisherman. I worked for the largest salmon
8 hatchery system in North America, Prince
9 William Sound Aquaculture Corporation, for
10 many years. I have also done public relations
11 and journalism.

12 Currently, I do governmental
13 affairs, regulatory stuff. I spend a lot of
14 time in the North Pacific Council meetings. I
15 served for three years on the Essential Fish
16 Habitat Committee of the North Pacific
17 Council. My current clients, my major clients
18 include the University of Alaska School of
19 Fisheries and Ocean Sciences, where I ran a
20 small research program that is funded by
21 industry, At-Sea Processors Association. And
22 I also work for a small processor in Kodiak,

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1 Alaska, Island Seafoods. And I guess probably
2 the most work I do is for the CDQ Group,
3 Community Development Quota Group in western
4 Alaska. And that is the Pribilof Islands, St.
5 Paul Island, which I just came from yesterday.

6 And I work for them in the Council Process
7 and at the state and federal levels.

8 MR. BILLY: Okay, thanks. I would
9 also like to ask the staff members to
10 introduce themselves.

11 MR. STEELE: Good morning. I'm
12 Phil Steele. I am the assistant regional
13 administrator of the NMFS Southeast Regional
14 Office, where I head up the Sustainable
15 Fisheries Division. My primary
16 responsibilities are for working with the
17 Fisheries Management Council.

18 I am here, primarily, this week to
19 give you a couple of reports. One, on the
20 ongoing and proposed ITQ programs in the Gulf
21 of Mexico. It is probably more appropriate
22 also to give you a report on impact and other

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1 issues in the Gulf of Mexico.

2 MR. REISNER: I am Gary Reisner. I
3 am the CFO and Director of Management and
4 Budget for National Marine Fisheries Service.

5 I will be talking about various programs to
6 assist fishermen and fishing industries from
7 disasters of the Capital Construction Fund.

8 MR. HANSEN: Hi. I'm Tim Hansen,
9 Director of the Seafood Inspection Program
10 NOAA Fisheries, a program that has a voluntary
11 aspect to it that inspects about one-third of
12 the seafood consumed in the United States.

13 My background is in fishery
14 science. Steve Joner and I are old school
15 chums from back when. Also, I have an almost
16 24 year career now with the federal government
17 NOAA Fisheries, FDA, and back to NOAA
18 Fisheries. And I also serve as alternate
19 delegate for the Codex Committee on Fish and
20 Fisheries Products.

21 MR. BILLY: Okay, thank you very
22 much. Well, it certainly is obvious to me and

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1 I hope to all of you, the rich backgrounds and
2 diversity of experience and interests that are
3 represented by the committee. And that, in my
4 mind is where our strength comes from in
5 taking on issues and new ideas and reviewing
6 existing programs, the variety of things this
7 committee does to, hopefully, help the NOAA
8 Fisheries people carry out the most effective
9 programs that are possible.

10 I will quickly go through the
11 agenda. This morning is going to be devoted
12 largely to providing information to the new
13 members, as well as providing an overview of
14 the committee and how it functions, some of
15 our responsibilities with regard to financial
16 disclosure, the ethics rules that apply to us
17 in this capacity.

18 And then finally, wrapping it up
19 with a brief update of a project NOAA
20 Fisheries has taken on with regard to
21 developing a strategic plan for seafood
22 quality and safety. And you will hear more

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1 about that.

2 This afternoon, we are going to
3 stay in general session and have asked the
4 subcommittee chairs of the existing standing
5 subcommittees to talk briefly about what the
6 subcommittees are focusing on, sort of their
7 areas of responsibility, to give, particularly
8 again, the new members a chance to understand
9 and, at the end, you will be asked to pick one
10 or more of the subcommittees that you would
11 like to be associated with.

12 This operates in a pretty loose
13 manner. And by that, I mean, there is a lot
14 of flexibility. So we try to, sometimes
15 subcommittees are working on a subject that is
16 of broad interest and we will schedule it so
17 that any of the members can choose to
18 participate. So, it is not a very strict type
19 of subcommittee arrangement. There is some
20 flexibility that we will take advantage of
21 when it is appropriate.

22 Then tomorrow, Thursday, we are

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1 going to get some updates, looking at
2 implementation of the new provisions of the
3 Magnuson-Stevens Act, some of the new
4 requirements. We continue to pay close
5 attention to this important area and are
6 interested in keeping up-to-date with where
7 the agency stands in implementing these
8 various responsibilities.

9 We will learn a little bit about
10 the budget and where things stand there. We
11 will get an update on a subject that we
12 started looking at a couple of meetings ago,
13 which is eco-labeling. And we asked NOAA
14 Fisheries to look at this and consider some
15 options in terms of a potential role for the
16 Agency in this area as we continue to explore
17 this as an idea, to look at it and think about
18 what might be possible.

19 Then we are going to look at the
20 work we did on Vision 2020. Tony will talk
21 about that. And perhaps more importantly, how
22 we plan to keep the 2020 document up-to-date

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1 and how we plan to share the document and what
2 it represents with all of the interested
3 parties, not only in Washington but around the
4 country.

5 Then Jim Gilmore is going to talk a
6 little bit about the transition paper we
7 prepared to hopefully be helpful to the new
8 administration. We will talk about that and
9 what we intend to do with it beyond sharing it
10 with the senior management of NOAA.

11 The rest of the meeting, largely,
12 is designed to take advantage of being here in
13 New Orleans and looking at, as examples, how
14 the fisheries management is pursuing the new
15 requirements in the Stevens-Magnuson Act, as
16 well as how they are planning to move forward
17 and address a subject that the committee has
18 given a lot of attention to the last few
19 meetings, and that is aquaculture.

20 I want to encourage the committee,
21 as we get into this phase of the meeting, to
22 think about what is shared with us and to

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1 think more broadly on a national basis because
2 there are similar activities going on
3 throughout the country. Many problems that
4 have occurred and the idea is to have this
5 committee think, sort of evaluate, whether the
6 current programs and strategies for dealing
7 with disasters, dealing with significant
8 changes in fisheries and so forth are
9 appropriate, whether there are any gaps or
10 other things that ought to be considered as we
11 bring to the table from the different
12 geographical areas our expertise and
13 experiences.

14 I think that pretty well covers the
15 rest of the agenda. At the end, we will talk
16 about scheduling our next meeting. We will
17 talk about potential agenda items based on
18 ideas that may come up at this meeting, as
19 well as any other thoughts or recommendations
20 that any of you have.

21 So, that is the agenda. It looks
22 like a good one, in terms of getting us

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1 involved in another new area of fisheries
2 assistance and disaster assistance and the
3 transitions that are occurring in the
4 fisheries management area.

5 Are there any questions or comments
6 anyone has? Yes.

7 MR. SCHWAAB: I just wondered, when
8 we talk about the transition document and the
9 2020 document, whether it would be appropriate
10 to ask Dr. Balsiger to make a few comments
11 about the federal transition underway and how
12 he might see things unfolding and whether
13 there are additional opportunities that we
14 might take advantage of in that process.

15 MR. BILLY: Okay, we will. Good idea.

16 VICE CHAIR BALSIGER: On that
17 front, if you would, I have just a few --

18 MR. BILLY: Sure.

19 VICE CHAIR BALSIGER: -- statements
20 I was going to make --

21 MR. BILLY: Okay.

22 VICE CHAIR BALSIGER: -- which will

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1 touch briefly on that. I know going around
2 the table, letting everyone introduce
3 themselves was a great way to kick this off,
4 including especially the local people who have
5 said most of what I wanted to say, welcoming
6 people to this town.

7 This is a great city. I had an
8 opportunity to be here in August when we had
9 our fifth annual Seafood Cook-Off. And of
10 course, that is focused on the seafood in the
11 area but I think it is a big part of what
12 Southern Louisiana is about, and New Orleans
13 in particular, all the seafood and seafood
14 products. It is a key part. Seafood and
15 other natural living marine resources in the
16 ocean are a key part of what this part of the
17 country is about. So, it was a good place.
18 So, there is more than a billion pounds of
19 fish. There are about seven hundred million
20 dollars of product landed commercially in the
21 Gulf. Recreational fishermen catch almost one
22 hundred million pounds of fish. It involves a

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1 huge recreational effort.

2 I'm not an economist but the
3 recreational impact is on the order of eight
4 hundred million dollars per year, just in
5 Louisiana from recreational fishing.

6 So, it is a big part of the economy
7 down here. There are four hundred seafood
8 processing plants, ten thousand people work on
9 seafood here in the Gulf. So, meeting here is
10 quite appropriate and I look forward to the
11 comments that come out of this.

12 We are kind of in a period of
13 transition, as Eric Schwaab mentioned, in the
14 federal government, and also a little bit of a
15 transition here in MAFAC. We have two members
16 that aren't here. Chris Dorsett, who is a
17 continuing member, who is an NGO
18 representative. Which group does he work for?

19 Ocean Conservancy. And then Ed Ebisui, who
20 is from Hawaii, who has been a council member
21 on the Western Pacific Fishing Management
22 Council for a while, who is an attorney but,

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1 and also a commercial fisherman a little bit.

2 But he clearly has an eye towards sustainable
3 resources, as everyone does here. So, it is a
4 great committee.

5 I think that is all the committee
6 or is there someone else?

7 DR. HOLLIDAY: John Graves is on
8 his way to the ICCAT meeting, --

9 VICE CHAIR BALSIGER: Yes.

10 DR. HOLLIDAY: -- the Virginia
11 Institute of Marine Science. George Nardi, an
12 Aquaculturist from the northeast called on
13 Monday. He had an emergency with his business
14 and regretfully, couldn't attend at the last
15 minute. Of course, John Connelly from NFI met
16 with us back in July. He said he had a
17 conflict with the date and wouldn't be able to
18 make this meeting.

19 VICE CHAIR BALSIGER: I don't know
20 how I overlooked them. John Graves, Dr.
21 Graves from VIMS has been instrumental in the
22 U.S. tuna positions at ICCAT for a long time

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1 now. He spends a great deal of time on that
2 and Nardi with Aquaculture and, of course,
3 John Connelly who we all know quite well.

4 Anyway, this group is in a little
5 bit of a transition. We will clearly have new
6 people in the government. Right now, Admiral
7 Lautenbacher has retired and so there is a man
8 named Bill Brennan, who is currently the head
9 of NOAA. He will, necessarily, submit his
10 resignation on January 20th and, most likely,
11 it will be accepted. So, on January 21, Mary
12 Glackin will be the head of NOAA until some
13 appointment process is gone through. It could
14 be weeks or it could be months.

15 But Mary came to see us when we met
16 in New York City. We were pleased that she
17 was able to make that. And she is from the, a
18 little bit more focused -- is the recording
19 on? She is more focused on the dry side of
20 NOAA, satellites, weather, atmosphere. So, I
21 think we can use some help to try to convince
22 her that the wet side of NOAA is also not to

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1 be overlooked.

2 But she is a very good person. She
3 is my direct supervisor and we get along very
4 well. But she will be there for some period
5 of time. She is a senior career person in
6 NOAA right now. So, it is heartening to have
7 someone who has got a basis in the business.
8 She has been in NOAA for a long time.

9 So, we will be waiting for the
10 transition teams from the Obama administration
11 to come through. We all know that campaign
12 was well organized. Lots of people. Lots of
13 energy. And so we don't think it will be very
14 long before they are talking to NOAA and NMFS.

15 And we had talked briefly ahead of this time,
16 I think it would be great if working through
17 Glackin and Brennan and me, to the extent that
18 the transition people come to see me, that we
19 try to set up an interface between those
20 transition people and this body.

21 And depending on their desires, it
22 may be everybody who can happen to be where

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1 the transition team is or maybe just Tom Billy
2 or somehow, but I think it would be important
3 to have this group feed into that process.

4 This particular group, through the
5 years, has been used differently but Dr.
6 Hogarth, at the end of his tenure, and me find
7 this the principle place to get policy advice
8 on broader issues.

9 The Fish Management Councils, of
10 course, make recommendations on the fish
11 regulations for regions and that is not going
12 to change. And we meet with them as a group
13 from time to time but most of that time was
14 spent on how to smooth out the logistics on
15 how the government, how NOAA works with the
16 Fish Councils, how to get regulations through.

17 And they don't look at the overall policy
18 issues for the country.

19 So, that is this group's job and
20 the last few years, that has been big in the
21 way the Agency has gone forward. So, we
22 appreciate the time and the effort that you

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1 put in here. I recognize it is not
2 compensated. So, it is a burden on you but it
3 is very useful to us and to the country.

4 So, Tom has gone through the agenda
5 so I am not going to talk anymore about that.

6 Maybe I will just quit there. That is about
7 all I think I can tell you because I think we
8 do need to find an opportunity to feed the
9 ideas from this group into a transition team.

10 And did I already say we should try to take
11 the opportunity to emphasize the wet side from
12 Heather --

13 (Laughter.)

14 VICE CHAIR BALSIGER: So, thanks,
15 Tom.

16 MR. BILLY: Yes. It was, that
17 point was clear to me in the review of the
18 transition documents that Mary arranged for
19 this committee to review. It was very clear
20 of where the emphasis was, beyond the flying
21 over the top at about 30,000 feet, as someone
22 said, with very little detail.

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1 VICE CHAIR BALSIGER: I'm not one
2 for making lots of comments like this. I
3 won't bother you anymore but when you look at
4 the glossy material they had for us to look
5 at, from the NOAA transition, it is very
6 professionally done, but the only picture of a
7 fish on there was a cod-end full of pollock
8 being pulled up a stern ramp in the Bering
9 Sea. And unless you knew what it was, you had
10 no idea it was fish, even, you know, unless
11 you had seen a picture of one. So, we needed
12 a fish on a plate or something on that thing.

13 NOAA typically tends to use that
14 cod-end picture or else some really pretty
15 fish with big bubbly lips in a coral reef
16 somewhere. And we are bigger. We are more
17 than that. Those are important. Those are
18 hugely important. We are more than that. So
19 sorry.

20 MR. BILLY: No problem. Any
21 comments or questions, at this stage? No?

22 MR. CATES: I have a question.

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1 MR. BILLY: Sure.

2 MR. CATES: How will we make
3 ourselves more relevant with the new
4 administration?

5 VICE CHAIR BALSIGER: Well, I think
6 we need to work through this. We don't know
7 who they are, who is going to be dealing with
8 us. But I think as these transition people
9 come through and we try, through Brennan,
10 Glackin and myself to set up some interface
11 between this group and them, we will discover
12 what they are amenable to, the way they like
13 to work, whether they want to do everything on
14 the internet, or whether they want face-to-
15 face meetings or whether telephone calls can
16 be set up or how they would be best served.
17 But I think we need to be flexible to the way
18 that they want to gain information from this
19 committee about NOAA.

20 MR. SCHWAAB: Well, just one more
21 comment on this topic. It seems to me that,
22 in these transition processes, one of the

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1 things we need to think about is not what is
2 important to us as much as why it is or should
3 be important to them.

4 So, to some degree, Jim, the way
5 that you and your team can sense, and I think
6 we can help you in that, you know, sort of
7 read the feelings a little bit, with respect
8 to, you know, some of the priority with the
9 incoming administration, you know, what and
10 how can we help you sort of align some of the
11 opportunities in our world with some of what
12 those emerging priorities are. I think that
13 is maybe the way we ought to be thinking about
14 it.

15 MR. BILLY: Fair enough. I mean,
16 they may decide that they are going to have a
17 traveling team that goes around the country
18 and wants to meet with people. And then we
19 can maybe suggest some of the names. You
20 know, and that is one way that they might
21 choose to approach their work. They may just
22 sit in Washington and expect people to come to

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1 them. They may only consider written
2 documents or electronic communication. All of
3 that is unknown. So, it is right at that
4 stage where that will become, start to become
5 clear and then we can choose a strategy as
6 appropriate. We will see.

7 I think it is clear from this
8 discussion, Jim, that there is interest in the
9 committee in having that kind of an
10 opportunity to interface and share our
11 thinking. So, you can help us with that, you
12 know, as you have the opportunity.

13 Yes, Tony.

14 MR. DiLERNIA: Yes, when our
15 leadership briefs the transition folks and the
16 new political appointees, I would just ask or
17 remind you to emphasize that this is a non-
18 partisan committee. It is very non-partisan.

19 Because I know my feeling has been in the
20 past that when, especially with change of
21 administration, folks tend to look at things,
22 and especially the political appointees try to

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1 read the tea leaves. And let's face it, you
2 know, myself, just having served as chairman
3 for three years is a perfect example of how
4 non-partisan this committee was. You know, a
5 liberal democrat from Brooklyn.

6 So, I would emphasize how non-
7 partisan the committee has always been and
8 will continue to be.

9 MR. BILLY: Good point. Okay, then
10 I would like to move on. And we will start
11 the new member orientation portion of the
12 agenda. And let me turn it over to Mark.

13 DR. HOLLIDAY: Thanks, Tom. This
14 is not going to be very painful, I hope. But
15 I wanted to provide a set of materials and
16 some access to some tools and information
17 about how the committee is organized, why the
18 committee exists, a little bit of the process
19 of how we conduct our work. And I think it
20 will be helpful both for new members and
21 current members to review this because we are
22 going to be helping each other to try to

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1 become an even more effective body for the
2 next go-round.

3 So, I have a number of different
4 topics I am going to try to cover. And one of
5 the things that we have been working on is a
6 handbook. We have a draft of a handbook that
7 we posted onto the MAFAC website.

8 So, I am going to start there and
9 say there is a website. If you haven't seen
10 it before, you should know that it is off of
11 the NMFS home page. And on the website we
12 have all of our meeting information from the
13 current meeting and prior meetings. So there
14 is an archive of decisions, records. There
15 are draft summary notes of each meeting and
16 the action items. There are transcripts of
17 the prior meetings.

18 So, this is a very valuable
19 resource and tool that more and more we are
20 relying on using an electronic form to convey
21 information back and forth to members. You
22 will notice you don't have a three-ring binder

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1 in front of you. I have been trying to wean
2 people away from these large heavy briefing
3 books that very few people actually get to
4 read. So, we have been posting a lot of the
5 material online. What I have done in the blue
6 folders that you have is provided a copy of
7 what I am calling an annotated agenda for each
8 of the major topics. It is just a one-pager
9 that describes why we are talking about this
10 topic, what do we hope to achieve. And so I
11 would like to use that as a tool to help
12 communicate during the meeting and remind you
13 that we have a purpose for each of these
14 agenda topics and these are the salient points
15 we are trying to cover.

16 But all of our reference materials
17 for this meeting are online. And I also have,
18 as you can see, a lot of people nowadays
19 bringing computers to meetings. I have a
20 couple of thumb drives if you want to copy all
21 of that material if you haven't had a chance
22 to get to the website, we have them for you to

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1 borrow and load it onto your laptop.

2 If you have any feedback about
3 this, if you don't like it or if you are not
4 really into the computer side of things, we
5 can still accommodate and make it work for
6 you. So, we are not trying to drag everybody
7 forward but we would like to encourage folks
8 to take more advantage of some of these tools.

9 Just to quickly look at the website
10 and you click at the advanced materials, this
11 handbook that we have put together, this draft
12 of a handbook is listed. It says it is fairly
13 large size. It is in a PDF format. And we
14 would like you to take a look at it, not
15 during this meeting but over the course of the
16 next month or two to take a look and see if
17 this information in there is useful to you or
18 if there is information or questions that you
19 have about the committee and how we work and
20 the materials that we need, what should be in
21 it that is not there.

22 So, take a look at it over the

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1 course of time and give us your feedback.
2 Because we would like it to be sort of a
3 living document. We can add to it because it
4 is electronic very easily. We can modify it,
5 keep it current, and have it as a resource for
6 folks to use throughout their tenure as
7 members of the committee.

8 So if I go to the handbook itself
9 right now, when you bring up the PDF file,
10 this is what you would see. And again, if you
11 just roll your cursor over a topic, and you
12 just click on any of the items, it will take
13 you directly to that part of the PDF file.

14 So, I am going to go to Summary of
15 MAFAC Responsibilities. I am going to speak
16 to this for a few minutes as the beginning of
17 my 101 on MAFAC. And of course, you can
18 follow along if you have it. I am not going
19 to read it but I just wanted to cover some of
20 the main issues here.

21 MAFAC has been around for a long
22 time. It is one of the longer-standing

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1 federal advisory committees. It is now in its
2 its 35th, 36th year, since 1970. And it is a
3 secretarial FACA committee. The Department of
4 Commerce Secretary appoints the members. It
5 is listed on the Federal Advisory Committee
6 website as a Department of Commerce Committee.

7 It is comprised of no fewer than 15
8 and no more than 21 voting members. We also
9 have the three Interstate Fisheries
10 Commissioners, Executive Directors as the non-
11 voting consultants to the committee. The
12 current charter, which is also included in the
13 handbook, lists the Chair of the Committee,
14 which is currently the NOAA Administrator.
15 And the vice chair officially is the Deputy
16 Assistant Administrator for Fisheries, Jim
17 Balsiger. And as existing members know, we
18 have had a charter working group that convened
19 over the last year and made recommendations
20 and reported out at our July meeting to change
21 and modify the charter to effect the
22 arrangement of the chairmanship and the

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1 reporting relationships that we are in the
2 process of submitting to the Department of
3 Commerce for approval of those changes.

4 So, our current charter is actually
5 valid through February of 2010. So we are
6 working on updating that before then to
7 reflect these recommendations and gain
8 approval from NOAA and the Department for the
9 recommendations at the July meeting.

10 Obviously, you know, if you have
11 made it this far, you know what the mission is
12 of the organization. The structure, we have
13 gone through that.

14 The roles and responsibilities, I
15 think the one thing I would want to reflect
16 on, and we will talk a little bit about this
17 later this morning when we hear from the
18 General Counsel for Ethics from the Department
19 who is going to be speaking to us on speaker
20 phone, that there are certain responsibilities
21 that are coincident with serving on the
22 committee, the financial disclosure forms, for

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1 example. And some of these seem perhaps to be
2 a nuisance or a burden to continue to maintain
3 these. But it really is part of the benefit
4 of having an advisory committee that is
5 transparent, that is open.

6 And again, the reason behind the
7 Federal Advisory Committee Act in the first
8 place was to avoid providing, having advice
9 provided to decision-makers and government
10 that was partisan or that was made up of only
11 a select few people that was not
12 representative, that was not open.

13 So, all of our meetings are open to
14 the public. We publish a notice three weeks
15 in advance of the meeting, notifying the
16 public that we are meeting. We don't meet in
17 secret. We don't meet in private. All of our
18 -- we have Chad Dawson here, he is our court
19 reporter. We didn't introduce him but he is -
20 -

21 COURT REPORTER: Jackson, not
22 Dawson.

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1 DR. HOLLIDAY: Chad Dawson is a
2 football player; right? Sorry. Chad Jackson
3 who will be transcribing all of our spoken
4 words here into a transcript and from that we
5 take our notes from it.

6 And so this is all in the interest
7 of making the public aware that a federal
8 advisory committee is in business and is
9 providing this broad spectrum of opinion,
10 broad spectrum of advice, both to NOAA and to
11 the Department of Commerce in the most open
12 and democratic way possible.

13 So, the responsibilities of a
14 member are not terribly burdensome but they
15 may be a nuisance in terms of some of the
16 bureaucracy associated with it. But I think
17 there is a well-made trade-off in being able
18 to say that this committee is representative
19 of a diverse group and that we operate in a
20 very open fashion.

21 For those new members who came on.
22 We have seven new members in total. And we

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1 actually had 11 vacancies as of this summer.
2 And so we made a decision based on we, the
3 Department and NOAA, made a decision based on
4 recommendations from MAFAC not to recruit 11
5 new members all at one time because that is
6 more than half of the committee.

7 So we wanted to allow for some
8 continuity and some continuation of the
9 function and that institutional memory. So,
10 we asked four of the existing members to stay
11 on for an additional 12 months. So, Bob
12 Fletcher, Tony DiLernia, Chris Dorsett and Jim
13 Gilmore were selected and asked if they would
14 be willing to stay on for 12 months to provide
15 this continuity such that come June of next
16 year, we will open that public process again
17 to go and ask for nominations for four, new
18 members. But we now have a third of the
19 committee, no more than a third of committee
20 being replaced at any given time.

21 So, it is a little bit of a unique
22 circumstance so I wanted to make sure everyone

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1 understood how and why we were doing this and
2 what we plan to do. Along about June of next
3 year, we will publish a notice in the Federal
4 Register soliciting nominations and go through
5 the process to bring on four additional
6 members.

7 Right now we have, I think, I
8 believe it is six of our existing members
9 whose terms expire this December and we have
10 requested the Secretary of Commerce to
11 reappoint those members for another term and
12 that process has begun -- so, those who were
13 on their first term -- and again, all of this
14 information is public. It is posted on the
15 website, who you are, your contact, and your
16 terms are all public information. And we are
17 renewing the terms of existing members for
18 their second term and that is underway right
19 now.

20 We generally meet twice a year. We
21 can have additional meetings. The biggest
22 constraint is budget and so, on an annual

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1 basis I have been given funds to sponsor two
2 large-scale meetings. But if there is a need
3 for meetings between then of the entire
4 committee, we can always go back and seek some
5 dispensation. But at the very least, we have
6 used successfully conference calls of the
7 subcommittees and the full committee to deal
8 with business between meetings.

9 The only caution that we need to be
10 aware of is if we are making decisions as
11 opposed to developing an idea or discussion of
12 things, if we are actually going to have a
13 vote or a decision on something, we have to
14 have prior public notice that we are going to
15 be meeting by teleconference and we'll provide
16 a dial a number for the public, if they want
17 to participate.

18 So again, no secrets. All above-
19 board, prior public notice. So those are some
20 of the constraints or some of the bureaucracy
21 that I am responsible for keeping the
22 committee on track and not in violation of

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1 these guidelines and regulations. And hence,
2 our conference call with our General Counsel
3 at 10:45 this morning.

4 The subcommittees are a very
5 important part of the MAFAC. We have five
6 standing subcommittees and an ad hoc working
7 group. We are going to go more into more
8 depth into each of those areas this afternoon.

9 But the principal subcommittees are the
10 executive subcommittee which is the chairs of
11 each of the other subcommittees, the Council
12 Liaison, the head of the other subcommittees,
13 Budget and Program Management, Commerce,
14 Protected Species, Ecosystem Approach. The
15 chairs of those subcommittees along with the
16 Council Liaison, that forms the executive
17 subcommittee.

18 The process of serving on the
19 committee: if you are choosing to serve, you
20 can serve on more than one. It is a volunteer
21 position. You can have your choice of what
22 areas that you want to work on. So, part of

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1 the discussion this afternoon will be going
2 through what the committees have been working
3 on recently and what the committees want to
4 work on in the future.

5 I would like to leave this meeting
6 with a work plan for 2009 for each of these
7 subcommittees and say these are the topics
8 that we think will be hot or are of interest
9 to MAFAC. And the role of the subcommittee is
10 to serve up this information. It is to sort
11 of do work between meetings, to deliberate and
12 to prepare materials that we could bring back
13 to the full committee for decision, discussion
14 or hopefully discussion, then decision.
15 Ready, fire, aim. And really use it as a tool
16 because we only do meet face to face twice a
17 year. I think the role of the subcommittee
18 has been a very effective one. At least in my
19 opinion, over the last years they have worked
20 very well.

21 So the Executive Committee,
22 Strategic Planning, and this is material we

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1 will be using again this afternoon, that
2 briefly describes what the function of these
3 different groups were. And this ad hoc
4 working group in the last couple of years is a
5 result of reinvention of the way we collect
6 marine recreational fishery statistics in
7 NOAA, we have formed a working group on
8 recreational fisheries. And Bob Fletcher has
9 been spearheading that effort and serving as
10 the liaison between MAFAC and those efforts
11 within the Agency and the Commission's
12 constituency.

13 So, that is the overview of the
14 purpose and structure of MAFAC. Any questions
15 on this so far? Does it make sense, where we
16 are going? Larry?

17 MR. SIMPSON: Mark, did you, I had
18 an email, did you tell them about or would you
19 describe the unique nature of a FACA
20 committee? I don't know if you expanded on
21 that or not or is that relevant right now?

22 DR. HOLLIDAY: Well, I can jump

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1 into it now. I think the point about FACA, I
2 mean the Federal Advisory Committee Act is a
3 federal statute that governs the setup and
4 operation of these advisory groups to the
5 Administration. And so because it comes with
6 the territory of having these special
7 conditions of how we appoint members and how
8 we conduct business.

9 And I guess the bottom line is one
10 of you are representing MAFAC when you are on
11 the committee. You are representing the
12 interests of the organized group, bringing
13 your expertise, you know representing the sum
14 total of who you represent, your experience,
15 your training to the table.

16 And so I think the notion of FACA,
17 it is just providing a context for the conduct
18 and the process of the meetings but you are
19 still, again, working as a unit. You know,
20 all of the decisions that we are making are
21 consensus decisions. If there are dissenting
22 opinions and we can't reach a consensus, those

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1 would be reported as a minority view in the
2 record for purposes of the transcript and the
3 meeting reports.

4 So, I think FACA provides us
5 framework of this context of how we operate
6 but it still comes back down to MAFAC as a
7 unit having gotten a mission chartered by the
8 Department. And again, there aren't many
9 other places -- the Secretary, the NOAA
10 Administrator and the NMFS Administrator get
11 this kind of advice and get this perspective.

12 It is a policy-oriented group. We try not to
13 be too much in the weeds. There are lots of
14 other people who are doing the day-to-day
15 operational advising. But the long-term, the
16 strategic view, the higher level, whatever
17 cliché you would like to use, I think that is
18 really the bread and butter and the strength
19 of what this committee can do because there is
20 nobody else out there who is charged with
21 looking at that.

22 Regional organizations, regional

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1 bodies, states, interstate commissions, they
2 all have their own local perspective, but the
3 national perspective on policy of living
4 marine resources, and fisheries in particular,
5 that is the purview of this group. It is an
6 increasingly listened-to group, as evidenced
7 by Mary Glackin's participation and asking
8 MAFAC to comment on the strategic views of
9 NOAA for the transition.

10 I will note that the comments that
11 we submitted last week, they were spread out
12 on Paul Doremus' desk and he was busily trying
13 to incorporate all of these MAFAC comments
14 into those two pages before they go public.
15 So they weren't just being passed aside saying
16 check the box we asked MAFAC. He was
17 struggling but he was trying his best because
18 we had some pretty broad ranging comments to
19 incorporate them in those two-pagers and the
20 documents that will be NOAA's message to the
21 public on transition.

22 Does that kind of get at what you -

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1 - or was there more?

2 MR. SIMPSON: No, that's fine. It
3 is a fairly unique thing to be the fact a
4 chartered committee does not meet a one Sea
5 Grant, Councils and MAFAC as I appreciate.
6 There may be a few more.

7 DR. HOLLIDAY: The MPA Advisory
8 Committee, right. And there is NOAA's Science
9 Advisory Board. In total, there are nine
10 principal FACA committees in all of NOAA.

11 All right. So, I wanted to shift
12 gears a bit. Let me check on time. That must
13 mean 10:04 our time.

14 If we could go back to the handbook
15 for a second, a lot of people --

16 So, just to give you, you know, you
17 can't tell the players without a score card,
18 this is currently out of date. The Vice
19 Admiral is still shown as the head of NOAA.
20 But you should know this is a NOAA advisory
21 committee. It is not a NMFS advisory
22 committee, and so we deal with more than just

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1 National Marine Fisheries Service.

2 This is the organizational chart
3 for NOAA. It shows the different line offices
4 across the bottom, the different program
5 offices. And sort of having a wiring diagram,
6 we are going to maintain this and keep it
7 current as the new political appointees come
8 in. So, I think this would be a handy
9 reference to keep in mind. It is going to be
10 available in that MAFAC handbook online. So,
11 as changes occur, this is someplace we can go
12 to help keep straight of who is who.

13 At the same time, the NOAA
14 Fisheries Service org chart is something that
15 you should all be familiar with as well. This
16 shows the current organization of the
17 Fisheries Service. And if I have time, I
18 might do a little bit of Fisheries 101
19 PowerPoint here in a moment. But this shows
20 you the structure and --

21 MS. FELLER: Could you full screen
22 it? I can't see it.

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1 DR. HOLLIDAY: Yes. I'm sorry.

2 This shows you the overall
3 leadership organization of National Marine
4 Fisheries Service, Jim Balsiger. And just for
5 this purpose, I will wait for this 101 to go
6 into a little bit more detail. Jim and his
7 principal deputies for regulatory programs,
8 administration and operations and science
9 programs, those are the three major branches
10 of the tree. And then we have our field
11 structure, headquarters and field structure
12 that falls beneath that.

13 So, this will be kept up-to-date on
14 that handbook as well. I will provide the
15 context and explanation of our organization in
16 a minute in the PowerPoint. In fact, that is
17 what is up next.

18 Now, some of this may be old hat to
19 people and some of this may be brand new. But
20 at least by going through it quickly, we will
21 make sure that everybody is on the same page.

22 Now, all of this material is up on the

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1 website. So, if you need copies or haven't
2 seen it yet, share it with friends, be my
3 guest.

4 I have stolen this from previous
5 briefings that have been done by various folks
6 so, it is current information. But the whole
7 purpose of this presentation is to give you a
8 little bit more background about NOAA
9 Fisheries Service and Organization, because
10 our subcommittees are sort of organized along
11 these various lines of statutory authority for
12 protected resources, fisheries and marine
13 mammals and so was our line office structure.

14 So, I wanted to give you some perspective on
15 NOAA Fisheries Service itself.

16 A long history of involvement both
17 in the science, management and regulation of
18 fisheries dating back into the 1870s. And
19 this is a picture of our organization and how
20 we are currently structured. It is a very
21 heavily regionalized structure. Across the
22 country we have six regions: northeast,

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1 southeast, Pacific Island, southwest,
2 northwest and Alaska. And in each of these
3 regions, we have both a regional office that
4 is focused principally on management and
5 regulation and a science operation through a
6 fishery science center, which has subordinate
7 laboratories where specific areas and types of
8 research and analysis take place.

9 So, the large part of 2700, 2600
10 people in the agency are located in our field
11 structure. And then we have our headquarters
12 located in Silver Spring. So, many of you may
13 have current interactions with one particular
14 regional office. And all of these functions
15 are mirrored around the country in these six
16 different regions.

17 Here is another view of the same
18 org chart. Three branches. Sam Rauch, who
19 will be here tomorrow, is the Deputy Assistant
20 Administrator for Regulatory Programs on the
21 management and regulations of protected
22 resources and the regional administrators who

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1 report to him. And the office directors for
2 sustainable fisheries, protected resources,
3 and habitat report to Sam.

4 On the science side, Steve Murawski
5 is the director of our science programs and
6 the Chief Science Advisor. He will be here
7 later today through tomorrow. He is in charge
8 of the Fisheries Science Centers around the
9 country. The Science Centers include what's
10 called Southeast Fisheries Science in Miami,
11 for example, as well as the headquarters
12 Office of Science and Technology where John
13 Boreman is the Office Director, leading that
14 operation.

15 And in the middle, the Deputy
16 Assistant Administrator for Operations is John
17 Oliver. And he is in charge of different
18 operations and administrative functions,
19 Management and Budget, the Law Enforcement
20 Office, the Chief Information Officer. I
21 report to John as does the Seafood Inspection
22 Program. So those are the three major trees

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1 of how we are organized and where we draw our
2 expertise from.

3 I am not the budget expert,
4 although I did stay at a Holiday Inn last
5 night, but it wasn't an express.

6 Historical budget trends, Gary
7 Reisner is our expert and he is going to talk
8 a little bit more about the current scene on
9 budget tomorrow. But the takeaway from this
10 slide is we have had a pretty active budget
11 cycle over the last few years. And the big
12 difference that you will note here is the
13 delta between the President's budget and what
14 is enacted. So we have a very interested and
15 very assertive appropriations interest on
16 Capitol Hill that, in most years, that blue
17 bar is something that we are operating from on
18 an active level, and consistently is higher
19 than the President's budget. This reflects a
20 number of different theories and hypotheses
21 about Congressional interest and specific
22 projects or just general interest in the

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1 investments in natural resources science and
2 management relative to other budgets,
3 priorities that are in the president's budget.

4 So, we could go into detail on this but we
5 won't.

6 The value of marine fisheries is
7 big business. It is important to the economy.

8 This helps explain why we are in the
9 Department of Commerce. Commercial sector,
10 Alaska, you know, the leading ports,
11 principally, from the pollock fishery, for
12 industrial fisheries, Menhaden in Reedville,
13 Virginia, and Louisiana, with a large part of
14 the tonnage of domestic fisheries; per capita,
15 16 and a half pounds per person and it has
16 been hovering around that level for the last
17 several years. Shrimp continues to be a very
18 important component of the commercial sector.

19 We have a document called Fisheries
20 of the United States that contains all of the
21 statistical information. All MAFAC members
22 should be getting a copy of that every year

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1 when it comes out.

2 Randy?

3 MR. CATES: How often is that
4 information updated?

5 DR. HOLLIDAY: This is all
6 conducted on an annual basis. So, when we
7 publish Fisheries in the U.S., we will do
8 leading ports for the calendar year 2007. The
9 state of our statistics programs-- because it
10 is a mosaic of state and federal programs,
11 some of the regions iterate and get data
12 updated frequently on a monthly basis. In
13 other cases, depending on the state or area,
14 they only get updated once a year. So, the
15 common denominator is on an annual cycle that
16 we update all of the statistics from around
17 the country to produce a snapshot of what is
18 going on.

19 Recreational fisheries are popular
20 around the United States. The three major
21 statutes, you know, it should be pop quiz.
22 Everybody knows what they are. Magnuson-

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1 Stevens Act, the Marine Mammal Protection Act,
2 the Endangered Species Act-- those are the
3 principal statutory drivers but there are
4 about 90 to 100 other ones that impact and
5 give us authority to do things or require us
6 to do things. These are some of the drivers
7 that we are responding to when we make policy.

8 The Magnuson Act, you know, most
9 recently, was reauthorized a couple of years
10 ago a whole new litany of requirements on the
11 agency and the states and the councils to do
12 things, some of them not funded but all of
13 them are good things for the future
14 sustainability of fisheries that we are
15 required to do. We will be talking a little
16 bit about those specifically tomorrow with
17 Alan Risenhoover's update on the Magnuson Act
18 update in the morning.

19 We have some goals set out for
20 limited access privilege programs, you know,
21 doubling the number of LAPs. Magnuson-Steven
22 reauthorization required a specific final date

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1 for ending over-fishing by 2011, mandated the
2 creation of a national saltwater angler
3 registry to approve recreational data. And
4 had some very strong words to say about IUU--
5 illegal, unregulated, unreported-- fishing in
6 our role of NOAA and the Department in
7 international fisheries management.

8 Regional Councils, there are eight
9 Regional Management Councils. Many of you,
10 based on our introductions are familiar or
11 participants or members of them past or prior.

12 But it is a big job. Fisheries are
13 different. There are 46 Fisheries Management
14 Plans, over 500 different stocks of fish that
15 we are trying to manage. Scientific research
16 is in our science centers. Again, I am
17 breezing through this. So, go through this at
18 your leisure and if you have questions or want
19 to know more about it, you can ask us or
20 explore our websites.

21 But we perform life science,
22 physical science, social science, research,

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1 stock assessments, economic valuations,
2 habitat characterizations, we have a very
3 large science enterprise. That is the bottom
4 line from this component and it is applied
5 science. It is applied to the sustainability
6 of both fisheries and non-harvested species.
7 Marine mammals, protected threatened major
8 species, providing habitat and sound
9 ecological functions for the ecosystems in
10 which they live.

11 We have a joint role with the fish
12 and wildlife service of protecting these
13 particular endangered and threatened protected
14 species.

15 I'll just kind of move through.
16 Marine Mammal and the ESA, talking about some
17 of our major activities and take reduction
18 plans. Aquaculture program, we have had
19 briefings at every one of our last, at least
20 the last half dozen MAFAC meetings on the
21 status of aquaculture. You have been a large
22 part of developing the ten year plan for

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1 aquaculture. The aquaculture legislation that
2 did not get passed this past session of
3 Congress, but it's a key component of the
4 equation of our responsibilities.

5 And of course, extending beyond
6 just the IUU fishing. These regional fishery
7 management organizations, a number of you are
8 involved in ICCAT or IATTC or some of these
9 other transboundary management
10 responsibilities, again, these are all topics
11 that are looking for input on policy advice
12 and MAFAC as a role to play in helping answer
13 questions and shape the future issues.

14 This is just a listing sort of
15 geographically of some different kinds of
16 topics that were, at the time, this was March
17 of this year, issues that were either on our
18 plate or on the council's plate that were
19 causing us to make some choices, make some
20 decisions, make some allocations, and this is
21 an ever-changing map. But again, you can use
22 it as a reference point of what are some of

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1 the territory that MAFAC could get into and
2 advise on.

3 MR. CATES: Mark, are any of these
4 slides available online?

5 DR. HOLLIDAY: They are all on the
6 website. They should all be on the website.

7 MR. CATES: Okay.

8 MR. JONER: What was this entitled?
9 I'm just trying to find it and I couldn't.

10 DR. HOLLIDAY: Topher, do you know
11 what it is called on the website?

12 MR. HOLMES: I have no idea.

13 DR. HOLLIDAY: All right. On a
14 break, we will check it out for you. Other
15 questions on that?

16 MR. JONER: Mark, I just want to
17 point on your slides of the fishing ports, I
18 think I saw Kodiak listed as hake and I wanted
19 to know what Jim was up to. Is there hake up
20 there? Gas prices being what they are, we are
21 just out of bounds, five, six, seven miles.
22 Just catch them in Kodiak.

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1 MR. SIMPSON: Mr. Chairman, I would
2 just like to compliment Mark on the very brief
3 general update, new and old. That was just a
4 very good, you know, go and do that every
5 time. You did a wonderful job.

6 DR. HOLLIDAY: The shorter the
7 better. Right?

8 MR. SIMPSON: No, seriously. I
9 mean, that was good.

10 DR. HOLLIDAY: So the last part of
11 my act before we are going to take a break at
12 10:30.

13 I have-- it is important to me
14 because it is probably one of the things that
15 takes a lot of my time, and that is travel.
16 Travel for MAFAC is not a terribly complicated
17 issue, but I feel duty bound to go through a
18 brief travel PowerPoint to remind everybody
19 old and new about what the rules are so we all
20 stay out of trouble and have a carefree life.

21 So, I am not pointing fingers. I
22 am just --

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1 So, in fact, this is someplace in
2 this handbook. If I remember.

3 MR. DiLERNIA: The travel
4 guidelines --

5 DR. HOLLIDAY: Yes.

6 MR. DiLERNIA: -- 20.

7 DR. HOLLIDAY: Traveling for the
8 government. All right. So this was presented
9 to MAFAC a couple of meetings with regard-- I
10 should let you know that I have only been
11 doing this since, what, October of last year?

12 So, I am kind of newbie, but I have presented
13 at MAFAC a lot of times in my career, but I
14 have never had the privilege of working as the
15 executive director until last fall. But this
16 briefing was given at a couple of meetings
17 before I showed up but I have modified it and
18 changed the names and provide a little more
19 bit of emphasis.

20 But when you travel for the
21 government, you are considered special
22 government employees and, therefore, when we

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1 pay to reimburse your travel, you have to
2 follow the federal travel regulations. And so
3 they are cumbersome and they are designed to
4 provide good value to the government by our
5 contracts with different carriers. And we
6 have some very specific rules. And so if you
7 are ever interested in knowing what they are,
8 there is a link here to the federal travel
9 regulations that govern things like how much
10 money do you get reimbursed for a particular
11 visit to a city, your per diem. What governs
12 the kinds of reimbursable expenses. There is
13 an answer in the form of frequently asked
14 questions at this link. And there is
15 additional travel information out on NOAA
16 travel website. So, those two links you can
17 keep an eye on.

18 But I liked this travel PowerPoint
19 because it was pretty straight forward. That
20 is travel basics. You are invited. So, we
21 have a meeting. You are invited to come and
22 participate in our meeting. And you are

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1 really considered an invitational traveler.
2 So, you are at our invitation. We have a
3 government travel agency that is called
4 ADTRAV. And that is their phone number and
5 that is their fax number and that is their
6 email.

7 So when you make plans to travel
8 for MAFAC, your first step is to call ADTRAV
9 and say, "Hey, I want to go to this city on
10 this date and I need a train ticket, plane
11 ticket, some common carrier ticket." You have
12 to make that reservation through ADTRAV and
13 they will book that ticket for you.

14 MS. FOY: Mark, it does have to be
15 through the ADTRAV in Silver Spring. They
16 can't call ADTRAV --

17 DR. HOLLIDAY: ADTRAV in Silver
18 Spring knows MAFAC and knows who you are.
19 ADTRAV has a national 800 number in Atlanta.
20 They [Atlanta ADTRAV staff] won't necessarily
21 know to tell me that you are traveling. So,
22 your itinerary, in order for us to process it

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1 has to come back to us. And so the Atlanta
2 office doesn't know you. They have thousands,
3 not thousands, at least dozens of people
4 taking calls. And Silver Spring is only three
5 people. And they have a list of the MAFAC
6 members and they know what to do when they get
7 your request for travel. They send it back to
8 us.

9 MR. JONER: Mark, I had a call --

10 DR. HOLLIDAY: So this is the
11 number.

12 MR. JONER: Excuse me. I had a
13 call from that 205 area. Where is that?

14 DR. HOLLIDAY: The fax is actually
15 located in Atlanta.

16 MR. JONER: Oh, okay. Well,
17 somebody called me from there about my travel.

18 DR. HOLLIDAY: It could be. If
19 there is an overflow and they need to get,
20 they will then contact people in Atlanta to do
21 some of that work.

22 MR. JONER: Oh, okay.

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1 DR. HOLLIDAY: But that is them
2 initiating it. So our contacts should be
3 directly with the folks in Silver Spring.
4 Because they know MAFAC.

5 So do not use any other travel or
6 airline agency. Don't go and book a flight.
7 Don't use your own credit card. Don't do any
8 of that stuff. Let ADTRAV book your flight
9 and they will issue the ticket for you.

10 What they do, once you have made
11 your reservation, as I said, they give you the
12 itinerary. These are the dates you are going
13 to travel. These are the flights that you
14 have agreed upon. They send that to me, the
15 inviting office, and we have prepared for you
16 a travel order, travel authorization. It is a
17 piece of paper that says you are on official
18 government business as an invited traveler and
19 these are the funds that have been set aside
20 to cover that travel and dates, et cetera, et
21 cetera.

22 We process that and that is the

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1 authorization that we then fax back to ADTRAV
2 that gives them the green light to issue the
3 electronic ticket. So, they won't release
4 your ticket until they get this travel
5 authorization. But we can't prepare the
6 travel authorization until we get your
7 itinerary. We can't get your itinerary unless
8 you call ADTRAV in Silver Spring.

9 MR. CATES: I have a word of
10 caution on that, because this has happened to
11 me twice now. I booked through ADTRAV and it
12 has a contact information from you on who to
13 contact. ADTRAV will send an email with
14 itinerary and everything and it looks like it
15 is a done deal. But when I go to try and
16 upgrade or whatever I want to do, the ticket
17 is not issued, but on the email it looks like
18 you are already done. You had better double
19 check.

20 DR. HOLLIDAY: That is a good
21 point. There are two emails that ADTRAV
22 generates. The first one is when you make

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1 your reservation and it says your itinerary
2 has been done. The second email is when your
3 ticket has been issued. So, way at the end of
4 the subject line on the email, it says your
5 electronic issue has been issued.

6 MR. CATES: So, newcomers, don't
7 think --

8 DR. HOLLIDAY: Don't be fooled by
9 the first one. That just means if you have a
10 reservation, that your ticket is not ready to
11 be issued electronically because they haven't
12 yet received your travel authorization. And
13 we can turn the travel authorizations around
14 pretty quick. Some people have to book early
15 or there are very few flights.

16 In one case-- was it Southwest? One
17 of the airlines wouldn't hold a reservation
18 for more than 24 hours. So we had to do it a
19 second time because we weren't aware that they
20 needed the travel order right away. But if we
21 know about it, we can do it.

22 MR. CATES: My tickets on this

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1 weren't issued until two days before I flew.
2 And I was calling two or three times a week
3 saying, "When are you going to issue the
4 ticket?"

5 DR. HOLLIDAY: Right. But they
6 didn't know who "John Cates" was. You're
7 listed on their MAFAC roster as Randy Cates.

8 MR. SIMPSON: Well, it's only
9 really an issue when my wife travels and you
10 want to try and pair yourself up.

11 DR. HOLLIDAY: Right. If you want
12 to get your travel -- you want to be able to
13 get your e-ticket issued so that you can
14 either upgrade using-- you can upgrade using
15 your own miles, but your ticket has to be in
16 hand. So you have to get that ticket early.

17 MR. SIMPSON: That is my only issue
18 is when you bring your spouse. It is kind of
19 difficult, unless they do it really in
20 advance. She's fussing because she has to sit
21 two or three rows away.

22 DR. HOLLIDAY: Dorothy?

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1 MS. LOWMAN: So, yes, I mean, you
2 really do have to do these things. I mean,
3 like you can't upgrade until the thing is
4 bought, for example.

5 But I also wanted just to give
6 kudos to Mark, because he really does try to
7 work with you if you have these things and get
8 it through this cumbersome process in a short
9 time. So, I want to thank you for it.

10 MR. CATES: How far in advance can
11 you typically give authorization?

12 DR. HOLLIDAY: As soon as we know
13 what the venue is and the destination will be.
14 You can book the flight. We just want to
15 make sure that you are going to be going
16 there. Every time they issue a ticket, they
17 charge us money, a non-refundable service
18 charge. So even if you turn a ticket back, we
19 are still out-of-pocket some money. And in
20 some cases, the tickets themselves are non-
21 refundable. Because if you do a lot of these
22 advance purchases, if it is not a government

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1 contract carrier, which is why we encourage
2 people to use their government contract for a
3 city-pair, which is an official carrier
4 between two points. And most of the time,
5 that is a Y-class fare and that fare is
6 refundable. You can turn it back in. You can
7 exchange it. There is no fee involved. But
8 if you get a non-refundable ticket, say a 45-
9 day advance purchase and you decide you are
10 not going to go, well, we are stuck paying the
11 bill for it. So, we try to avoid that.

12 And in answer directly to your
13 question, a month or two before the meeting, I
14 will usually say start making your
15 reservations with ADTRAV. And we can get your
16 ticket issued as soon as we get the itinerary
17 and turn that around in a couple of days back
18 to ADTRAV, and they can release the ticket a
19 month or two in advance.

20 So that is, on the invitation side,
21 so I was going to spend the next minute or two
22 just talking about, your trip is over, you

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1 come back, you are all happy but you're out-
2 of-pocket some cash because you don't have a
3 government credit card so you had to put some
4 money up front, you want to get reimbursed.

5 So, within five days, the federal
6 travel regulations, if you read them, five
7 business days later, we are supposed to be
8 submitting a voucher for you to get
9 reimbursed. In some cases, it has been weeks
10 or months. I don't know why people delay. If
11 it was my money, I would be getting there on
12 day two to get my money back, but a lot of
13 people I have had to hound to get their
14 vouchers in so they could get their money
15 back.

16 Forward a copy of your travel costs
17 and your receipts to headquarters. Send the
18 original receipts but keep a copy for
19 yourself, in case something happens.

20 You don't need to send in receipts
21 for food. You have a set amount of money that
22 you are going to get paid for food whether you

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1 eat it all today, or you can pocket that money
2 or you can load up on donuts. It looks like
3 there are brownies.

4 MR. DiLERNIA: The brownies are
5 good.

6 DR. HOLLIDAY: On the first day--
7 so, I think the per diem, it just changed for
8 New Orleans. I think it is \$59 a day. And so
9 you can spend it all for dinner, or lunch, but
10 you don't need to give me your receipt. You
11 get that money. That is called your per diem.

12 And it is not just for your meals, it is for
13 your meals and incidental expenses. And so,
14 if you tip the person at the front desk, the
15 doorman or something, all those, M-I and E, it
16 is referred to: Meals and incidental expenses.

17 But on the first day of travel and
18 the last day, guess what? The government says
19 you only need three quarters of that. So,
20 when you get your reimbursement, you only get
21 reimbursed three-quarters of that \$59.

22 MS. DOERR: What about transfers to

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1 the airport?

2 DR. HOLLIDAY: Transfers, they are
3 covered 100%. From your home to an airport.
4 From your airport to your hotel. Any
5 transfers are covered at full expense,
6 separately from the per diem amount that I
7 have been talking about. Save the receipt.

8 Technically, unless it is over \$75,
9 we don't need the receipt, but you would be
10 better off just to send a receipt. Keep your
11 receipts and keep track of things just because
12 you never know when things might come back and
13 someone ask for something we didn't have.

14 MR. CATES: The New Orleans tax is
15 a lot cheaper than New York.

16 DR. HOLLIDAY: New York, yes. But
17 it isn't as much fun.

18 MR. DiLERNIA: What do they charge
19 you in New York?

20 MR. CATES: Well, to go the
21 airport, we paid \$75.

22 MR. DiLERNIA: Really?

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1 MR. SIMPSON: Well, but what is
2 neat about New York is you can use your credit
3 card. I don't know if the taxis here do that.

4 DR. HOLLIDAY: Okay, so, I am almost
5 done with this, and we are coming up on our
6 break, and we have a 10:45 appointment with
7 the attorney.

8 MR. O'SHEA: You guys are paying
9 for luggage now, right?

10 DR. HOLLIDAY: Good question. I
11 presume. You know, we will find out but I
12 presume. I never travel with checked luggage.

13 VICE CHAIR BALSIGER: Yes, but they
14 usually give you a receipt.

15 DR. HOLLIDAY: That's another --

16 VICE CHAIR BALSIGER: That is a
17 business expense.

18 DR. HOLLIDAY: You can explore the
19 travel regulations.

20 If you stay in a spot for more than
21 four days, you can have your dry-cleaning
22 done. Is that right?

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1 VICE CHAIR BALSIGER: Except in
2 Alaska or Hawaii. In Alaska or Hawaii, you
3 don't get your clothes cleaned, but any place
4 else after four days you can. That is true.
5 It's in there.

6 DR. HOLLIDAY: That is a legitimate
7 business expense that will be reimbursed. Get
8 a receipt.

9 MR. BILLY: How about a taxi to a
10 restaurant?

11 DR. HOLLIDAY: No. You are on your
12 own. There are plenty of places to eat within
13 walking distance. That is the government's
14 view. If you are out in a desolate area, in a
15 hotel that doesn't have food service and you
16 need to go offsite to get a meal, they will
17 consider it. But if you are in a location
18 that has food facilities, there is no reason
19 to even ask for reimbursement simply because
20 you want to go to your favorite restaurant.

21 All right. So, you have sent your
22 summary of your travel costs, your receipts

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1 are in. We prepare a travel voucher and we
2 submit that electronically to NOAA finance.
3 NOAA finance is going to then direct deposit
4 your reimbursement into your account. And
5 that is why we have asked you to all maintain
6 this direct deposit form that has a bank
7 account number that you want these funds put
8 into. And if you change that bank or your
9 bank is no longer in business --

10 MR. DiLERNIA: Lehman Brothers.

11 DR. HOLLIDAY: -- fill out another
12 form. Randy?

13 MR. CATES: Are you notified when
14 the direct deposit goes through?

15 MR. DiLERNIA: Yes. You get an
16 email.

17 DR. HOLLIDAY: You should be
18 getting an email. If you are not, let me know
19 and I will see why not. But you should get a
20 little notice saying "such and such a date a
21 deposit was made in an account with this
22 amount."

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1 MR. CATES: And so we can go back
2 and check. On the last travel, I don't
3 remember recalling ever getting --

4 DR. HOLLIDAY: Getting reimbursed
5 or getting an email?

6 MR. CATES: Both.

7 DR. HOLLIDAY: Well --

8 MR. DiLERNIA: Did you use that
9 number I gave you, the deposit number?

10 (Laughter.)

11 DR. HOLLIDAY: Okay.

12 MR. CATES: I just wanted to check
13 on it.

14 DR. HOLLIDAY: Your
15 responsibilities are to know the regulations.
16 Ignorance of the law is no excuse. Make your
17 travel arrangements only through ADTRAV. Do
18 not use your credit card to purchase tickets.
19 I will repeat. Do not use your credit card
20 to purchase tickets.

21 For train travel, obtain your
22 authorization prior to traveling. It is very

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1 difficult to do it after the fact. Debt
2 forgiveness doesn't work. Submit the signed
3 vouchers and receipts on a timely basis.

4 And you know, try as you might, we
5 won't reimburse you for things that the
6 federal travel regulations say are against the
7 law. And I say that because we are next to
8 Bourbon Street.

9 (Laughter.)

10 DR. HOLLIDAY: The government is
11 charged a service fee for each ticket issued.

12 If you drive to the airport, you will get
13 mileage for your car. If you park it in the
14 parking lot, you will get the parking at the
15 airport reimbursed.

16 We generally do not allow rental
17 cars. So when there is a common conveyance to
18 get to a hotel, there is no reason for you to
19 pay for a rental, for us to reimburse you for
20 a rental car that is going to sit at \$29 a day
21 for parking when you have no place to go
22 except back to the airport.

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1 If we are at a venue and there was
2 no other way there we could authorize it, but
3 we generally do not authorize rental cars.
4 Okay.

5 Okay, I'm done. Any other
6 questions, we can pick them up during the
7 break or throughout the meeting. Or at any
8 time you are uncertain about something, give
9 me a call or an email. I would be happy to
10 talk to you.

11 MR. BILLY: Okay. Thanks, Mark.
12 That was very good.

13 Now, we are going to have a break.
14 How hard is 10:45?

15 DR. HOLLIDAY: He is going to be on
16 the phone at 10:46.

17 MR. BILLY: So, we have got ten
18 minutes for a coffee break. So, be back in
19 your seats in 10 minutes. And you can have
20 your coffee with you.

21 (Whereupon, the above-entitled matter went off
22 the record at 10:36 a.m. and

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1 resumed at 10:50 a.m.)

2 DR. HOLLIDAY: Will, can you hear
3 us okay?

4 MR. JACOBI: Yes. Can you hear me?

5 DR. HOLLIDAY: So far, so good.
6 So, Tom is going to do an introduction and
7 then we will turn it over to you.

8 MR. JACOBI: Okay.

9 DR. HOLLIDAY: Okay. We have on
10 the line Will Jacobi. He is Senior Counsel
11 focusing on the Ethics Law and Programs
12 Division, Office of General Counsel in the
13 Department of Commerce. And we thought it was
14 important, particularly for the new members
15 but also a review for the existing members of
16 our obligations with respect to ethics and the
17 law.

18 So, I'll turn it over to you Will.

19 And I assume if we have questions, we should
20 just go ahead and ask them as you make your
21 presentation?

22 MR. JACOBI: Yes, just feel free to

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1 interrupt.

2 MR. BILLY: Okay.

3 MS. DOERR: Can you turn it up?

4 MR. BILLY: Yes, I'm going to try.

5 Okay. Go ahead, Will.

6 MR. JACOBI: Hey Mark, I guess I
7 can't hear the people in the audience. So, if
8 a question does come up you will have to maybe
9 chime in. Okay? Because I can hear you but I
10 didn't hear in the background.

11 MR. BILLY: Okay, Will. We will--

12 MR. JACOBI: We'll see how it goes.
13 Hello?

14 MR. BILLY: Sounds good.

15 MR. JACOBI: Okay. So, I am going
16 to give you a brief summary of the ethics that
17 apply to members of the Marine Fisheries
18 Advisory Committee. And as members of this
19 committee, you are considered what is called
20 SGEs, that is a special government employee.
21 And as such, you are subject to federal ethics
22 laws and regulations just like full-time

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1 government employees like me, but the
2 restrictions that are placed on you are not as
3 great as they are on me, and I will point
4 those out as we go along here.

5 But I am the person who reviews
6 your financial disclosure reports. And I have
7 spoken with a few of you and you file these
8 every year. And the purpose of the review is
9 to determine whether you all have any
10 potential conflicts between the duties of your
11 position as a committee member and any stock
12 holdings you have or any outside activities in
13 which you are engaged. And Congress
14 recognizes that people like you are asked to
15 serve on these committees based on your
16 expertise in the field, and therefore it is
17 expected that you are going to have conflicts
18 or that you are going to be engaged in outside
19 activities that are related to the subject are
20 in which you are providing advice. And of
21 course, you are going to have conflicts.

22 And accordingly, there is a special

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1 statutory provision that allows for the
2 issuance of a conflict of interest waiver
3 based on the government's need for your
4 services.

5 So, when I am reviewing your
6 reports, if I see a potential conflict I would
7 request that a waiver be prepared. And that
8 is why it is important that you fully disclose
9 all of your stock holdings and outside
10 positions so that we can get all the potential
11 conflicts covered by a waiver.

12 Now I guess backing up a step, what
13 is a conflict? What is a financial conflict?

14 And let me just explain what the financial
15 conflict of interest statute basically says,
16 which is that you cannot participate in a
17 matter as part of your government duties in
18 which you have a personal financial interest.

19 And your financial interest
20 includes not only your own but those of your
21 spouse and your outside employer. And when I
22 speak of outside employer-- and you probably

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1 think that MAFAC is your outside employer--
2 but when we speak of outside employers, we
3 mean your real job. Your full-time jobs. So,
4 you know, your outside employers, their
5 financial ethics is imputed to you as well as
6 your spouse, your minor children, and any
7 organization on which you serve as a board
8 member or officer or trustee.

9 So for example, let's say that you
10 are in the aquaculture business, and as part
11 of your MAFAC duties you are asked to make a
12 recommendation on NOAA implementing an
13 aquaculture plan. Well, that is going to
14 affect your outside financial interest. You
15 know, the financial interest of your employer.

16 So that would be a matter that can create a
17 potential conflict. Or if you are a
18 commercial fisherman, and one of the issues
19 that comes up is you all are making
20 recommendations on whether vessel monitoring
21 systems should be on all commercial fishing
22 boats or as a commercial fisherman, that is

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1 going to affect your financial -- even though
2 it is going to affect all commercial
3 fishermen, it is still going to affect your
4 financial interest as a commercial fishermen.

5 So again, that would be an area in which you
6 would be working on matter that affects your
7 financial interest and you couldn't
8 participate in that matter unless an exemption
9 applied and a waiver was issued.

10 By the way, when we talk about not
11 participating in matters affecting your
12 financial interest, it is not just voting on a
13 matter, it is providing advice and making
14 recommendations. It doesn't have to be final
15 decisions. It could be any input that you
16 making into a decision is participation, not
17 just when you say, "I didn't vote on it but I
18 did participate." That is not the way we
19 analyze it.

20 MR. BILLY: You need to speak up a
21 little bit.

22 MR. JACOBI: I need to speak up a

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1 little bit?

2 MR. BILLY: Just a little, yes.

3 MR. JACOBI: Okay. Any questions,
4 at this point?

5 MR. BILLY: Is this the preferred
6 approach, the waiver?

7 MR. JACOBI: I'm sorry. What?

8 MR. BILLY: Is this the preferred
9 approach for anyone that might have a conflict
10 of interest, just to do the waiver as
11 appropriate?

12 MR. JACOBI: Yes. I mean, and I am
13 making a determination based upon the review
14 of the report.

15 MR. BILLY: Okay.

16 MR. JACOBI: Keeping in mind,
17 people may be sitting there and thinking well,
18 why didn't I get a waiver, I may have this
19 conflict. There are some regulatory
20 exemptions that would allow you where we don't
21 need to have a waiver. For example, if your
22 only outside interest is your employer, and

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1 your employer is going to be affected by a
2 decision you make but they are just going to
3 be affected as a member of an industry, then
4 there is a regulatory provision that allows
5 several advisory committee members to
6 participate in matters, in general policy
7 matters that could affect their employer as a
8 member of the industry. So in that case, you
9 don't need to get a-- we determined that we
10 don't need to issue a waiver in that case. If
11 it is just an employer.

12 That said, if the matter is going
13 to have a special and distinct effect on your
14 employer, then that is not covered. And
15 that's something that we wouldn't even issue a
16 waiver for. And even if we have issued
17 waivers for anyone, they are only waivers that
18 allow you to participate in general policy
19 matters that could affect your financial
20 interest or your outside employers. The
21 waivers don't allow you ever to participate in
22 a matter that is going to have a special and

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1 distinct affect or that specifically involves
2 your outside interest.

3 And for example, the waivers would
4 cover commercial fishermen being allowed to
5 participate in the decision to put VMS systems
6 on commercial fishing boats and stuff, that is
7 not going to have a special and distinct
8 effect on you as a commercial fisherman. It
9 is going to affect everybody. But if it was a
10 decision affecting your particular employer,
11 that wouldn't be covered by a waiver.

12 And the special and distinct
13 issues, my understanding that is never going
14 to come up. As a matter of fact, you guys are
15 operating on a much higher policy level. So,
16 these specific, what we call matters involving
17 specific parties, we don't anticipate that is
18 going to come up for MAFAC. Waivers that we
19 are issuing are going to be just fine.

20 MR. BILLY: Okay, thanks.

21 MR. JACOBI: Now, the other point
22 is is that if you have an outside employer, as

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1 I said, there is a regulatory provision that
2 allows you to participate in general policy
3 matters that would affect an outside employer
4 as a member of this industry, but if you own
5 stock in the company, that is a different
6 story. Then there needs to be a waiver issued
7 because that regulatory provision just covers
8 the employment interest. It doesn't cover
9 stock ownership. And I know that was an issue
10 for at least one member who had an outside
11 business and that would have been covered by
12 the regulatory provision. But he also owned
13 stock in the company, so we needed a waiver
14 for that.

15 I'm probably getting into too much
16 detail. The people that needed waivers got
17 waivers. If you have a specific question, we
18 can speak about that later, but I am pretty
19 comfortable that everyone that needed a waiver
20 got a waiver.

21 Okay. So that covers financial
22 conflict of interest, I believe. And another

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1 area is non-financial conflict of interest.
2 And the rule here is that you can't
3 participate in a matter involving somebody
4 with whom you have close ties. And again,
5 this is a non-financial conflict. And this
6 only comes up when you are dealing with
7 matters involving specific parties. And again
8 you know, close ties are your employer, your
9 spouse's employer, your former employer who--
10 for the last year, an organization with whom
11 you are active with who is not your employer.

12 But again, we don't anticipate that MAFAC is
13 going too involved in any specific matters.
14 So this, generally, is not going to be an
15 issue. But that is just another rule that
16 still does apply to all Federal Advisory
17 Committee members.

18 That covers conflicts of interest.

19 Another area I wanted to touch on was gifts.

20 There are rules for government employees in
21 terms of accepting gifts. And the basic rule
22 is that you cannot accept a gift from anyone

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1 who is a prohibited source. And a prohibited
2 source means anyone that has business or is
3 seeking business with the department. And the
4 Department of Commerce just doesn't cover
5 NOAA, it covers a whole range of-- it covers
6 commerce, it covers everything.

7 You also cannot accept a give if it
8 is offered to you because of your government
9 position, your MAFAC position. However, there
10 are numerous exceptions to the gift
11 restrictions which will pretty much overcome
12 everything I just said.

13 (Laughter.)

14 MR. JACOBI: The basic exception is
15 that if it is a gift that is valued at under
16 \$20, you can accept it. There is a limit.
17 You can't accept more than \$50 per year from
18 the same source but if it under \$20, it is
19 never going to be a problem.

20 The other exception and the most
21 relevant for you all, is the gift based upon
22 an outside business relationship. So, if

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1 somebody is offering you a gift based upon
2 what you do in your real job, then you don't
3 have to worry about gift restrictions. In
4 other words, if it is not related to what you
5 are doing as a MAFAC member, you don't have
6 any concern.

7 But, let's say you guys are down
8 there for your meeting and some interested
9 outside party wants to have a party for you
10 and MAFAC is down there and they are having a
11 party for you. You may know that person from
12 your outside business, but if you are being
13 invited to an event because of your MAFAC
14 position, then the gift restrictions do apply.

15 So that is just something to be aware of.

16 Now that said, there is another
17 restriction, there is another exception that
18 they allow you to attend the event, if it
19 meets the criteria for a widely-attended
20 gathering. And that means that a certain
21 number of people have to be going, not
22 including government people, and it has to

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1 represent a diversity of views. But I am not
2 going to go too far down that road because I
3 haven't heard anything like that is happening
4 down there yet.

5 So just be aware that as members of
6 MAFAC the gift rules, the federal ethics
7 rules, including the gift rules do apply to
8 you. It is just something to be aware of.
9 Any question there?

10 Okay. Government activities.

11 MR. BILLY: Hold on.

12 MR. CATES: I have a question.

13 MR. JACOBI: Yes.

14 MR. CATES: Is there any problem
15 with one MAFAC member-- for example, if we are
16 here on business and we go out to dinner, one
17 MAFAC member buying another MAFAC member his
18 dinner? Do you understand that question?

19 MR. JACOBI: Yes, I understand the
20 question. So that is a good point. There is
21 a rule on gifts between employees. And that
22 is fine, as long as everybody is at the same

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1 level. So there is no problem with what you
2 just said. But if a subordinate, there is a
3 rule that subordinates cannot give a gift to a
4 supervisor, and a supervisor cannot accept a
5 gift from a subordinate.

6 We had a situation recently where I
7 was asked a question about another committee
8 wanted to buy a retirement gift for the
9 Admiral, the Vice Admiral. And the gift
10 restrictions are implemented in that case
11 because the committee members were government
12 employees, and their appointing authority was
13 Lautenbacher. So, technically, they could not
14 buy a gift for him because you could not buy a
15 gift for a supervisor.

16 However, as with that rule, as is
17 the case with all of these rules, there seems
18 to be there are many exceptions to them which
19 would allow it. And there is an exception
20 where you can buy a gift for a supervisor for
21 a significant life event. And a retirement
22 would meet that criteria.

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1 I am not asking -- your appointing
2 official is the Secretary. So, I am not
3 suggesting that anyone buy a gift for this
4 secretary, but that would be a similar
5 scenario. So, that answers the question?

6 MR. CATES: Yes, a lot of people
7 are buying me dinner.

8 MR. JACOBI: Okay. Those are the
9 gift rules.

10 Non-government activities. Working
11 for a foreign government is generally okay.
12 This used to be in issue but we got some
13 clarification on that. Under the
14 constitution, government employees cannot
15 accept compensation from a foreign government.

16 That really applies more to me. We got some
17 clarification. For members of federal
18 advisory committees, if you're working for a
19 foreign government, that is generally okay.
20 It is not going to be an issue for MAFAC
21 members. So, if you are working for a foreign
22 government, that is fine.

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1 That said, there are some
2 restrictions on representing foreign
3 governments and representing foreign entities.
4 And that is why you sign that certification of
5 status statement. And this is a little bit
6 outside of my area. It is actually a lot
7 outside of my area. But you can't be engaging
8 in representational activities for foreign
9 governments or foreign entities if it requires
10 registration under the foreign agents
11 registration act or it requires your
12 registration under the lobby and disclosure
13 act.

14 So, I can't really answer any
15 follow-up questions on what that means, other
16 than if you are required to register under
17 those acts with respect to representation for
18 foreign governments or foreign entities, that
19 can be a problem. I think everybody is filing
20 certification status statements saying they
21 are not engaged in those activities.

22 But staying on the issue of

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1 lobbying in the government, some of you may be
2 engaged in lobbying activities before Congress
3 or before federal agencies and that is fine,
4 but there is a restriction. Now for me, me as
5 a full-time government employee, I am not
6 allowed to lobby a federal agency on behalf of
7 others on any matter. It is just prohibited.

8 For you all as members of a federal advisory
9 committee, you also-- there are restrictions.

10 The only restriction, though, is that you
11 cannot lobby a federal agency or a federal
12 court-- but that is not likely-- but you
13 cannot lobby a federal agency concerning a
14 specific party matter on which you
15 participated as a MAFAC members. And as I
16 pointed out before, it is unlikely that you
17 guys are going to deal with specific party
18 matters because MAFAC is not dealing with
19 individual parties. You guys are at a much
20 higher level. You know, you are not talking
21 about specific party matters, but to the
22 extent that you ever do-- and when we say

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1 "specific party matter," I mean like something
2 that involves an identifiable party like a
3 contract, or a grant, or a license, or
4 litigation. But again, I don't believe that
5 is what you all are doing. But if you did,
6 then you couldn't go back and communicate with
7 government officials about that same matter in
8 your private capacity.

9 DR. HOLLIDAY: Will, we have a
10 question for you.

11 MR. JACOBI: Yes.

12 MR. DiLERNIA: Hi, Will. Tony
13 DiLernia here. I am member from New York.

14 Will, let me give you a for
15 instance. MAFAC develops a policy supporting
16 the offshore aquaculture bill.

17 MR. JACOBI: Yes.

18 MR. DiLERNIA: And at a later date,
19 I happen to be meeting with my senators from
20 the State of New York, and they ask me about
21 what issues are going on. And I tell them
22 that I support the offshore aquaculture bill.

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1 MR. JACOBI: Yes.

2 MR. DiLERNIA: Is that permitted?
3 Is that, we are good with that?

4 MR. JACOBI: Yes. The only thing I
5 would caution on that is that when you are
6 meeting with members of congress, unless you
7 have authority to do so, you don't want to say
8 you are speaking for MAFAC.

9 MR. DiLERNIA: No.

10 MR. JACOBI: But no, you can do
11 that.

12 MR. DiLERNIA: As an individual I
13 can.

14 MR. JACOBI: The restrictions --
15 yes, what you just said was perfectly fine.
16 The restriction that I am referring to only
17 applies to federal agencies and federal
18 courts. It doesn't apply to making
19 representations before Congress. You can go
20 before Congress and talk the same thing to
21 Congress that you are talking about in MAFAC.

22 MR. DiLERNIA: So then we have, to

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1 carry it a step further, at this point --

2 MR. JACOBI: The MAFAC issue that
3 we are talking about was not a specific party
4 matter. So the restriction wouldn't apply to
5 that in any event. So, it is okay anyway.
6 You can talk to anybody about that because it
7 is not a -- you can talk to a federal agency
8 about it because it is not a specific party
9 matter.

10 MR. DiLERNIA: Okay. Let me give
11 you another for instance.

12 MR. JACOBI: All right.

13 MR. DiLERNIA: We have a document
14 here. It is called Fisheries 2020, which is
15 our vision of the future of fisheries. Later
16 on in this meeting we will be discussing how
17 we should use this document. And it has been
18 suggested that we take the document and
19 duplicate it and send it to all of the members
20 of Congress. That would be acceptable?
21 Hello?

22 MR. JACOBI: I'm thinking.

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1 MR. DiLERNIA: It's a public
2 document, at this point. It has been
3 published.

4 MR. JACOBI: Well the reason I am
5 just hesitating in my response is that, is
6 this something that you would be doing outside
7 your MAFAC duties?

8 MR. DiLERNIA: No. This is
9 something the committee would do. I mean --

10 MR. JACOBI: Yes. The only person
11 -- the reason I am just hesitating in
12 answering is because I know there are some
13 lobbying restrictions but I don't know --
14 there are some grass roots lobbying
15 restrictions, and I think that what you are
16 doing is permissible. But that is more of a
17 general law -- well, it is another division
18 that would answer that question.

19 But, Mark, I am just a little bit
20 hesitant to answer that question for sure. I
21 think it sounds okay, but I know there are
22 some restrictions on using appropriate funds

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1 for lobbying.

2 DR. HOLLIDAY: Well I think for our
3 purposes now, I think there is a little bit of
4 uncertainty. So we will say we will take that
5 up outside the meeting and follow up with Tony
6 and the rest of the committee when we get a
7 more clear answer for ourselves.

8 MR. JACOBI: Okay.

9 DR. HOLLIDAY: All right?

10 MR. JACOBI: I would want to
11 discuss that with our general law division.

12 DR. HOLLIDAY: Right. We can talk
13 to Hector and others.

14 MR. JACOBI: Yes, okay.

15 MR. DiLERNIA: Thank you.

16 MR. BILLY: Another question.

17 MR. JACOBI: Okay.

18 MR. CATES: If we are asked to--
19 Randy Cates here with Aquaculture-- I have
20 been asked to meet in several congressional
21 meetings. Do we have to make a disclosure
22 that we are a MAFAC member, even though we are

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1 there representing our own company's interest?

2 MR. JACOBI: No, I don't think so.

3 MR. CATES: Okay.

4 MR. JACOBI: I mean, it is up to
5 you. But if you are going to talk-- say you
6 are a MAFAC member, you don't want to be doing
7 so in a way that would suggest that MAFAC is
8 endorsing what you are saying.

9 MR. CATES: Right.

10 MR. BILLY: Okay. Go ahead.

11 MR. JACOBI: Okay. I'm going
12 ahead?

13 MR. BILLY: Yes.

14 MR. JACOBI: Okay. That pretty
15 much covers it. The only other thing I will
16 touch on is-- I know it is not timely-- is
17 political activities. Political activities,
18 for me, there are a lot of restrictions on me.

19 There are pretty much no restrictions on you
20 guys except that you shouldn't be engaging in
21 political activities on government premises or
22 during your duty hours. Other than that, you

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1 guys don't really have any restrictions on
2 you.

3 Like for instance, I can't engage
4 in fund raising activities, but you can. But
5 again, not too timely, but just to let you
6 know.

7 That pretty much covers everything
8 I have to say. Any other questions?

9 MR. BILLY: Okay, Heather.

10 MS. McCARTY: Yes, this is Heather
11 McCarty. I was curious if you have ever had
12 any inquiries or any concerns expressed to you
13 from anyone regarding MAFAC as a group or
14 MAFAC members.

15 MR. JACOBI: Any inquiries about
16 MAFAC?

17 MS. McCARTY: Yes.

18 MR. JACOBI: They really wouldn't
19 come to me. I mean, I wouldn't be getting
20 those inquiries. I mean, I am just kind of
21 here to review your reports and provide
22 guidance to you guys and tell you about the

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1 rules.

2 If some of you had a problem with
3 MAFAC it probably wouldn't get down to, it
4 could get down to me eventually. But if there
5 was a problem it wouldn't come to our office.

6 If you are asking about whether there is
7 anything has been in the news about
8 investigations, you know, somebody would
9 report that, I guess, to the Office of
10 Inspector General.

11 And I guess conceivably somewhere
12 down the road they would come to me and ask me
13 a question but I have never heard anything
14 come up with MAFAC. But I am somewhat down
15 the food chain.

16 MS. McCARTY: Okay, thanks.

17 DR. HOLLIDAY: Another question
18 here. Steve.

19 MR. JONER: Yes, this is Steve
20 Joner. I have a non-MAFAC related question.
21 What do you know about the Pacific Whiting
22 Treaty and the holdup there because of the

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1 conflict of interest?

2 MR. JACOBI: Well, I know that it
3 hasn't been resolved yet because, you know, I
4 guess Congress is still out and I know that
5 they are still being held up. You know, the
6 statute says that the members are subject to
7 the conflict of interest rules. So, that
8 needs to be resolved.

9 MR. JONER: And so specifically,
10 what was the problem there?

11 MR. JACOBI: The problem was that,
12 under the Pacific Whiting Treaty, the statute
13 says that members are to be appointed,
14 basically it says the members should be
15 appointed from industry. And remember I said
16 earlier when we were talking about the rules,
17 you know, Pacific Whiting is not a federal
18 advisory committee. Remember when I said
19 there was a conflict of interest waiver that
20 there is a special statutory provision that
21 Congress expects that you guys as FACA
22 members, they are looking for people with

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1 expertise. So they expect that there is going
2 to be conflicts. So there is a special
3 statutory provision that allows for the
4 issuance of a waiver, based upon the
5 government's interest in having you serve.

6 But Pacific Whiting Treaty, that is
7 not a federal advisory committee. So that
8 waiver wasn't available for those members.
9 And again, the statute says, you know, they
10 are looking for people, you know, some people
11 that are in the industry. So obviously, they
12 are going to have conflicts, too. And the
13 statute says the conflict of interest rules
14 are going to apply to the members of the
15 Pacific Whiting Commission or Pacific Whiting
16 Treaty. So, it kind of creates a log jam.

17 I mean, it is difficult for them to
18 be able to provide guidance without violating
19 the conflict of interest statute. So, there
20 has to be a fix to the situation. I'm not
21 sure what it is going to be but it has to be
22 fixed.

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1 So, that was the problem.

2 MR. JONER: Okay, thank you.

3 MR. BILLY: Okay, Randy?

4 MR. CATES: I have a quick
5 question. On the website, you give examples
6 of a problem and if you work for a company and
7 you are a MAFAC member, is that company
8 allowed to apply for grants within Commerce?

9 MR. JACOBI: Yes, I don't see what
10 the problem is going to be there. Are you
11 asking whether you, as a member of the
12 company, can apply for the grant?

13 MR. CATES: Or as an employee of a
14 company that you work for, is the company
15 allowed to apply for a grant?

16 MR. JACOBI: That is outside of my
17 area but I don't know of any ethics rules that
18 would be, any such rules that would bar that
19 would be under some grant rules. But that
20 would shock me if that was the case.

21 MR. CATES: Okay.

22 MR. JACOBI: But the more pertinent

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1 question would be, assuming you could do it,
2 whether you as the MAFAC member could apply
3 for the grant, could communicate with Commerce
4 officials. And again, before I mentioned that
5 there was that rule that says that federal
6 employees generally cannot communicate with a
7 federal agency on behalf of another.

8 So, I couldn't do it but for
9 advisory committee members, that restriction
10 is more narrow. You all just, the only
11 restriction on you all is that you can't
12 communicate with federal agencies concerning a
13 matter on which you are working on, a specific
14 party matter on which you are working as a
15 member of MAFAC.

16 So, if you are not working on that
17 grant as a member of MAFAC, which you are not
18 because that is not what you guys are doing,
19 you would be able to communicate with Commerce
20 officials about that grant.

21 MR. CATES: Okay.

22 MR. JACOBI: So, assuming that

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1 there is no grant restrictions that would bar
2 your initial question, I would be really
3 surprised if that was the case.

4 You could ask the grant people when
5 you are applying for the grant but they will
6 probably just, they won't -- yes, I would be
7 very surprised. Okay?

8 MR. CATES: Thank you.

9 MR. BILLY: Other questions anyone?

10 DR. HOLLIDAY: Well, if other
11 questions come up, are you okay with people
12 contacting you directly? I mean, you have
13 given their contact information out to the
14 past members or should they come through me?

15 MR. JACOBI: Contacting me is fine.
16 You know, if they want to go through you or
17 if they want to go through me that is fine.
18 You know, if they have a specific question
19 they think it is easier to contact me, you
20 know, that is actually, that is the better way
21 to do it. They like using you for the
22 distribution of what, you know, the 450s and

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1 all of that. But contacting me is perfectly
2 fine.

3 DR. HOLLIDAY: All right. So, I
4 will re-circulate your contact information to
5 make sure they know how to contact you
6 directly.

7 MR. JACOBI: Okay.

8 DR. HOLLIDAY: No other questions
9 right now? Will, I really appreciate your
10 spending the time with us this morning. I
11 think many people found it very helpful and
12 you provide some good food for thought for
13 other future questions that come up as well.

14 MR. JACOBI: Okay. My pleasure.
15 Okay. Have a good rest of the meeting.

16 DR. HOLLIDAY: Thanks very much.

17 MR. BILLY: Okay, thank you.

18 MR. SIMPSON: Well we all, as
19 United States citizens, own stock in all of
20 these companies.

21 MR. BILLY: All right.

22 DR. HOLLIDAY: So before we move

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1 off this topic, --

2 MR. BILLY: Yes.

3 DR. HOLLIDAY: -- liaisons. So
4 this is an opportune time for us to look at
5 our requirements for financial disclosure and
6 certification of non-foreign agent. So, the
7 new members have just gone through this
8 process so you can tune out for a minute.

9 For the existing members, you have
10 to do this on an annual basis and this is the
11 last meeting before the turn of the calendar
12 year. So, it is my first attempt to try to
13 get you to work with me to re-up, as they say.

14 MR. JONER: How about if I just
15 turn my travel in on time.

16 DR. HOLLIDAY: Well here is the
17 deal. I have, for each existing member, I
18 think almost every member, if we come out
19 right. I have a folder here. And inside it
20 will be your last year's financial disclosure
21 statement with your signature whited out and
22 then Xeroxed. Okay? So nothing has changed

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1 from last year's report. You know, things may
2 have but --

3 MR. BILLY: Values have gone down.

4 DR. HOLLIDAY: Never ask for
5 anything that has to do with the value of your
6 holdings, it is just the name of it.

7 So, if things have changed, you can
8 take this home with you and just write on an
9 addendum sheet and staple it and sign it. And
10 90 percent of the work is done. And there is
11 also a blank certification of status statement
12 that you are not a foreign agent. That needs
13 to get signed again.

14 And so I am handing these out now.

15 And you don't have to do them at the meeting.

16 But rather than send it to you in the mail
17 and explain it to you and I have saved on the
18 postage and I get to give you all some really
19 neat folding things that look pretty cool.

20 So, I am going to hand these out
21 and then we will go on to the next agenda
22 item. But I wanted to, so, I have discussed

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1 this with Will. Everything is legit the way
2 we are doing it but he would like to get them
3 back. And he said at the end of the year, I
4 would like to get them back in a month's time
5 or something so that he can get through all of
6 these and make sure that everything is fine.

7 MR. DiLERNIA: Can't we just sign
8 them and give them back to you right now,
9 Mark?

10 DR. HOLLIDAY: If you want to, you
11 are absolutely welcome to do so. But I don't
12 want to pressure you if you want to go and
13 review it in detail and do that.

14 I will just wander around.

15 MR. BILLY: Okay, thanks for doing
16 that. This is really a good way to do it.

17 Okay, I am going to move on to the
18 next item. At the last meeting in New York
19 City, we asked NOAA Fisheries to develop a new
20 strategic plan. And I thought I would read
21 from the report what we said. This is a
22 resolution that was passed unanimously. It

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1 reads "We recommend that NOAA develop a
2 strategic plan for seafood safety based on
3 input from our own seafood safety people and
4 from FDA," the Food and Drug Administration,
5 "with an emphasis on completing the
6 memorandums of understanding with FDA and
7 emphasis on internal organizations, economic
8 fraud and increased research into public
9 confidence in seafood and especially increased
10 research into food safety technologies and
11 include the positives and the job well done of
12 the current seafood safety program."

13 So, it is a lot of words,
14 essentially to say we want NOAA Fisheries to
15 step back like they did with aquaculture
16 earlier and develop a strategic plan for this
17 important area of seafood safety and quality
18 and labeling and all the related issues.

19 And we have with us today Tim
20 Hansen. He is the director of the National
21 Marine Fisheries Services Seafood Inspection
22 Program and he is going to provide us a status

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1 report on the work that has been initiated to
2 develop this strategic plan that we have asked
3 for. So, Tim, the floor is yours.

4 MR. HANSEN: Okay, thank you, Mr.
5 Chairman.

6 As Tom mentioned, we were charged
7 with creating the plan, a strategic plan for
8 2020 for seafood safety. However, we didn't
9 complete it. And we purposely didn't complete
10 it. I will give you some reasons for that. I
11 will also go over, you know, what we have
12 done. We have made substantial progress. I
13 think we can conclude it very soon. We have a
14 significant reason for wanting to wait. We
15 think that although we want to have a vision
16 for the future, the near term vision is kind
17 of clouded and there are several reasons for
18 that. And so, the ad hoc group and myself
19 asked the chairman if he wouldn't indulge us
20 with a little time delay. And he graciously
21 granted that request. Thank you, Mr.
22 Chairman.

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1 So, the reason for the delay is
2 really, there is a lot of things going on in
3 the area of food regulation and seafood
4 safety. And something that really kind of
5 obscured the picture kind of on the short
6 term. So, I will go over those very quickly.

7 First, we have got, as Jim
8 mentioned, we have a new administration. That
9 means that we will have a new NOAA
10 Administrator, perhaps a new Assistant
11 Administrator for Fisheries, maybe not. But
12 this, since political appointees do establish
13 priorities, our new senior managers, if you
14 will, may or may not want to make priorities
15 in this area. We just don't know. We hope
16 they do.

17 Secondly, and this is a real
18 zinger, and many of you may not be aware of
19 this activity but in the 2008 Farm Bill, there
20 is a provision in that bill to amend the
21 Federal Meat Inspection Act to include
22 catfish, which means that USDA Food Safety

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1 Inspection Service becomes a regulatory
2 authority for catfish. So they would be
3 regulating catfish in the same way they would
4 be other food products such as meat, poultry,
5 mostly meat under the Inspection Act.

6 It also gives them the authority to
7 define what is a catfish. And in 2002 Farm
8 Bill, a catfish was a North American catfish.

9 And now it seems that the Secretary of
10 Agriculture may want to include all catfish.
11 And the reason for that is there is a desire
12 to regulate foreign produced catfish,
13 basically from Vietnam who out compete our
14 catfish industry. They want to control export
15 and control the safety of those. I will go
16 into what that entails in just a second.

17 The Act also would give the
18 opportunity to USDA to regulate all farm-
19 raised fish if they were so petitioned by the
20 industry.

21 So, eventually this could evolve
22 into anything that has to do with aquaculture

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1 would have a different regulatory authority
2 than wild caught fish. We don't know if it is
3 going to go there but I have got to tell you
4 that the food safety inspection service is
5 absolutely enthusiastic about the idea. So,
6 they are gearing up for it.

7 Another thing, another provision is
8 that it also authorizes the Ag Marketing
9 Service, which has the same authority as us
10 but they do everything on a fee-for-service
11 voluntary basis, you know, all food
12 commodities except seafood. This would
13 authorize them to create a program for
14 catfish, a voluntary program.

15 We have been talking to them and
16 they seem less enthusiastic about this. So,
17 we are going to have a public meeting probably
18 early next year, a joint public meeting in
19 catfish country to sort of cure the concerns
20 of folks down there. Yes, sir?

21 MR. DEWEY: Tim, on the Farm Bill
22 where it spoke to the ability for FSIS to do

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1 inspection of other fishery products in farm-
2 raised fish if they are petitioned, who does
3 that petitioning?

4 MR. HANSEN: My understanding it
5 would be the interested industry. So, if the
6 foul industry in Idaho decided they prefer
7 USDA regulation versus FDA regulation, --

8 MR. DEWEY: Well, it is not
9 necessarily some other third party that
10 somehow thinks that --

11 MR. HANSEN: Well, I'm not sure of
12 that.

13 MR. DEWEY: -- thinks that certain
14 farm-raised fish should be inspected by them.

15 MR. HANSEN: I'm not sure who has
16 standing in this case.

17 VICE CHAIR BALSIGER: The
18 Agriculture Department, based on past
19 questions, would take that into consideration
20 in making the decision whether to accept a
21 petition and make a species amenable under the
22 meat act.

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1 MR. DEWEY: But the petition would
2 have to come from the group wanting the
3 inspection versus, or to be inspected versus a
4 third party that would say, this product needs
5 to be inspected by him.

6 VICE CHAIR BALSIGER: There is no
7 hard and fast provision. So, I am sure the
8 Department would factor in a third party
9 involvement in deciding whether to accept the
10 petition or not.

11 MR. HANSEN: Okay. Well, also the
12 other little zinger here is that this will
13 facilitate USDA authority but didn't take any
14 away from FDA who still thinks they have
15 authority over this commodity.

16 So, here we are not knowing who --
17 part of our job is to enforce regulatory rules
18 in the voluntary firms that we inspect. And
19 whose regulatory rules would be enforced, who
20 is charge? Would we have some competition
21 from Ag Marketing who may read a parallel
22 program to ours for farm-raised fish. So that

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1 kind of clouds the picture and we are not sure
2 where all of this is going but it should
3 become clear in the next few months. I
4 believe that Food Safety Inspection Service
5 has to come out with some regulations early
6 this year, in 2009. So, we will get a clearer
7 picture of all of that at that time, perhaps.

8 On the FDA front, they are
9 implementing something called the Food
10 Protection Plan which, if you are interested,
11 is on the website, which is a whole bunch
12 things to include food safety across the
13 board, not just seafood. So, they are going
14 to be changing the way they do business, it
15 would appear. And we may have to sort of
16 adjust our way of doing things, whatever that
17 is. They are talking about things such as
18 applying HACCP to all food groups, charging
19 for re-inspections. There are a whole bunch
20 of things in there that were much different
21 than they were in the past.

22 Also, they have a pilot, they are

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1 starting a pilot of third party inspections
2 for aquacultured shrimp. And that is
3 basically, they are trying to see if they can
4 take the results of a third party, like the
5 Seafood Inspection Program, we are going to
6 participate in that, or a private group of
7 food inspections that occur overseas. So,
8 that is a change. We don't know where they
9 are going with that, whether they will be
10 successful or not.

11 Okay, there is also, there has been
12 a lot of bills in Congress of late. And I
13 would expect the next session, which is
14 apparently a little more Democrat, might have
15 some bills to offer. And one never knows if
16 these things will become law or not. But,
17 there is a likelihood that one might.

18 And fifth and last, we are
19 currently on a continuing resolution in the
20 government. There is the last 2008 funds are
21 applied to 2009. There is not a lot of extra
22 money rolling around for new ideas, new

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1 initiatives and that sort of thing.

2 But given all of this, and one last
3 thing I have got to say is you asked us if we
4 would be in the consultation with FDA. I
5 mean, Don Kramer was in the room last time, he
6 readily agreed. That has not happened, trying
7 to get FDA to a three day meeting to resolve
8 all of that is like putting toothpaste back in
9 its tube. But I do have a meeting scheduled
10 with him next week. Hopefully, we can get to
11 some of that.

12 So, with all of this, we think the
13 near term may be a little cloudy but maybe it
14 will clear up. And perhaps we will have a
15 better strategic plan because we will have a
16 clearer vision in a few months than one that
17 is a little more appropriate under the
18 circumstance, given all of the change.

19 We have made, moving on to what we
20 have done, we have made some good progress on
21 this. We have come up with sort of a rough
22 plan that needs a little more work and I will

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1 go over that with you.

2 We have three possible visions.
3 Seafood is the safest, most desirable animal
4 protein source. Safe consistent quality and
5 accurately labeled seafood benefits the
6 public. The third one is safe consistent
7 quality, accurately labeled and sustainable
8 seafood benefits public health and the
9 nation's ecosystem.

10 We are leaning toward the second
11 but the more I read the third, I think I like
12 it. But that is to be hashed out with our ad
13 hoc committee and we will come up with a final
14 vision statement. It will be something like
15 one of those three.

16 Okay, so we come up with four
17 goals. I will just read them off quickly.
18 Consumer perception and understanding.
19 Science, NOAA science and technology, NOAA's
20 policies, priorities and organization. NOAA's
21 Seafood Inspection and Certification Program.

22 So just going over these quickly.

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1 Goal One, consumer perception and
2 understanding. And the tag line is obtain
3 optimal health benefits to increase seafood
4 consumption. Now, there are several
5 objectives here, one of which is to take
6 measures to increase consumption to at least
7 12 ounces per week per person, as recommended
8 by USDA, FDA, and EPA. That is pretty
9 ambitious. And right now, the American public
10 consumes about 16 pounds of seafood per annum.

11 That would push it up to something like 37 to
12 38 pounds per annum. So that is, that would
13 probably promote health. But it will probably
14 will involve a lot of aquaculture products.

15 So anyway, objective two, establish
16 international clearinghouse for seafood and
17 health information, dealing with the benefits
18 and risks of seafood consumption. We
19 recognize that there is just a lot of
20 information all over the world in different
21 databases and different genres, held by
22 different governmental sources and private

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1 sources. We would like to see that all come
2 together and be able to use that information
3 maybe a little more fully.

4 Establish an external seafood
5 advisory panel to help set priorities on
6 seafood health research. A seafood safety
7 program can provide input for the development
8 of dietary recommendations.

9 Objective four would be establish
10 public information and outreach. We have our
11 Fishwatch. We would like to enhance that a
12 little more to a lot of different programs and
13 ways to communicate risk and benefit to the
14 public.

15 Support research and development of
16 analytical capabilities. Identify
17 nutritionally beneficial components of fish
18 and shellfish and develop tools for consumers
19 to subscribe, an interactive decision to
20 support programs.

21 If you belong to Kaiser Permanente,
22 they have some wonderful things on their

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1 website and you see them around on WebMD and
2 so forth. We would like to develop a few more
3 specifically associated with seafood
4 consumption.

5 The second goal, NOAA's policies,
6 priorities and organization. And the tagline
7 is NOAA issues new guidance to improve
8 coordination of programs and research in
9 support of an adequate seafood supply, and
10 product quality, safety, and labeling.

11 Okay, a bunch of objectives here.
12 We have become, NOAA has become a leader in
13 development of national and international
14 seafood safety policy. We want seafood
15 inspection and NOAA enforcement would ensure
16 that most products in the marketplace were
17 accurately labeled, met seafood standards,
18 safety standards. And we would like to add an
19 objective to NOAA's strategic plan regarding
20 the importance of seafood and health for the
21 economy of the nation or make safety and
22 consistent quality of the seafood a priority.

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1 Redirect some of what we call Product Quality
2 and Safety appropriations we get specifically
3 for this purpose toward improving the nation's
4 health and commerce through seafood safety.

5 Redirect some Saltonstall-Kennedy
6 appropriations, which are a grant program that
7 National Marine Fisheries has towards seafood
8 safety issues. Improve data management
9 through NOAA that could be used for seafood
10 safety. The Seafood Inspection Program does
11 not have a database system. That would be
12 part of the thing. So, you would want
13 something with that kind of reach. New
14 certifications, be able to track trends and
15 maybe do some management stuff.

16 Play a larger role in international
17 fora, such as Organization of International
18 Epizootics, which is animal disease, Codex,
19 which is international food safety, a food
20 standards body, and various methods,
21 contaminant, nutrition, et cetera.

22 Going on to the third is NOAA

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1 Science and Technology.

2 MR. DEWEY: Tim, do you want us to
3 interrupt you with questions?

4 MR. HANSEN: Absolutely.

5 MR. DEWEY: So, from a food safety
6 standpoint, I guess I am curious why more of
7 an involvement with OIE. That is more animal
8 health than it is anything else, isn't it?

9 MR. HANSEN: Yes. But that is an
10 international organization that deserves our
11 support, I think is what our scientists are
12 saying.

13 MR. DEWEY: I don't disagree with
14 that. I just couldn't see the link to the
15 food safety.

16 MR. HANSEN: Okay. Anything else?

17 The third goal is science and
18 technology. Some of the objectives are
19 offered. NOAA will survey its science to
20 identify both its current capabilities and
21 capacities. NOAA will take steps to better
22 coordinate internally with other agencies on

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1 science and technology matters. NOAA will
2 attain equivalence with other laboratories,
3 both domestic and international through ISO
4 17025 certification, provide science support
5 to international standards setting bodies.
6 Again, Codex, ISO, ISSC. NOAA will conduct
7 seafood contaminant surveillance like
8 pharmaceuticals, pathogens, biotoxins,
9 environmental contaminants. NOAA will conduct
10 research to help modernize methods of
11 contamination detection. And NOAA will
12 develop the capacity to provide scientific
13 data to risk assessors or risk managers for
14 emerging seafood safety data and will conduct
15 seafood risk assessment.

16 The fourth goal is seafood
17 inspection and certification. The seafood
18 inspection group was lucky enough two weeks
19 before we got together to develop this. We
20 had our own strategic planning session and we
21 came up with about 20 objectives. I will not
22 go through all of them because they are kind

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1 of down in the weeds for you guys.

2 But the tagline is NOAA increases
3 its inspection, certification and compliance
4 verification capability in response to
5 consumer industry needs, and international
6 trade requirements.

7 So there is three general, I will
8 just kind of characterize this. We want to
9 increase capacity of Seafood Inspection by
10 creation of a management database, rewriting
11 the regulations, improved inspector
12 enhancement, inspector training. We want to
13 take measures to promote the cooperation and
14 collaboration with state, federal, and
15 international food safety organizations, such
16 as updating MOU with FDA, and creating an MOU,
17 Memorandum of Understanding, sorry, with the
18 Animal Plant Health Inspection Service and,
19 ultimately, Food Safety Inspection Service.
20 It looks like we will be dealing with them on
21 catfish farms.

22 Third, we will provide programs

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1 that satisfy the needs of industry and the
2 consumer, such as creating a joint program
3 with Fisheries Enforcement and FDA can address
4 economic fraud issues in seafood, expanding
5 auditing services, possibly eco-labeling
6 services, if necessary, and new and modernized
7 U.S. standards for grades of fish and fishery
8 products.

9 So that is kind of where we are. I
10 think two of these four goal areas are pretty
11 well complete. I think they need one more
12 makeover. Two of them probably need some more
13 work and we should have this done in six
14 months. Any questions on it?

15 MR. DEWEY: On that last point, you
16 talked about eco-labeling services, if
17 necessary. And that is obviously something
18 MAFAC has taken up and talked about in some
19 detail. And my thinking was the direction was
20 not. I mean, so it says eco-labeling
21 services. Does this mean to be able to
22 respond to non-profit eco-label?

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1 MR. HANSEN: Well, there is kind of
2 -- let me tell you kind of what is going on
3 here. Obviously, there is a non-profit --

4 MS. McCARTY: Can you talk a little
5 louder? We can't hear you down on this end.

6 MR. HANSEN: I'm sorry. I'll speak
7 up.

8 There is MSC, the eco-label private
9 group party organizations that have kind of
10 taken the lead on this thing. I think the
11 thought was that maybe in some way possible,
12 maybe government ought to step up in some way.

13 That, I don't think, is going to be decided
14 by the Agency. But there is also a lot going
15 on. I was in Europe last week to talk about
16 new requirements by the European Commission to
17 require every shipment to have a so-called
18 catch certificate that shows essentially that
19 the product or the shift in the consignment
20 was caught legal and this applies to wild-
21 caught fish.

22 MR. DEWEY: I know we are going to

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1 get into the eco-labeling discussion a little
2 bit more again later. But I guess I was a
3 little bit concerned seeing it in there about
4 increasing services when, at least the
5 direction so far from MAFAC is not to go down
6 this path.

7 MR. HANSEN: Another reason to not
8 finalize this thing because we haven't got a
9 final decision by the Agency.

10 Yes, Heather.

11 MS. McCARTY: Tim, I guess I am a
12 little confused as to exactly where we are
13 with this and what you are expecting from
14 MAFAC and I guess I am asking this to Tom as
15 well.

16 I think if we are going to talk
17 about it here, we obviously need to have it in
18 front of us in some way. Maybe I missed it.
19 Maybe it has been sent out.

20 MR. HANSEN: Yes, well, I had
21 provided a three-page summary.

22 DR. HOLLIDAY: What Tim presented

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1 is on the website but the strategic plan is
2 not. But that is the point of his
3 presentation. It is not ready to be reviewed
4 by MAFAC.

5 MS. McCARTY: Oh, okay.

6 DR. HOLLIDAY: His opening remarks
7 focused on the request for delaying delivery
8 of that until these other factors were
9 considered and the draft was completed to the
10 point of being circulated for comment.

11 MS. McCARTY: So we are not
12 expecting, at this meeting, to comment on this
13 plan at all?

14 DR. HOLLIDAY: No. It has not been
15 provided for you to comment on.

16 MS. McCARTY: Okay.

17 MR. HANSEN: The ball is on our
18 court, basically.

19 MS. McCARTY: I was just wondering.
20 Thanks.

21 MR. BILLY: Dorothy?

22 MS. LOWMAN: Well, I think there is

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1 a little bit of a chicken and an egg thing
2 though for me. Because you said well, we
3 don't know what the administration, the
4 incoming administration's priorities might be
5 and there is some confusion about who has what
6 authority. But that also could be seen as an
7 opportunity to try to provide some clarity and
8 really get, you know, a heads up, which I
9 would hope that you would take.

10 MR. HANSEN: Hopefully, we will
11 have some opportunities to --

12 MR. BILLY: My understanding is
13 that MAFAC has spoken clearly asking that the
14 Agency develop a strategic plan that covers
15 the areas I read earlier. And that process is
16 under way. Tim is here today to sort of give
17 us a status report and a little flavor of
18 their current thinking, the options, the
19 possibilities, the scope of the strategic
20 plan, all the interfaces that he has
21 identified that they need to have to make this
22 work.

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1 But once there is a draft strategic
2 plan, I assume then it will go through an
3 Agency process and when it is accepted by the
4 Agency as a draft, it will then come to the
5 committee like the aquaculture plan did for
6 our full consideration and input. And then
7 the Agency would consider that input in
8 finalizing this strategic plan.

9 VICE CHAIR BALSIGER: I guess I
10 want to quibble with you wording saying the
11 Agency would accept it and then send it out to
12 you. I think we would review it though. It
13 wouldn't be accepted until we get the public
14 input on it, which this would be the most
15 important part but there would be other
16 opportunities for the public as well. Other
17 than that, I'm worried about whether we
18 accepted it and what came out --

19 MR. BILLY: Yes. Okay. Are there
20 other general questions? Specific?

21 MR. GILMORE: Just a little bit off
22 of the topic but going off of something that

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1 Tim said about being in the EU last week. We
2 have been very interested in the North Pacific
3 about these import certifications that will be
4 required in the beginning of 2010, I guess.
5 But can you give us some clue as to where it
6 is heading in terms of --

7 MR. HANSEN: Yes, well, it was a
8 positive meeting. The EU-EC officials, first
9 of all, said, look, we are not targeting the
10 United States. We don't think there is much
11 illegal fishing, unregulated fishing going on
12 there. We have all these measures in place,
13 these fisheries management plans, all the
14 states who are doing their work and so forth
15 and we are not really concerned.

16 Our big concern going in was that,
17 I don't know if you have seen the draft catch
18 certificate, but there was a lot of very
19 specific information that would be very hard
20 to track to be able to attest to, shall we
21 say. They are willing to give us, what do
22 they call it? They had a term of art, a

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1 ministry arrangement where they would just
2 accept our system. We wouldn't have to sign
3 that in order to be certificated. You would
4 still have to sign the certificate but it
5 would be much simpler.

6 MR. GILMORE: Would it be combined
7 with the health certificate?

8 MR. HANSEN: We asked that. They
9 are not being real hopeful because DGRA and DG
10 SANCO, the two, one is the health and one is
11 the fisheries people, apparently don't mesh
12 that well. So, it would have to be up to
13 SANCO to allow that. And apparently, they
14 turned down other, some developing countries
15 just on that point.

16 So, it looks like we are probably
17 going to sign a separate certificate. It will
18 be a simplified certificate, maybe having
19 information about the consignment and so forth
20 that you see on the health certificate.

21 So, we are very hopeful that, this
22 seems very doable. We show some of the fish

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1 tickets and how we track things and what our
2 qualities are, you know, as far as digitally
3 what we have for databases. And they were
4 pretty impressed. And moreover, they said,
5 well, they might, you know, if there was some
6 irregularity they would want us to follow up
7 on it and we would have to figure out the
8 information some how. And it wouldn't be like
9 in the food safety world where they would come
10 and do an audit, which is if you know anything
11 of the food safety audits with us and FDA have
12 been very painful. So, it would be very
13 simplified.

14 So, we came away feeling like, you
15 know, this is a pretty doable thing. We are
16 going to have to organize ourselves a little
17 better to figure out how to do it. I would
18 think Seafood Inspection would issue a
19 certificates for a small fee and that would
20 enable the consignment to go to Europe.

21 MR. GILMORE: I'm sorry. That
22 would be NMFS Seafood Inspection Program that

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1 we should --

2 MR. HANSEN: Yes.

3 MR. GILMORE: Thank you.

4 VICE CHAIR BALSIGER: Tim, somebody
5 from the European Community was at the tuna
6 meetings in San Diego last week. You said
7 that the regulations have just been passed, or
8 approved, or whatever within the last couple
9 of weeks.

10 MR. HANSEN: Yes.

11 VICE CHAIR BALSIGER: And so, there
12 should be some language out there that we
13 could look at to see exactly what it says and
14 if they have decided to enforce it by an
15 administrative thing, maybe that trumps some
16 of the language that might be there. But they
17 promised to send it to us.

18 MR. HANSEN: I brought it with me
19 because it was in my briefcase from the last
20 trip. If anybody wants to see what the
21 regulation looks like.

22 VICE CHAIR BALSIGER: But

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1 apparently it just adopted them. So, it might
2 be interesting to get the very final last one
3 that they approved after any amendments or
4 changes might be made.

5 MR. BILLY: Maybe that could be
6 circulated to the committee.

7 MR. HANSEN: Sure.

8 MR. BILLY: Anyone interested?

9 MR. HANSEN: I would be more than
10 happy to provide that to anybody who wants to
11 gaze at a couple hundred pages of regulation.

12 MR. BILLY: Any other questions?
13 Okay, Tim, one last question from me.

14 You know, we haven't scheduled our
15 next meeting but it is possible it could be as
16 early as in the springtime. And if that is
17 the case, do you anticipate that you will be
18 in a position where you will be able to share
19 a full draft of the strategic plan by then?

20 MR. HANSEN: I think we are not
21 that far off, essentially. It is just a
22 couple of the goal areas, I think, needs some

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1 rework. A couple, like I said, a couple of
2 them are in pretty good shape.

3 MR. BILLY: Okay. So, the answer
4 is yes. Okay. Any other questions? Okay.
5 All right, thank you very much.

6 Now, our lunch break. Let me give
7 it to Mark for any administrative
8 announcements.

9 DR. HOLLIDAY: So, we are going to
10 break for lunch. We have four recommendations
11 from the concierge in terms of places you
12 might want to check out. We asked for some
13 places that would be quick and nearby.
14 Deanies, from the front entrance, it is a
15 seafood place, two blocks to the right. Out
16 the front door, two blocks to your right.

17 Go out the front door from the
18 entrance, two blocks to the left, Johnny's Po'
19 Boys for sandwiches. Pretty good? We got a
20 thumbs up from Larry for that.

21 And the same direction, same as the
22 above, Petunia's. They have everything,

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1 including breakfast until 3:00, just in case
2 you are wondering for tomorrow night or
3 tomorrow morning.

4 And Bourbon House. Left then right
5 one block. They have a Creole menu.

6 Or there is the restaurant here in
7 the hotel. So, find some place reasonably
8 quick. We will be back here at 1:00 to start
9 --

10 MR. DiLERNIA: Mark, is this room
11 going to be secured? Can we leave the laptops
12 here or should we take them back to our rooms?
13 Are they going to lock up here?

14 DR. HOLLIDAY: Well, the doors
15 don't really lock that well.

16 MR. BILLY: Okay, see you at 1:00.
17 (Whereupon, the above-entitled matter went off
18 the record at 11:57 a.m. and
19 resumed at 1:39 p.m.)

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

MR. BILLY: We'll get started again. This afternoon we are going to focus, as I mentioned earlier, on the subcommittee and working group activities. The committee has found over the years that it is easier to focus in on a particular issue in a smaller group setting and consider the issue, get input from staff as appropriate, then bring a recommendation, a draft recommendation to the full committee. Among other things, I believe it allows a little more focus and it also allows us to have a series of subcommittee meetings simultaneously, so we can cover more ground and provide a broader array of recommendations to NOAA Fisheries.

As you see here from the agenda, we have a variety of standing subcommittees.

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1 MR. JONER: It looks like we have
2 some sitting ones, too right here.

3 MR. BILLY: It almost looks like he
4 is fishing.

5 MR. BILLY: The idea is to
6 introduce the new members to the work that the
7 subcommittees have recently been involved in,
8 as well as to open the door to potential new
9 projects or issues that the subcommittees may
10 want to take up over the next year or two.

11 So with that, I will first call on
12 Jim Gilmore to tell us a little bit about this
13 Strategic Planning, Budget and Program
14 Management Subcommittee. Jim?

15 MR. GILMORE: Thanks, Tom. Yes,
16 the name of the committee is pretty specific
17 and so, fairly indicative of the types of
18 things that we have tried to get involved in
19 with with the subcommittee. And I think this
20 has come out of members' experiences on the
21 committee, where we have tried to figure out
22 how we can be the most helpful to the Agency,

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1 be relevant with a committee that is meeting,
2 at most, twice a year. And we would find
3 ourselves getting a peek at a proposed
4 regulation three weeks before it is going to
5 be issued for comment and saying, oh, we have
6 this comment, and this comment, and this
7 comment. And the response is, well, we have
8 been working on this for two years and you
9 have seen it. And thanks for your input and
10 we look forward to what the public comment is
11 going to be that we are going to start
12 receiving in three weeks on it. So, we are
13 trying to figure out some way to be a little
14 bit more proactive.

15 The budget is another good example
16 of where the Agency is working on the current
17 fiscal year and they are already budgeting for
18 the next year and beyond. And so I am not
19 sure that we have accomplished the objective
20 that we have set out but that was at least my
21 recollection of why we picked this subject
22 area as an area to focus on to try to get some

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1 advice to the Agency and help them in their
2 policy development before the general public
3 gets through it.

4 And I will say that I missed the
5 meeting where I was made the chairman of the
6 subcommittee. And so there could very well be
7 other agendas at work here for what is going
8 on. And --

9 MR. DEWEY: Let that be a lesson to
10 newcomers.

11 MR. GILMORE: That's right. Good
12 attendance has its rewards.

13 But I looked up the subcommittee
14 membership just before this meeting. And what
15 I found on the website was a little out of
16 date. Some of the former members like Pete
17 Leipzig of MAFAC were still listed on there.
18 And so I don't have the current membership
19 roster but --

20 DR. HOLLIDAY: Well that is the
21 current membership.

22 MR. GILMORE: Oh, it is. Okay.

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1 DR. HOLLIDAY: I mean, I did that
2 intentionally because I wanted the people to
3 realize that was the committee standing as of
4 the July meeting and then the people who have
5 rolled off and who obviously we would consider
6 replacing them or adding to it. There is no
7 other listing other than that one as our
8 official list.

9 MR. GILMORE: But I guess my, you
10 know, in looking over who is formally on the
11 committee, the reason I went and looked it up,
12 frankly, is because we have had such diverse
13 participation in the subcommittee meetings
14 that, to me, I really do just consider all the
15 members of MAFAC to be members of the
16 subcommittee. Generally, what we have done is
17 set aside a block in the afternoon for the
18 subcommittees to meet, sometimes necessarily
19 overlapping in what they are doing and people
20 go where their interests are. So, we just
21 have a number of folks who have come in to
22 various projects that interest them. And I

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1 would encourage the new members, you know, not
2 to look too much at the organizational boxes
3 but take advantage of your MAFAC membership to
4 do that.

5 I guess one other point I would
6 make, and let me just say while I might have
7 been appointed chairman in absentia, I am not
8 quite sure -- I am part of that class of four
9 who have just been reappointed for a single
10 year after the termination of our second
11 three-year term. And so my guess is I am
12 probably only here for one more MAFAC meeting.

13 Whatever we do in the spring or early summer.

14 And so, I would just say that I know we have
15 some committee members who aren't here at this
16 meeting. So, they would be good targets to
17 take over the subcommittee. We have at least
18 four, I think, potential chairmen there from
19 those who can't defend themselves. But also,
20 I would suggest others.

21 If we are going to get into -- I
22 would say right now we are not halfway through

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1 anything. We can talk for a few minutes about
2 this transition document that we worked on at
3 the last meeting and through to this meeting.

4 But now might be a good time, also, to change
5 the chairmanship of that so that you would be
6 going forward beyond just the next meeting
7 with a new chairman. That would make sense to
8 me, I think.

9 MR. BILLY: I would like to speak
10 to that. Jim and I talked this morning and
11 our thinking was that maybe we would, for
12 continuity reasons, we would continue with the
13 same chairs of the subcommittees through the
14 next meeting but invite the current members to
15 consider whether they would be interested in
16 becoming a chair of one of the subcommittees
17 and so indicate to Mark before the next
18 meeting. And then Jim and others can decide
19 how they want to pursue identifying the new
20 chairs of the committees. It will give a
21 chance for the new members to have this week's
22 experience plus another meeting and we can fit

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1 that into the schedule.

2 I think all of us, now that I am
3 the committee liaison, I would like to be
4 relieved of my duties for the Commerce
5 Subcommittee. As Jim indicated, he is a
6 short-timer and I think all of the others are
7 as well. So, we'll provide people an
8 opportunity to get more familiar with the work
9 of the subcommittees and consider whether they
10 want to spend additional time, it is not a
11 lot, but some additional time involved in the
12 work of MAFAC. So, we will sort of take care
13 of that at the next meeting. Does anyone
14 object to that?

15 Okay, good. Okay, Jim.

16 MR. GILMORE: I notice on our
17 schedule that tomorrow morning from 11:00 to
18 noon we are scheduled to discuss the Vision
19 2020 document and the transition reports. So,
20 I don't know how much you want to get into
21 that right now. But I guess I would just at
22 least start by highlighting for folks that

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1 MAFAC did look at this current transition as
2 an opportunity to get its oar in the water.
3 We prepared a transition memo. It is on the
4 website. And so I hope everybody has had a
5 chance to see it. I will just run through it
6 very briefly for those who haven't seen it.

7 We pulled out, essentially, three
8 issues to emphasize with the incoming
9 administration. One was building off or
10 tiering off of the Magnuson-Stevens
11 reauthorization and the catch limits and catch
12 accountability measure, those landmark
13 provisions that are a part of the, a big part
14 of the buy-in for users is going to be knowing
15 that the stock assessment work is there in the
16 setting of the catch limits, so we don't just
17 keep having the fights that we often have in
18 various parts of the country that, well, the
19 science is, in fact, how can you pick that
20 number.

21 So, we wanted to highlight for the
22 incoming administration that there does need

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1 to be a financial commitment made to enhance
2 stock assessments around the country, so that
3 we can smooth this transition to the catch
4 limits and catch monitoring requirements.

5 We emphasize the LAP provisions in
6 the reauthorization as well. Again, kind of
7 tiering off of the annual catch limit language
8 to say that we are really bullish on going
9 beyond that and to individual catch
10 accountability, we need adequate funding,
11 again, for those line items. And we emphasis
12 what the FY09 number was proposed at and also
13 the issue of cost-effective implementation of
14 LAPs, whether that means using outside
15 observers or agency observers. Whether it is
16 a private sector or a public sector approach,
17 let's find the most cost effective way of
18 operating these LAPs programs.

19 And in the issue of IUU fishing,
20 again, a huge area of emphasis in the
21 Magnuson-Stevens Act reauthorization. And we
22 wanted to highlight again that this a big

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1 mandate from Congress. It is an important
2 mandate but it needs to be supported by the
3 incoming administration.

4 So, we lay out those three broad
5 issue areas and then we talk about aquaculture
6 development, climate change. I am just
7 rereading this this morning and thinking that
8 I am not sure that we have got the word
9 ecosystem base management in there. So, maybe
10 I would like to tinker with that at some point
11 and recreational fisheries.

12 So, I think this holds up pretty
13 well as a document. And it is, I guess,
14 officially submitted. Mark had pointed out
15 that we would have had to do a Federal
16 Register notice in order to get a formal vote
17 of the committee to meet to adopt this, even
18 by teleconference. So, we sent it out
19 basically, and said, unless we hear an
20 objection, we are moving forward. And so this
21 has been formally submitted to the Department.

22 And whether we talk about it now or tomorrow,

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1 I think the issue is what is next with the
2 transition team on this.

3 That's it for me.

4 MR. BILLY: Any questions,
5 comments? No? Oh, okay.

6 MR. FLETCHER: Well, are we going
7 to talk about it now or are we going to talk
8 about it tomorrow?

9 MR. BILLY: I think I would like to
10 defer to tomorrow, if we can. I mean, if
11 there is a general question or comment but we
12 will get into the substance tomorrow.

13 DR. HOLLIDAY: Yes, I think for
14 today's purpose, we were trying to explore
15 what ideas beyond what the -- we wanted to
16 provide information on what the committee has
17 been working on to date and then brainstorm
18 some ideas about what the committee could be
19 working on over the next 12 months, what hot
20 issues or topics would be of concern to
21 strategic planning, budgeting and policies,
22 put those down on paper as at least a

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1 prospectus of a draft working agenda for the
2 next year. And that would then inform people,
3 okay, that committee is going to be working on
4 these issues. I would like to work on those
5 issues and I would like to put my name in to
6 be a member of that committee, even if we have
7 -- there is always opportunities for people to
8 attend subcommittee meetings, even if they are
9 not officially a member, as Jim pointed out
10 but we wanted to have a core group of people
11 who has some affinity for that. And that was
12 another of the objectives for this discussion
13 this afternoon of organizing the
14 subcommittees, both its membership and its
15 sort of working agenda for the next year, what
16 issues do you think would be on the table that
17 would fall under these different categories.
18 And that would help us in the staff support to
19 provide research or an analysis or speakers,
20 or help formulate agendas for future meetings
21 if we had some sense of where the different
22 subcommittees wanted to go, we could then be

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1 more active in providing that kind of support.

2 MR. BILLY: Okay. All right, the
3 next one is the Commerce --

4 DR. HOLLIDAY: I'm sorry.

5 MR. BILLY: So having said that --

6 DR. HOLLIDAY: In terms of process,
7 you can go through each one of these and come
8 back to membership and topics or do them
9 sequentially. But I just don't want to lose
10 that as one of the objectives.

11 MS. McCARTY: The chairman was just
12 thinking he got back on schedule real quick.

13 DR. HOLLIDAY: Well, that is why
14 there is so much time allocated. It was more
15 than just a report on --

16 MR. BILLY: My thought was to
17 circle back after we do, particularly the new
18 members have a better sense of each of the
19 subcommittees. Plus, I know you have a
20 handout that we will make available as well in
21 a few minutes.

22 DR. HOLLIDAY: Okay. Just checking

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1 in.

2 MR. BILLY: The Commerce
3 Subcommittee, by its title again, has a very
4 broad mandate. Anything to do with business
5 matters, consumers, economics in the macro-
6 sense that relate to fisheries -- both
7 commercial, recreational fisheries -- are
8 matters that can be taken up by the Commerce
9 Subcommittee.

10 And currently, you heard one of the
11 items that we are dealing with, which is the
12 seafood safety quality and labeling, which for
13 a variety of reasons in the last year or two,
14 it has come up on the radar screen of the
15 Agency and, based on discussions we had at the
16 subcommittee and then the full committee
17 level, we have asked now for the strategic
18 plan that you heard sort of a rough outline
19 of.

20 The committee dealt extensively
21 with aquaculture over the last two or three
22 years and as a result of those discussions and

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1 considerations asked the Agency to develop a
2 strategic plan which led to what is called the
3 Ten Year Plan, which has since been adopted by
4 the Agency after a public comment and input
5 process and is now guiding the activities of
6 NOAA Fisheries in the area of aquaculture.

7 Eco-labeling is another matter that
8 has come up. We first were briefed by Mark
9 and others on what currently is going on
10 nationally and internationally. We learned a
11 lot about some of the strategies that are
12 being pursued by the food and agricultural
13 organization of the United Nations, FAO, as
14 well as some of the NGOs in this area. And
15 had several in-depth discussions about this in
16 deciding what, if anything, this committee
17 might recommend to NOAA Fisheries about that.

18 That is an ongoing area of consideration and
19 it is on the agenda again later.

20 We have provided a lot of input to
21 the 2020 document, particularly in the area of
22 supply and demand considerations as it relates

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1 to seafood. Looking at not only what
2 currently is the economic picture for the
3 seafood business but what it looks like 10,
4 20, 30 years out, based on information that is
5 available from various sources. And based on
6 that, provided input to the drafters of the
7 2020 report.

8 And then finally, technology. New
9 technology, the need for technology as it
10 would relate to fisheries, and providing
11 advice and input into that broad area as well.

12 So, those are some of the
13 discussions that the committee and
14 subcommittee has focused on. Like Jim
15 described, while there is a set membership,
16 there has been a wide variety of committee
17 members that have participated, depending on
18 what we happened to be dealing with at a
19 particular MAFAC meeting.

20 I would be happy to answer any
21 questions anyone might have. It is a very
22 broad subject area and it has been quite an

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1 active subcommittee, at least in the three
2 years that I have been on MAFAC.

3 Yes, Tony?

4 MR. DiLERNIA: Mr. Chairman, not
5 directly related to the subcommittee, but
6 while we are on the topic of reviewing the
7 subcommittee structures that we have, I recall
8 that when I was first appointed six years ago,
9 there were different subcommittees with
10 different working groups at the time. And
11 that during my six-year membership here, I
12 have watched the subcommittees and the working
13 groups evolve and change in response to issues
14 that have come up with the needs that the
15 Agency has had.

16 And insomuch as this is an
17 information session for our new members, I
18 would ask that perhaps we should all keep that
19 in mind, that while these subcommittees
20 currently exist, there is nothing etched in
21 stone and that we could always form with new
22 members or if senior members see a need for a

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1 different subcommittee, we could create it.
2 And possibly, if the members of our current
3 committee don't see a need for the
4 continuation of the committee to dissolve that
5 committee and move on to others.

6 I imagine that is still the same
7 process that we follow. I just wanted to
8 reiterate that for our new members to keep
9 that in mind.

10 MR. BILLY: Yes, in fact, as sort
11 of a working guidance, a working group is
12 thought of as a good approach for something
13 that is going to be very finite, going to get
14 into something, we will be involved for two or
15 three years, whatever it is, and then it will
16 end, as compared to a standing subcommittee
17 that is open-ended and there will continuously
18 be issues that should be considered by the
19 subcommittee. Just as a sort of a general
20 rule of thumb.

21 Any other questions about the
22 Commerce Subcommittee? Okay. I'm just going

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1 to keep moving. I know we are a little ahead
2 of schedule but we are going to come back to
3 some recommendations or considerations for
4 topics after we work through this initial
5 discussion.

6 The Recreational Fisheries Working
7 Group is headed by Bob Fletcher. Why don't
8 you --

9 MR. FLETCHER: Yes, just to kind of
10 spring off what you said about working groups
11 maybe for a finite period, I wanted to point
12 out that the Recreational Fisheries Working
13 Group was created as a result of changes to
14 the Magnuson Act that required the nation to
15 do a better job of counting all recreational
16 fishermen, upgrading what was a broken system
17 of the infamous MRFS, Marine Recreational
18 Fisheries Statistics Survey.

19 We began by looking at how the
20 Agency would be implementing the new
21 requirements as a result of Magnuson-Stevens
22 reauthorization. And we are now in the kind

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1 of the tail end of that in that the registry
2 will be, the process will be implemented in
3 January but I doubt very much if regulations
4 requiring the registry of all anglers for
5 those states that are not able to get an
6 exemption, I don't think that will be up and
7 running right away. But I think that in
8 January, the Agency will begin the process of
9 encouraging those states to recognize that the
10 time has come and that they will be bringing
11 those states online hopefully in the near
12 future.

13 I think the working group felt very
14 strongly that upgrading the collection of
15 recreational fisheries data was critical as
16 well as upgrading the nation's ability to
17 count how many anglers are out there. We need
18 to know how many recreational fishermen are
19 impacting the resources and we don't have a
20 really good number as of right now. So that
21 is really why the working group is up and
22 running and, I think, there will be a real

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1 need for a meeting of that working group.

2 At the next meeting, there will be
3 a real value to bringing John Boreman back so
4 that the new members can listen to John, who
5 has really been the key for the Agency in
6 pulling together a lot of disparate elements
7 into this new process. And I want to give
8 John Boreman a lot of credit for all of the
9 work he has done and all of the work that has
10 been done by a lot of state representatives,
11 federal representatives as they try to get
12 this system running better.

13 Now, having said that, there are a
14 few issues that continue out there and one of
15 those is very much affecting the West Coast in
16 that it has been kind of ahead of the curve in
17 counting the anglers and getting better catch
18 information. And I hear, and I am very
19 hopeful, that there will be some funds made
20 available to assist the West Coast in doing
21 even a better job. Because up to now, most of
22 the focus has been on pilot programs in areas

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1 where information isn't quite at the same
2 level that we have on the West Coast,
3 especially in the last few years, where
4 California has gone away from MRFSS and
5 created a little bit upgraded system that they
6 call the California Recreational Fisheries
7 Survey.

8 But I know there are some people
9 that are interested in recreational fisheries
10 that have just joined and I encourage them,
11 Patty, to put their names forward. I think
12 that the committee at least has a need to meet
13 again at the next meeting to get a report on
14 the implementation of what they call MRIP
15 Marine Recreational Information Program.

16 Beyond the next meeting, I think
17 that would be an interesting discussion as to
18 whether or not there continues to be a need.
19 It has been a timely group and there has been
20 some good discussion and I think some good
21 direction provided. And I will give huge
22 kudos to the three executive directors of the

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1 Marine Fisheries Commission because they have
2 been involved very directly and their staffs
3 in assisting NMFS in the right direction in
4 bringing people onboard and getting them into
5 subcommittees and where there is working
6 groups of their won that do a good job of, I
7 think, to meet the directive of the Magnuson-
8 Stevens reauthorization.

9 So, I look forward to being here
10 through next spring and then someone else can
11 pick up the baton, if that is something that
12 needs to be done. But I think that, we talked
13 about the difference between a subcommittee
14 and a working group and I think this was a
15 very good example of that. So, I will be
16 happy to answer any questions, Tom.

17 MR. BILLY: Okay. Any questions or
18 comments?

19 VICE CHAIR BALSIGER: Of the three
20 commissions, which one did the hardest work?
21 Probably Randy or --

22 MR. FLETCHER: Well, since I work

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1 for him, I will have to say that by far and
2 away.

3 DR. HOLLIDAY: Just a point of
4 information for those who hadn't heard, Dr.
5 Boreman has announced his retirement effective
6 this December. So we won't have him to kick
7 around anymore.

8 MR. FLETCHER: Oh, no. Maybe we
9 will get Bonnie to step up. Is she still
10 there? Well, Bonnie is the current director
11 the Southeast Fisheries Science Center in
12 Miami. So, she has stepped up to
13 directorship.

14 MR. FLETCHER: Well, we have got
15 Gordon Colvin and --

16 DR. HOLLIDAY: There will be people
17 who can do that, I was just --

18 MR. FLETCHER: There will be people
19 that can do that. That's too bad. John did a
20 good job.

21 DR. HOLLIDAY: Right.

22 MR. O'SHEA: Just out of curiosity

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1 then, there are really two issues. One, the
2 big issue is filling that position. But then
3 the other is, it seems to me, time critical,
4 is honcho and the MRIP.

5 VICE CHAIR BALSIGER: John
6 Boreman's position, we have advertised that
7 and maybe the position is even closed already.
8 We are trying to get some overlap. But if it
9 hasn't closed, it is going to close very
10 shortly. We hope to find someone, somebody
11 who will be, he or she will be here for the
12 last month.

13 MR. O'SHEA: So those two
14 responsibilities, you are looking at covering
15 them simultaneously, hopefully. Meaning not
16 is it Director of S&T but the MRIP director or
17 whatever you call it, project leader.

18 VICE CHAIR BALSIGER: Yes, I guess
19 it is not entirely clear that whoever we hire,
20 and I am not sure the hiring process will go
21 fast enough to overlap with John but that was
22 the original plan. But whoever we hire may

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1 have a particular set of skills that aren't
2 lined up very well with MRIP and we may give
3 that assignment elsewhere. Until that, we
4 will be falling under the S&T head and we will
5 make sure that that -- we are paying attention
6 to this. So, we will make sure that we don't
7 lose track.

8 MR. O'SHEA: Right. Thanks.

9 MR. BILLY: Comments, questions?
10 Okay, Bob, you have the floor again.

11 MR. FLETCHER: Yes, this one
12 [Protected Resources Subcommittee] has been a
13 real easy job because we haven't had a
14 meeting. That may change though. And this is
15 going to be an interesting time for the
16 subcommittee because with the change in
17 administrations, there may be interest for us
18 again in bringing this up. I think it is
19 really past due that we have come back and
20 taken another look at who operates the Marine
21 Mammal Protection Act. I got sucked -- I was
22 given this --

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1 (Laughter.)

2 MR. FLETCHER: -- because of my
3 longstanding and somewhat outspoken belief
4 that there needs to be some recognition that
5 while many, many marine mammal stocks are
6 still in need of protection, there are a few
7 who have done a great job of recovering after
8 the act was passed. And California sea lions
9 are the case in point. And we on the West
10 Coast continue to struggle. And the Act
11 really doesn't address the problem of robust
12 populations of marine mammals and the
13 interactions that they have in so many areas.
14 And so from my perspective, and to a great
15 extent, the West Coast perspective, is that we
16 need to begin to consider ways to improve the
17 act and recognize the successes that have
18 resulted from the Act's protections.

19 Now having said that, I know there
20 a lot of you here who are also in areas where
21 there is significant concerns and that there
22 are populations that are in decline. Right

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1 whales is a classic example of a terribly
2 threatened endangered population.

3 So, I think all of this needs to be
4 looked at in the context of reauthorization of
5 the MMPA. So, the next group of MAFAC members
6 that choose to get involved in this, I think,
7 need to be ready to provide some guidance to
8 the agency and, as they begin to develop a
9 position on reauthorization.

10 There have been a number of bills
11 introduced and they have gone nowhere. And
12 some of them I thought were pretty reasonably
13 good looking. And I hope that under this new
14 administration and this new Congress that they
15 seriously begin to look at that, even though
16 it is a terribly contentious issue, I am
17 hopeful.

18 So, while the subcommittee has not
19 been active in the last few years, mainly
20 because every time we get an update on
21 legislation, it is to hear about the latest
22 bill dying. I think perhaps, and I don't

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1 know, I would be interested to hear, Jim, if
2 you have any senses about whether or not this
3 might become a serious issue in the next
4 Congress.

5 VICE CHAIR BALSIGER: I guess we
6 are all waiting to see what the new Congress
7 is about with the new administration and what
8 their priorities will be. I expect not the
9 first bill they look at will be the Marine
10 Mammal Protection Act. But NOAA has
11 identified this as one of our legislative
12 priorities for the new Congress was to get the
13 Marine Mammal Protection Act reauthorized.
14 There is a number of issues with it and, as
15 you have said, there has been several draft
16 bills in the past. It isn't clear that they
17 will start with any of those. And so this may
18 be a very important time to start looking at
19 what some of those issues are.

20 And I am not sure that the greatest
21 focus is on dealing with those marine mammals
22 that have become nuisances, you know, overgrow

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1 in their numbers. So, if that is the big
2 issue to MAFAC, I think paying attention to
3 that is important.

4 There are other issues about what
5 our species under endangered species act and
6 how they relate the Marine Mammal Protection
7 Act and a few things like that. It will
8 probably look forward to getting advice from
9 this committee.

10 MR. BILLY: Cathy.

11 MS. FOY: I would like to put the
12 scientific permitting process on the table,
13 too.

14 MR. BILLY: We can't hear you,
15 Cathy.

16 MS. FOY: The scientific permitting
17 process, I would like to see that discussed at
18 some point. Mike Payne has come a long way.
19 I don't know that, given the intricacy of the
20 way two acts work together, ENC and MMPA, it
21 is a long drawn out process and it is really
22 difficult to --

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1 VICE CHAIR BALSIGER: That's an
2 interesting point.

3 MS. FOY: -- conduct good science.

4 VICE CHAIR BALSIGER: The
5 permitting division of our protected
6 resources, the permitting section, I'm not
7 sure what the right word is, the Protected
8 Resources Division is beleaguered on both
9 sides, of course. And they try to keep us out
10 of lawsuits and they try to sort of negotiate
11 with both parties, as they get permits. I
12 agree with you. It's a problem. So, I don't
13 know whether this whole committee would want
14 to hear it but if we have a subcommittee that
15 is interested in that aspect, it might pay to
16 have Mike Payne talk to the subcommittee and
17 you could understand what some of the issues
18 are. Not so all 20 of us wouldn't have to sit
19 around and hear but if there are a half a
20 dozen that are interested in that
21 specifically, and I can understand why you
22 would be. That would be a good starting point

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1 to get something together for the committee.

2 MR. FLETCHER: Just one comment.
3 If this is the direction that we choose to go,
4 I would suggest that perhaps you offer the
5 opportunity to several groups in different
6 areas who have faced the same issues and maybe
7 get a representative of a couple of those to
8 come to be involved with the Agency to talk
9 about it. Because it is not just Catherine's
10 area that is a problem.

11 VICE CHAIR BALSIGER: You're talking
12 about geographic area?

13 MR. FISHER: Yes.

14 VICE CHAIR BALSIGER: I wonder if -
15 - there still may be a way to do it if MAFAC
16 wanted to, is to facilitate such a meeting
17 around the country and focus it and bring it
18 to --

19 MR. FLETCHER: I think that's a
20 great idea.

21 VICE CHAIR BALSIGER: -- me as the
22 Agency, as Mike as PR or MAFAC, however you

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1 wanted to do it. We would be interested in
2 some suggestions of that type.

3 MR. BILLY: I've got Randy, and then
4 -- Randy?

5 MR. CATES: I have, I think it is
6 directly related to this area maybe of this
7 committee. In Hawaii we have two real
8 problems right now that are arising. One is
9 green sea turtles are a protected species. It
10 is very obvious to most folks there they
11 probably don't need to be anymore. And there
12 is a resistance by some NOAA folks to do the
13 science, to take them off the major species
14 because there is a calling for potential
15 native Hawaiians for fishing with them. And
16 we are starting to hear more problems between
17 the community and whether the science is
18 getting done.

19 And the second is monk seals.
20 There is a desire to protect monk seals. And
21 how you do that protection is having some
22 conflicts with fisheries, bringing them to one

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1 area, introducing in another area. It is
2 becoming more of a public issue that I would
3 say needs to be looked at.

4 MR. BILLY: Okay, thanks.

5 MR. JONER: And it is also
6 appropriate to address this now as we are
7 moving toward ecosystem management. Because
8 how can you manage the ecosystem when one of
9 the main species in the ecosystem is
10 unmanaged. I mean, if it is protected, you
11 can't do anything about it.

12 MR. BILLY: Any other comments?
13 Are you all set? Okay.

14 Okay, then finally, the Ecosystem
15 Approach Subcommittee. Chris, welcome.

16 MR. DORSETT: Thank you.

17 MR. BILLY: I haven't said welcome
18 to you. I am glad you arrived.

19 MR. DORSETT: I appreciate it.

20 MR. BILLY: Yes, you might want to,
21 all of us sort of introduced ourselves,
22 particularly to the new members.

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1 MR. DORSETT: Sure.

2 MR. BILLY: So, you might want to
3 start by doing that.

4 MR. DORSETT: I am Chris Dorsett
5 and my title has changed. I am now Vice
6 President for Fisheries Conservation and
7 Management with the Ocean Conservancy in
8 Austin, Texas. And I, like three others, am
9 serving an additional one year term with the
10 committee.

11 This, like Protected Resources
12 Subcommittee, has been a pretty easy one to
13 chair because we also, to my knowledge, never
14 met after we initiated this. I think there
15 are a couple of reasons for that. One is we
16 started the Vision 2020 process and Magnuson
17 implementation really geared up. And so a lot
18 of the members on this committee were very
19 active in working on recommendations for
20 ecosystem approaches to management and also
21 engaged in the Magnuson discussions about this
22 topic.

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1 It was put together to review
2 initiatives for the development and
3 implementation of ecosystem based approach to
4 fisheries management. And just to give you a
5 sense of a timeline in MAFAC activities, when
6 I first started, there was actually an
7 ecosystem-based management task force. And in
8 May 2003, that task force issued a report to
9 the administration.

10 In January 2005, at our meeting, we
11 probably had a half day of presentations from
12 the Agency on the ecosystem-based approach to
13 management which led to, at the subsequent
14 meeting, formation of this subcommittee. Then
15 again, because of other issues, of picking up
16 steam and to my knowledge I haven't heard a
17 whole lot out of the Agency on this topic in
18 quite a while. We have been pretty dormant.

19 One issue we did pick up in July
20 2006, we got a presentation on the United
21 Nations initiative on bottom trawling. So, we
22 did pick up that international component but

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1 again, never really did anything with it.

2 This is obviously, still, a very
3 hot topic and we should consider how best to
4 utilize this subcommittee or it might be one
5 where we want to switch directions. For
6 example, at the last meeting we heard a lot
7 about focus on climate change and where that
8 might fit and what kind of role we want to
9 play there. And then one other advice to the
10 committee as we move forward is it is great to
11 have a number of these subcommittees but let's
12 make sure we are going to actually utilize
13 them. Because the more we have, since people
14 are spread across various subcommittees, it
15 can be difficult, I think, to get people who
16 are interested in the issue if it is sort of,
17 people feel like the ship has sailed and they
18 can be more productive in other subcommittees.

19 MR. BILLY: Okay, good. Questions
20 or comments?

21 I do have that same sense like my
22 first meeting we talked a lot about ecosystem

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1 approach to management and that all just seems
2 to dissipate. Is that true?

3 MR. DORSETT: No.

4 (Laughter.)

5 MR. BILLY: All right.

6 MS. McCARTY: I actually think, Mr.
7 Chairman, that the ecosystem approach to
8 management is being integrated into the
9 management and it's being adopted, I think.
10 And that is my impression, is that it has
11 become an accepted part of fisheries
12 management, at least in the North Pacific. I
13 guess maybe I am speaking just for the North
14 Pacific. That is my impression.

15 MR. BILLY: Is that true?

16 MR. DORSETT: I think bits and
17 pieces are spread across all of these
18 subcommittees. But I haven't seen quite the
19 integrated big picture framework that we saw
20 at the Hawaii meeting in, what was that,
21 January '05 in terms of developing the tools
22 and all that good stuff.

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1 I know there are various
2 initiatives regionally on trying to develop
3 modeling approaches and things like that.

4 MR. BILLY: Okay, Dorothy.

5 MS. LOWMAN: Yes, I think that, I
6 mean, there are a lot of topics. We were
7 looking at the transition document but that is
8 how we do fisheries management now. And I
9 think it does mean different things in
10 different regions. It is -- I think that this
11 could be a committee, since we come from all
12 over, that we could spend, you know, provide
13 some useful ways of how to integrate this
14 more. And I also do think that the climate
15 change issue comes this place. I mean, and
16 then again, looking at those NOAA transition
17 documents, it seemed like lots was focused on
18 climate change and I didn't see the little
19 place where fisheries fit into those very
20 well. And that might be -- I don't know if
21 that is the right subcommittee to park that in
22 but I do think it does need some work in the

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1 next year or so.

2 MR. BILLY: Okay, Tony.

3 MR. DiLERNIA: Thank you, Mr.
4 Chairman. From my perception on the East
5 Coast, and Vince can help me out or correct me
6 if I am wrong, but I don't see a major rush to
7 start to replace single species management or
8 quota management with any type of ecosystem
9 management plans. I think there has been a
10 lot of discussion and there has been review
11 but no one is ready to jump in. And I haven't
12 even seen any serious modifications to the
13 FMPs to go along the lines of the ecosystem
14 management.

15 The closer you look at the
16 ecosystem management, in the East Coast is the
17 Northeast, New England Fisheries Management's
18 Council's Multi-species Plan. But beyond
19 that, I mean, I just haven't seen it yet. I
20 guess we need to know more about it,
21 understand it more before we go modifying
22 plans.

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1 MR. BILLY: Okay, Tom.

2 MR. RAFTICAN: Yes, I think a
3 couple of things. One, I would agree with
4 Heather that a lot of this is already being
5 incorporated into the plans that are out
6 there. But the other thing is it still is
7 kind of a piecemeal approach. And you are
8 looking at, you know, predator-prey gets to be
9 pretty easy. But we are also looking at
10 habitat management and how does that factor in
11 forage fish. You really get into an awful lot
12 of the zone management, marine protected
13 areas. You know, looking at aerial
14 management, is this the next step in that?

15 And I think the other thing that
16 often is overlooked is exactly what Mr.
17 Fletcher was saying before. You have got some
18 populations that are robust and those aren't
19 factored in. And I think there is a way. And
20 maybe this is a place where MAFAC, instead of
21 sitting back and reviewing what is coming
22 forward should really take a step toward

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1 trying to lead in some of these areas.

2 MR. BILLY: Thanks. Randy?

3 MR. CATES: My question would be
4 does MAFAC or NOAA, does it have a definition
5 of ecosystem-based management? It means so
6 many different things to so many different
7 groups that, what is the definition of it?

8 VICE CHAIR BALSIGER: I believe
9 that we do have a definition. But my comment
10 would be the same. People use that term
11 hoping to get to a different ends. And of
12 course, Tony's idea about groundfish in New
13 England, a lot of people think that ecosystem
14 management there means that you can ignore the
15 fact that -- not Tony --

16 (Laughter.)

17 VICE CHAIR BALSIGER: -- but some
18 people think that you have got 11 species that
19 are in great abundance. You have got three
20 completely intermixed with those that are
21 hardly existing at all anymore. And so to
22 protect those three, you only fish the 11 that

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1 are in good abundance. And actually, there's
2 a few more species than that, 17, perhaps, in
3 that plan. There is a couple of them that are
4 hurting. And so to protect those, you have
5 very low levels of fishing you have to put on
6 the rest of them.

7 Some people, some fishermen, think
8 ecosystem management means you don't worry
9 about those weak ones. It is an ecosystem so
10 you just fish those that are in abundance and
11 you don't worry about the individual species.

12 I mean, a lot of people look at that.

13 The opposite end is true and some
14 people think when you have only 850,000 tons
15 of pollock in the Bering Sea, you should
16 subtract off maybe 500,000 tons for marine
17 mammals, explicitly. And that is their idea
18 of ecosystem management. And those are as
19 dramatically different as you could want to be
20 when it comes to the purposes for having it.

21 I think that we have lost a little
22 bit of progress on ecosystem management with

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1 the emphasis on examining climate, potential
2 climate change impacts on our resources. We
3 have lost some lawsuits where we didn't
4 include what we think is likely to happen in
5 100 years because of climate change and what
6 that impact may have on rivers, fresh water,
7 and the salt water estuaries. And we didn't
8 consider that, and so we have been required by
9 judges to go back and do that. Well, that is
10 a huge part of ecosystems stuff, the climate
11 change on top of it. And so we have, perhaps,
12 lost some progress in multi-species predator-
13 prey kinds of things.

14 There is a club I go to in
15 Washington, D.C. sometimes. The band that
16 plays there thinks I am in charge of the
17 environment in Alaska. The last time I went
18 there, they asked me if I was still in charge
19 of environment and yes, I am. Does that
20 include the human species as well? I said,
21 sure. And he says, well what is up with Sarah
22 Palin if you are in charge?

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1 (Laughter.)

2 VICE CHAIR BALSIGER: And so, that
3 is the other thing that --

4 (Laughter.)

5 VICE CHAIR BALSIGER: So, I think
6 that Randy is right. MAFAC ought to say here
7 is what we think we are talking about when we
8 are doing ecosystem management and here is how
9 to make some progress on that set of issues,
10 at least.

11 MR. CATES: Yes, it helps to have a
12 definition.

13 MR. BILLY: Dave Wallace.

14 MR. WALLACE: Yes, you know, I
15 guess Tony's right. At least he brought New
16 England up. New England Fisheries Management
17 Council happens to have an initiative where
18 they are going to combine all of their EFH's
19 into one overarching plan. And it is called
20 the EFH and Ecosystems Management System.

21 And I just happen to be on their
22 advisory committee. I actually happen to be

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1 the chairman of that advisory committee. And
2 I can assure you that they have gone through
3 the 27 species that are managed by the New
4 England Fisheries Management Council. And
5 they have gone through all the right stages.
6 They have gone through all of the predator-
7 prey. They have gone through the difficult
8 issues of the environment, especially the
9 habitat in state waters and not just fish in
10 particular. And so, and now they are started,
11 and phase one is done. That is, we have
12 accumulated all of this information from all
13 of these states, the federal government, and
14 all these academics. And it was a major
15 undertaking. It is already 1500 or 1600 pages
16 long, just on basic information. And now we
17 have started into the how are we going to use
18 this information with marine protected areas,
19 a whole myriad of things to try to then take
20 all of this information, put it into a program
21 where you are going to have, protect and
22 rebuild the species that are grossly over-

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1 fished, allow opportunities to fish those,
2 like haddock, which is in a very abundant
3 supplies. It is completely rebuilt. The
4 problem is that when you catch haddock, you
5 also catch cod. Cod is, you know, in very bad
6 shape. And so there is a 35,000, 37,000 ton
7 haddock quota and they can't catch it because
8 of they might catch a cod and so it becomes a
9 very interesting situation. The real issue is
10 the political issue of how do we, now that we
11 have all of this really wonderful information,
12 what do we do with it. And the answer really
13 is that you have to go to the lowest common
14 denominator to the over fish stocks. And that
15 is what both the recreational and the
16 commercial fishermen are afraid of.

17 And so, ecosystems management, on
18 the surface from my perspective, is a
19 wonderful idea. How do you implement it?

20 MR. FLETCHER: Just a comment. I
21 was fascinated by what you said. But I
22 remember a few years back. I might have still

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1 been on the Pacific Fishery Management Council
2 when we first began talking about this. And
3 it started off with a discussion about
4 ecosystem management. And after a year of
5 everyone wondering just how in the world you
6 can get there and what did it mean, the Agency
7 redefined what we were talking about with this
8 new phrase, ecosystem approaches to
9 management, which is a sliding scale,
10 depending on what you are talking about. In
11 California, we have a huge predator called the
12 California Sea Lion, which overwhelms us in a
13 lot of fisheries and yet can't be managed.
14 And so by using this approach to management,
15 we could say well, we'll do what we can to
16 look at these relationships. We will do what
17 we can to try to come up with some kind of an
18 overarching approach.

19 But the reality is, what you said,
20 which is where we are on the West Coast, is
21 you manage weak stock. And if there is
22 something else, in our case, we have got a

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1 deep water complex and we trawl fish with
2 trawls that needs black cod to access that
3 deep water complex that because some of the
4 other fishermen want black cod, they get a
5 quota and, therefore, when they hit that,
6 which is an unavoidable bycatch, they are shut
7 down.

8 And there is an ecosystem out there
9 that you certainly can't truly manage it
10 because of all of these other restrictions
11 that come in. So, I think the definition that
12 you talked, Randy, is you use it when you can
13 when it doesn't conflict with some of these
14 other certainties which exist, which is weak
15 stock management, which is protected species
16 or endangered species. We don't manage them,
17 but they are part of the ecosystem. So, we
18 are trying to approach where you can to look
19 at this bigger picture. And 1500 pages, I bet
20 that was a lot of fun to develop that. And
21 then the question is, how do you use it?
22 Because the other things trump all that good

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1 information about your relationship.

2 MR. WALLACE: The law does.

3 MR. FLETCHER: Yes.

4 MR. BILLY: Okay, Cathy.

5 MS. FOY: I have a question for Jim
6 about the ecosystem approach.

7 MR. BILLY: You have got to speak a
8 little louder.

9 MS. FOY: Sorry. I have a question
10 for Jim about ecosystem approach. Have the
11 survey assessment methods changed? Are we
12 using that same, single species assessment and
13 then trying to incorporate it into an
14 ecosystem approach or are we doing ecosystem
15 type surveys?

16 VICE CHAIR BALSIGER: Well, I think
17 we have lots more observations systems,
18 including satellites, including things like
19 continuous plankton reporters and all of the
20 at sea processor boats or at least some of
21 them on ferries across the Gulf of Alaska,
22 Ferries in the Gulf of Mexico. So there is

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1 all kinds of new information. So, I don't
2 think it would be accurate to say we have
3 stayed with the old stuff exclusively.

4 But probably the basis for setting
5 TACs, which we still set on a species by
6 species basis, largely, are the old surveys
7 that we have done for 25 to 30 years.

8 But the good news, I guess, is that
9 our author of our ecosystem approaches ideas,
10 definitions moving forward, Dr. Steve Murawski
11 is going to be here tomorrow, I think. So, we
12 should queue these questions up for him. I
13 think that would be a really -- I'm not sure
14 what he has scheduled to talk about it but get
15 rid of that and have him tell you how this is
16 going to --

17 MS. FOY: Has there been any
18 funding slide within NOAA towards putting more
19 funding on the surveys so that you can get a
20 broader understanding of what is going on out
21 there when the surveys are out?

22 VICE CHAIR BALSIGER: Yes, part of

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1 the development through our system of out-year
2 budgets has included the need for more
3 surveys, different kinds of surveys and even
4 modeling programs to try to figure out what
5 would bring them all together. I don't know
6 whether Gary has information specifically on
7 the numbers or not.

8 MR. REISNER: We have asked for
9 funds for the latest ecosystem approaches to
10 manage --

11 MR. BILLY: You have got to speak
12 up.

13 MR. REISNER: We have asked for
14 funds related to ecosystem approaches and
15 integrated ecosystem assessments. In fact, we
16 are waiting for '09 to see what happens. But
17 we have gotten and continue to ask for large
18 increases in our survey lines. And to the
19 degree those are funded, we will be able to
20 expand on our ability to do the integrated
21 ecosystem assessments, even if we don't get a
22 specific line called ecosystem, integrated

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1 ecosystem assessment. Because the underlying
2 data is really what we need to be able to move
3 forward on it.

4 MS. FOY: Okay. Well, modelers
5 don't come cheap either.

6 MR. BILLY: Yes, Jim?

7 VICE CHAIR BALSIGER: Listening to
8 this conversation and going back to some of
9 the buildup this morning of who we are and
10 what we do, I think they are saying that the
11 formal chairman of this is the Undersecretary.

12 And we haven't always had the ear of the
13 Undersecretary. It is probably a fairly good
14 guess climate change is going to be the
15 passion of the next Undersecretary and command
16 a lot of attention.

17 It just seems to me that while the
18 ecosystem subcommittee might have been
19 somewhat dormant, the discussion here about
20 what it is, how it is going, what resources
21 are going to it and not getting lost in the
22 shuffle of climate change and trying to get a

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1 hook on the incoming administration would seem
2 to be a Climate Change Ecosystem Approach to
3 Management Subcommittee would be in our best
4 interest, as well as being, I think,
5 beneficial for the incoming administration.

6 MR. FLETCHER: Do entertain leading
7 the posse or get chased out of town by the
8 posse?

9 VICE CHAIR BALSIGER: Okay, Eric?

10 MR. SCHWAAB: You know, if you
11 think about the role of this committee as
12 looking at sort of some of the big strategic,
13 big picture issues, you know, I don't think
14 there is one more important than this concept
15 of ecosystem based management or ecosystem
16 approaches to management. And I think -- I
17 agree with Jim and it might be that there is
18 some benefit in sort of a labeling opportunity
19 there because climate is just a piece of that.

20 You know, all of the implications
21 of climate change on our coasts are having,
22 you know, have all kinds of implications for

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1 the future of fisheries management. I guess
2 my point is, I think we ought to stay focused
3 on this. The question is you know, how to go
4 forward.

5 You know, Chris mentioned that
6 report that was done. We came out and I
7 thought it was earlier, you say 2003, that had
8 a series of recommendations. You know the
9 task force that NOAA put together -- okay but
10 the one that preceded that, that where NOAA
11 brought together all of the scientists and
12 they came out with a series of recommendations
13 and I don't know that anybody has paged
14 through that lately. I know I haven't. I
15 think I still have a copy around somewhere.

16 But I suspect that there were a lot
17 of recommendations in there that not only
18 still have relevance but perhaps are more
19 important today than they were then. And if
20 we can play a role in sort of revisiting some
21 of those recommendations and surfacing those
22 issues anew, perhaps under a new packaging

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1 that we ought to not lose sight of the need
2 for that.

3 MR. BILLY: This subject has
4 certainly triggered a lot of interest in the
5 committee. And that is a good sign that what
6 you just said here we ought to follow up on.
7 And I will remind you all again that we are
8 going to be thinking about new chairs of
9 subcommittees. It would seem that identifying
10 someone that -- not only knowledgeable but
11 interested and willing to lead this area or
12 this subject area would be important. So, we
13 ought to keep that in mind.

14 We have got about 15 minutes before
15 the coffee break. I think what I would like
16 to do now is have Mark hand out and introduce
17 a listing of potential subject areas, issues
18 and ideas for the existing subcommittees that
19 was put together by he and his staff. And
20 again, these are just ideas and they were
21 meant to trigger our thinking as well. So, if
22 we can before the coffee break sort of learn a

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1 little bit more about thinking on these items.

2 DR. HOLLIDAY: Yes, let me just
3 clarify a little bit where these ideas came
4 from. These are topics or issues that the
5 fishery service is going to be working on over
6 the next 12 months. So these are -- some of
7 them are more detail-specific management and
8 regulatory actions that are going to be
9 important to fisheries but they have potential
10 implications for MAFAC with respect to
11 positions on policy, guidance, direction or
12 priorities in the future that you could weigh
13 in on.

14 So, what we have done is try to bin
15 them into these different subcommittee
16 structures and say, hey, you know, some of
17 these things have implications for the long
18 term that you may want to get involved in or
19 look at it, not necessarily from the specific
20 action perspective but the policy implication
21 of that, or the guidance that one or the
22 direction one might offer on these various

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1 things.

2 And so it was designed to help
3 stimulate some thought as opposed to, we
4 propose that you undertake something to do
5 with management of summer flounder. No.
6 Management of summer flounder is triggering
7 questions about inter-jurisdictional
8 management, sharing of management of these
9 inter-jurisdictional fisheries. It crosses
10 over into MRIP. And if we revise statistics
11 in the long term how does it effect our policy
12 decisions in the past for allocations between
13 commercial and recreational fisheries? Those
14 kinds of policy questions are going to be
15 addressed over the next year. Does MAFAC want
16 to help frame some of the discussion about
17 what is fair, what is equitable, what is
18 scientifically defensible, or from whatever
19 perspective you want.

20 So, we are not asking you to jump
21 in and say you have an oar in the water on
22 summer flounder but what is the implication of

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1 some of these issues we will be addressing
2 that MAFAC could attack from a policy
3 perspective on a higher level integration of
4 different activities. Does that make sense?

5 So it is not proposing that you
6 become a Regional Council decision-maker but
7 these are issues that are going to be in front
8 of our agency that may have -- that may
9 benefit from MAFAC taking a look at the
10 broader questions that are going to be of
11 concern and aligned with these five
12 subcommittee structures.

13 So, it is to stimulate some ideas
14 to help you generate -- and I think if I could
15 just editorialize for a brief moment, the
16 follow through of an Ecosystem Approach
17 Committee or a Protected Resource
18 Subcommittee, once the committee is formed,
19 there has got to be some process or some
20 objective in mind.

21 So, for the next year, if you have
22 something for the Ecosystem Approach Committee

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1 to work on, then there will be a reason for
2 them to meet and to exist. But if there is
3 nothing there that you have chosen to
4 undertake as a topic or an agenda, then of
5 course, there is no reason for it to be
6 convened. So it is up to the committee to
7 decide if there are relevant topics that they
8 want to look at. And that helps support the
9 idea of continuing it. But if there is not,
10 then the observation posed earlier, well maybe
11 you can reconstitute it as something else.

12 There is absolutely no requirement
13 to maintain the subcommittee structures as is.

14 You can have new subcommittees. You have the
15 discretion to form new subcommittees and
16 terminate subcommittees as the overall
17 Committee sees fit. So, I just wanted to
18 reinforce that observation.

19 MR. CATES: Mark, are you asking
20 for us now to come up with areas of topics for
21 these committees?

22 DR. HOLLIDAY: My point -- yes. At

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1 this meeting, I wanted to have at least the
2 beginning of a discussion about issues that
3 these subcommittees might want to undertake in
4 the next 12 months.

5 MR. CATES: When do we do that, now
6 or later?

7 DR. HOLLIDAY: This afternoon. I
8 had proposed to do it between now and 5:00.
9 Not necessarily finalized, but we need to
10 start stimulating that discussion and that
11 will then help inform people, "Gee, I am
12 interested in that and I would like to work on
13 that. And therefore, I propose that I support
14 that subcommittee by volunteering to be on
15 it."

16 It is hard to say you want to be on
17 a subcommittee if you don't know what they are
18 going to do. And all we have now is just the
19 framework that is, in general, the strategic
20 planning subcommittee does these types of
21 things. You have got to put a little bit of
22 flesh on the bone of that structure and say,

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1 well, perhaps they could take on these kinds
2 of issues in the next year.

3 MR. BILLY: Yes, Martin.

4 MR. FISHER: I have a procedural
5 question. I'm not quite sure. How can you
6 sit on or participate in one subcommittee at a
7 time, more than one at a time? Don't they
8 meet at the same time during the larger group?

9 MR. BILLY: What we often do is we
10 will set aside an afternoon for subcommittee
11 meetings and then we will arrange it so that
12 let's say three of the subcommittees are going
13 to meet, we may have two hour sessions in
14 sequence, so that you can participate in one
15 and we will get a sense of the committee of
16 the interests and then try to plan it in a
17 manner where it optimizes participation by all
18 of the interested committee members.

19 MR. FISHER: Thank you, Mr.
20 Chairman. Because I would like to participate
21 in more than one.

22 MR. BILLY: Yes. I think most of

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1 us feel that way. Yes, so we try to manage
2 that as best we can. And we even have gone
3 into the evening and sometimes had another
4 meeting, you know, right after dinner or over
5 dinner or that kind of thing.

6 DR. HOLLIDAY: Or early breakfast
7 meetings.

8 MR. BILLY: Or early breakfast
9 meetings, sometimes.

10 DR. HOLLIDAY: It depends on the --
11 I'm sorry.

12 MR. BILLY: Yes, so we try to work
13 it out so that it is possible. Did you want
14 to add anything?

15 DR. HOLLIDAY: I'm good. Sorry.

16 MR. BILLY: Okay. Let's say we
17 take a break now, give you a chance to mull
18 these over. And then we will come back and
19 sort of work through these and answer any
20 questions anyone has about what they mean,
21 what might be entailed, that kind of thing, so
22 we have as clear an understanding of this list

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1 as possible. If you have other items you
2 would want to suggest be added to this list as
3 well.

4 DR. HOLLIDAY: Yes, I think it is
5 open. I mean, you need to create your own
6 lists and you can choose from anything that is
7 on this list or your own ideas or any place
8 else. So there is nothing concrete about this
9 list at all. It is just to stimulate your
10 thought process. We are going to be involved
11 in these issues over the next year, right.

12 MR. BILLY: Okay, let's take about
13 20 minutes for coffee.

14 (Whereupon, the above-entitled matter went off
15 the record at 2:54 p.m. and resumed
16 at 3:16 p.m.)

17 MR. BILLY: Okay, let's get started
18 again. Mark, do you want to go through and --

19 DR. HOLLIDAY: You were going to
20 give Larry a minute to --

21 MR. BILLY: Oh, sorry, Larry. I
22 forgot.

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1 MR. SIMPSON: One last time for the
2 reinforcement. For tonight's function, the
3 lady that did all of this is sitting right
4 here, Ms. Ginny Herring. She is --

5 (Applause.)

6 MR. SIMPSON: She is a contracts
7 officer and executive assistant commissioner.
8 She has been there six months longer than I
9 have. And this is the directions. You go out
10 the front door, take a right and that is
11 Bienville.

12 MS. HERRING: Then you take, go
13 down Bienville, take Dauphine out the front
14 door --

15 MR. SIMPSON: No, no. Don't
16 confuse it. I've got it down pat.

17 MS. HERRING: I just got the
18 directions again.

19 MR. SIMPSON: No, no, no. This is
20 one turn.

21 MS. HERRING: It's one turn my way,
22 too.

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1 MR. SIMPSON: Iberville. Take a
2 right and go to Iberville, you will probably
3 say eye-ber-ville, but Iberville, and go
4 straight all the way down --

5 DR. HOLLIDAY: Turn left. Right?

6 MR. SIMPSON: -- to the Aquarium of
7 the Americas. So, use your little map. Okay?
8 If you didn't get a dining guide, please,
9 there is a few left here. Ginny brought some
10 extra note cards. I think I put them, some at
11 everybody's place. If I haven't, please see
12 me and there is half a dozen left here. I
13 don't want to take them back home.

14 6:00 tonight. It is about five
15 blocks, six blocks. I think the dress was
16 business casual, Ginny, which means everybody
17 here is just perfect. Right?

18 MS. HERRING: Yes.

19 MR. SIMPSON: Okay.

20 MS. HERRING: And if it is
21 inclement weather and you want a taxi, because
22 I am wearing heels, it is under \$10.

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1 MR. SIMPSON: Okay. And you want
2 to do the badges there or just bring them?

3 MS. HERRING: No. I had a badge
4 mess up. So if anybody -- if everybody could
5 just bring their name tags, I would appreciate
6 it. And Mark, bring the ones that are on the
7 table just in case they come --

8 DR. HOLLIDAY: Sure.

9 MS. HERRING: -- to the meeting.

10 MR. SIMPSON: Anything else?

11 MS. HERRING: And make sure your
12 staff comes.

13 MR. SIMPSON: Anything else? Enjoy
14 yourself. Thanks.

15 MR. BILLY: Thanks. So I would
16 like to call on Mark so to highlight any of
17 these items that he thinks might need a little
18 further clarification or make sure the
19 committee understands. Some are obvious but
20 maybe there are a few that you would like to
21 just highlight.

22 MR. FISHER: Excuse me. Mark, when

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1 you do this, are you going to tell us which
2 are the policy issues versus which are just
3 things we have got to work on? There is a
4 difference.

5 DR. HOLLIDAY: Right. And I think
6 some of the things that we are working on are
7 -- have policy implication but they are
8 decisions that are going to be made but they
9 have perhaps a -- the decision is regional but
10 there could be a precedent being set or there
11 could be a need for some guidance or
12 instruction. So there is a mix of them here.

13 Others are obvious policy questions that the
14 committee has already been undertaking in
15 terms of eco-labeling, seafood inspection, the
16 aquaculture issues, transition, out-year
17 planning.

18 And so if there is any specific --
19 I think it might be more efficient if there
20 are specific questions about --

21 MR. FISHER: Okay, that is fine.

22 DR. HOLLIDAY: -- something that

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1 piques your interest, I would be glad to
2 explain it. But if not, I think an effective
3 way to go about it is, what are the ideas that
4 you think are important. You know, it doesn't
5 matter what I think. But policy questions,
6 directions, guidance, things you want to work
7 on and some of these things were just designed
8 to give you the sense of what the range of
9 actions that we are going to be involved with
10 over the next year.

11 Okay, is that fair enough?

12 MR. BILLY: That's fine. Sure.

13 DR. HOLLIDAY: You have some hands.

14 MR. BILLY: Sure. Erika?

15 MS. FELLER: Just clarifying, Mark,
16 are there any items on this list that have any
17 particular priority in terms of timing or
18 urgency for the Agency that might make some
19 higher priority projects for MAFAC than
20 others?

21 DR. HOLLIDAY: Well certainly,
22 there are some things that are going to be

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1 happening sooner versus later. I mean, Bob
2 mentioned earlier some of the policy exchanges
3 that are going to take place with the Marine
4 Recreational Information Program that is a
5 congressional mandate to get things in place
6 by the beginning of next year, the anniversary
7 of the Magnuson Act in February.

8 But again, even after that deadline
9 occurs, there will be other policy questions
10 with respect to execution of that that could
11 be on the table for that working group to
12 undertake. So, I don't have them listed in
13 chronological order or any type of priority.

14 I think we were just, again, I am
15 overemphasizing it but I don't want to give
16 too much weight to this. It was just, as I
17 explained to Topher, I wanted to have a plan B
18 in case there was just deadly silence and
19 nobody had any ideas about what to talk about,
20 I would bring this out and suggest that as a
21 stimulus to spark discussion.

22 MS. FELLER: It just, it struck me,

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1 you know, just on that in Jim's comment that
2 either this is helpful because from the
3 Agency's point of view, these are the things
4 you are going to be wrestling with but Jim
5 made the point that it is really hard to kind
6 of figure out how to get ahead of some of
7 these issues.

8 So, having some kind of sense about
9 when decisions are going to be made and what
10 might be appropriate in timing to pick stuff
11 up, I think would help the priorities for
12 agenda items.

13 DR. HOLLIDAY: Right. And just to
14 respond, I think the other confounding factor
15 is because of the way MAFAC is structured to
16 meet twice a year, you have to kind of
17 intersect that opportunity, there may be
18 something that is timely for us but you just
19 can't fit it into the schedule between now and
20 the next meeting and a subcommittee to work
21 on. So, even though you may want to, it may
22 not be feasible to do something.

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1 MR. FISHER: Well, can I?

2 MR. BILLY: Eric?

3 MR. FISHER: It seems to me that on
4 the, you just look at recreational fisheries
5 and stuff, my feeling is generally that a lot
6 of that is done. Now that the law or the reg
7 is going to be out on the street, there will
8 be some stuff finished and I can't visualize
9 there will be a lot of policy stuff left right
10 from what we have already gone through to get
11 where we are now.

12 I mean, so, that is my take on that
13 one.

14 DR. HOLLIDAY: That's fine.

15 MR. FISHER: Well, I'm just saying
16 because these guys get to decide. I don't to
17 decide. But that is my feeling.

18 DR. HOLLIDAY: It's up to you.

19 MR. FISHER: The other thing is, if
20 we have a meeting, the next big thing that is
21 going to happen is we are going to have,
22 obviously, the transition issues. And

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1 somebody probably is going to be meeting with
2 somebody at some point in time during the
3 transition.

4 And so it seems to me that they are
5 going to be asking questions like well, what
6 you do you think should be funded, what do you
7 think about this that or the other thing. So,
8 I believe that the planning one, the second
9 group of things is probably going to be very
10 important. And then under those, then you
11 would start to ask questions about whether or
12 not you would change some of the funding
13 priorities of the agency now or what we think
14 is important as a group in the future.

15 I guess you could talk about
16 aquaculture but my personal feeling is if I
17 talk about it much more, I am going to be ill.

18 Because, and the reason why I say that is we
19 have had a lot of discussions about that.
20 That bill is already gone. The new
21 administration will figure out whether they
22 are going to pick it up or they are not. I

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1 don't know what else you could do in terms of
2 this committee dealing with aquaculture.

3 Seafood quality and safety, I think
4 that one is of interest because I think it has
5 huge implications on whether or not the agency
6 is going to pick that up and if so, how the
7 hell they are going to fund it. Is the money
8 going to come from somewhere else or, you
9 know, whatever we think about that.

10 Fisheries disasters, I don't know
11 what you do about those except for the fact
12 that we are involved with them when they
13 happen. And you know, I guess the only issue
14 there is maybe the policy issue there is
15 whether or not we set up a fund which they
16 have the 75 million and how that could be
17 distributed. But I guess that is a policy
18 issue that we could talk about.

19 All of those other issues of
20 limited entry and all that stuff are being
21 dealt with by each of the councils within
22 their own framework. I don't think this

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1 committee has that much to deal with those.

2 Protected resources, I think the
3 discussion we had and Mr. Fletcher's
4 discussion about how to deal with, this one is
5 going to be important because there will be
6 legislation changing what is going on. And I
7 think that would be something that we could
8 talk about probably a fair amount.

9 MS. DOERR: But in general, what is
10 the committee role when it comes to
11 legislation, historically?

12 MR. BILLY: We can provide guidance
13 in terms of provisions that legislation ought
14 to include. We don't normally draft
15 legislation or play any particular role in
16 that. We can review drafts of legislation and
17 provide reaction. That is about it, as a
18 committee. Is there anything else?

19 MR. DiLERNIA: Well, we're not
20 supposed to lobby.

21 MR. BILLY: Yes.

22 MR. DiLERNIA: So we can provide,

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1 if we are asked to provide comments, we can
2 provide comments on proposed legislation.
3 That is our role but sometimes initiating it
4 is a little hinky, there.

5 MR. BILLY: Okay, Heather.

6 MS. McCARTY: On the aquaculture
7 bill, for example, we gave extremely detailed
8 advice, or whatever you might want to call it,
9 to NOAA on what that bill should like. And we
10 went through it line by line, basically.

11 MR. BILLY: As I recall, a draft,
12 an initial draft, provided that kind of input.
13 So, yes. Martin?

14 MR. FISHER: In terms of LAPPs, I
15 think there is room for this committee to
16 weigh in on providing continuity. There don't
17 seem to be any national standards for IFQs at
18 the moment, in terms of how they are
19 implemented and how the user, how the
20 stakeholders can participate in the programs,
21 especially when it comes to determining who is
22 eligible. There are no standards for that.

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1 There is no standard definition for a
2 substantial participant or substantially fish.

3 Anybody entering into that LAPP would benefit
4 from some input or guidance on those issues.
5 That is of particular interest to me. I would
6 think that that would be more of a policy
7 approach than a micro-management approach.

8 MR. BILLY: Okay, Dorothy.

9 MS. LOWMAN: I think also we need
10 some LAPP-related suggestions in our
11 transitions. And I think that there are some
12 policy issues, like we say, well, you know, we
13 need to make them cost effective. Well, are
14 there some sort of policies that ought to be
15 changed to help, you know, make them more
16 cost-effective or things that we could invest
17 in now that would have high returns, in
18 general, you know, more, rather than as a
19 specific region basis, but in a more national
20 way.

21 So, I think there are some issues
22 that rise to the higher policy level in LAPPs.

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1 But I do think it belongs more under the
2 strategic planning budget and management
3 subcommittee than the Commerce subcommittee.

4 MR. JONER: Well, and I think we
5 did a whole-- way back when we did a fairly
6 extensive review of what this committee felt
7 about individual fishing quotas at the time,
8 and we probably should go look at what we
9 said.

10 MR. BILLY: Okay.

11 MR. CATES: I have two comments or
12 issues. First is aquaculture. This committee
13 has done a great deal of work on that. And I
14 keep referring to that we are an advisory
15 board. I think what we need to do is refine
16 and advise NOAA and Commerce on how to move it
17 forward. Basically, we said we think it is a
18 good idea, it should be done. But now, how do
19 you implement it? How do you make it happen
20 with a different set of questions?

21 Secondly, under the Protected
22 Resources Subcommittee, I think one thing we

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1 need to look at is how to reinstate species
2 that have been recovered. And there is a
3 resistance going on. And I think it is, in my
4 point of view, coming from NOAA, where we say,
5 "Well, we need to do the science on this
6 species first," but there is an unwillingness
7 to do the science because it is not a very
8 popular thing to do. For ten years now, they
9 have been asking to do the science on the
10 green sea turtle. No, there is an
11 unwillingness to do it.

12 So, when you do have recovery, how
13 do we de-list it?

14 MR. BILLY: Okay. Bob?

15 MR. FLETCHER: I guess I have a bit
16 of a different take on Recreational Fisheries
17 Working Group than Randy does. While much of
18 the policy work is pretty much concluded, I
19 think it is important that this committee, at
20 least those who are interested, be kept
21 apprised of the implementation phase of the
22 amendments to Magnuson Act. And perhaps,

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1 depending on what we learn at the next
2 meeting, there may be some things that we can
3 provide back in terms of guidance or
4 recommendations.

5 So, while the policy, to a great
6 extent, is about over and implementation is
7 starting, I think MAFAC can still be a
8 valuable sounding board for the Agency. So, I
9 see a short-term reason to have another
10 meeting.

11 The other issue is, and I am
12 unfortunately very intimately involved in
13 this, and it is down under Commerce. And it
14 says, "Management of highly migratory species
15 through regional bodies such as the WCPFC." I
16 am a U.S. Commissioner on the Inter-American
17 Tropical Tuna Commission, and we just had an
18 extraordinary meeting last week that was a
19 total abject failure. And we are now two and
20 a half years into a total abject failure of
21 any conservation and management.

22 Having said that, there is only

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1 really a limited ability to input that
2 international process. And the Agency that is
3 probably more in the middle of it than anybody
4 is the State Department. And there is an old
5 saying, nations don't have friends, they have
6 interests. And it appears to be in the
7 interest of the United States not to really
8 get after a nation that chooses to throw
9 blocks into getting anything done. I don't
10 know how to deal with that. But I do know
11 that having this on this agenda does make a
12 lot of sense because I don't think what we can
13 do is going to have much ability to have an
14 impact. But it is a terrible situation. And
15 there is an entity-- the Inter-American
16 Tropical Tuna Commission has been in existence
17 since 1949, ostensibly managing harvest. And
18 the nations who are interested in management
19 have figured out a way to block any progress.
20 I don't know what the solution is. It seems
21 to me that the United States needs to get
22 tough with some of these nations. And the IUU

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1 process is not the way to get tough with them.

2 That is an easy way to address a concern, but
3 it is a real-- it is a crisis because
4 yellowfin and bigeye are slowly but surely
5 going down hill and nothing is being done.

6 Is that an example where we could
7 provide some get tough advice to the Secretary
8 or hopefully through the Secretary to the
9 State Department on options, ideas of how to
10 get the attention of some of these countries
11 and change their practices? Is that an
12 appropriate quote?

13 MR. FLETCHER: You know, what do
14 you do to get their attention? That is the
15 problem. It is not speak up in support of the
16 science which is very, very good, but which is
17 totally ignored. And I almost think that
18 there must be some other way to get their
19 attention but that gets into that high realm
20 of political influence that I don't know that
21 the United States is ready or willing to get
22 involved in. Now, maybe this new

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1 administration might have a new approach. It
2 would be interesting to find out.

3 But right now it is almost beyond
4 life support. The Tuna Commission is looked
5 at as just impotent. And something has got to
6 be done if we are going to try to rebuild
7 these stocks. It is a crisis.

8 MR. BILLY: Okay, Bill.

9 MR. DEWEY: At the risk of making
10 my friend Randy Fisher ill, I am going to get
11 into aquaculture as well.

12 MAFAC asked NOAA to develop a ten-
13 year plan. And I for one would like to hear
14 at least periodic updates from NOAA as to how
15 they are doing on implementing that. So, I
16 think that should stay on MAFAC's agenda.
17 Sorry, Randy.

18 And a couple other new issues that
19 aren't on the list here that I would like to
20 at least throw out there. Whether they are
21 policy related or not, I am not sure, but
22 areas that maybe MAFAC wants to delve into.

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1 One is ocean acidification. There
2 are bills both in the House and the Senate
3 related to that. And our industry thinks we
4 may actually be feeling some of the first
5 effects of that in our recent failures on the
6 West Coast, both in our hatcheries and in the
7 wild. So, it is an area we are keenly aware
8 of. Dr. Feeley with NOAA has been the leading
9 scientist on this issue, and may be someone
10 you ought to think about bringing to NOAA and
11 depending on it to bring people up to speed.

12 The other is, with this new
13 administration, I think there is going to be a
14 big interest in clean energy. And from a
15 biofuel standpoint, we have had a number of
16 companies contacting us recently about biofuel
17 production. That may be another area of
18 opportunity to push and see if the
19 Administration is going to help us to do that.

20 So, I throw those out there. Now I
21 need to apologize and excuse myself. I have
22 to go get on a conference call.

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1 MR. BILLY: Tony.

2 MR. DiLERNIA: Thank you, Mr.
3 Chairman. I am going to return to the
4 Recreational Fisheries Working Group topics
5 because the last bullet point there
6 illustrates, is a specific issue that I think
7 illustrates a larger policy issue and
8 discussion that I would like to see the
9 committee review and perhaps make
10 recommendations.

11 On the East Coast, summer flounder
12 is managed both by the National Fisheries
13 Service and the Atlantic States Marine
14 Fisheries Commission. It is conceivable,
15 although it doesn't happen, it has only
16 happened once since real management has
17 occurred, I mean Fishery Management Plans were
18 in place since the early '80s but effective
19 management didn't occur really on the federal
20 level until '91. And I guess on the A70C
21 level after MAFAC that was passed sometime in
22 the early '90s also. So, summer flounder

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1 management really began to develop steam in
2 the early '90s.

3 And again, I use summer flounder
4 only as a species to illustrate what I think
5 is a larger problem or may be a larger issue.

6 And so what we have on the east coast is we
7 have this species, which is caught by both
8 recreational and commercial fishermen, managed
9 by two different agencies, NMFS and the
10 Commission, United States Marine Fisheries
11 Commission. And it is possible to have two
12 different sets of regulations.

13 This happened in the recreational
14 fishery in the past. It was 1995. The
15 federal regulations and the state regulations
16 were different. And what also happens is a
17 fisherman in the regulated community finds
18 himself having to go to two sets of meetings
19 all the time to apply their input as to the
20 final development and final regulations. You
21 have to go to both council meetings and the
22 commission meetings.

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1 And often there is a duplication of
2 effort. And the regulated community, as
3 educated as they become over the years, still
4 there is some confusion of time as to how the
5 process should be, or how they could be most
6 effective for the process.

7 Well the policy issue that I would
8 like to see the committee review and perhaps
9 make a recommendation to the Secretary on
10 would be to review this concept of dual
11 management. It is conceivable, I have
12 actually proposed it in the past in comments
13 to the Mid-Atlantic Fishery Management
14 Council, but again when you propose an agency
15 to give something up, it is always easier to
16 take something on than to give something up,
17 there is a natural institutional resistance.

18 It is conceivable that just to
19 streamline management of summer flounder, that
20 the secretary could, in effect, withdraw
21 summer flounder management plan and actually
22 have a federal management of summer flounder

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1 extent out in the EEZ through the provisions
2 of the Atlantic Coastal Fisheries Conservation
3 Management Act (ACFMA). And so you wouldn't
4 have, in a sense, two different agencies
5 passing regulations on one regulated community
6 and perhaps have that one regulated community
7 have two different sets of regulations, a
8 federal set of regulations and a state set of
9 regulations.

10 So, what I would like to see the
11 committee review is the possibility-- and this
12 is the policy decision-- would be examine in
13 the year 2008, soon to be 2009, is dual
14 management still a necessary tool. This dual
15 management is something that we backed
16 ourselves into over the years. And again, if
17 you look at the development of summer flounder
18 plan from the original plan, which was in the
19 early '80s on the federal level and perhaps on
20 the state level, we actually backed ourselves
21 into the position where we are now.

22 Now in 2009 with MAFAC, perhaps we

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1 should reexamine that entire management
2 process and perhaps recommend to the Secretary
3 that, hey, listen, you don't need to do this
4 as much anymore. We can do it through perhaps
5 the Commission.

6 And so I would like to see that to
7 be a discussion item for the -- and I don't
8 know if that situation exists in the Gulf or
9 on the West Coast. I see the West Coast
10 shaking their head no, and I don't know about
11 the Gulf, but-- so it might be just an East
12 Coast issue. So perhaps it may not be within
13 the responsibilities of the Committee. But if
14 possible, I would like to see that discussion
15 occur and perhaps make a recommendation to at
16 least the NOAA administrator.

17 MR. BILLY: Okay. Heather?

18 MS. McCARTY: I was just going to
19 comment that I think a number of these things
20 on the list are very regional in nature and
21 probably not necessarily things that this
22 committee should deal with, though it sounds

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1 like the larger issue that is behind what you
2 are talking about might be. I'm not sure.

3 MR. DiLERNIA: Can I?

4 MS. McCARTY: That wasn't all I was
5 going to say but you can speak to that if you
6 want to.

7 MR. DiLERNIA: Okay. To that
8 point?

9 MR. BILLY: Sure.

10 MR. DiLERNIA: Yes. What we are
11 looking at there, on this particular-- you
12 know, it is the entire East Coast as far as
13 management. And it is, the Secretary is
14 pulling the Fishery Management Plan, the FMP.

15 So, you know, we have precedent for it,
16 actually, on the East Coast already. It
17 occurs with lobsters and it occurs with
18 herring, where the management are proposing,
19 this management process they are proposing is
20 ongoing. They are going on.

21 So, I could see where it is a
22 regional East Coast issue but then again, you

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1 know, when does it take up the whole country?

2 MS. McCARTY: It might be more than
3 a regional issue. I am just not sure. I
4 guess what I was going to say was that under
5 protected resources, the list that we were
6 provided, there is a number of regional issues
7 for example that I think are not necessarily
8 appropriate, piece by piece for us to take up.

9 But if you took the Protected
10 Resources Subcommittee's Work to mean working
11 on a reauthorization of the Endangered Species
12 Act, for example, that many of these sub-
13 issues would be part of that discussion. And
14 I just, could I just go through the list and
15 talk about--

16 You know, I agree with Bob that
17 there is a short-term need for the
18 recreational fisheries working group. I can
19 see that really clearly.

20 Going to the next one, Strategic
21 Planning Budget and Program Management, I
22 think that LAPPS should be in that one, and I

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1 think we should look at the old document.

2 I don't know about climate
3 services, Climate Research Organization. I
4 think that is probably meant to mean the
5 formation of a legal element in the management
6 hierarchy of NMFS or NOAA. And so I think it
7 is different than the science issues
8 associated with climate. So maybe that does
9 belong in there.

10 Under this Commerce Subcommittee, I
11 think seafood safety and quality and
12 aquaculture, I agree with who said it should
13 stay. I think illegal, unregulated, and
14 unreported fishing is not something that we
15 would necessarily want to offer advice on. I
16 think that one is -- well, I don't know. I
17 don't know for a fact but I think it is pretty
18 clear cut.

19 I think the tuna issues are not
20 something that we can have an effect on, but I
21 think for equilibrium should stay there. And
22 then, I already spoke to the Protected

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1 Resources Subcommittee, and maybe add the de-
2 listing/recovery criteria for that one,
3 because that would be part of any new ESA
4 anyway, I would think.

5 I think the Pacific Salmon, again,
6 is too regional. All the rest of those things
7 seem to me to be pretty regional, including
8 the Pacific Salmon stuff and the ocean sound,
9 I think is maybe not.

10 Ecosystems, I would say Ecosystem
11 Approach/Ocean Science Subcommittee, maybe,
12 and add some of the things that people have
13 mentioned like ocean certification, biofuel,
14 and then put climate change issues under that
15 one.

16 Take out NEPA, environmental review
17 process under the MSRA and put it back under
18 tracking implementation of the MSRA under
19 strategic planning budget.

20 Those would be my suggestions.

21 MR. BILLY: Okay. Bob?

22 MR. FLETCHER: Just kind of

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1 responding to Tony. I think the closest to
2 your issue on the West Coast would be
3 groundfish. And they are kind of both in the
4 same federal laws. And we manage them
5 regionally. We have got management lines
6 under the different regulations up and down
7 the coast because there are different impacts
8 on those stocks and there are different
9 habitat, aggregations, et cetera.

10 But in the case that you are
11 describing, it sounds to me like you have got
12 a real regional problem. It is not something
13 we have had to deal with. And salmon on the
14 West Coast is managed regionally. We have
15 regular lines up and down from Canada to
16 Mexico, divided up in a number of different
17 areas. They are all managed separately, even
18 the beach.

19 Then the states have management
20 authority in internal waters for that species
21 as it goes up the river. But we have never
22 had a situation.

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1 I do remember when I was at the
2 Department of Fish and Game I tried to assert
3 state management authority, and I got
4 preempted. So, we didn't do that anymore.
5 So, it is not really something that we have
6 had an issue with out there.

7 MR. BILLY: Okay. Vince?

8 MR. O'SHEA: Thanks. You know, I
9 think there are, listening to what Tony said
10 and a little bit of what Heather said, it
11 seems to me that the couple of strategic
12 issues that really come out of this is state-
13 federal alignment. And I think, you know, not
14 only on the East Coast, but I think my
15 experience in Alaska, there was also issues
16 there about what the state thought about
17 managing fish in state waters and what the
18 North Pacific Council thought.

19 So, I think those issues are around
20 the country, but I am not sure what particular
21 advice MAFAC would want to give on that. It
22 was a thorny issue and they are tough issues.

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1 The other global issue seems to me
2 the commercial-recreation allocation issue,
3 which is embedded in the summer flounder
4 thing. And if people aren't talking about it
5 yet, they are going to be talking about it in
6 the next five years. But and we have other
7 species, you know, halibut charter boat issue
8 is another example of it. And the 2020 Vision
9 talks about this conflict between commercial
10 and rec. But again, I don't-- this process is
11 in place right now with the governing
12 structure to deal with them.

13 So, I don't know what advice MAFAC
14 would want to give on that. But if I stand
15 back two feet and look at the Marine
16 Recreational System, bycatch, landings
17 reporting system and observers, you know, the
18 meetings that I go to, there is pressing need
19 for all that data and there is no clue as to
20 how to pay for it. And I don't know how the
21 Agency is going to do it. The industry says
22 we can't do it. But on the other hand, these

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1 are big chunks of data needed to manage the
2 fishery.

3 This MRIP thing is going to come
4 out. We are going to have all kinds of fancy
5 things on it, and I think one of the big
6 things is who is going to pay for it and how
7 are we going to pay? So maybe there is this
8 strategic issue that MAFAC could weigh in on
9 is to say it has got to come from either the
10 users' pay, or there has got to be a strategy
11 to make this a higher priority for the
12 government, or you have got to find somebody
13 else to pay for it.

14 But I mean, just to give you an
15 example, you guys in the North Pacific, they
16 are talking about five percent observer
17 coverage in New England fisheries saying the
18 industry can't pay for it and the agency
19 doesn't have money to pay for it. They
20 haven't a clue as to what they are getting on
21 bycatch.

22 So anyway, those are some, to me,

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1 those are more global than trying to solve the
2 summer flounder problem.

3 MR. BILLY: Larry?

4 MR. SIMPSON: I was just, Mr.
5 Chairman, going to give a little general
6 comment or two about the Gulf region about
7 this. What you are talking about is state-
8 federal management issues in a broader sense.
9 Flounder is much too small of an issue, I
10 think, for this group.

11 But in the Gulf we have had kind of
12 good and bad. We have had issues with regard
13 to federal system giving back to the state
14 certain management authority, especially in
15 Florida for some, I believe stone crab and
16 spiny lobster. It is not stated in the whole
17 mess. It is pretty much a state issue.

18 And then there is some recent
19 occurrences of some not-so-good management of
20 red snapper. If we got a problem with
21 anything, we are red in the Gulf states. Red
22 snapper-- and we are working through the

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1 throes of those issues of differential ideas
2 and philosophies about how best to manage that
3 species.

4 So, I am kind of like Vince. I am
5 not sure what this body could contribute, but
6 I think, you know, any comments might be
7 useful. They don't necessarily mean that they
8 are going to be used, but it might be useful.

9 But it is a broader sense.

10 For example, we "manage" shrimp
11 very well in the Gulf. But it is really the
12 states setting the seasons and so forth and so
13 on. That is the true management.

14 MR. DiLERNIA: It's not? I'm
15 sorry.

16 MR. SIMPSON: It is the true
17 management of the animal. So, I mean, just to
18 take in the EEZ, there is one issue that is
19 so-called "Texas option," that you close out
20 to 200 miles. But other than that one thing,
21 that is about the only issue that is federal.

22 So anyway, it is a mixed bag.

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1 MR. DiLERNIA: It sounds like
2 something, what I am asking for is something
3 that you are doing.

4 MR. SIMPSON: We are doing and not
5 doing.

6 MR. DiLERNIA: I am trying to get
7 the --

8 MR. SIMPSON: We are doing
9 something sometimes and sometimes we are not.

10 MR. DiLERNIA: -- East Coast to the
11 point that you are at.

12 MR. SIMPSON: But it is not always
13 a friendly thing, Tony. Sometimes it is.

14 MR. DiLERNIA: Welcome to Fisheries
15 Management.

16 MR. BILLY: Okay, Tom?

17 MR. RAFTICAN: Yes, I know a lot of
18 this has been covered already and touched on.

19 But when you start looking at a Ecosystem
20 Approach Subcommittee, I think the first thing
21 is, climate should be in there. But the
22 other things as we go down, designation of

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1 management of marine protected areas, corals--
2 what we are talking about over here is ocean
3 zoning. And maybe it is about time we got the
4 elephant out of the corner of the room and
5 really started looking at it.

6 And maybe it is time that we
7 should, you know, we are looking at marine
8 managed areas instead of marine protected
9 areas. It covers a number of -- energy,
10 development, offshore, alternative energies,
11 ecosystem protection. You also have got
12 aquaculture in there. You need to look at
13 commercial corridors. But you know, let's try
14 and take an overall picture. I think where we
15 should be coming from is how do you take the
16 broad-based picture of the entire thing.

17 And I think there are some real
18 pluses in here when you do that. You know, we
19 were talking about weakest species management
20 before, where you managed the weakest species.

21 We haven't looked at marine-managed areas or
22 marine-protected areas as an offset to this

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1 weakest link species. You have got great
2 protections in there for certain species in
3 certain areas. And if you take the broad
4 picture, you don't simply go, you have to
5 manage by catch in one part and nothing there.

6 And I think it is really important
7 that we take a look, you know, when we start
8 looking at an ecosystem approach, how do you
9 look at the entire picture. And the entire
10 picture includes not only marine-protected
11 areas, marine-managed areas, including the
12 commercial corridors in there and also very
13 important that the human element is also
14 included in that.

15 MR. BILLY: Randy?

16 MR. CATES: I was just going to
17 comment we have the same issues going on in
18 Hawaii. State, federal management, big
19 conflicts about what to do. One federal
20 agency wants to do something about it,
21 sometimes the state doesn't want to lost
22 control over it. So it is not just in the

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1 East Coast region, it is in our area.

2 MR. BILLY: It sounds like it is
3 shaping up into a useful issue for us. Vince?

4 MR. O'SHEA: Well just because
5 there are these problems around the country
6 that all have the same theme, you know, the
7 thing that I am trying to get my head around
8 is, so what sort of universal advice do you
9 give the Agency? It seems to be along the
10 lines of, do you have confidence in the
11 ability of the local governing structures to
12 deal and resolve with those issues or there is
13 a better way to do it. That to me seems to be
14 the sort of strategic question. But to try to
15 get in there and muck around with a formula of
16 how to solve Randy's problem and solve Tony's
17 problem, you know, generically from a group
18 like this, I am not exactly sure how you would
19 do that.

20 MR. BILLY: One of the
21 considerations that popped into my head
22 earlier when we were talking about it was the

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1 process, I believe is going to occur looking
2 for ways to reduce federal government
3 spending.

4 And, you know, if in fact the new
5 administration is serious about addressing
6 that, and it looks at all of the existing
7 programs that have been discussed, it could be
8 one of the driving forces for sorting out how
9 this is approached if there continues to be
10 interest on the part of the states and they
11 are looking for ways to save money at the
12 federal level, maybe that could be one of the
13 considerations. Just a thought that occurred
14 to me.

15 Tony?

16 MR. DiLERNIA: Yes, in response to
17 Vince's questions regards what might we come
18 out of the committee with, that is why I would
19 like to have the committee discuss it. If I
20 had an answer as to where we would definitely
21 go in a final decision, I would make that the
22 recommendation and save the committee a lot of

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1 time. There is an issue I see of duplication
2 of effort on the East Coast. There is an
3 issue there of the possibility of having
4 conflicting regulations on the regulated
5 community. And so I would like to see the
6 committee, if the condition doesn't exist on
7 the other two coasts, I would like to see the
8 committee discuss it. They might be able to
9 come up with a recommendation. They might not
10 be able to. But the fact that there is some
11 uncertainty I think is all the more reason why
12 the committee should examine the issue. And
13 again, it is not specific to summer flounder.
14 There is a larger issue. I used summer
15 flounder as an example. But I believe that it
16 really could be expanded to many other
17 species. And the management policy if not for
18 the entire country, definitely for the East
19 Coast. Thank you, Mr. Chairman.

20 MR. BILLY: Okay. Steve?

21 MR. JONER: I think I would agree
22 that we leave these in there for now,

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1 Heather's wise comments notwithstanding. But
2 these are federal policies and laws that are
3 driving these local issues and it is our
4 problem with sea lions and salmon on the West
5 Coast. But guess what? You are next. And it
6 is not a local law or policy that is driving
7 it. It is federal. And you know, this has to
8 be addressed on a national basis.

9 And I think these regional issues
10 are the examples we use to develop the
11 recommendations. Without them, you know, what
12 would be the problem?

13 I guess my vote is for leaving them
14 in rather than tearing them out, because they
15 are just local.

16 MR. BILLY: Okay. Any other
17 comments? Okay. Mark, where would you like
18 to go from here? I don't mean-- per the
19 discussion. Should we consider all of this
20 and come back with something at the next
21 meeting?

22 Heather?

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1 MS. McCARTY: What if we go through
2 these and just agree, number one, if there is
3 going to be a subcommittee for each of these
4 areas. And then just say the top three things
5 or whatever for each one of those areas. See
6 if we can agree on that and just be done with
7 it, and then people can give their names to
8 Mark if they want to chair or they want to be
9 on it.

10 MR. BILLY: We can certainly do
11 that. I don't know that we have a uniform
12 list at this time.

13 MS. McCARTY: Okay, well, I have
14 been writing everything down.

15 DR. HOLLIDAY: Do we want to do
16 that, or do we want just to let the
17 subcommittees decide? Maybe have top three
18 issues that the full committee wants addressed
19 and then the subcommittee come up with
20 additional issues.

21 MS. McCARTY: Okay, that will do.

22 MR. BILLY: Okay.

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1 MR. FISHER: But once again, the
2 intent here is to give policy direction.
3 Isn't that what this is all about?

4 MS. McCARTY: Yes.

5 MR. FISHER: I just wanted to make
6 sure we remembered that.

7 MR. BILLY: Okay. Well, let's run
8 through them, then. And the first question
9 then for the first area, which is Recreational
10 Fisheries Working Group is to continue having
11 that working group, at least through the next
12 meeting, and have a briefing as was suggested
13 by Bob, and then see where we go from here.

14 Yes, Bob.

15 MR. FLETCHER: Clearly the first
16 two items on this one page that Mark handed
17 out are going to be the topic of discussion
18 and some updates. And I am of the assumption
19 that we will be closer to Washington, D.C. at
20 that next meeting. So, it will be easier for
21 people from the Agency to be able to drop by
22 and provide us an update.

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1 And then the subcommittee can
2 discuss these other items, as well as any
3 others they think might be the subject of
4 future discussion or not, and come back to the
5 full committee after the subcommittee meets
6 and make a recommendation to the full
7 committee.

8 So, I think for now I would just
9 suggest that all four of these be left there.

10 And any others that any members of the
11 working group have can be the topic of the
12 future meetings-- the next MAFAC meeting-- and
13 then report back with those. Is there a need
14 for this working group to continue? If so,
15 what are the items, such as identified.

16 MR. BILLY: Okay. One of the --
17 the last bullet item there, management of
18 summer flounder, seemed to evolve in our
19 discussion to a broader question of the
20 respective management roles of the federal
21 government and the states.

22 MR. DiLERNIA: Yes.

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1 MR. BILLY: And I am not sure that
2 should necessarily stand. They are
3 recreational fisheries. I understand why it
4 is there, but I don't know where else. We
5 don't have any -- I guess that is the all-
6 inclusive ecosystem approach would encompass
7 it.

8 I don't have any objection to --

9 MR. DiLERNIA: Strategic planning.
10 I would put it with Strategic Planning and
11 Budget --

12 MR. BILLY: Strategic Planning?

13 MR. DiLERNIA: -- because one of
14 the things that you mentioned, Tom, was the
15 fact that the duplication effort and how you
16 could probably save money on the federal level
17 if you just limited it to one set of
18 management.

19 MR. DORSETT: I was thinking
20 Commerce Subcommittee --

21 (Laughter.)

22 MR. DORSETT: -- Mr. Chairman.

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1 With all due respect, Mr. Chairman.

2 MR. FLETCHER: But then he might
3 have handed that off anyway. So, he doesn't
4 mind. He'll go with that.

5 MR. BILLY: Yes. Dave?

6 MR. WALLACE: I understand where
7 Tony is coming from and we can make a
8 recommendation to the Secretary of Commerce.
9 However, I really think that it would require
10 legislation to do that. It would almost have
11 to go to Congress. You know, you would say,
12 "Hey, Congress, this is what we recommend."
13 And I think that you would find a number of
14 states that might support it and a number of
15 states who said they are very much against it.

16 But I see this as-- it flies right in the
17 face of the Magnuson Act.

18 MR. BILLY: Okay. Yes, Tony?

19 MR. DiLERNIA: Yes. No, you don't
20 have to go to Congress.

21 MR. WALLACE: Oh, okay. Good you
22 practice law.

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1 MR. DiLERNIA: No, I'm just using
2 the --

3 MR. O'SHEA: Red drum. They just
4 did it in red drum.

5 MR. DiLERNIA: Yes, you did it.
6 You didn't have to go to Congress on that, did
7 you?

8 MR. WALLACE: But South Atlantic
9 withdrew the red drum one.

10 MR. DiLERNIA: And you didn't have
11 to do it with lobster.

12 MR. WALLACE: No, there was
13 legislation on lobster.

14 MR. DiLERNIA: There was. How
15 about herring?

16 MR. WALLACE: There is joint
17 management of herring.

18 MR. DiLERNIA: Yes, but it is
19 mostly Commission now?

20 MR. WALLACE: No.

21 MR. DiLERNIA: All right. I know
22 during-- not the last administration, the

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1 Clinton administration-- they wanted to pull a
2 number of plans. As a matter of fact, I think
3 this originally originated from it. They
4 wanted to pull the Fishery Management Plan for
5 bluefish. And the concept was you could still
6 have federal management for MAFMC. There was
7 another species.

8 But there was like proposal on the
9 part of the administration to pull those plans
10 for the management.

11 MR. BILLY: Chris?

12 MR. WALLACE: You know --

13 MR. BILLY: Oh, sorry, Dave. Go
14 ahead if it is on the point.

15 MR. WALLACE: Yes. You know, I
16 don't see any reason why this committee could
17 not recommend to the secretary that they go to
18 Congress to change the law. You know, you can
19 request that they do that. The administration
20 proposes changes in all the laws all the time.

21 So that is not an issue. I think that it is
22 a very, very broad policy issue and Congress

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1 would want to be involved in that also.

2 So, if you are going to do it, just
3 remember that we will be doing this five or
4 six or ten years from now.

5 MR. BILLY: Chris?

6 MR. DORSETT: I was curious about
7 the first two bullets and if things are going
8 to take effect in January and we don't meet
9 until the spring, as Randy said, then what do
10 we do other than get maybe an update? I mean,
11 are there some activities beyond that that we
12 would be engaged in and provide assistance?

13 MR. FLETCHER: Just-- my view on
14 this is that there is a number of states that
15 aren't excited about the registry and the
16 implementation of new surveys that may require
17 participation by the states financially.
18 There is a number of issues that while they
19 are in the reauthorization of Magnuson Act, it
20 is not at all clear how they are going to be
21 implemented, when they are going to be
22 implemented. This is a moving target. So, I

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1 think that until we have a better sense of
2 just how the federal government plans on
3 implementing this, we need to keep this on our
4 radar, at least for one more meeting, to find
5 out from them where they are. What have you
6 done? What is your plan? And if we see a
7 member of the subcommittee, there might some
8 things that we might be able to recommend to
9 them to help them more smoothly move past this
10 so we get to the goal of having all anglers
11 identified, and get to the goal of having a
12 better data collection system. Maybe we can,
13 in fact, be involved in the policy, a new
14 direction, once we see what is going on.

15 So, I just felt like one more
16 meeting was important for the working group to
17 just see where are, now that January first has
18 come and gone, where we are five months or six
19 months later. So that was why I felt like
20 these two items should definitely be topics,
21 and some of the NMFS people who are involved,
22 whether it be Gordon Coleman or Pres Pate who

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1 are key players, might be able to come back
2 and tell us what is going on, so that we have
3 an idea after all that we were involved in,
4 that it is going in the right direction.

5 MR. DORSETT: And then I just
6 wanted to put a plug in for this third bullet.

7 I think this is a critical issue, especially
8 the, I guess accounting probably is referring
9 to the accountability measures and the
10 accountability amongst various sectors and
11 managing fisheries to the extent it is not
12 incorporated in the emirate. This is one that
13 is going to be a real challenge, and I think
14 it will be useful for this committee to engage
15 on advice to the secretary.

16 MR. BILLY: Okay, good. Thanks.

17 Okay, we still have bullet item
18 number four. Jim Gilmore, the chair of the
19 Strategic Planning, Budget, and Program
20 Management Committee, has chosen not to step
21 out of the room. It doesn't matter to me
22 where it is, but I think it is logically

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1 placed there.

2 MS. LOWMAN: I'm not sure it fits
3 to -- in my mind, it may not be one of the top
4 three priorities for this committee. I mean,
5 I think obviously the transition, and
6 hopefully we will be able to figure out the
7 way to interact with the transition team prior
8 to our next meeting, our document and our
9 recommendations on transition. And it may be
10 that that is going to be an iterative process.

11 There will be feedback important to this
12 subcommittee then to work on at the next
13 meeting.

14 So, that seems to me that we
15 actually want the high ones. You know, I
16 would like to see some of the issues, they
17 were big ones, that we put in under LAPPS
18 continue. I mean, how do we actually make
19 these cost effective reasonable things that
20 work?

21 And then in my mind what Vince
22 brought up is in an even broader sense that we

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1 have a lot of things that cost a lot of money
2 but how are we going to pay for them. And are
3 there new ways, maybe there are some creative
4 new ways that have been possible for funding
5 and so on and so forth in partnerships that we
6 might be able to come up with here, too, that
7 could help.

8 But you know, obviously, we want to
9 be sure that as that scaffold is being put
10 here, let me know if this vacancy survives.

11 MR. BILLY: Bob?

12 MR. FLETCHER: Just a
13 clarification. Mark, up on the Recreational
14 Fisheries Working Group, you talk about
15 challenges of applying allowable catch limits.
16 Isn't that annual catch limits? Because you
17 have got it down under strategic planning,
18 annual catch limit rule. Isn't that what it
19 is, ACL?

20 So, shouldn't that logically just
21 be erased from the recreational fisheries
22 working group and covered under that third or

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1 fourth bullet?

2 DR. HOLLIDAY: There is no science
3 behind putting it in one bin versus another.
4 They are talking about the same issue. And
5 there was a particular issue associated with
6 ACL for the recreational sector and the
7 accountability measures associated with them
8 that we thought perhaps that the ad hoc
9 working group might be best suited to address
10 that specific question to the more general
11 policy question about ACLs in general was what
12 was more of a strategic, broader question.

13 So, as we said earlier, a lot of
14 these things cross the jurisdiction, if you
15 will, of different committees. And since
16 there was particular emphasis on that ACL for
17 the sectors and how do we choose appropriate
18 accountability measures. But it could be one
19 versus the other. Again, there is no hard and
20 fast rule.

21 MR. FLETCHER: Yes, and it kind of
22 ties into the MRIP in a way. The better catch

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1 data that you have, the better you will be
2 able to determine when those limits have been
3 reached and you can take appropriate action.

4 DR. HOLLIDAY: Sure.

5 MR. FLETCHER: But it just felt to
6 me like one might be better served by having
7 it all in the same place, the whole issue,
8 even though there was some recreational
9 component that maybe stands out more.

10 DR. HOLLIDAY: Right. And I am
11 having second thoughts about having done this
12 list, because people are paying too much
13 attention to sort of the words and the bins.
14 It was really just an aid to help stimulate
15 some brainstorming as opposed to --

16 MR. FLETCHER: Well, you did it.

17 DR. HOLLIDAY: -- voting on it as, you
18 know, do we want this one or that one. These
19 are just things that are issues that are
20 important to NMFS because we are making
21 decisions on these issues over the next 12
22 months. Some of them have very big policy

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1 implications. Some of them taken together
2 will have some policy implications or
3 precedent or would be better informed by
4 having some guidance from a group like MAFAC,
5 but there is nothing sacred about any of them
6 or which bin they have been placed.

7 So, I know I said it already, but I
8 just don't want to get too caught up in it.
9 It is what you think is important and what you
10 think MAFAC can contribute in providing
11 advice, prioritization, guidance, instruction
12 to NOAA, to the administration, that has to do
13 with budget, that has to do with policy
14 decisions, that has to do with legislation, things
15 that will help the organization fulfill its
16 responsibilities for Living Marine Resource.

17 MR. BILLY: Okay. So, we will keep
18 the first three and move the fourth bullet
19 under Strategic Planning, Budget, and Program
20 Management? Okay? That is summer flounder,
21 but really it is the broader issue.

22 MS. McCARTY: It is the broader

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1 issue.

2 MR. BILLY: Yes. Dual management
3 issues. State-federal.

4 MR. FISHER: State-federal
5 alignment.

6 MR. BILLY: Yes, that is good.
7 Okay. Then let's move on. Strategic
8 Planning, Budget, and Program Management.
9 There seems to be an obvious need to continue
10 that subcommittee.

11 MS. McCARTY: Add LAPPS to that.

12 MR. BILLY: Add LAPPS to that?

13 MS. McCARTY: Take it out of
14 Commerce and put it up there.

15 MR. BILLY: Yes, go ahead.

16 MS. McCARTY: If you are talking
17 about implementation of the Magnuson-Stevens,
18 maybe that is just a subtopic. If you had
19 that whole implementation, it could include a
20 number of things, including LAPPS.

21 MR. GILMORE: Yes, I had from my
22 notes, NEPA, the catch limit and LAPPS.

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1 MS. McCARTY: Bringing NEPA from
2 the last category up into that one. Right?

3 MR. BILLY: Okay. How about this
4 climate services, climate research
5 organization item?

6 MR. GILMORE: We are going to say
7 the same thing. I think we are going to say
8 the same thing.

9 MR. BILLY: Go ahead.

10 MR. GILMORE: Well, I guess my only
11 thought on that is I understand from an
12 organizational chart standpoint within NOAA
13 that this falls neatly in here. And so I
14 think as long as we would be clear in our
15 subcommittee as to what aspect of it we were
16 looking at. But you know, clearly over here
17 would be ecosystem, climate change, ocean
18 situation. I mean, I think that is where --

19 MR. BILLY: Shall we scratch it out
20 here?

21 MS. McCARTY: It seems to be part
22 of the transition planning at NMFS or lower.

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1 And it seems to have a life in that sense in
2 that there may be another, I don't know what
3 you call it, line office or whatever that
4 might be dedicated to that.

5 And, if NMFS NOAA-- we could be
6 doing that, then perhaps it would be useful to
7 have advice from us on that. Just that part
8 of it, not the science.

9 MS. LOWMAN: In sort of how they
10 are integrated into the whole picture.

11 MS. McCARTY: Yes, and how the
12 fisheries might be involved.

13 MS. LOWMAN: Right.

14 MS. McCARTY: How it fits.

15 MR. BILLY: Okay.

16 MS. McCARTY: I'm assuming though.

17 MR. BILLY: Okay, MAFAC advice on
18 how fisheries fits into it. Okay.

19 VICE CHAIR BALSIGER: We make sure
20 we fit into it.

21 MS. LOWMAN: We make sure you do.
22 We should have.

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1 VICE CHAIR BALSIGER: We want to be
2 their number one client.

3 MS. LOWMAN: Yes, that is right.

4 MR. BILLY: Okay. How about the
5 next item under it, the performance metrics
6 and sub-bullets?

7 DR. HOLLIDAY: Well, I think I
8 heard someone they are not clear what it
9 meant. But the program management aspect of
10 this subcommittee is looking at the
11 performance of programs over time. And this
12 was getting to how do we measure the program
13 accountability of things like habitat
14 conservation. I mean, for the things that we
15 do in fisheries management, there are metrics
16 that we use in annual performance, you know,
17 Government Performance Results Act. But for
18 some of these other issues in program
19 management, how do we know if they are
20 successful and is their advice about improving
21 or increasing programs when we don't have good
22 metrics for them. So, is there something that

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1 MAFAC wanted to say about performance
2 management or program management of things
3 having to do with these non-sustainable
4 fisheries office-type programs. So, there are
5 questions that are important to us, as we are
6 being asked to look at the accountability and
7 performance of our programs. Is it something
8 that MAFAC is interested in weighing in on?
9 If not, that is fine. If so, that is fine,
10 too.

11 You had a question?

12 MR. REISNER: Yes, on this
13 performance metrics, I have to tell you that
14 in terms of the budget and justifications for
15 either changes or increases in our funding,
16 they are critical. And to the degree that you
17 guys look at them and decide these don't make
18 sense or they could be better or they are
19 fine, it would be helpful.

20 MR. BILLY: Your druthers.
21 Something we should keep on the list?

22 MR. GILMORE: We have out-year

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1 programming budgeting that we can kind of roll
2 those all in with the performance metrics.

3 MR. BILLY: All right. The
4 Commerce Subcommittee?

5 We have heard endorsements for the
6 Seafood Safety and Quality, the ongoing
7 effort. Continue to be involved in
8 aquaculture, at least in the form of updates,
9 eco-labeling. The fishery disasters, I think
10 we might have a better sense of that, after
11 the discussions in the next couple of days.
12 Seeing, particularly from a national
13 perspective, there is gaps or, you know,
14 recommendations you want to make in terms of
15 how that is handled or is being handled.

16 So, I would say it is okay to keep
17 it on the list but it is not one of the top
18 priorities at this point. We have moved
19 LAPPS.

20 Illegal, unregulated, and
21 unreported fishing-- there is a particular
22 part of that that relates to the European

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1 Commission and some requirements that they are
2 imposing, which could affect Commerce. But I
3 don't know if anyone wants to speak to that,
4 if that is broad enough to include -- I think
5 it is being addressed by the Agency. So, I --
6 scratch that one for now?

7 MR. BILLY: Okay. Management of
8 highly migratory species. I just find that
9 idea of the problems challenging. And I am
10 not sure what this committee could do, but
11 maybe it is a future topic where we could get
12 a more detailed briefing on.

13 MR. FISHER: Why is it not working
14 now?

15 MR. BILLY: Why and why. Put our
16 selves in a stronger position to consider what
17 the real issues are and decide whether we are
18 in a position to make recommendations, and
19 what they might be.

20 Okay? All right. Next
21 subcommittee, Protected Resources
22 Subcommittee. Should the Marine Mammal Act be

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1 included under that?

2 MS. McCARTY: Yes.

3 MR. BILLY: Okay. And then how to
4 deal with recovered species?

5 MR. FLETCHER: Maybe those
6 populations of marine mammals should --

7 MR. BILLY: Yes, all of those cover
8 words.

9 MR. SIMPSON: We are, Mr.
10 Chairman, looking at a good thing and that is
11 how do you take something off of an endangered
12 species list? We are approaching a good
13 milestone. And how do we do that? All we
14 have ever done is make a list. I think grey
15 whales.

16 VICE CHAIR BALSIGER: And the
17 Caribbean monk seals.

18 MR. SIMPSON: But I mean, those are
19 the --

20 MR. FLETCHER: Don't think cars
21 wouldn't kill them.

22 MR. JONER: Twenty-five were killed,

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1 and that was a problem in whales.

2 MR. JONER: I mean, there is
3 another law coming in. It was de-listed, and
4 then the court said "Well, wait a minute. You
5 have got the Marine Mammal Protection Act that
6 supersedes your treaty." That is just kind of
7 the first time we heard that. So, now it is
8 back in Jim's lap. Not the LAP here but --

9 MR. SIMPSON: Unusual
10 circumstances.

11 MR. CATES: In Hawaii we have this
12 issue for years and years and years, where
13 there is an overabundance of turtles creating
14 many other problems, like a significant
15 increase in shark attacks. It is their main
16 source of food. All of a sudden, we have a
17 little problem in Hawaii right now. A lot of
18 people eat them, where we once didn't have
19 that.

20 MR. DiLERNIA: Who is eating them?

21 MR. CATES: Tigers. I mean, my own
22 back yard, I haven't seen a tiger in my entire

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1 life in this bay. And you can't go there
2 without seeing them now.

3 MR. DiLERNIA: Because they are
4 eating turtles?

5 MR. CATES: Oh, yes, it is their
6 main diet.

7 MS. FOY: So they are hanging out
8 where the turtles are.

9 MR. CATES: So that is why an
10 ecosystem-based approach, you can create other
11 problems by protecting one species, and it
12 becomes overabundant.

13 MS. FOY: So what I think I am
14 hearing, Mr. Chairman, is we need to talk
15 about some de-listing standards and some
16 protocol to help NOAA go through that process.

17 Larry is right. This is a good thing. And I
18 think that --

19 MR. JONER: You want to de-listing
20 into management of these things. Because that
21 is going to be the big challenge. You can get
22 it de-listed, but it is still there.

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1 MR. BILLY: Okay. We have got a
2 lot of items on this list. Are there two or
3 three that are the most important?

4 MS. LOWMAN: I mean, I like
5 Heather's idea about the larger issues, the
6 issues related to the ESA and the
7 authorization of those, and this issue of de-
8 listing and covering in management. And then
9 these are all sort of examples that all relate
10 to that, and they can be kept on there sort of
11 under these umbrellas.

12 MR. JONER: They could be sub-
13 bullets.

14 MS. LOWMAN: Yes, because they are
15 sort of regional aspects and examples.

16 MR. BILLY: It sounds like a good
17 way to approach that. Comments? Okay.

18 And then finally, the ecosystems
19 approach subcommittee. Beyond the, we have
20 struck out the NEPA, discovered previously.
21 And we have got climate change. This idea of
22 acidification issue. Commercial-recreational

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1 conflicts. At least that is what I wrote as I
2 heard it. The state-federal jurisdiction,
3 although I think that is now covered under Jim
4 Gilmore.

5 MR. DiLERNIA: Yes, Jim.

6 MR. BILLY: That's good. No?

7 MR. GILMORE: I heard he was a
8 crappy chair anyway.

9 MR. BILLY: And this idea of ocean
10 zoning, which is a big idea. And wasn't there
11 a recent issue about the declaration of
12 monuments?

13 MR. SIMPSON: Yes.

14 MR. BILLY: Is that ocean zoning?
15 Anyway, that broad issue, however, ought to be
16 kept on the list, I think, at least. Yes,
17 Tom?

18 MR. WALLACE: Well, I think if you
19 do that, you have to look at number one,
20 number two, number three and number four
21 there, are really basically subtopics of that.
22 So, you could actually cut the list down.

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1 MR. BILLY: Okay. Okay, yes,
2 Vince? Oh, sorry.

3 MR. O'SHEA: Thanks. On the
4 commercial-recreational, it is not clear to me
5 why that ends up in the ecosystem thing. It
6 seems to me that it is either going to be
7 whose dollars are bigger than the other
8 dollars or it is going to be part of a broader
9 strategic policy issue for the Agency.

10 So, I think that might be one to
11 move, Mr. Chairman. I think it would fit
12 either under Commerce or the Strategic Policy.

13 MR. BILLY: I feel obligated.

14 All right. And then, -- oh, Patty.
15 Sorry.

16 MS. DOERR: Since Steven and I-- we
17 operate reauthorization down there, how about
18 a discussion about authorization of the
19 Sanctuaries Act? There is potential that they
20 might tinker with how they manage fisheries
21 within the sanctuaries.

22 MR. BILLY: Okay. Yes?

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1 MS. FOY: Tom, I don't know if I am
2 speaking out of context here, but I really
3 think we ought to move the ocean acidification
4 into a full discussion, briefing and
5 discussion. I think that is going to be a
6 monster issue.

7 MR. BILLY: Maybe start out with a
8 full briefing by appropriate people at our
9 next meeting.

10 MS. FOY: Dr. Feeley, yes.

11 MR. BILLY: Okay.

12 MS. FOY: And then move to a
13 subcommittee, if it is necessary.

14 MR. BILLY: Sounds all right to me.
15 Okay. All right, good.

16 Okay, any other thoughts on this?
17 I think we have got a good working list. I
18 appreciate all of your input. Thank you.

19 I think we have pretty well covered
20 the agenda for today.

21 MR. DiLERNIA: Are we on time?

22 MR. BILLY: We're early.

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1 MR. DiLERNIA: Ahead of time.

2 MR. BILLY: As I promised.

3 VICE CHAIR BALSIGER: Well let's
4 see, we were going to get more explicit or
5 repeat the directions to the event. So maybe
6 we can do that.

7 MR. SIMPSON: Out the front door.
8 Turn right. Iberville all the way, five
9 blocks.

10 MR. BILLY: Which way do you turn
11 on Iberville?

12 MR. SIMPSON: You turn left.

13 MR. BILLY: Left on Iberville.

14 MR. SIMPSON: Right on the river.
15 Aquarium of Americas 6:00. Bring your name
16 tag. Something happened to the first page,
17 Jim, and yours didn't get, Ginny didn't bring
18 yours. So somebody needs to know who you are.

19 MR. BILLY: We'll get you in.

20 MR. SIMPSON: I'm just repeating
21 what she said.

22 VICE CHAIR BALSIGER: If I can't

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1 get in, I'm going to go to a blues band
2 someplace.

3 MR. BILLY: Just see Mark. Tell
4 Mark what you would like to do.

5 So they are going to come to you if
6 they want to be on one or more of the
7 subcommittees.

8 MR. SIMPSON: If anybody wants
9 extra of these things, come get them.

10 MR. DiLERNIA: Are those the
11 directions to the aquarium?

12 MR. BILLY: Turn the machine off.
13 (Whereupon, the above-entitled matter went off
14 the record at 4:36 p.m., to
15 reconvene Thursday, November 13,
16 2008 at 8:30 a.m.)

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