

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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MARINE FISHERIES ADVISORY COMMITTEE

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Tuesday, July 1, 2008

The Marine Fisheries Advisory Committee met in the Herald Square Room in the Radisson Martinique Hotel, 49 West 32nd Street, New York City, New York, at 9:00 a.m., James Balsiger, Acting Assistant Administrator for Fisheries, presiding.

MEMBERS PRESENT:

JAMES BALSIGER, Vice Chair
ANTHONY DILERNIA, MAFAC Liaison
TOM BILLY
RANDY CATES
JOHN CONNELLY
BILL DEWEY
CHRIS DORSETT
ROBERT FLETCHER
JOHN FORSTER
CATHERINE FOY
JIM GILMORE
STEVE JONER
DOROTHY LOWMAN
HEATHER McCARTY
MARY BETH TOOLEY
TOM RAFTICAN
KEN ROBERTS
ERIC SCHWAAB

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CONSULTANTS:

RANDY FISHER, PSMFC
VINCE O'SHEA, ASMFC
LARRY SIMPSON, GSMFC

DESIGNATED FEDERAL OFFICER:

MARK HOLLIDAY, Director, Office of Policy

OTHERS PRESENT:

GORDON COLVIN
TOPHER HOLMES
MICHAEL KELLY
ELAINE RAYBURN
RACHEL RAYBURN
ALAN RISENHOOVER
MICHAEL RUBINO
KITTY SIMONDS

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

2 (9:30 a.m.)

3 WELCOME

4 MR. DiLERNIA: Well, good morning,
5 everyone, and welcome to New York.

6 I'd like to open the meeting by
7 turning it over to our assistant
8 administrator, Mr. Balsiger.

9 Jim, it's yours.

10 DR. BALSIGER: Thank you, Tony.

11 Good morning. Thank you for
12 showing up exactly on time.

13 It is my pleasure to welcome you to
14 New York City for MAFAC's first meeting in
15 2008.

16 This is my first time to New York
17 City. I've been through the airport a number
18 of times. So I probably am not a very good
19 host. Nonetheless, welcome to our meeting
20 here.

21 Fortunately, we have the best host

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1 in the world beside me, so you won't notice
2 that I am not.

3 As we celebrate the independence of
4 our great country this week on July 4th, it's
5 fitting that a group of distinguished,
6 dedicated and spirited experts should assemble
7 here in New York, just as our founding fathers
8 did more than two centuries ago, providing
9 advice and policies to help govern the
10 republic.

11 It's been over 230 years now. Our
12 nation's fisheries and resources continue to
13 be of vital national interest. They provide
14 commerce, recreation and food.

15 As we strive to understand how fish
16 and their habitat contribute to modern-day
17 healthy ecosystems, it's worth reflecting for
18 a minute that Native Americans were thriving
19 on these very shores in ecologically
20 sustainable cultures depending on fisheries
21 long before Europeans arrived on the scene.

22 So it makes our little 37 years

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1 kind of a blip in all of that big history. So
2 reflecting on that for just a second, it is
3 interesting.

4 This year does mark MAFAC's 37th
5 birthday. This committee has advised the
6 commerce secretaries of many administrations
7 now.

8 With the elections this fall,
9 another new administration will be in place.
10 This means there will be new leadership in the
11 department, new leadership in NOAA, and new
12 leadership in NIMFS.

13 The composition of the Congress
14 will be different.

15 In addition the terms expire for
16 eight current MAFAC members this October.
17 When you combine that with the existing
18 vacancies, almost half of the voting
19 membership of MAFAC could be turning over.

20 So while the next 12 to 18 months
21 will be a period of significant change and
22 tradition, at all levels in this country, it

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1 is really important that we have some - that
2 MAFAC can help us maintain some continuity as
3 an institution, and remain solid and steady in
4 this role as an advisory group to the
5 secretary on issues of policy and priority,
6 particularly for the management of the
7 nation's living marine resources.

8 So I'm actually between paragraphs
9 here and will say that I think it is going to
10 be a time of interesting turmoil. Turmoil
11 isn't always bad, I guess, if you change from
12 something that is not a good situation to
13 start with.

14 There's going to be lots of balls
15 in the air, and the idea that this MAFAC
16 group, which is 37 years now, has been used in
17 different ways. But I think until Bill
18 Hogarth started actually paying attention to
19 MAFAC again, I think there was a period of
20 time when MAFAC's role wasn't really clear.
21 But it is now. It's important to us, to the
22 Fisheries Service, that we keep on top of

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1 things.

2 So that will bring us to this
3 week's agenda. The next three days we are
4 going to address and discuss some relevant and
5 pressing issues, facing NOAA and the country.

6 I look forward to the discussions
7 on seafood safety, quality, equal labeling.
8 There's a flurry of emails this morning again
9 on ecolabeling; climate change; and then what
10 I refer to as turmoil, basically just the
11 transition priorities.

12 So with your recent accomplishments
13 which resulted in a good paper on aquaculture,
14 the vision document that MAFAC put together,
15 MAFAC continues to demonstrate its value to
16 the department and to the nation.

17 Your results have piqued the
18 interest of many, and the participation of
19 deputy undersecretary for NOAA, which is Mary
20 Glackin, and the Office of Management and
21 Budget Examiner Stuart Levenbach who will be
22 here later this week, is a pretty strong

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1 indication that NOAA - this is above NMFS now
2 - and OMB find this body important.

3 And Mary Glackin is the senior
4 career person in NOAA right now. She is very
5 busy. She's traveled a little bit. But she
6 has been careful about who she goes to see
7 because she doesn't have that much time.

8 She is coming here. She will spend
9 almost two full days - I was going to say well
10 over a day, but it's two full days - to find
11 out what this group thinks is important about
12 managing fisheries. So that's a big sign.

13 This group is important. I'm
14 pleased to be here at this particular meeting.

15 So I'm looking forward to working with you
16 this week. Together I think we will make a
17 difference, if we hang on to the transition
18 document, look at some details, and go
19 forward.

20 So I appreciate the help that this
21 group has provided, and thanks for showing up.

22 That's my welcome, and thanks very

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1 much to you for the stuff you have done
2 already. Last night's dinner was delightful.

3 MR. DiLERNIA: Thank you. LuAnn and
4 I enjoy having visitors from out of town
5 coming here. We enjoy showing off our city.
6 So thank you very much.

7 Some housekeeping items, as far as
8 our meeting for the next couple of days. We
9 will be meeting in this room. There will be -
10 hospitality will be - later on today at 4:00
11 o'clock before the 5:00 in the board room,
12 which is right next door. So from 4:00 to
13 5:00, if anyone needs dinner reservations for
14 the next few nights, please see LuAnn or
15 myself. We have a number of reservations made
16 around town, and will very gladly - whatever
17 is not taken from us by 5:30 p.m. we will call
18 the restaurants and cancel those reservations.

19 So if anyone needs reservations please see
20 us. If you need any recommendations, to where
21 to go, what to have, meal wise.

22 There is a spouse's activity this

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1 afternoon, or actually about 11:30 this
2 morning, to the Morgan Library. I don't know
3 - I haven't heard back from anyone regarding
4 if their significant others or whatever plan
5 on going to that today while we are working.

6 If someone has a member of their
7 family or friends or whatever that wants to
8 join in that activity, could I please ask you
9 at this time to take down my - LuAnn's cell
10 phone number, and have that person just call
11 LuAnn direct. This way LuAnn knows if she is
12 waiting in the lobby for people, or if no one
13 is going to show up. Because we haven't heard
14 from anyone yet. And LuAnn's cell phone
15 number is 917-691-xxxx. 917-691-xxxx.

16 So if you have someone that is
17 going to - plans on joining in on that, it's
18 basically comped. The Morgan Library is a
19 very nice - it's the old J.P. Morgan estate.
20 This used to be, the section of town, used to
21 be the country at one point, this far uptown,
22 because everything above Wall Street was like

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1 the country.

2 So and that was on the East side
3 close to the East River. So it was the Morgan
4 Estate, and the Morgan Library is there, and
5 it's a very unique place. And the director
6 has agreed to give us a personal tour of the
7 library. And lunch is in the member's dining
8 room.

9 So if anyone wants to do that, have
10 them talk to LuAnn this afternoon.

11 Tomorrow is another activity and
12 that is the American Museum of Natural
13 History. And we are being hosted, MAFAC is
14 being hosted, by the American Museum of
15 Natural History. So if members, we'll be
16 working, but if family members, spouses,
17 wives, children, want to go to that activity,
18 again, call LuAnn, and I think they are going
19 to leave the lobby here around 12:00 noon and
20 take the subway uptown and go to the museum.

21 In both cases hospitality will
22 begin around 4:00 o'clock each day. We will

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1 not have a hospitality unit Thursday. I will
2 not be with you on Thursday. Thursday you
3 will excuse me, but I have to be getting ready
4 for Friday.

5 DR. BALSIGER: You're only having
6 400 people, aren't you?

7 MR. DiLERNIA: Yes, we actually
8 broke 300 last night. So we're north of 300;
9 we're approaching four. So.

10 The forecast is for possibility of
11 thunderstorms in the afternoon. That is the
12 standard afternoon July forecast for New York
13 City. If it does rain it'll be a short rain,
14 10 to 15 minute downpour, and then it'll go
15 away.

16 Not to worry because there are
17 places, even though it's an open pier, on
18 Friday, there are places to take shelter, and
19 you can actually, even if it's raining hard,
20 you can watch the fireworks, because this
21 parking garage pier that we are on has huge
22 open areas with overhangs that you can hide

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1 under.

2 So you could be very comfortable
3 there and still see the fireworks.

4 I will pass out passes tomorrow
5 that you will need, and I will give you more
6 information about the fireworks on Friday.

7 Let's see, what have I missed?
8 That's really about it. Anybody going to the
9 theater tonight, keep in mind the curtain is
10 at 7:00 on Tuesday's rather than 8:00 o'clock.

11 So you should be at your dinner tables by
12 around 5:00, or quarter after 5:00 at the
13 latest.

14 Any questions for me?

15 More housekeeping chores?

16 DR. HOLLIDAY: Well, just for those
17 who don't know, if you need restrooms, go out
18 the door and then to the right, located on
19 this floor a couple of yards away.

20 We wanted to do a roll call early
21 this morning so that Chad, who is our
22 transcriber, those who were at the same

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1 meeting will remember our court reporter, and
2 he can help - we will do a little bit of a
3 sound check as we go around.

4 Introduce yourself and your
5 affiliation as we go around the table.

6 MR. DiLERNIA: I'll start off, we'll
7 go around this way?

8 DR. HOLLIDAY: That's fine.

9 MR. DiLERNIA: Tony DiLernia,
10 committee liaison, MAFAC, New York.

11 DR. BALSIGER: Jim Balsiger,
12 assistant administrator, NOAA, NMFS.

13 DR. HOLLIDAY: Mark Holliday,
14 Fishery Service, Office of Policy, executive
15 director of MAFAC.

16 MR. GILMORE: Jim Gilmore with the
17 At-Sea Processors Association.

18 MS. LOWMAN: Dorothy Lowman,
19 fisheries consultant.

20 MS. FOY: Catherine Foy, Aleutians
21 East Borough, Alaska.

22 MR. CATES: Randy Cates, commercial

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1 aquaculture.

2 MS. TOOLEY: Mary Beth Tooley, small
3 pelagics.

4 MR. RAFTICAN: Tom Raftican, United
5 Anglers, United Anglers of Southern
6 California.

7 MR. DEWEY: Good morning, Bill
8 Dewey, Taylor Shell Fish Company from
9 Washington State.

10 MR. FORSTER: John Forster,
11 aquaculture, consulting.

12 MR. FISHER: Randy Fisher, Pacific
13 States Marine Fisheries Commission.

14 MR. CONNELLY: John Connelly, NFI.

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

17 MR. SCHWAAB: Eric Schwaab, Maryland
18 Department of National Resources.

19 MR. O'SHEA: Vince O'Shea, Atlantic
20 States Marine Fisheries Commission.

21 MR. JONER: Steve Joner, Makah
22 Tribe.

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1 MR. FLETCHER: Bob Fletcher, Sport
2 Fishing Association of California.

3 MR. BILLY: Tom Billy, president of
4 International Food Safety Consulting.

5 MR. SIMPSON: Larry Simpson, Gulf
6 States Marine Fisheries Commission.

7 MR. ROBERTS: Ken Roberts, retired.
8 (Laughter)

9 MS. McCARTY: Heather McCarty, a
10 fisheries consultant in Alaska.

11 MRS. RAYBURN: Elaine Rayburn,
12 retired.

13 (Laughter)

14 DR. HOLLIDAY: Great, and I just
15 wanted to emphasize to people, we couldn't
16 come up with a U-shaped table - we will get to
17 our guests in a minute - but please try to
18 remember to speak up because there is a really
19 long and narrow table, and some people are
20 very soft spoken, and others have booming
21 voices. But we need everybody to be heard.
22 Just a friendly reminder during the day, and I

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1 will continue to mention this as we go through
2 the next couple of days.

3 Are there other invited guests and
4 speakers in the audience?

5 MR. RISENHOOVER: Alan Risenhoover,
6 Director of Sustainable Fisheries.

7 MR. KELLY: Michael Kelly, Office of
8 Sustainable Fisheries, partnerships and
9 communications.

10 MS. RAYBURN: Rachel Rayburn.

11 DR. HOLLIDAY: And I have a staff
12 person whose name is Topher, as in Chris-
13 Topher Holmes. He is out trying to get our PC
14 laptop fixed. It worked fine before we left
15 D.C., and it doesn't work now. So we are
16 scrambling to get that fixed.

17 But if you need anything with
18 respect to the hotel, Xeroxing done, you want
19 to send a fax, receive a fax, anything having
20 to do with the logistics of the meeting, catch
21 up with Topher and he will be our right-hand
22 man for the next three days to take care of

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1 any of your needs.

2 So in terms of housekeeping, I just
3 wanted to make sure we had those
4 introductions.

5 I thought we'd spend a few moments
6 going over the agenda making sure that we sort
7 of have the lay of the land for the next
8 couple of days, and answer any questions and
9 anything that you wanted, to make sure that we
10 covered that wasn't on the agenda that we can
11 try to find some time for.

12 Tony, is that -

13 MR. DiLERNIA: That's fine.

14 DR. HOLLIDAY: Jim, is that a
15 reasonable thing to do?

16 DR. BALSIGER: Yes.

17 REVIEW OF AGENDA

18 MR. DiLERNIA: Behind Tab A in your
19 briefing books is the agenda for the next
20 three days. We are in the first part of our
21 agenda today is our opening remarks and
22 introductions and agenda review.

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1 In a few minutes we will be turning
2 our attentions to Ralph. We will have a
3 break.

4 We will have a discussion at 10:30
5 this morning regarding the election of the new
6 committee liaison or chairman of the appointed
7 members, whatever you'd care to call that
8 individual.

9 We will then turn to our working
10 group regarding the charter, Tom Raftican's
11 working group.

12 We will have lunch, break for
13 lunch, a 90-minute break for lunch, which is
14 plenty of time for lunch, whether you use the
15 restaurant here or whether you use some of the
16 local places.

17 I will discuss them as we get
18 closer or just before the break for lunch,
19 some suggestions for meals.

20 And then after lunch we have
21 subcommittee working groups. The strategic
22 planning subcommittee; the commerce

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1 subcommittee; and the rec fish subcommittee.

2 And we scheduled to, again, 4:00
3 o'clock, hospitality, room next door.

4 Mark.

5 DR. HOLLIDAY: Yes, just in terms of
6 where these groups are meeting, the commerce
7 committee, subcommittee, will stay in this
8 room, the Harold Square room, and meet in
9 here. And the rec fish committee meeting,
10 which starts at 3:15, will also take place in
11 the Harold Square room.

12 The strategic planning
13 subcommittee, we've got an adjacent room
14 called PC Board Room, politically correct.

15 MR. DiLERNIA: It's right at the end
16 of the hall there.

17 DR. HOLLIDAY: You go out these
18 doors, facing these doors, go to the left,
19 just past the elevator. It's actually a very
20 nice room.

21 MR. DiLERNIA: And that's where our
22 hospitality will also be at 4:00 o'clock.

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1 DR. HOLLIDAY: So they'll meet there
2 from 1:30 to 3:00.

3 The commerce committee will meet in
4 this room from 1:30 to 3:00. And then the rec
5 fish group, and if you are not part of any one
6 of these committees, just pick one that you
7 would like to participate in and we'll come
8 together again at 4:00 o'clock for hospitality
9 in the PC Board Room.

10 Any questions or confusions about
11 day one so far?

12 Thank you. Day two.

13 MR. DiLERNIA: Day two, we have, we
14 assemble again at 9:00 o'clock. There is an
15 aquaculture briefing. There is Magnusson-
16 Stevens briefing. Short break. We have our
17 international briefing. Legislative update,
18 do we know who is doing that yet?

19 We'll break for lunch. We will
20 then talk about the rollout of 2020. We will
21 take the report from the strategic planning
22 group. A short break. And Sam will be here

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1 to talk about sanctuaries.

2 And again we will break around 4:30
3 or so, 4:00, 4:30, and hospitality will be in
4 the room next door.

5 Questions?

6 DR. BALSIGER: We only get 60
7 minutes for lunch. Is that enough?

8 MR. GILMORE: Yes, 60 minutes - I
9 mean there is a place right across the street
10 here, right on the corner, that is just fine.

11 DR. HOLLIDAY: The first day we gave
12 90 minutes for the learning curve. Tomorrow
13 you will have it scoped out.

14 MR. DiLERNIA: Go easy on the hot
15 dogs; that's what we are going to feed you all
16 day on Friday, hot dogs.

17 (Laughter)

18 MR. DiLERNIA: On Thursday when I'm
19 not here Mary Glackin will be, not by design.

20 We have seafood safety, Thursday morning
21 also. There is another break for lunch, and
22 then we come back for climate change,

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1 ecolabeling. There has been a lot regarding
2 ecolabeling. I've seen a lot of Internet
3 traffic, a lot of discussions. I've heard as
4 chairman of committee liaison I have been
5 contacted by a number of people regarding the
6 ecolabeling issue over the past month or so.
7 So I'm very happy to include that on the
8 agenda, and I wish I could be here for that
9 part of the meeting. I may have to slip away
10 for a little bit, because it looks like it is
11 going to become hotter and hotter as time goes
12 on.

13 And break, and then I guess we will
14 come back and decide where we want to meet the
15 next meeting or two.

16 DR. HOLLIDAY: Can I mention just a
17 couple of points?

18 MR. DiLERNIA: Yes, Mark, please.

19 DR. HOLLIDAY: On Thursday's agenda
20 item, Mary is going to be here, she is coming
21 in late today, and she will be here all day
22 tomorrow and Thursday through lunch.

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1 She asked to have dinner with MAFAC
2 members on Wednesday night, and part of that
3 is, she had some prepared remarks, but she
4 wants to be able to have some, at least a
5 brief dialogue, with questions and answers
6 with you on Thursday morning. And so be
7 thinking about issues that you would like to
8 bring up to the deputy undersecretary, and
9 topics that you might want her to cover in her
10 remarks or if you are really interested in
11 bending her ear, we are trying to organize a
12 small number of people to go out to dinner
13 with her on Wednesday night, and if you would
14 like to do that, come see me and we will try
15 to make those arrangements.

16 We respect to ecolabeling, just so
17 you are not surprised, we've put material in
18 the briefing book as well as on the website,
19 background material. And one of those items
20 is a proposal from Kitty Simonds representing
21 a proposed ecolabeling approach for industry
22 self-certification.

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1 And Kitty is scheduled to be here
2 as a member of the public attending the MAFAC
3 meeting, and in terms of the mechanics and the
4 logistics of how we deal with the public, this
5 is - a MAFAC is open to anybody and all people
6 who are free to come. The amount of time that
7 you grant to visitors to deal with issues is
8 up to you. I would just expect us to extend
9 courtesies to members of the public who wish
10 to be heard, but we have no obligation to take
11 any formal action or informal action on any
12 proposal. We are not required to do that.
13 It's at your discretion.

14 So know that there is a proposal
15 that she has put forward, will be putting
16 forward. But as Tony and Jim have said,
17 ecolabeling is a pretty hot topic, and I think
18 one of the expectations from my standpoint of
19 this meeting is that the committee will come
20 out with some sort of perspective or advice or
21 at least some findings about the role of the
22 National Marine Fisheries Service, and NOAA in

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1 general, in participating, validating, or
2 issuing - I mean it's the entire spectrum -
3 but some guidance from your perspective on
4 what the future holds for us with respect to
5 ecolabeling.

6 So I wanted to just highlight that,
7 and know that there will be probably some
8 additional members of the public for those
9 meetings on ecolabeling in particular.

10 We will have, at your request,
11 changing gears slightly, for the seafood
12 safety and quality agenda item on Thursday, we
13 have invited Don Kraemer from FDA to join us.

14 So he will be here. He has some remarks
15 prepared about the role of FDA and the MOU
16 between the - the pending memorandum of
17 understanding between Fisheries Service and
18 FDA, talk about recent legislative changes
19 that have come on the table with respect to
20 inspection.

21 So again following up from our
22 December meeting on this topic and your

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1 request to have a more thorough discussion
2 with members of FDA present, Don is going to
3 be here with Tim Hansen from our seafood
4 inspection program, and lead us through that
5 discussion on Thursday.

6 So I just wanted to fill in some of
7 the details.

8 The briefing book, I sent it in an
9 email last Friday. But we have everything
10 that is on the website that is less than 10
11 pages in your briefing book. There's a couple
12 of topics that had reference documents or FAO
13 reports that were 80-something pages. Those
14 are on the websites. We didn't waste our
15 trees on printing them out for the briefing
16 book figuring you wouldn't probably be reading
17 them here. But you can always go back to the
18 website and use them as references.

19 For most of the major topics on the
20 agenda, continuing this pattern we started in
21 December, there is an annotated agenda. It's
22 a one-page summary of the topic, why we are

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1 discussing it, are we looking for a particular
2 action, or just discussion?

3 There are some trigger questions,
4 so if you are looking for some guidance, "what
5 in this 1-1/2 inch book should I be looking at
6 if I haven't had a chance to go through it
7 yet," is try to find those annotated agendas,
8 and that will set up a topic for you, and take
9 a look at those, because I think that kind of
10 reduces the topics to the salient issues and
11 points that we are trying to get the committee
12 to focus on.

13 So we have the hard copy briefing
14 book. It's on the web as well. And any
15 questions or comments about what we provide to
16 you, or what you would like to see, or you
17 don't want to see, give us some feedback.
18 Because we prepared these for your use. And
19 if you are not finding them helpful and there
20 are other things we could do for you, please
21 let us know, we will do our best to make that
22 happen.

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1 Thanks, Tony.

2 MR. DiLERNIA: Jim, anything?

3 DR. BALSIGER: Nope.

4 RALPH RAYBURN TRIBUTE

5 MR. DiLERNIA: I'd like to now turn
6 to a topic that I wish I didn't have to do. I
7 first met Ralph when I was assigned to the
8 committee. Ralph and I came onto the
9 committee at the same time, I guess in 2002,
10 2003.

11 And I joke all along, all the time,
12 I say Texas meets Brooklyn. I said, hey,
13 how's it going? He goes, howdy. And I said,
14 we're going to have get someone to translate
15 between the two of us.

16 And over the few short years that I
17 knew Ralph, he became a very dear and close
18 friend. You all will join at the party on
19 Friday, the 4th of July barbecue, and there
20 will be lots of shrimp that will be there.
21 And that was Ralph's contribution. Ralph came
22 up to me one year and said, you know you have

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1 this great big old party. We have this Texas
2 Shrimp Association. I'm sure we could get a
3 couple of pounds of shrimp up to you.

4 Well, with Ralph Rayburn, a couple
5 of pounds was 200 pounds of shrimp, and what
6 happened was, after that one party where Ralph
7 feed everyone shrimp, we went from 150 people
8 to 350 people. So I mean the fact that we
9 just - this party exploded I guess was really
10 Ralph's fault or responsibility or
11 contribution, I'm not sure which.

12 I know that he touched everyone's
13 life, lives of everyone sitting around the
14 table here was touched by Ralph and his
15 contributions and he was always so positive.
16 Always so up. He could find the good in the
17 biggest puddle of mud, whatever it was, he
18 could find the good in it all the time. He
19 was always positive and upbeat and the hardest
20 worker. The hardest, hardest worker.

21 I often said that Ralph should have
22 been the committee liaison and chairman rather

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1 than I, and he kept saying, no, no, no. But I
2 just know that whenever we needed to get
3 something done, it fell on Ralph. I mean
4 Ralph would be volunteered. He'd be up front
5 there for most of the - most of the work and
6 big projects, Ralph would be up front.

7 The design of 2020, the format of
8 2020, is a contribution of Ralph's. He'd be
9 on the phone all the time we'd be talking
10 about things. And I miss him, and I know you
11 all do too.

12 One real quick story, and Elaine,
13 we have for you a number of the members had
14 memories and thoughts about Ralph that they
15 thought that they would like to express to
16 you. So what's happened is, everyone put
17 their thoughts together into a booklet, and
18 I'll pass this one around for the members to
19 see. This is the finished product. What this
20 is, this is from the committee, just their
21 thoughts and their memories of Ralph that they
22 wanted to express to you.

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1 I have a couple of stories in
2 there. I mean some you may or may not know,
3 that when we were met in Juneau, the Rayburn
4 family - our families stayed together, and we
5 stayed back a day or two after the committee
6 left. We stayed to tour Juneau, and while we
7 were there, the town caught fire. And when I
8 say the town caught fire, that town caught
9 fire. We were - it was - Juneau is a big
10 mountain, a few piers, and the ocean. And so
11 we were on these piers, I mean, come on, it's
12 not New York. (Laughter) It ain't New York.

13 And the whole street caught fire.
14 And we were - there was no wind, and so the
15 place was just - the town was filling with
16 smoke, and the cruise ships left early. The
17 smoke was trapped up against the mountain; it
18 was coming down. And we were all standing out
19 in the middle of the street saying, what are
20 we going to do? And we were all getting
21 directed to shelters, actually public shelters
22 as the place was burning.

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1 Our hotel was on the other side of
2 where you weren't allowed to go, and all of
3 our personal belongings were in there.

4 So I didn't know what to do. So
5 Ralph looks at me and he says, well, he goes,
6 I got a car in the parking lot of the hotel.
7 And I said, how are we going to get there? He
8 says, nah, we'll go around.

9 So you could go up the street,
10 which you couldn't do, because the police had
11 that road blocked off. You could climb this
12 mountain, come around the other side, which
13 Ralph decided we could do in the next few
14 minutes.

15 Ralph was mean going up this
16 mountain, but we did it, we came down. And
17 there is a fireman running in and out of the
18 hotel, and lights going on, and here comes
19 Ralph and I strolling into hotel.

20 And there are like looking, and
21 they say, where did you two come from? And we
22 say, we came to get our stuff. I asked the

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1 fire marshal, what should we do? And he says,
2 my mother lives in Seattle, and she's on the
3 next plane out of here to get out of town. I
4 said that's good enough.

5 And we threw our luggage and
6 everything - we didn't take the elevators, but
7 we ran upstairs, threw our luggage in the
8 elevators, and pushed the button, sent it
9 down, loaded everything on top of the car. We
10 looked like hillbillies with stuff tied on top
11 of the cars, in the back seat and on the
12 fenders and all, and off we drive to the other
13 side of the police line and shelter.

14 What do you say about a guy that -
15 he just ran into a fire with me to get our
16 possessions, my family's stuff. He was a very
17 special person.

18 And so I don't know what to say,
19 other than we are going to miss him
20 tremendously. I know you do. Our lives were
21 all richer for his presence, for his gift to
22 us.

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1 When Jesus walked the face of the
2 earth, he did it in the company of fishermen.

3 And he talked them, and he worked with them
4 and he lived with them. And that's what Ralph
5 did. He did God's work as a sea grant agent.

6 He walked with them, he taught fishermen, he
7 helped fishermen.

8 And so I know what he has done. He
9 has gone ahead to make a spot for us, and
10 hopefully when I show up, hopefully I show up
11 where he is, he'll be standing at the desk,
12 the front door there, and he'll say, howdy,
13 and make a spot for all of us.

14 So Elaine, this is from the
15 committee.

16 MRS. RAYBURN: I appreciate it.

17 (Applause)

18 MRS. RAYBURN: I really appreciate
19 this. I just - if I may indulge myself just
20 to say thank you.

21 That was very humbling and very
22 just comforting. This is a group that I think

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1 was for him a realization of a dream come
2 true. He believed in the mission of
3 sustaining and supporting the marine fisheries
4 in our nation. And being able to serve with
5 you for six years was a true privilege for
6 him.

7 And the work that you do is very
8 valuable. Thank you, sir, for allowing us to
9 come, and just the chance to be here.

10 It's like Tony said, it came from
11 his love for his fellow man, and for his
12 belief I think. He was a humble person and he
13 was a neat person.

14 But I know that the 2020 vision
15 plan is something that was his passion, and
16 just to see that sort of coming to fruition at
17 this meeting is indeed an honor and a
18 privilege.

19 So continue to do the things you
20 do, and I think you will make an impact on our
21 children and our children's children. And
22 that's what it's all about.

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1 So thank you very much.

2 (Applause)

3 MR. DiLERNIA: Elaine, there is some
4 more, and I'd like to turn it over to Dr.
5 Balsiger.

6 Jim.

7 DR. BALSIGER: Yes, thanks.

8 U.S. Department of Commerce, NOAA,
9 prepared a little plaque for Ralph Rayburn.
10 And it says: In recognition of your exemplary
11 public service while advising the Secretary of
12 Commerce on living marine resource matters as
13 a member of the Department of Commerce Marine
14 Fisheries Advisory Committee 2003 to 2008.

15 It's a little plaque you can prop
16 the door open with or something.

17 (Laughter)

18 It's hard to find things to say
19 about Ralph. I only knew him through MAFAC,
20 really, and the first year as I was already up
21 in Alaska, so I didn't really need to go to
22 the MAFAC meetings all the time. But I got to

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1 know Ralph.

2 And as Tony said, he was a hard
3 working man. He was such a nice man. I saw
4 him, when I moved to D.C. in July of 2005, I
5 saw him on the Metro station. It was like I
6 was one of his missing best friends. And so
7 he worked hard. He would talk sea grant or
8 fish anytime. But when I saw him on the Metro
9 station, we took a ride downtown some place.
10 We talked personal stuff, as if it was someone
11 I had grown up with for years and years and
12 spent time with. It was just a - he was just
13 a nice man. So we miss him.

14 MRS. RAYBURN: Thank you so much. I
15 appreciate it.

16 (Applause)

17 MR. DiLERNIA: Yes, we have time for
18 a break for a cup of coffee. And we'll come
19 back in about oh 15-20 minutes.

20 (Whereupon at 9:39 a.m. the proceeding in the
21 above-entitled matter went off the
22 record to return on the record at

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1 10:02 a.m.)

2 MR. DiLERNIA: A technical change to
3 the agenda for our next two items refer to an
4 election of leadership for the committee for
5 the future, and also the new member nomination
6 process.

7 I'll turn over the nomination
8 process to Mark in a moment, but regarding
9 leadership, as you all know in a memo that I
10 had sent out earlier - let me turn this off -

11 (Cell phone interruption)

12 MR. DiLERNIA: As I had said in a
13 memo to you earlier I will - leadership has to
14 turn over. There is no - I've enjoyed being
15 your chairman, liaison, for three years. It's
16 been a privilege. It's been an honor. It's
17 work. You don't get the big room in the hotel
18 just because your name is on the list.

19 DR. BALSIGER: You got a big room.

20 MR. DiLERNIA: I got the big room
21 here in the hotel.

22 (Laughter)

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1 He had to wait for his room,
2 actually.

3 DR. BALSIGER: And this morning I'm
4 waiting for the water -

5 MR. DiLERNIA: What floor are you
6 on?

7 DR. BALSIGER: Five.

8 (Laughter)

9 (Off-mike comments)

10 MR. DiLERNIA: We have this big long
11 room. Not all the rooms here are great big
12 spacious rooms. But it is government rate,
13 and it's one of the few places that will give
14 us government rates in New York City. Which
15 is important. I've always tried when I was on
16 the Mid-Atlantic Council and here at MAFAC
17 I've always tried to find the stuff in rate
18 rather than going over budget. Things are
19 expensive enough even at government rate in
20 New York City.

21 So the hotel is good to us that
22 way. So we get the government rate. We have

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1 to endure the pigeon and the air conditioning
2 and the water from the fifth floor coming down
3 to the fourth floor.

4 But hopefully we can make up for it
5 by some evening activities and some other
6 items.

7 Anyway as chairman, as leadership,
8 it's time for me to move on. We are going to
9 have to have some changes in membership, and
10 I'll turn that over to Mark and Jim in a few
11 minutes.

12 But whether I'm invited to stay on
13 for another year or not, if I was invited to
14 stay on for another year I would be happy to
15 accept it, but it would not be as chairman.
16 We would have to have a leadership change.
17 It's time to roll over and pass the time and
18 have other folks grow and do the work and move
19 on also.

20 So this will be my last meeting as
21 your chairman. And so there has to be an
22 election.

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1 I've asked that the election be
2 postponed until tomorrow. If there is anyone
3 who is interested - if we only have one - if
4 we don't have any nominees we're in trouble.
5 I'm in trouble. But if we only have one
6 nominee, then naturally it would be by
7 acclamation we would elect that individual.

8 If we have more than one nominee,
9 then we would have an election. And if we
10 have more than two nominees, then naturally we
11 would have to have a runoff election, first
12 amongst the first three people, whoever got
13 the three or four, whoever gets the two
14 highest votes in the first election would then
15 run for leadership in the second election.

16 I'd like to do that tomorrow, to
17 give folks an opportunity to communicate
18 amongst themselves. If anyone is interested
19 in being a nominee for the leadership position
20 please let Mark or I know by tomorrow morning.

21 If you want to sleep on it in the evening, or
22 if you want to discuss it with your friends

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1 and your colleagues, please, go right ahead.

2 But by tomorrow morning we need to
3 know because we will hold the election
4 probably right before lunch, just before lunch
5 tomorrow.

6 Heather.

7 MS. McCARTY: Thank you. I was
8 wondering if looking at the charter changes
9 you recommended, there's the recommendation
10 that there be a chair and a vice chair elected
11 by the voting members of MAFAC. And I was
12 wondering if we needed to think about co-chair
13 as well.

14 MR. DiLERNIA: That is a great
15 point, thank you.

16 Mark?

17 DR. HOLLIDAY: To that point, I
18 think for the future the committee should be
19 thinking about an alternative arrangement for
20 chairperson of the committee. But for the
21 time being under the current charter we don't
22 have a provision for anything but a single

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1 committee liaison position.

2 When we get charter recommendations
3 to change, there is going to be at least an
4 eight to 10 week process to get those changes
5 into the system and vetted through NOAA and
6 the Department of Commerce, the secretary.
7 And if they are deemed significant, they also
8 go forward to, believe it or not, GSA, who is
9 the federal agency in charge of all the FACA
10 committees for the government.

11 So while you may be thoughtful of
12 the future, under our current charter we only
13 have the one position legally, technically or
14 legally to be concerned with for this meeting.

15 And because we are in a transition
16 between now and our next meeting we need to
17 act on the committee liaison.

18 MR. DiLERNIA: I'll also add that
19 whomever is elected tomorrow to take over the
20 leadership position, I will ask that person to
21 lead the meeting on Thursday, because again I
22 will not be here on Thursday.

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1 Are there any other questions
2 regarding the leadership election? Randy?

3 MR. CATES: Would we be concerned
4 about where we're at in our terms, first term,
5 second term? In other words, we wouldn't want
6 to elect a chairperson who is on the way out,
7 would we?

8 MR. DiLERNIA: Well, you would elect
9 someone - elect whomever you wish. Why don't
10 you hold off on that question, until - I'd
11 like to turn it over to Mark and Jim regarding
12 the membership issue, and the committee
13 membership and the rotation of members.

14 MAFAC ADMINISTRATION

15 DR. BALSIGER: Go ahead, Mark.

16 We talked about this, but Mark
17 probably has the details better in mind than
18 me.

19 DR. HOLLIDAY: Well, if you recall -
20 there is some information under Tab B, Tab B2
21 contains a table of the MAFAC membership
22 appointment expirations, in a little

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1 spreadsheet. And it shows the first or second
2 term of each member; when the term expires;
3 and then the last column shows when we
4 normally would think of replacing that person.

5 So the first group of names
6 includes those members whose terms expire this
7 October. They are term limited, so they will
8 be rolling off MAFAC. And if you include the
9 people who are - both the vacancies and the
10 members, there are ten names that are there.

11 (Off-mike comment)

12 DR. HOLLIDAY: Correct. This is the
13 - so directly to Randy's question, for those
14 people who are term limited and are rolling
15 off, I wouldn't recommend you necessarily
16 consider them.

17 But let's go back to our December
18 meeting, where if you look at the minutes of
19 the last meeting and the actions that you
20 took, you advised NOAA Fisheries that it's the
21 committee's preference that no more than one-
22 third of the membership rotate off in any

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1 given year.

2 So there are 21 total voting
3 members on MAFAC. Therefore no more than
4 seven should roll off in any given year.

5 So if you do the higher level
6 mathematics here, the eight people who are
7 rolling off, we would want to choose or ask
8 some of these people - this was your advice to
9 NOAA - to stay on for an additional year, one
10 more additional year, to stagger the
11 expiration dates.

12 So we have begun that process by
13 asking those people who are rolling off
14 because of term limits their interest in
15 staying on for an additional year. I have a
16 list of people, and have begun briefing Jim on
17 those people.

18 And the timing of making those
19 choices to make sure that we only have seven
20 vacancies is just being confounded because we
21 are in the regional fishery management council
22 nomination process as well.

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1 So we wanted to wait until that
2 process took place, to make sure that if
3 people were going on councils, or coming off
4 councils. We also wanted to keep in mind that
5 we are going to ask the public for nominations
6 for full term committees, all of us keeping in
7 mind that we want to maintain a balanced
8 representative committee, not just from
9 geography, but from representing the different
10 sectors that would advise the secretary.

11 And so we are looking at a process
12 again to make a sort of a two-stage process,
13 asking some people who are rolling off the
14 committee to stay on for an additional year,
15 move forward with the public nominations, and
16 of course the latest wrinkle from last week's
17 announcement for council appointments is, Mary
18 Beth has been appointed to the New England
19 Fishery Management Council, and according to
20 our charter, a MAFAC member cannot serve on a
21 council or vice versa, so we will be having an
22 11th position become vacant when her terms

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1 begin with the New England Council, even
2 though her term wouldn't expire, her second
3 term, until some time in the future.

4 One more point for clarification:
5 you will note down the list, people who are on
6 their first term the expiration of their first
7 term in December of 2008, the process for
8 reappointment, normally we, several months
9 before that term expires, we will consult with
10 a member in their interest in serving if
11 nominated I guess is the best way to put it,
12 would they be willing and interested in
13 serving a second term if requested by the
14 secretary of commerce, since all these are -
15 even the reappointments for a second term are
16 approved by the secretary of commerce.

17 So we ask those people on that list
18 beginning with Bill Dewey and on down their
19 interest in serving a second term, and if
20 their interest coincided with the secretary's
21 preference, we automatically begin a process
22 where that reappointment, there would be no

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1 need for those people to seek a nomination for
2 their second terms, an internal process, as
3 opposed to one we are running currently
4 through the Federal Register for new
5 nominations to the committee.

6 So there is a separate path, if you
7 will, for those existing members who would be
8 interested and able to serve a second term.

9 MS. McCARTY: Thank you. So Tom,
10 Billy and Eric Schwaab are already
11 reappointed?

12 DR. HOLLIDAY: They have already
13 been - yes.

14 DR. BALSIGER: The secretary has
15 nodded his head.

16 DR. HOLLIDAY: Yes, we have this was
17 done last November under Dr. Hogarth's watch.
18 We required - I guess this is not the most
19 recent table then, because it shows the term
20 is - no, no, yes, we'll replace them in 2011.

21 So they have been reappointed as of January.
22 They got their letters from the Secretary in

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1 a process that started last October or
2 something.

3 DR. BALSIGER: So out of the first
4 10, as you said, if several are interested in
5 continuing for one additional year to enhance
6 the stagger, that would also be something that
7 we would have to bring to the Secretary, and
8 we have not approached the Secretary about
9 that process, is that correct?

10 DR. HOLLIDAY: That's right. We
11 just only recently heard back from the final
12 potential nominees, so we haven't done the
13 vetting to move that forward at this point.

14 So does that - it sounds more
15 complicated than it actually is. But are
16 there any questions?

17 Bob.

18 MR. FLETCHER: Training wise, when
19 might the Secretary be making decisions as to
20 which one of us on this list might be staying?

21 Do you have any sense of that? Before
22 October?

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1 DR. BALSIGER: Well, I think,
2 normally this would have been almost pro forma
3 had Mark and I gone forward and said, let's do
4 this.

5 But it's the end of the
6 administration, and things are a little
7 squirrely now. That came to light in the
8 council nominations. I think Commerce, the
9 Secretary, wants to weigh in more than they
10 had in the past. So I don't think we can
11 answer that.

12 So we will try to get it done as
13 expediently as we can, unless Mark has a
14 different thought. It could be a few months,
15 or it might, hopefully, it'll just be a few
16 days, but we can't tell.

17 DR. HOLLIDAY: I would - certainly I
18 don't have a specific answer. I think the
19 notion is, what our attempts will be, since
20 the nomination process for the new members of
21 the public closes July 21st, we kept it open
22 for 45 days, for those people who have

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1 expressed an interest in serving for an
2 additional year, we've tried to proceed to get
3 some information that would allow if you are
4 not going to be asked to serve that additional
5 year that they could talk to other people
6 representing the same constituency, to submit
7 a new name for representing their interest,
8 that groups interest, in the future, prior to
9 that public nomination process closing.

10 So although we wouldn't have a
11 definitive answer through the Secretary by
12 July 21st, we want to be fair to the individual
13 who is currently serving who is sort of in
14 limbo prior to the opportunity to find someone
15 else who might represent that constituency's
16 interest.

17 Is that - reasonable enough answer?

18 I hope. Heather.

19 MS. McCARTY: You have to also
20 change the charter first.

21 DR. HOLLIDAY: We don't - to keep
22 the person on for another year?

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1 MS. McCARTY: Yes.

2 DR. HOLLIDAY: No, we don't.

3 MS. McCARTY: Oh, you don't? Okay,
4 because that was one of the changes that was
5 recommended.

6 DR. HOLLIDAY: Yes, we have done
7 this before. There is precedent for doing
8 this. Before we even went down the road of
9 asking existing members if they were
10 interested, I did consult with the Department
11 of Commerce attorneys on how we would go about
12 doing this.

13 And the short version is, since we
14 are not a congressionally chartered FACA
15 committee, it's discretionary, we can do this
16 as an administrative - we have the ability to
17 do this with the secretary's approval without
18 changing the charter. That is the bottom
19 line.

20 DR. BALSIGER: And I guess one of
21 the results of this is, since we don't know
22 that part, elected liaison slash chairman I

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1 guess you could anticipate that someone in the
2 top 10 might be forward, but you don't know
3 that. So Mark's advice was to probably not
4 elect someone as liaison whose position isn't
5 clear.

6 DR. HOLLIDAY: Right, and without
7 prejudice to anybody, those people would only
8 be serving for 12 months. So if you did
9 choose one of them, you would have to - they
10 could serve for 12 months, and then you'd be
11 electing another chair. And if our intent is
12 continuity, that may not be in the best
13 interest of the committee. Or it may be; it's
14 your choice. But I'd point that out.

15 MR. DiLERNIA: Okay. Are there any
16 questions regarding membership, rotation,
17 chairman's election? Please let Mark or I
18 know by tomorrow morning before the gavel
19 comes down tomorrow morning if you are
20 interested in having your name considered for
21 the leadership position.

22 DR. BALSIGER: So it's not on the

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1 agenda for tomorrow, but you intend to take it
2 up first thing?

3 MR. DiLERNIA: No, we'll take it up
4 just before lunch.

5 DR. HOLLIDAY: I would like to say,
6 we have 45 minutes set aside tomorrow for the
7 legislative update. I don't think it's going
8 to take that entire 45 minutes, so I propose
9 to slip it in just before lunch, and conduct
10 that business before we break tomorrow.

11 MR. DiLERNIA: Okay.

12 DR. HOLLIDAY: On the new nomination
13 process, just to make sure everybody is aware
14 how we are proceeding with that, we published
15 a Federal Register notice that's in Tab B1,
16 the 5th of June. This is a public
17 solicitation. People can - we broadcast this
18 through a number of listservs, other websites,
19 trying to - we had a press release that was
20 drafted; I'm not sure if it's gone out yet -
21 asking the public for nominations to serve on
22 the committee, setting out the qualifications

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1 of the people that we are looking for. People
2 can self nominate; they don't have to be
3 nominated by someone else. They can be self
4 nominated. We request that people submit a
5 resume or CV, and they can and will be
6 encouraged to include letters of
7 recommendation or references, up to three
8 people, no more than three, to keep a
9 manageable number.

10 There are financial disclosure
11 requirements, as you know, coincident with
12 serving on MAFAC -- you have to fill out
13 financial disclosure forms. There are
14 conflict of interest rules that govern
15 membership on MAFAC, and we try to make sure
16 that people are aware of them, even if you are
17 representing or have an interest in a fishery,
18 clearly you can serve on MAFAC, but there are
19 rules governing the types of participation
20 that would personally benefit you, you may
21 recuse yourself or be asked to recuse yourself
22 from certain deliberations of the committee

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1 based on the contents of your financial
2 disclosure filing.

3 That's why I was trying to make
4 sure you all had your forms in place, so we
5 could proceed with making sure everybody knew
6 their standing on the committee, and what
7 issues that may come before us that the ethics
8 officer would flag. So I'm pleased that we've
9 gotten that taken care of.

10 But we are trying to make sure the
11 nominees understand that it's not a conflict
12 of interest to be a member of the fishery
13 industry or the community or an environmental
14 group or a consulting firm, just know that
15 there are rules governing participation. And
16 as we look to identify people who we might
17 think would be good candidates, I strongly
18 encourage you to get the word out so that we
19 have a decent pool of people, a diversity of
20 people, to select from and send forward to the
21 Secretary. I think the more nominations, the
22 better, the stronger pool of candidates that

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1 we have, the better the committee will be in
2 the long run.

3 So nomination process, if we don't
4 have the material in hand by July 21st, that is
5 a firm deadline. If it comes on the 22nd,
6 that's one of the things we don't have any
7 flexibility; it has to be in by the 21st of
8 July.

9 So any questions about that, or if
10 things come up where people have questions
11 about what's involved, that you don't feel
12 comfortable answering, please feel free to
13 send them my way, and we will answer their
14 questions and provide them information on both
15 how to apply or what's necessary to be
16 considered.

17 MR. DiLERNIA: Any other questions?
18 Bob?

19 MR. FLETCHER: Have we given any
20 thought to the next meeting, the timing of the
21 next meeting? Is it going to be a December
22 meeting or a January meeting, or have we not

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1 gotten there yet?

2 DR. HOLLIDAY: It's on the agenda
3 for discussion towards the end of this three
4 day meeting. But some people have indicated
5 they may not be here to the end of the
6 meeting, so we may want to consider a
7 discussion of that time and place earlier in
8 the meeting before people have to leave.

9 So we'll look at trying to fit a
10 time in to discuss time and place for the next
11 meeting. Normally we would have two meetings
12 a year. This is our first meeting of 2008.
13 Normally we target some time in November-
14 December timeframe to have our second meeting.

15 But we hadn't made a decision yet, from our
16 previous meeting, about time and place and
17 location. So we will try to do that a little
18 earlier than the end of the day on Thursday.

19 DR. BALSIGER: There are kind of two
20 schools of thought on that. One is that
21 things will be kind of uncertain, part of the
22 turmoil I mentioned. Maybe we should wait

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1 until things settle down.

2 I on the other hand think that
3 probably that is the place where we can have
4 the most impact, if we do it before things are
5 solid. So keep those in mind, and we'll take
6 your advice on whether you think it's useful
7 to have one this fall. And if we can actually
8 schedule it considering how many other things
9 might be going on.

10 MR. DiLERNIA: We can do that
11 tomorrow.

12 Any other questions? None?

13 Okay, we are a little ahead of
14 schedule. At our last meeting, the idea of
15 the charter and the reissuing of the charter
16 came under discussion.

17 There were a number of items that
18 were discussed at the last meeting, and it
19 became clear that rather than try to address
20 all those items sitting at the table with 21
21 members participating that a working group
22 would be established, and try to make some

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1 recommendations, and the entire committee
2 would then review the recommendations of the
3 working group, and the committee itself would
4 make its recommendations.

5 So Tom Raftican graciously accepted
6 to lead that working group, and there was a
7 conference call and a number of emails that
8 were exchanged since our last meeting, and we
9 now have some recommendations from that
10 working group.

11 So -

12 DR. HOLLIDAY: This is behind Tab C
13 in the briefing book. There are four items on
14 the Tab C. The first one is the annotated
15 agenda, which we will use to lead the
16 discussion, Tom will use to lead the
17 discussion.

18 The second item is a review of the
19 existing FACA committees within NOAA, to
20 compare how they are - who nominates
21 chairpersons for example, the administration,
22 meeting frequency, statistical comparator

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1 table is the second item.

2 The third item is sort of a
3 chronology of changes to the MAFAC charter
4 over time that we could reasonably find - we
5 went back through '94, and the next item is
6 the summary of the conference call that Tony
7 was discussing, the working group's conference
8 call.

9 And then I'd reference the fourth
10 item under Tab C is the current charter as
11 approved by Otto Wolff just this past
12 February, even though it says six, this is
13 really eight.

14 So those are the four items in the
15 briefing book. And Tom, we've put up on the
16 screen the annotated agenda, if you can see
17 that far. It's beyond Tab C, that is the set
18 up for this agenda.

19 REPORT - CHARTER WORKING GROUP - FINDINGS AND
20 RECOMMENDATIONS

21 MR. RAFTICAN: Thank you, Mark.

22 Graciously accepted, it was kind of

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1 reminiscent of one of those French Foreign
2 Legion movies, where we need volunteers, and
3 the entire line takes a step backwards.

4 (Laughter)

5 MR. RAFTICAN: But anyhow, we did
6 meet quickly in St. Pete's beach as far as the
7 working group looking at the charter, and then
8 put together a conference call on May 5th.

9 First of all I'd like to thank Mark
10 and Topher for the great job they did
11 compiling information and getting background
12 information to everybody before that
13 conference call. We had a history of the
14 MAFAC charter, and looking at other FACA
15 charters, to give us some background on it.

16 The conference call, Tony DiLernia
17 was on the conference call, Cathy Foy, Bob
18 Fletcher, Tom Billy, myself, Topher Holmes.
19 And we kind of kicked around a number of
20 things, and worked through - I think there is
21 a pretty accurate assessment here if you go to
22 tab three, going down the assembly, what we

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1 took a look at, looking at the existing
2 charters, and then came forward with some
3 structural changes.

4 And again this charter currently is
5 renewed. It's in effect, and these are
6 suggested changes that we would be making to
7 kind of move forward on this.

8 The first thing is I think when
9 Tony was talking about chairman. Well,
10 currently Tony is actually liaison, and not
11 chairman, and the first suggestion was that a
12 chair and vice chair be elected from the
13 voting members of the MAFAC panel.

14 If you have got a group together to
15 make recommendations, the recommendations
16 should probably come internally from the
17 group, and this would just simply facilitate
18 that.

19 And again, also, to make things
20 easier, elected chair and co-chair a term of
21 two years. It takes two years to get going on
22 these things, and it is probably a good idea;

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1 not more than three years. And again this is
2 all up for - you know, we're kicking around
3 suggestions. Get the experience.

4 Further on we are looking at
5 rotating members on and off so that we don't
6 lose the entire group knowledge at any given
7 point, and the same thing should be true
8 through the chairmanship. With a turnover
9 like that you keep the institutional knowledge
10 intact.

11 Next point: the committee should
12 advise the Undersecretary for oceans and
13 Atmosphere rather than the Secretary of
14 Commerce. We had talked in December about
15 becoming really - how to be more relevant.
16 And it was like how do we get the attention of
17 the Secretary of Commerce. And in actuality,
18 it probably makes more sense under this trying
19 to make sure that we get the attention of the
20 undersecretary, it's more realistic. The
21 Secretary of Commerce is probably not going to
22 spend three days sitting in a MAFAC meeting,

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1 even though we might like it. It's probably
2 not going to happen.

3 The assistant administrator for
4 fisheries will hold an ex-officio position.
5 And again, how do you make this relevant? You
6 have somebody here. We have had going back to
7 Jim, we've had wonderful participation. And
8 it's like how do you run through and get that
9 continuity I think is probably more in the
10 eyes of the working group.

11 Enact a temporary one year
12 extension of committee memberships. And this
13 is again, we recognize that this could be done
14 outside of the charter, but if you have to do
15 it, you put it in the charter to make it
16 easier next time the same situation arises.

17 And those were the structural
18 changes we really kind of went over.

19 I think we might want to go down
20 them one at a time, open it up for discussion.

21 We had other suggested changes. I
22 will quickly go through those.

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1 Additional specific protected
2 appointment as a representative of sea grant
3 and a representative of the regional fishery
4 management council as an ex-officio or voting
5 role.

6 Again, these are all - as long as
7 we can maintain them within the current MAFAC
8 budget.

9 Formal recognition of the advisory
10 role of the executive director and the three
11 marine fisheries commissions.

12 And no additional financial burden
13 of MAFAC should be - I think of all these
14 other suggested changes.

15 Change language under members of
16 chairperson to include production to
17 acknowledge experience and qualification with
18 aquaculture industry, and chair to invite
19 regional representatives of RFMC, the Sea
20 Grant, depending on the locations.

21 Again, these are what, as long as
22 they are not additional financial

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1 responsibilities, it looks like the ways that
2 we can broaden some of our experience.

3 Mr. Chairman, I think probably the
4 best thing to do is go down these one at a
5 time, open them up for discussion?

6 MR. DiLERNIA: That'd be fine, Tom.

7 You have listed, and bulleted,
8 structural changes, election of chair and vice
9 chair by the voting members of MAFAC. Is that
10 a recommendation that the working group is
11 making to the committee?

12 MR. RAFTICAN: These are
13 recommendations that the working group came to
14 the committee with?

15 MR. DiLERNIA: Okay. The committee
16 should be aware that technically the chairman
17 of the Marine Fisheries Advisory Committee is
18 the head of NOAA; is that correct?

19 DR. BALSIGER: Yes.

20 MR. DiLERNIA: And as represented
21 usually by the assistant administrator for
22 fisheries. Or is that the vice chair? The

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1 vice chair is the assistant administrator for
2 fisheries.

3 MS. McCARTY: The chair is
4 undersecretary of commerce.

5 DR. BALSIGER: So it would be
6 Lautenbacher, the chair. I'm the vice chair.

7 So encompassed in this short phrase here, it
8 means that this committee believes it would be
9 better if you elected your chair from
10 themselves; and of course that requires a
11 charter change.

12 Actually personally I think that
13 makes more sense to me. It can work with
14 Lautenbacher being chair, and me as vice
15 chair. I actually like the model where you
16 would elect the chair from amongst yourselves,
17 and your vice chair, and I would be there in
18 an ex-officio position, or whoever the
19 assistant administrator for fisheries was.

20 It obviously works either way, but
21 the latter way which would wind up as a
22 recommendation makes complete sense to me.

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1 But that is what the discussion is.

2

3 MR. DiLERNIA: Dorothy.

4 MS. LOWMAN: Well, you know, I would
5 support this, because it makes sense to me,
6 too, because in many cases we are making
7 recommendations back to the same person who is
8 the chair. So it's sort of you're making --
9 when the chair or the vice chair is with the
10 agency we're making recommendations to, it's
11 like making recommendations to yourself.
12 We're really an advisory group making
13 recommendations.

14 MR. DiLERNIA: Tom.

15 MR. RAFTICAN: That was - thank you,
16 you summarized the discussion. This wasn't a
17 power grab; it was like how does it make more
18 sense.

19 MR. DiLERNIA: Okay. John, do you
20 want to - actually this is going to take I
21 guess a vote of the full committee. And I'm
22 just wondering if we should take these items

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1 individually and vote on them or as a group.

2 Any recommendations regarding that?

3 Heather?

4 MS. McCARTY: I think we should make
5 a motion for each one, and have them
6 separated.

7 MR. DiLERNIA: Okay.

8 MR. RAFTICAN: Any further
9 discussion on electing a chair and a vice
10 chair from voting members?

11 MR. DiLERNIA: So then to be clear,
12 now, the chairman and the vice chairman of the
13 Marine Fisheries Advisory Committee would be
14 selected from those individuals that are
15 appointed.

16 MR. RAFTICAN: From the voting
17 members of MAFAC.

18 MR. DiLERNIA: From the voting
19 members.

20 Just to be again - to be - we have
21 the executive directors of the three state
22 fisheries commissions as members of a - they

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1 are voting and nonvoting members.

2 MR. RAFTICAN: Nonvoting.

3 MR. DiLERNIA: Nonvoting. For those
4 three individuals would not be eligible for
5 the chairman's position, is that correct?

6 MR. RAFTICAN: As it's stated, yes.

7 MR. DiLERNIA: Okay. Heather.

8 MS. McCARTY: Mr. Chairman, I agree
9 with that. The election of the chair and vice
10 chair of MAFAC be among and by the voting
11 members of MAFAC.

12 MR. DiLERNIA: Do we have a motion
13 from Ms. McCarty, and seconded by Mr.
14 Fletcher.

15 MS. McCARTY: Discussion?

16 MR. DiLERNIA: Please.

17 MS. McCARTY: You note that I added
18 "from" the voting members of MAFAC as well as
19 "by" the members of MAFAC, changing your
20 wording.

21 (Off-mike comment)

22 MR. DiLERNIA: Mr. Joner.

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1 MR. JONER: I have a question then
2 about the current chairman and vice chairman.

3 So your recommendation would be, perhaps part
4 of this motion would be a recommendation that
5 the current structure or definition be
6 modified then to describe the NOAA
7 administrator and NOAA fisheries
8 representative as ex officio. Do you need a
9 different title than that? Is something
10 required by some statute from Commerce
11 Department policy?

12 DR. BALSIGER: I guess I'd be
13 unaware of any problem with that title. If I
14 could, as long as I jumped in. If this
15 passes, even unanimously, it isn't a done deal
16 of course. We have got to go through the
17 process of getting the charter changed. And
18 Mark can tell you what that process was, I
19 guess. But I don't have a problem with the
20 title or lack of titles.

21 MR. JONER: I'm trying to anticipate
22 what the questions may be coming from the

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1 Commerce Department, so we could include that
2 in our motion and not have to present that.

3 DR. HOLLIDAY: Just a point of
4 clarification to your statement. You said
5 both the NOAA undersecretary and the assistant
6 administrator. Whereas Tom's finding from the
7 working group just spells out fisheries.

8 MR. DiLERNIA: That's a good point.

9 DR. HOLLIDAY: I don't know which
10 one you are discussing. But I think they are
11 relevant, so it's a relevant question to know
12 before you vote on it.

13 MR. JONER: Well, I was bringing it
14 actually because that's what's currently
15 missing, the chair and vice chair, those two
16 positions.

17 DR. HOLLIDAY: And just to be clear
18 Tom's finding was that the ex-officio member
19 if NMFS, the assistant administrator, and not
20 NOAA.

21 MR. DiLERNIA: Jim.

22 DR. BALSIGER: Well, Tom maybe was

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1 going to explain this. But of course a bullet
2 further down would have this committee report
3 to the head of NOAA as opposed to the
4 secretary.

5 I think that is worth discussion
6 when we get there, and I'm not sure that that
7 is the right place to report.

8 In the brief presentation up front,
9 the idea was to get the greatest attention of
10 the secretary and NOAA. I actually think that
11 for example Mary Glackin might be coming here
12 because this group does report to the
13 secretary, and she wants to know what you are
14 going to tell a secretary.

15 So that might key her up more than
16 if you were going to report to her. And so
17 whether or not you name the NOAA administrator
18 in here as ex officio may depend on whether
19 you are actually going to recommend that you
20 report to NOAA as opposed to the secretary.
21 So it's a convoluted one-step, two-step that I
22 can't sort out.

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1 (Off-mike comment)

2 MR. DiLERNIA: Heather.

3 MS. McCARTY: Mr. Chairman, I think
4 these are good discussions to have about the
5 ex officio or not, and the reporting issues.

6 But I think the point that we would
7 like the chair and vice chair to be elected
8 from amongst the voting members of MAFAC would
9 probably still be the case. So I think we
10 could probably vote on this, and then discuss
11 the other issues separately.

12

13 Are there any other questions? Mr.
14 Roberts.

15 MR. ROBERTS: A comment. I think it
16 made perfect sense to have the chair and the
17 vice chair, because those two terms convey
18 activity, the person's very active; and they
19 are in a leadership position within the
20 committee. The current designation, we don't
21 really have that. I mean, you're a liaison,
22 but, I mean, it's clear that the chair is not

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1 the most active person on the committee, and
2 certainly receives things but it's not in a
3 leadership position on the committee.

4 I don't know what implications
5 there are federally about how the current
6 chairman is going to take this, but I think it
7 certainly makes sense for us as a functioning
8 committee to do this. But what happens to
9 things to the - in the federal government, how
10 they take that, from the point of stripping a
11 person of chairmanship, but I think it's
12 important to have somebody that is very active
13 and who is in a leadership role within the
14 committee. And I think this gives us that.

15 MR. DiLERNIA: Thank you. I was
16 concerned with that also. To be blunt, we are
17 giving the admiral the boot.

18 MR. JONER: For the record this is
19 occurring independently.

20 (Laughter)

21 MR. DiLERNIA: Well, if the
22 committee supports the action, the committee

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1 supports the action.

2 Any other questions? Seeing no
3 questions, or any additional discussion, all
4 those in favor of the motion respond by saying
5 aye.

6 (Chorus of ayes)

7 MR. DiLERNIA: Opposed?

8

9 Thank you, Mr. Chairman.

10 Your next bullet: elect chair and
11 co-chair.

12 MR. RAFTICAN: This is a
13 recommendation. And again, it's just to carry
14 on the experience of the office. Discussion?

15 MR. DiLERNIA: Randy.

16 MR. CATES: I have concerns about
17 this, about diluting our relevance. I think
18 the point is, in the current charter we are to
19 advise the secretary of Commerce. The problem
20 has been whether we are able to advise them. I
21 mean, I read -

22 MR. DiLERNIA: We're on item - we're

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1 on bullet two, bullet two.

2 Tom, the recommendations of the
3 working group are?

4 MR. RAFTICAN: This is the
5 recommendation of the working group, that we
6 elect a chair and co-chair to serve a term of
7 two years, and preferably not more than three.

8 MR. DiLERNIA: Okay. Mr. Balsiger.

9 DR. BALSIGER: How would that work?

10 As an election comes up you would say this
11 year we are doing it for two, or no, let's do
12 it for three?

13 MR. DiLERNIA: Yes, good question.

14 Tom.

15 MR. BILLY: I think in our
16 discussions as I recall we wanted an upper
17 limit, and it depended a little bit on when
18 people were appointed. So we weren't sure how
19 to handle that. So this was the outcome that
20 could be specified at the time, or whether
21 what time the person has, what the service -

22 MR. DiLERNIA: Ms. Tooley.

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1 MS. TOOLEY: Yes, it seems that if
2 you really get the rotation committee going
3 along the way you would like to see it, that
4 every time you have new members join the
5 committee, that would be the appropriate time
6 to have an election. Because then it is
7 representative of the group as a whole, as you
8 report. But I don't know how that works into
9 - if you get to that group mix of seven people
10 going off, we do have seven people going off
11 every year?

12 MR. DiLERNIA: Every year.

13 MR. BILLY: So maybe that's missing
14 your point a bit then.

15 MR. RAFTICAN: And I think it misses
16 the point - I think the problem is, in my
17 experience with most groups you come in as
18 chair, and even though you sat there and you
19 watched it pretty closely it takes you a year
20 to get your feet wet. And regardless you get
21 your work done in the second year that you are
22 on that.

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1 And I think that was the idea. And
2 the other thing is kind of put the concept of
3 a term limit on. And this might want to go in
4 as a recommendation. Because you are
5 obviously going to need some degree of
6 flexibility there. But you elect somebody for
7 two years; who knows what happens at the end
8 of two years. You may want to extend that
9 chair/co-chair for a year. You'd need a
10 little flexibility there. But you don't want
11 to see the same person there for six years.
12 It tends to be - there can be - we've had a
13 great run with Tony here.

14 MR. DiLERNIA: Thank you.

15 MR. RAFTICAN: I'm serious. But the
16 other thing is, to try and do the best, how do
17 you look to preclude that so you get some
18 fresh new leadership in.

19 And what we are trying to do is to
20 make sure that the experience carries over,
21 but the thing is that you don't get in a rut.

22 MR. DiLERNIA: I have Mr. Connelly

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1 and Ms. McCarty. John.

2

3 MR. DiLERNIA: Okay. That's the
4 first motion. Is that - we didn't have a
5 motion prior to it? It wasn't a substitute?
6 That's the first motion?

7 So it's for a two-year term, with
8 an eligibility for an extension to a third
9 year.

10 Heather was next on the list, and
11 then I'll take discussion on that motion.

12 Heather?

13 Do we have a second to that motion?

14 MR. JONER: Second.

15 MR. DiLERNIA: Steve Joner seconds,
16 okay.

17 Heather you were next. I don't
18 know if you want to speak independently to the
19 motion.

20 MS. McCARTY: Well, kind of both. I
21 was going to say that I thought it would be
22 much less complicated if the term could be one

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1 year, and then if they did a good job they
2 would be continued like we're doing now, and
3 then maybe put a term limit on it. But not
4 have it for two years for sure. That just
5 strikes me as less complicated considering all
6 of the turnover and all of the possible
7 combinations of chair and vice chair that you
8 might have to think about each time you wanted
9 somebody for two years, and then maybe another
10 year later on.

11 I just think it's cleaner to do a
12 one-year term and people do well, and they get
13 reelected. That's what I would prefer. So I
14 guess I am speaking to the motion, one year as
15 being less complex.

16 MR. DiLERNIA: Okay, Jim.

17 MR. GILMORE: I think it's hard to
18 tell if anybody is not doing a good job. I
19 mean realistically, no matter how bad a job
20 somebody is doing overall --

21 MS. McCARTY: I wasn't suggesting we
22 tell anybody they are doing a bad job. But it

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1 would just be easier logistically doing one at
2 a time.

3 MR. DiLERNIA: As - if I just take
4 advantage of the chairman's position for a
5 moment, or the liaison position for a moment,
6 whatever you do I recommend that it not be for
7 more than three years, whomever sits here.
8 One year there is a learning curve; two years
9 is great; three years tops, maximum; you have
10 to rotate it after three years for the good of
11 the committee.

12 Mr. Joner?

13 MR. JONER: Okay. We only meet
14 twice a year. And I think Tom is right. Two
15 meetings isn't much time to really get the
16 feel of things. With two meetings a year,
17 turnover every year, I think that is not going
18 to provide continuity.

19 I guess I would favor just -- you
20 need a couple of years. You need a year to
21 get your feet wet.

22 MR. RAFTICAN: And again, this is

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1 the recommendation for the working group. I
2 can't take credit for everything.

3 MR. DiLERNIA: Jim, did you have a
4 comment?

5 DR. BALSIGER: No.

6 MR. DiLERNIA: Mark?

7 DR. HOLLIDAY: Just a question or a
8 clarification.

9 Was the motion for having a vice
10 chair included as a succession opportunity?
11 Is the vice chair then work for a year as the
12 vice chair and then become chair, or it's a
13 separate job for a year.

14 MR. DiLERNIA: No, it's a separate
15 election.

16 DR. HOLLIDAY: I just wanted to
17 clarify.

18 MR. DiLERNIA: Heather.

19 MS. McCARTY: Mr. Chairman, that was
20 one of the considerations that I was thinking
21 about. You know electing somebody for two
22 years to each of those offices, and then there

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1 would be succession opportunities given that
2 we have three-year terms on the body.

3 MR. RAFTICAN: I don't think that
4 vice chair is termed out to becoming chair. I
5 would think that there is the opportunity to
6 rollover from vice chair to chair.

7 MS. McCARTY: Then you don't --
8 ahead of you if you were elected vice chair,
9 and that would be difficult to presume
10 mathematically, yes. So that's one of the
11 things I was thinking about when I said it
12 makes it - you know if you elect both people
13 for two years, then you have got some of this
14 complicated sort of rollover possibility or
15 non-possibility, considering that their terms
16 may or may not be four years on this body, if
17 you see what I mean.

18 MR. RAFTICAN: See, again, I don't -
19 this is a voluntary position. So you are
20 going to have people coming and going
21 independently of this.

22 But the other thing, again I would

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1 get back - and I think the group conscience
2 within the discussion was the fact that hey,
3 look it, make the commitment for a significant
4 amount of time. And I think that is what this
5 entitlement was about.

6 MR. DiLERNIA: So Tom.

7 MR. BILLY: And we also talked about
8 the possibility of the chair, elected chair,
9 might have to miss a meeting, and you'd have
10 someone to step in. And it's also an
11 opportunity to sort of divide the task up.
12 You can have the vice chair run one of the
13 days of the meeting when it occurs, take a
14 leadership file or something.

15 MR. DiLERNIA: Bob.

16 MR. FLETCHER: It's all about
17 getting that big room, isn't it?

18 (Laughter)

19 I'm very comfortable with the
20 motion as it stands. I've spent a lot of
21 years on the Pacific Fisheries Management
22 Council, and two year terms work just fine.

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1 The very occasional chance when a person is
2 doing a fabulous job and you need to have the
3 continuity and you let that person have a
4 third year.

5 I think Steve's point is well
6 taken. We are only talking about two meetings
7 a year. I think this works. It's - I'm
8 comfortable with it, so I'm supporting the
9 motion.

10 MR. DiLERNIA: So the motion again
11 is to, for clarification purposes, it is for
12 two years.

13 DR. BALSIGER: Two year term, and
14 eligible for a one-year extension.

15 MR. DiLERNIA: Two-year terms,
16 eligible for an extension of one year to a
17 third year.

18 And now my question to the
19 committee is, vice chairman, can the person
20 who serves as let's say vice chairman for
21 three years then ascend to the position of
22 chairman? That's the question.

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1 MR. FLETCHER: Sure.

2 MR. DiLERNIA: Okay.

3 MR. BILLY: And if they are
4 reappointed.

5 MR. DiLERNIA: If they are
6 reappointed, and if - okay, just to make
7 certain for that.

8 So it would be a two-year term,
9 eligible for an election to a third year, and
10 at the end of the third year they would be
11 term limited out; correct? Are we clear on
12 that? Mark, we're good with all that?

13 DR. HOLLIDAY: I understand.

14 MR. DiLERNIA: Okay.

15 (Laughter)

16 MR. DiLERNIA: Any further
17 discussion before I ask for a vote?

18 DR. BALSIGER: So I guess if we
19 listed the list under B2, everyone except the
20 10 top ones would be eligible for being
21 elected chair or cochair, is that right?
22 Because they presumably will be reappointed so

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1 they will have two years left.

2 MR. DiLERNIA: Yes.

3 DR. BALSIGER: So just from a
4 practical how it would work, nobody is ruled
5 out. I understand, okay.

6 MR. DiLERNIA: Seeing no further
7 discussion, all those individuals in favor of
8 the motion say aye.

9 (Chorus of ayes)

10

11 Okay, bullet point number three.
12 Tom.

13 MR. RAFTICAN: The committee to
14 advise the undersecretary for oceans and
15 atmosphere rather than advising the secretary
16 of Commerce.

17 And again, the discussion went
18 around, it was like how can we bring the most
19 relevance to MAFAC. And this was in our
20 discussion one way of doing it.

21 MR. DiLERNIA: Okay, so let's - do
22 you want to make that on behalf of the

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1 committee, to make this clean for discussion
2 purposes?

3 Well, let's have discussion first.

4 Bob.

5 MR. FLETCHER: I guess I have a
6 question. Mark or Jim, maybe you can describe
7 to us how our recommendations eventually end
8 up with the Secretary of Commerce then? Does
9 he or she actually look at it?

10 DR. HOLLIDAY: I can't answer that
11 - the second question. I can tell you the
12 process. For each meeting that MAFAC holds we
13 develop a report that goes from NMFS to NOAA
14 and to the Secretary that describes the
15 actions and the findings and recommendations.

16 Now I know they receive it, and
17 they have a chain of custody of the report
18 that indicates it was received by the
19 executive secretary, for the Secretary. And
20 so it's been received.

21 Now we had this discussion in
22 December about how best to make sure, and what

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1 sort of audiences one could attempt to
2 schedule with the Secretary of Commerce. And
3 I remember Dr. Hogarth saying that he
4 personally had been waiting for four or five
5 attempts to meet with the Secretary, and
6 sometimes it's near impossible to get on an
7 individuals' calendar.

8 But to your specific question, the
9 minutes and findings that are summarized by my
10 office to get approved up through the chain of
11 command through NMFS to NOAA to the
12 department.

13 So they are made aware of the
14 outcomes of the meetings, meeting by meeting.

15 MR. DiLERNIA: Bob.

16 MR. FLETCHER: You know, I heard Jim
17 talking a bit ago about how by the fact that
18 we are actually submitting a report to the
19 Secretary may catch NOAA's attention more than
20 if it just went to NOAA, but in my mind the
21 reality is that we are a pretty small fish in
22 a big pond, related to the Secretary.

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1 And I think the reality is that we
2 are more relevant to NOAA than we are to
3 Commerce. And that was part of our discussion
4 in the subcommittee.

5 Now from a strategy standpoint I
6 don't think any of us were giving any thought
7 to the comment that by having our report going
8 to Commerce it causes NOAA to be more
9 interested in what we are doing because of
10 that flow. So I don't have a strong feeling
11 one way or the other. I just know that from
12 the standpoint of our reality we are more
13 relevant to NOAA than we are to Commerce.
14 That is why this whole thought process led us
15 to where we are today.

16 MR. DiLERNIA: Okay, I have Larry,
17 Tom, Vince and Dorothy and Randy.

18 MR. SIMPSON: I'd like to endorse
19 Bob's comments entirely. And then I'd like to
20 interject another thought for your discussion.

21 I agree with everything that you said. It's
22 your call to decide whether it's more relevant

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1 to do it that way.

2 But something I haven't heard is,
3 okay, it's going up, and something Jim
4 mentioned at the beginning of the meeting,
5 there had been some indications of the
6 Secretary of Commerce wanting to play in the
7 fisheries game. So my question is, how much
8 of that Secretary of Commerce interjection is
9 and has been basically the norm for fisheries
10 type issues, whether it's legislation, whether
11 it's funding, whether it's appointments,
12 whether it's policy. Is there anybody that
13 has a comment or thought about that process
14 coming back instead of going up?

15 MR. DiLERNIA: Jim.

16 DR. BALSIGER: We tend to be issue
17 specific when the Secretary gets involved, and
18 they are not necessarily predictable. One of
19 the biggest ones where we have had that
20 intervention is like our right whale ship
21 strike rule, which doesn't have a whole lot to
22 do with fish policy, because we have

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1 restrictions on fisheries. But we couldn't
2 put them on transshipment vessels. But that
3 was a rule that came out of fisheries, and the
4 Secretary took a huge interest in it.

5 So it's little things like that and
6 they tend to be the issues where senators or
7 congressmen have a personal interest and they
8 call the Secretary. He gets involved coming
9 back.

10 MR. SIMPSON: I'd like to follow.

11 MR. DiLERNIA: Okay, because I have
12 a list, and we'll try to hold on to the list.

13 So to answer this question, then I'm going to
14 return to the list where Tom Billy would be
15 next.

16 So Mark?

17 DR. HOLLIDAY: Following on Jim's
18 comments from the very specific to a much
19 higher level policy interest, but you recall
20 from the last two years your authorization of
21 the Magnusson act, there was a lot of top down
22 interest from the Secretary's office on policy

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1 that was going into the authorization, and as
2 well with aquaculture legislation.

3 So I think the interaction between
4 the Secretary and policy advice coming from
5 this committee, particularly on these big
6 picture issues regarding legislation, is a
7 pipeline that has been used in recent history,
8 and was advantageous.

9 DR. BALSIGER: Tony, if I could.

10 MR. DiLERNIA: Real quick, Tom.

11 MR. SIMPSON: Wouldn't it be
12 logical then to retain that same ability to
13 deal with the Secretary of Commerce? Because
14 functionally routine - I shouldn't say routine
15 - the majority of the stuff coming down
16 through NOAA and through the National Marine
17 Fisheries Service.

18 And I'm aware of history on some of
19 the other issues that have been useful. So I
20 would counsel you all to entertain keeping
21 that situation.

22 MR. DiLERNIA: Dr. Billy.

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1 MR. BILLY: The undersecretary of
2 Commerce for oceans and atmosphere is the most
3 relevant political position to the interests
4 of this committee and our responsibilities.

5 It is a political appointee, a
6 person who is a political appointee, and I
7 think the committee would be best served by
8 focusing its general advice, its report, so
9 forth, on the undersecretary.

10 Having said that there is nothing
11 to keep this committee from, on a given
12 matter, if we feel it's something that ought
13 to be brought to the attention of the
14 Secretary, we would recommend that the
15 undersecretary forward it to the Secretary and
16 expect that that would happen.

17 So this doesn't rule out any
18 communication with the Secretary at all. I
19 remember the work this committee did on
20 aquaculture, and one of our ideas was to hold
21 a special summit on aquaculture. And it was
22 decided that we would carry our recommendation

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1 forward through the assistant administrator to
2 the undersecretary, which we did. And by
3 chance there were a couple of staff people for
4 the Secretary's office that sat in on that
5 briefing, and I remember exactly that the
6 undersecretary was looking to put off the idea
7 of a summit for at least a year, because of
8 all the other stuff going on, reauthorization
9 and other issues that they were dealing with.

10 But the staffers from the Secretary's office,
11 this idea resonated, and within a week the
12 Secretary's office decided that there will be
13 a summit, and it will be within 60 days, and
14 it happened.

15 So my point is that I think this is
16 primarily about the routine business of the
17 committee. If there is a special problem, a
18 special opportunity, whatever, then this
19 committee can elaborate in terms of how we'd
20 like our decisions communicated beyond the
21 undersecretary's office if that is important
22 to us.

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1 MR. DiLERNIA: I have Vince O'Shea,
2 Dorothy, Randy Cates, and then I'd like to put
3 myself on the list.

4 MR. O'SHEA: Thanks, Mr. Chairman.

5 Two points. First, in support of
6 what Jim Balsiger said, my experience in prior
7 life with the federal bureaucracy was any
8 reports, any committees, that would be
9 reporting to the head of the agency, the
10 Commandant of the Coast Guard for example,
11 those groups and those reports got a lot more
12 attention within the organization, whether or
13 not the Commandant ever received the report or
14 whether he ever met with the people, than they
15 did when they were directed to the admiral in
16 charge of operations or someone else lower in
17 the organization. That was my experience.

18 The second is, I was in a
19 conversation one time with Secretary Mineta,
20 who was the first chairman - I mean secretary
21 of Commerce, and then secretary of
22 Transportation, and while he was secretary of

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1 Transportation, we asked him a question, how
2 much did he know about fisheries, because we
3 knew that he had been DOC. And he immediately
4 said, I spent more time as Secretary of
5 Commerce on fish than any other issue that I
6 had before me. He said, I thought I was going
7 to promote commerce, I thought I was going to
8 go make money for the country. And all I had
9 was - and he rattles off about three different
10 species of fish, and he said, that's what I
11 spent my time doing.

12 Now maybe he was trying to be
13 accommodating to us, but that's what he said
14 when he was secretary of Transportation.

15 So my long-winded point is, don't -
16 I would say don't underestimate the potential
17 interest of the secretary of Commerce in
18 fisheries at least.

19 MR. DiLERNIA: Thank you. Dorothy.

20 MS. LOWMAN: Well, I guess I would
21 support it remaining the way it is, reporting
22 to the Secretary.

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1 Again, we are in this time of
2 transition, and I think that provides you with
3 an opportunity more. And I don't see that
4 there is any reason that if you don't get the
5 audience with the secretary, you can certainly
6 have it with the undersecretary.

7 And I don't think it precludes -
8 and maybe that's a question for you, that if
9 they can only report to the secretary, could
10 we have a meeting with the undersecretary. We
11 have certainly done it before with this
12 charter that way, and I think it just provides
13 us more options to keep it the same way,
14 potentially more access.

15 MR. DiLERNIA: I have Randy, and
16 then myself, but I will skip over myself and
17 go to Fletcher and then Tom.

18 Randy.

19 MR. CATES: I think everybody
20 previously made my comment and points.

21 The only thing I would add is,
22 instead of changing it to this, I would like

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1 to see us change where MAFAC requests a
2 meeting with the secretary of Commerce from
3 time to time, fully knowing that we will most
4 likely get turned down, but at least we have
5 that request for a face-to-face meeting maybe
6 once a year, maybe once every two years.

7 But make ourselves relevant,
8 instead of, well, we are not relevant so let's
9 go back with this. Find a way to go forward.

10 MR. DiLERNIA: Bob Fletcher.

11 MR. FLETCHER: After listening to
12 all the comments that have been made, I tend
13 to support Vince's comments. Because clearly
14 we can be of more value to NMFS if we are
15 getting the attention of the secretary of
16 Commerce occasionally. And by leaving it the
17 way it is we have that opportunity.

18 So I guess I am very comfortable
19 going against what we all thought we should be
20 doing.

21 (Laughter)

22 MR. DiLERNIA: Tom Raftican.

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1 MR. RAFTICAN: Our discussion on the
2 working group was how do you improve the
3 relevance, how do you improve the
4 effectiveness of what we are doing?

5 And the conversation there led to
6 the fact that, bring the undersecretary for
7 oceans and atmosphere, and we could see where
8 that would happen, where we could bring
9 Lautenbacher in for a meeting where - ask
10 obviously. But the thing is, it's something
11 that we could probably do.

12 I think it's been very good to hear
13 from other people who have also been around
14 for awhile, particularly Jim, Mark and Vince,
15 about the effectiveness. We don't always see
16 the effectiveness, but it may be something
17 that permeates what we are doing.

18 And again the discussion of the
19 working group is, how do you improve this
20 relevance? How do you improve this
21 effectiveness? And we thought this might be a
22 step in the right direction.

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1 It's pretty clear that there are
2 some other avenues on the table, and I am
3 going to speak on behalf of the working group
4 saying, hey look, we are looking how to do
5 this best, and it's not because we got a
6 particular dog in the fight. Let's look at
7 what's best in the long run.

8 MR. DiLERNIA: Thank you. I was a
9 member of that conversation, and I think you
10 captured the essence of that conversation.

11 Heather.

12 MS. McCARTY: Mr. Chairman, would
13 it be appropriate to ask - or make a motion to
14 withdraw the motion, rather than vote it down?

15 MR. DiLERNIA: We don't have a
16 motion as of yet.

17 MS. McCARTY: Oh, good.

18 MR. DiLERNIA: We don't have a
19 motion as of yet, and unless we have a motion
20 we will take not action. We've had some
21 discussion. We'll take no action, and we will
22 remain as an advisory panel to the secretary

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1 of Commerce knowing full well that the
2 secretary will most likely send his
3 representative, that is the undersecretary, to
4 receive our reports when we issue them. But
5 should we need a direct meeting with the
6 secretary, because we are advisory to the
7 secretary at this point, we could request that
8 meeting.

9 How does that sound to the
10 committee?

11 Okay, so then we will remain an
12 advisory panel to the United States Secretary
13 of Commerce, and we will have no change on
14 that issue in our charter.

15 Tom, thank you very much for
16 leading that discussion for us, and having us
17 flesh that one out and work that one out.
18 Because I have heard a lot of discussion about
19 that over the past couple of years as
20 committee liaison as to whom we should be
21 reporting to, and I'm glad we had that
22 discussion here.

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1 Jim.

2 DR. BALSIGER: I know you want to
3 get moving on. But I think Randy Cates' idea
4 is good. I

5 And then as we've said when
6 something goes through NOAA to go to the
7 Secretary, that's scrutinized. They look at
8 every word in those things. The lawyers look
9 at it until - I really think that was the
10 right thing to do is leave it to the
11 secretary.

12 But I think Randy had some ideas
13 that make sure it's relevant.

14 MR. DiLERNIA: Rather than put that
15 in the charter, I would leave that to the
16 leadership to decide when a meeting or a face-
17 to-face meeting would be recommended.

18 Tom?

19 MR. RAFTICAN: I think we have
20 enough on that point. I agree, but a
21 different venue like Randy suggested.

22 MR. DiLERNIA: Okay, the next item,

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1 bullet four.

2 MR. RAFTICAN: Enact a temporary
3 one-year extension of -

4 MR. DiLERNIA: No, no ex-officio
5 position, AA. Okay, I see hands all around.

6 Heather, Mary Beth.

7 MS. McCARTY: Thank you.

8 Should we add to this language the
9 undersecretary for oceans and atmosphere? I
10 mean it's just a consideration.

11 I don't know whether that's
12 appropriate or not. It's just a thought.

13 MR. DiLERNIA: If you don't see any
14 objection, do you want to include that as part
15 of the recommendation.

16 MR. RAFTICAN: Would you make a
17 motion to that effect?

18 MS. McCARTY: So I move that the
19 assistant - well, I guess you put the other
20 one first -

21 MR. DiLERNIA: Okay, made by Ms.
22 McCarty, seconded by Ms. Lowman.

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1 Okay, so we have a motion on the
2 floor. Is there any discussion to that
3 motion?

4 No discussion. Seeing no
5 discussion on the motion, all those in favor
6 of the motion say aye.

7 (Chorus of ayes)

8 MR. DiLERNIA: Opposed?

9 (No audible response)

10

11 The fifth item, Tom, an act of
12 temporary one-year extension.

13 MR. RAFTICAN: The Committee
14 memberships, one-third of MAFAC membership
15 terms expire annually to ensure continuity and
16 institutional knowledge.

17 And again this is not for the
18 existing one-year extension we are informally
19 seeking, but this is more or less to formalize
20 it so that -

21 MR. DiLERNIA: Okay, let's have some
22 discussion on this. Dorothy.

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1 MS. LOWMAN: You may need to do it
2 twice? Is that correct? You would need to do
3 a one-year extension twice, or would you only
4 need to do it just once.

5 DR. HOLLIDAY: Well, I think we need
6 to do it as often as necessary to ensure the
7 goal, which was the statement that no more
8 than a third of the membership should be
9 rotating off in any given year. That is the
10 principle that we are seeking, and we
11 apparently have the ability within the
12 existing charter to seek one-year appointments
13 to effect that.

14 MR. DiLERNIA: So a change to the
15 charter is not necessary for that action?

16 DR. HOLLIDAY: That's my -

17 MR. DiLERNIA: Very good.

18 MR. JONER: And just to answer the
19 question of how often is it needed, I just
20 quickly ran through, if I'm getting too
21 technical here, if we did a one-year extension
22 that class of 2008 after them would be

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1 replaced with folks that do a 6-year term,
2 which expire in 2014. Then if we did it again
3 next to 2011, you would basically be on a
4 cycle of going down 2014, next year five and
5 then zero and then five, five. It gets almost
6 to that.

7 So it is going to really take some
8 tinkering, and then Mary Beth is leaving us I
9 guess, but there will be folks doing less than
10 the current cycles. So in other words it is
11 going to take some tinkering more than just
12 the once.

13 But if we did it - or if it was
14 done with this year's class, and then three
15 year cycles like that, it would get you close
16 to that.

17 MR. DiLERNIA: Well, what I've heard
18 is, there is not a need for this committee to
19 take an action to revise the charter for this
20 to accomplish our goal, that our charter
21 already includes the ability for us to
22 accomplish the goal. So there is no need for

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1 an action or a vote.

2 Does anyone disagree? Okay. Yes,
3 Mark.

4 DR. HOLLIDAY: What you said is
5 correct. The only thing you might consider
6 adding to the charter was the principle that
7 states that no more than one-third of the
8 committee should be rotating off at any given
9 time. Because that gives direction then to
10 use that discretion whenever necessary to
11 ensure that the principle of continuity is
12 upheld.

13 MR. DiLERNIA: Okay. So does
14 someone from the voting members want to make
15 that motion?

16 MR. RAFTICAN: I would suggest that
17 we go along with Mark's motion if we are going
18 to do it.

19 The other thing is, if you can do
20 it informally it's not broke, let's not fix
21 it.

22 MR. DiLERNIA: Well, the point Mark

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1 was making was, if we embody our philosophy of
2 not more than seven members being rotated off
3 in any one given year, we have to put that
4 into the charter, then that gives us the
5 ability to give extensions when necessary.

6 So we would need an amendment to
7 the charter, or a motion to amend the charter,
8 to say that no more than seven members be
9 replaced in any given year.

10 MR. RAFTICAN: I think you set that
11 as a goal. There may be - a Mary Beth may
12 leave, and we have a special circumstance. I
13 think you set that as a goal, but maybe not a
14 -

15 DR. HOLLIDAY: The intent is that
16 there - there may be other techniques we might
17 have to use in order to meet the principle.
18 We want the authority to have one-year
19 appointments, or two-year appointments or
20 whatever, the objective of the committee is to
21 ensure continuity by having no more than one-
22 third of the membership rotate off if

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1 possible.

2 So with that as - we could point to
3 that in the charter, and then we can justify
4 any number of techniques that might be
5 necessary to ensure that the charter's intent
6 rather than have the techniques to do that.

7 MR. DiLERNIA: All right, I have
8 Steve, Heather, Bill.

9 Steve.

10 MR. JONER: What Mark is saying is
11 we go with what's written here. This is
12 written so that one-third expire each year,
13 and you are saying no more than one-third,
14 which I think is a better approach.

15 Do we make a motion to that effect
16 or reword this recommendation?

17 If I make a motion that using
18 Mark's recommendation that we reword this so
19 that our recommendation be that no more than
20 one-third of the membership expire in a given
21 year.

22 MR. DiLERNIA: Okay, so we have a

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1 motion, by Mr. Joner, seconded by Ms. Tooley.

2 To the motion, Heather.

3 MS. McCARTY: The goal will be that
4 no more, so that it's not like a prescriptive
5 type thing.

6 MR. DiLERNIA: Tom and then Cathy.

7 MR. BILLY: I'd just like some
8 clarification first. This bullet is listed
9 under structural changes. And I think we
10 concluded that we don't need structural
11 changes.

12 So it is not clear to me what this
13 motion - is it a motion a recommendation to
14 NOAA, outside of formal structural changes of
15 the charter?

16 MR. DiLERNIA: Mark.

17 DR. HOLLIDAY: My intent was
18 promoting it as another suggested change to
19 the charter to achieve the goals of the
20 committee. So it's not a structural change,
21 but it's the same principle or the same intent
22 of the committee to meet the objective of

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1 continuity.

2 MR. DiLERNIA: Heather.

3 MS. McCARTY: Mr. Chairman, I am
4 thinking, just based on the structure of the
5 charter you look at, under measures and
6 chairperson, number two, the members are
7 appointed for three-year terms at the
8 discretion of the secretary. The goal will be
9 that no more than one-third of the members
10 rotate off at any given year.

11 If that is what you want to do, if
12 that's what we want to do, and that's the way
13 you'd put it.

14 MR. DiLERNIA: Is that the motion
15 that we have before us, the goal?

16 Tom.

17 MR. BILLY: I'd like to amend the
18 motion.

19 MR. DiLERNIA: Sure.

20 MR. BILLY: The committee
21 memberships shall be rotated so that no more
22 than one-third of MAFAC membership terms

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1 expire annually to ensure continuity and
2 institutional knowledge.

3 MR. DiLERNIA: We have a motion to
4 amend. Somebody want to second that?

5 MS. McCARTY: Second.

6 MR. DiLERNIA: It's been seconded.

7 Any discussion on that motion?
8 Yes, I see a hand. Vince.

9 MR. O'SHEA: So the idea of the
10 "should" there, Tom, is that is the guideline
11 issue that we discussed earlier? That is the
12 intent by making it "should"?

13 MR. BILLY: I said - I thought I
14 said shall be.

15 MS. TOOLEY: that's important.

16 MR. DiLERNIA: There is a difference
17 between should and shall.

18 Could you repeat the motion?

19 MR. O'SHEA: I guess it was Tom
20 Raftican who said that that should be a goal.

21 MR. RAFTICAN: Yes, that would go to
22 speak to Vince's "should" and not Tom's

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1 "shall." And again, I think the - we will
2 have different situations that come up, and
3 let's do our best to facilitate.

4 But God, I hate to get my feet
5 stuck in concrete on stuff like this. I think
6 the whole focus with this is to make Mark's
7 job a little bit easier if he's got to seek a
8 one-year extension, that hey look, this is why
9 we are doing it.

10 And I think the "should," if I
11 could further amend Mr. Billy's motion, speaks
12 to that. It gives the - it clearly sets out
13 what you want to do, but allows the
14 administration how you can get there, because
15 it may need fine tuning.

16 MR. DiLERNIA: Okay.

17 MS. McCARTY: Friendly amendment.

18 MR. DiLERNIA: Friendly amendment.

19 DR. BALSIGER: Friendly amendment,
20 "should" instead of "shall."

21 MR. BILLY: Yes.

22 DR. BALSIGER: We're there.

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1 MR. DiLERNIA: Should.

2 I'm looking at Mark who actually is
3 in the position of writing this down and
4 getting it right.

5 Tom, why don't you read it, please.

6 MR. BILLY: Okay,

7 MR. DiLERNIA: And we have a motion
8 to amend "should" to "shall."

9 MR. BILLY: No, I read it - I got it
10 the other way around?

11 MR. DiLERNIA: I dozed for a second
12 there. I missed it. Thank you.

13 Steve.

14 MR. JONER: And without further
15 complicating this motion, should we add the
16 words "as necessary?"

17 MR. BILLY: I think "should" will
18 take care of that.

19 MR. DiLERNIA: Bill.

20 MR. DEWEY: Is it fair to say anyone
21 here, instead of anyone? Is that the same
22 thing?

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1 MR. DiLERNIA: We're -

2 DR. BALSIGER: This is my best part
3 - I think the thing I'm most expert in is
4 wordsmithing.

5 MR. DiLERNIA: Yes, it reminds me
6 the first time we met to do 2020 in this
7 hotel, in a room down the hall here, the board
8 room. And we started to wordsmith, and I
9 thought Vince O'Shea was going to kill me, I
10 thought he was going to slit my throat after
11 the first morning. Then I realized he was
12 right, and I was way out of line with doing
13 some of the things I was doing.

14 We got down to minutiae, but the
15 sense of what we are trying to do here is
16 captured. I think we captured it.

17 Unless there is any further
18 discussion, yes?

19 MR. BILLY: Call for the vote.

20 DR. BALSIGER: Mr. Chairman, Mr.
21 Joner apparently ran a little model to show
22 this works year by year. But this motion is

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1 towards, to make sure we have continuity, and
2 nothing about making sure we have a routine
3 way of getting rid of people.

4 So for example I don't think anyone
5 goes off in 10, for example, so you will have
6 exactly the same membership. So that is not a
7 concern; I'm happy about it. But this is
8 making sure you don't lose continuity, as
9 opposed to making sure you have continual new
10 blood.

11 MR. DiLERNIA: Any further
12 discussion on the motion?

13 MR. BILLY: Call for the vote.

14 MR. DiLERNIA: Call for the vote.

15 All those in favor of the motion,
16 say aye.

17 (Chorus of ayes)

18 MR. DiLERNIA: Opposed?

19 (No audible response)

20 .

21 Okay. 11:30. Suggested changes
22 now. Structural changes, suggested changes.

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1 Tom, it's back to you.

2 MR. RAFTICAN: Again, this is stuff
3 brought up by the committee. Addition was
4 specific protected appointment of a
5 representative Sea Grant and a representative
6 of regional fishery management councils,
7 either ex officio or as a voting member.

8 So the discussion is open.

9 MR. DiLERNIA: I have a question for
10 you, Tom.

11 Who, budgetary wise, should these
12 seats be created ex officio seats, these would
13 not be voting seats, these are ex officio
14 seats, well, either, ex officio or voting, who
15 would be responsible for the budget of travel
16 and expense and all that? Did your committee
17 have any recommendations regarding that?

18 MR. RAFTICAN: I think the
19 recommendations of the committee, or the
20 discussion of the committee, was that this was
21 not an additional burden to the MAFAC budget.

22 So Tom?

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1 MR. DiLERNIA: Tom.

2 MR. BILLY: I may have stepped away
3 from the phone, but I don't remember what
4 protected appointment means, or maybe I don't
5 know.

6 MR. DiLERNIA: I don't know what it
7 means, either.

8 MR. RAFTICAN: And that's bad,
9 because that's three of us who were on the
10 phone. And I don't know that we all stepped
11 away from the phone at the same time, but that
12 was what made it down here.

13 When I was asked to review this, I
14 deferred to the group knowledge which is now
15 sporadic.

16 MR. DiLERNIA: Okay, Vince, John,
17 Randy.

18 MR. O'SHEA: Well, two points. I
19 think the overarching one is, it seems to me
20 that if this is a group that is supposed to
21 provide advice to the Secretary of Commerce,
22 that there may be merit in letting the

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1 Secretary of Commerce decide from time to time
2 what the composition of the committee is,
3 rather than the committee locking off certain
4 particular seats.

5 And I guess the second is, if there
6 is already an established rule that regional
7 fishery management council members not sit on
8 MAFAC, that there was probably a good reason
9 for that in the beginning, and it would
10 probably be worth having a discussion of what
11 the rationale is to undo that rule.

12 MR. DiLERNIA: Okay, I've got John
13 Connelly, I've got Randy Fisher, I've got Tom
14 Billy.

15 John.

16 MR. CONNELLY: Tom, this is probably
17 a question for you. Is the goal of the
18 committee to have a representative of the Sea
19 Grant on the MAFAC? Is that the goal?

20 MR. RAFTICAN: I think that was the
21 general discussion, to ensure that we have
22 that institutional knowledge coming in.

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1 MR. CONNELLY: If I could make a
2 motion then, reflecting Vince's comments about
3 not having anyone from the regional fishery
4 management councils on there, we talked about
5 Mary Beth, and the motion would be that the
6 goal of MAFAC to include representatives of
7 Sea Grant program on MAFAC.

8 MR. DEWEY: Second.

9 MR. DiLERNIA: Okay, we have a
10 motion. It's been seconded. We now have to
11 go to discussion.

12 I had a list prior to that, which
13 was Randy, Tom and Heather. I'd like to take
14 those three, give those three individuals an
15 opportunity to speak, and then we will turn
16 our attention maybe to the motion itself.

17 Randy.

18 MR. FISHER: I agree with Vince. I
19 don't know where you stop adding people. Once
20 you start doing this, where does it stop? I
21 mean that is my concern.

22 The three of us as nonvoting

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1 members are here for the purpose of being able
2 to provide continuity - we represent the
3 council sort of, we know Sea Grant we do all
4 that stuff. But I would caution you if you
5 start adding more, because believe me, they
6 will be at your door. And I don't know where
7 you stop.

8 MR. DiLERNIA: Tom.

9 MR. BILLY: My recollection of the
10 discussion from our working group was that the
11 idea was that as MAFAC holds its meetings in
12 different parts of the country, we make an
13 effort to invite the most relevant management
14 council representatives and Sea Grant
15 representative from that geographical area
16 come and sit in on the meeting so they learn
17 more about MAFAC and some of the issues.

18 This - so I don't know if this is
19 necessary.

20 MR. DiLERNIA: Okay, and that is the
21 fourth bullet.

22 And Heather, you are next.

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1 MS. McCARTY: I agree with what's
2 just been said. I don't agree with the
3 motion. I think that we run up against the
4 problems that have already been mention, and
5 you'd have the problem of how could you
6 possibly decide which regional fishery
7 management council would be represented, and
8 that would be a cat fight.

9 So I think that is not a good thing
10 to run into. So I would recommend not voting
11 on it.

12 MR. DiLERNIA: Mr. Connelly.

13 MR. CONNELLY: I just wanted to make
14 sure, the motion was, it is the goal of MAFAC
15 to include representatives of the Sea Grant
16 program on MAFAC.

17 MS. McCARTY: Yes, I think that
18 would be the same problem, national Sea Grant,
19 regional Sea Grant folks. I think the last
20 bullet here has a suggested change that makes
21 a lot more sense.

22 MR. DiLERNIA: Mr. Connelly.

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1 MR. CONNELLY: We are concerned at
2 NFI about the direction that Sea Grant is
3 going. I will tell you, we get more funky
4 stuff from Sea Grant that is not fisheries
5 related, and I think it's important that Sea
6 Grant be grounded back into fisheries and
7 seafood technology questions.

8 So I think it is important. It is
9 not a requirement; that's why I stated it as a
10 goal; to have someone from Sea Grant that is
11 embedded into this community, because the
12 stuff that we see in Sea Grant, it's lost its
13 roots in the fisheries world.

14 DR. BALSIGER: No, I was just
15 thinking, I wonder how many people around here
16 we could put on here so we could bring them
17 back into line.

18 (Laughter)

19 DR. BALSIGER: As opposed to getting
20 advice from them.

21 (Laughter and off-mike remarks)

22 MR. DiLERNIA: Tom.

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1 MR. BILLY: Could John repeat the
2 motion?

3 MR. DiLERNIA: Sure, John, could you
4 please repeat the motion?

5 MR. CONNELLY: It is the goal of
6 MAFAC to include representatives of the Sea
7 Grant program on MAFAC.

8 MR. DiLERNIA: I'll lead the
9 discussion, not direct it. Bob.

10 MR. FLETCHER: I would speak against
11 the motion, partly because of what Vince and
12 Andy have brought up. I think bringing them
13 into our meetings as we travel around and say,
14 hey, we'd love to have you join us and
15 interact with them is one thing. But having
16 it as a formal part of the membership I think
17 opens the slippery slope, so I'm not -

18 MR. DiLERNIA: Are there any other
19 identified or mandated seats on this
20 committee? None, right? We don't say, we
21 must have a commercial fishery, we must have -
22 I mean we make recommendations, but there are

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1 no reserved seats for any particular
2 individual. And would this have the net
3 effect of reserving a seat for a particular
4 group or individual?

5 MR. CONNELLY: I would argue if I
6 could, since it's my motion, it doesn't,
7 because the word, goal, is by design, that
8 when Mark is looking at the suite of people,
9 and offers that up to Jim and up the ladder,
10 one of the things he should have I would think
11 is someone that has some deep Sea Grant
12 experience.

13 So it's not a requirement; it's a
14 goal.

15 MR. DiLERNIA: Jim.

16 DR. BALSIGER: Would you agree that
17 the current wording of the charter would allow
18 the identification of a Sea Grant person to be
19 in MAFAC if they went through the normal
20 process?

21 MR. CONNELLY: Yes, unfortunately
22 Jim, I don't have a charter in front of me.

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1 MR. DiLERNIA: Catherine?

2 MS. FOY: I'd like to speak to that.

3 I believe that under the charter,
4 l(e), experience in teaching, writing,
5 researching and consulting or advocating
6 matters related to fisheries, pretty much
7 clearly defines Sea Grant already.

8 Do you need to add the words, the
9 actual words, Sea Grant in there, or is that
10 pretty much - they have a corner on the market
11 already.

12 MR. DiLERNIA: You are saying it's
13 in the charter already? You are saying it's
14 implied in the charter?

15 MS. FOY: It's implied in the
16 charter.

17 MR. DiLERNIA: And we have had
18 members that are Sea Grant.

19 Tom.

20 MR. FISHER: Let me, I think when
21 you look at bullet number one and bullet
22 number four, it might be easiest to roll

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1 John's motion over to bullet number four. You
2 know maybe it's a goal each year to invite
3 regional representatives of Sea Grant.

4 I agree that it is important to get
5 Sea Grant here at the table. I also agree
6 with the ongoing discussion, and Mr. Fletcher
7 actively put, it gets to be a slippery slope
8 when you mandate all of these changes along
9 the line.

10 So maybe

11 MR. DiLERNIA: Mark.

12 DR. HOLLIDAY: John's original
13 motion, the intent of the committee is to
14 address the Sea Grant issue directly. I think
15 there is a mechanism to do that like we are
16 doing with NOS and sanctuaries on Thursday.

17 So we can get the head of Sea Grant
18 in here, or we could get the head of extension
19 in here on a particular agenda to discuss both
20 short term or chronic problems that MAFAC
21 wants to advise Sea Grant on, and make that
22 front and center in a report to the Secretary

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1 of Commerce as a more direct route than
2 encouraging participation by Sea Grant.

3 They have that opportunity now to
4 be a participant if they are nominated and
5 selected. But if there are problems, there
6 are direct routes to deal with them that the
7 committee has, and that we can take advantage
8 of.

9 MR. DiLERNIA: Okay. So Mark, what
10 you just said I think would be in support -
11 I'm going to interpret your information - Tom
12 has a motion. You substituted for the
13 original motion, the original motion, you have
14 a substitute motion, you used bullet four
15 instead of bullet one.

16 MR. RAFTICAN: Use bullet four, and
17 again, the goal of the chair is to invite -
18 and again, so we stay away from the slippery
19 slope where we are demanding this, but set
20 this aside. We bring in the local - the - as
21 we move around our local expertise, as opposed
22 to number one.

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1 MR. DiLERNIA: Okay, so we have a
2 substitute motion, which you have made. You
3 made a substitute motion, and it's been
4 seconded by Heather.

5 Any other discussion on that? So
6 as we move around we will make sure that the
7 chair reaches out to the regional fishery
8 management councils and Sea Grant in the area
9 - in the region that we are meeting in and
10 invite them to participate in the meeting and
11 contribute to increase and formalize our
12 interactions in exchange with the regional
13 management councils and Sea Grant.

14 That would be the net effect, which
15 is also consistent with the net effect of
16 elevating the committee's activities and the
17 committee's I guess we'll say visibility.

18 All those in favor of the motion?

19 (Chorus of ayes)

20 MR. DiLERNIA: Opposed?

21 (No audible response)

22 Very good.

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1 So with that action we took care of
2 the first and last bullets, and other
3 suggested changes.

4 Okay, now the second bullet, formal
5 recognition of the advisory role of the
6 executive directors of the three marine
7 fisheries commissions. Tom, can you remind me
8 of that? Any discussion?

9 We know who they are, and we like
10 them here all the time. We welcome them here.

11 MR. FISHER: I don't see any charter
12 change on that, really.

13 Do we need a formal recognition of
14 that? I'm going to go with Mr. Billy on that.

15 MR. DiLERNIA: What are you going to
16 do, send him flowers once a month or something
17 like that.

18 DR. HOLLIDAY: I know in December
19 when we had the general discussion, I recall
20 that there was no mention in the charter of
21 the commission's role, so this was to fill
22 that gap.

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1 Similarly the proposed change for
2 aquaculture, because there was no specific
3 reference to that as a criteria, that we would
4 consider those two as additions to the
5 charter.

6 MR. DiLERNIA: All right.

7 DR. HOLLIDAY: That's the origin of
8 it.

9 MR. DiLERNIA: So then we would need
10 a motion to include in the charter language
11 that ex officio advisory members to the
12 committee include the executive directors of
13 the three marine fisheries commissions?

14 Okay, so I can't make the motion.
15 I'm the chairman.

16 MS. McCARTY: So moved.

17 MR. DiLERNIA: All right, moved by
18 Ms. McCarty, seconded by Mr. Fletcher.

19 So that would be that the charter
20 be - so the motion is, the charter to include
21 language which states that ex officio members
22 or

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1 Vince.

2 MR. O'SHEA: Two minor points, Mr.
3 Chairman. One is, you are correct about the
4 December discussion. And it was just an
5 observation that for at least five years the
6 practice has been to include the commissions
7 in this process.

8 So operationally it doesn't really
9 change anything, but it makes the paper line
10 up with what the practice is.

11 The second is really a question,
12 and my assumption is no additional financial
13 burden to MAFAC. That means that since that
14 has been the practice for the last five years,
15 and MAFAC has been budgeted to bring the three
16 commissions here, that formalizing that is not
17 going to increase the expense.

18 That's my interpretation.

19 MR. DiLERNIA: I agree.

20 Heather.

21 (Off-mike remarks)

22 MS. McCARTY: Mr. Chairman, I was

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1 actually assuming all this time that the three
2 commission folks did pay their own way. But I
3 guess if they aren't then we need the
4 committee to do that. I think it's important
5 that they are here, and I think it's important
6 to memorialize it in some way..

7 MR. O'SHEA: And just to follow up,
8 Randy mentioned the connections. And the way
9 quite frankly Jack Dunnigan explained it to me
10 when I took this position is that it also
11 gives MAFAC and the Department of Commerce and
12 NOAA an important linkage to the states.

13 And by having three people here,
14 you basically get with the exception of Hawaii
15 and such, this committee and NOAA gets a
16 direct cover for getting advice from the
17 states. I think that is another thing about
18 us being here that Randy didn't mention.

19 Thanks.

20 MR. DiLERNIA: Jim.

21 DR. BALSIGER: I was just joking
22 about Vince. But I agree. It's very

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1 important. And these three commissioners sit
2 on a whole variety of things, so they bring in
3 a huge bulk of information. I agree. It's
4 great that they've been willing to travel
5 without being recognized.

6 MR. DiLERNIA: Okay, no additional -
7 all those in favor of the motion?

8 (Chorus of ayes)

9 MR. DiLERNIA: Opposed?

10 (No audible response)

11 The one, two, third bullet, final
12 bullet.

13 Tom, do you want to speak to that
14 point?

15 MR. RAFTICAN: Yes, I think this is
16 pretty much formalizing what we already have.

17 Again, the experience currently is in
18 harvesting, processing and marketing fish and
19 fish products, and this just simply highlights
20 aquaculture and what we are doing.

21 MR. DiLERNIA: Okay. Do I have a
22 motion to accept that bullet as a recommended

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1 change? Ms. Foy and Ms. Lowman, Cathy made
2 the motion, Dorothy seconded it.

3 Is there any discussion on that
4 motion?

5 Any discussion on the motion?

6 Seeing none, all those in favor of
7 the motion respond by saying aye.

8 (Chorus of ayes)

9 MR. DiLERNIA: Opposed?

10 (No audible response)

11 .

12 Mr. Raftican, do you have any other
13 recommendations or actions from your working
14 group?

15 MR. RAFTICAN: No, I think we've
16 covered it all. Thanks so much.

17 MR. DiLERNIA: Well, thank you. On
18 behalf of the entire MAFAC committee I'd like
19 to thank you for taking the role, the lead in
20 this, and the working group members who
21 participated.

22 I believe that all the actions that

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1 you initiated and that this committee has
2 taken today will go a long ways towards
3 elevating the relevance and the prominence of
4 the committee in the fisheries management
5 arena, and particularly within the Commerce
6 Department as a whole.

7 So on behalf of the entire
8 committee, thank you for taking this forward.

9 Thank you very much.

10 Okay, we are almost - we are
11 actually about 10 minutes ahead of schedule.
12 So if there - Mark, do you have anything new
13 before we break for lunch here, make some
14 recommendations, housekeeping?

15 DR. HOLLIDAY: Well, just a little
16 bit of housekeeping. One of the late arriving
17 briefing book materials we will be passing
18 out. This is a white paper on seafood safety,
19 quality and outreach. So this would be
20 helpful for the Commerce subcommittee meeting
21 this afternoon after lunch. You can take it
22 with you to the deli or wherever you are going

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1 to have your sandwich, and have it available
2 for this afternoon.

3 MR. DiLERNIA: All right. If you
4 look at your agenda for today, we have an hour
5 and a half for lunch. And I will speak about
6 lunch in a moment.

7 But when we come back at 1:30 we
8 have two subcommittee working group meetings
9 that are concurrent, 1:30 to 3:00, strategic
10 planning subcommittee. What room will that be
11 held in, do we know? In the board room which
12 is right next door, very nice room.

13 And Commerce and aquaculture will
14 be in this room here.

15 Rec fish will be in the board room
16 or here?

17 DR. HOLLIDAY: It will be back in
18 here. We'll be done at 3:00.

19 MR. DiLERNIA: So Rec Fish can
20 start, members of the Rec Fish group can meet
21 in here at 3:15, and like I said, hospitality
22 will start at 4:00 o'clock in the board room

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1 next door.

2 The only thing I ask, with
3 hospitality, if we could - the hospitality
4 each evening is being hosted by a different
5 group. Fishermen's Conservation Association
6 which is a recreational fishing group is
7 hosting actually tomorrow night.

8 Tonight is - the hospitality is
9 hosted by United Development of New York, and
10 the New York Fishing Tackle Trade Association.

11 But we are going to run a cup there
12 so we can pay the bartender. So anybody who
13 comes in, if you just put maybe like at a
14 council meeting \$5 a person in the cup that
15 would take care of the bartender, because the
16 bartender is volunteering to work. There will
17 be a bartender there.

18 Other than that please come in and
19 join us. One of our sponsors for the 4th of
20 July party may go back to there - and so - all
21 right, so we are going to break for lunch, and
22 then we'll come back to working groups.

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1 Regarding lunch the hotel has a
2 very nice lunch, the restaurant here in the
3 hotel, and it's good. If you walk down the
4 street, as you come out of the hotel and make
5 a left, this street here is called Little
6 Korea, and you will see, there are lots of
7 Korean barbecues and Korean seafood places,
8 along the entire street. I have never hit all
9 of them. I haven't hit all of them yet, but
10 they have always been good.

11 If you go across the street, if you
12 come out of the hotel, make a right and go
13 across catty-corner from the hotel here,
14 salads, soups, sandwiches to go, reasonably
15 priced, good food always, you can go upstairs,
16 there is an eating room upstairs where you can
17 take your sandwiches, whatever, do it there.

18 Also the board room is a lovely
19 place that is open, if you want to bring your
20 lunch back here and eat in the board room, the
21 board room is a lovely place to have a meal.

22 And other than that, large

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1 restaurants, Macy's, Macy's just two blocks
2 up, downstairs they have a gourmet restaurant
3 in the basement of Macy's also. And you can
4 eat right there.

5 And there is always the hotdog cart
6 on the corner.

7 All right, any other questions?
8 About lunch, hospitality? And again, tonight
9 if you want dinner reservations, see me during
10 hospitality or see LuAnn during hospitality.
11 We have lots of different reservations around
12 town.

13 With that we are adjourned.

14 (Whereupon at 11:53 a.m. the proceeding in the
15 above-entitled matter went off the
16 record to return on the record at
17 1:37 p.m.)

18 SUBCOMMITTEE AND WORKING GROUP MEETINGS:

19 COMMERCE

20 MR. BILLY: Okay, we'll start the
21 meeting of the MAFAC subcommittee on commerce.

22 And as you can tell from the agenda

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1 we have been asked to cover three topics:
2 aquaculture; ecolabeling, and seafood safety
3 and quality.

4 I have a proposal for you, which is
5 in part predicated on the fact that we were
6 just handed the seafood quality and safety
7 white paper at lunchtime, and that proposal is
8 that given the fact we have an hour and a
9 half, my original plan was to divide it into
10 30-minute segments to cover the three topics.

11 In lieu of that approach, that we
12 focus primarily on aquaculture and then
13 ecolabeling in this hour and a half; we take
14 some time to read the white paper which we
15 just received; and then listen to the
16 presentations from both NOAA representatives
17 on their voluntary inspection program and the
18 FDA representative Thursday morning on the
19 schedule.

20 And then as appropriate we could
21 have a short meeting at lunch time on Thursday
22 if there is some action we want to recommend,

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1 where we kind of poll each other and see what
2 we want to do with regard to seafood safety
3 and quality.

4 So if that is acceptable to all of
5 you, we will follow that schedule.

6 MR. DEWEY: I think it's a good
7 suggestion. Maybe we will find ourselves
8 getting through things quicker this afternoon
9 than we anticipated. We can talk about it at
10 that point.

11 But I was trying, but I got into
12 conversations over lunch myself. So I have to
13 look at it.

14 MR. BILLY: I haven't had a chance
15 to look at it. The representatives aren't
16 here. So I'm not sure exactly what we are
17 going to talk about.

18 MR. DEWEY: The white paper is by
19 NOAA?

20 MR. BILLY: Yes, produced by NOAA.
21 I put it under Tab N.

22 So the first topic we'll cover is

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1 aquaculture. It's under Tab F, and we are
2 fortunate to have Mike Rubino here to once
3 again sort of give us an update, or a brief
4 update given now I guess 45 minutes of what he
5 is going to present to the full committee
6 tomorrow.

7 And then put on the table any
8 suggestions he has for potential action by the
9 committee. And follow up to where things
10 stand, and any other thoughts that any of us
11 have about where to go from here.

12 So Mike, the floor is yours.

13 MR. RUBINO: Thanks very much, Tom.

14 First of all I wanted to thank this
15 committee in particular - tomorrow morning
16 I'll thank them generally again - for your
17 advice, your suggestions, pushing us to do
18 this 10-year plan. It's been an invaluable
19 tool for the program and for the agency in
20 thinking about aquaculture and the agency's
21 role in aquaculture and the role of
22 aquaculture in our seafood supply.

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1 And in building specific
2 initiatives within that 10-year plan, in terms
3 of taking it forward.

4 So what I will do tomorrow, and I
5 will just do very briefly here, is to remind
6 you of what it was that your charge to us was
7 and how we are doing in terms of implementing
8 and executing that charge.

9 In 2006 - 2007 the recommendations
10 that you made were to formally adopt a 10-year
11 plan for the program; that's one.

12 Two, provide substantially
13 increased budget resources for aquaculture and
14 institutionalize aquaculture within NOAA and
15 the department, including implementing a
16 regulatory framework, increasing the agency's
17 size capabilities, working with partners on
18 pilot projects, creating headquarters and
19 field organization structures similar to other
20 programs, create a fisheries line item
21 dedicated to aquaculture; provide additional
22 funding without compromising the other agency

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1 programs. So that was all part of point two.

2 Point three was to launch a broad
3 marine aquaculture initiative in the U.S. that
4 will lead to greater levels of seafood
5 production.

6 And four, revision Chapter 22 of
7 the U.S. Ocean Commission policy report and
8 consider adding things to the U.S. Ocean
9 Action Plan.

10 So as I think I reported to you a
11 year ago, that we made some progress on a
12 number of these things, we did adopt the 10-
13 year plan not only as a NOAA but a Department
14 of Commerce document.

15 We have been able to add an
16 aquaculture budget line in the NOAA fisheries
17 budget. There had been one in the OARC grant
18 for the competitive grants program. Now we
19 also have one starting in '08 that says
20 aquaculture in the NOAA fisheries budget.

21 It had \$3.3 million in it in the FY
22 '08 budget. The president's budget, and the

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1 House and Senate mark for `09 have it at \$4
2 million.

3 That is basically money to run the
4 program from a management regulations,
5 outreach and education, international
6 coordination. A small amount has also been
7 going to two of the science centers to begin
8 to beef up their capabilities. And we hope,
9 if there are increases in that budget line,
10 most of those increases would go either to the
11 science centers as well as to competitive
12 grants programs.

13 MR. CATES: Which of the science
14 centers?

15 MR. RUBINO: Well, the two that have
16 been targeted to start with are the Northeast
17 Center and the Northwest Center, because that
18 is where in addition to the Alaska Center that
19 is where most of the aquaculture capability
20 apparently is, and in particular at the
21 Milford Lab in Connecticut and the Manchester
22 labs in Seattle.

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1 Now with those science centers and
2 others, we are looking at sort of what are the
3 capabilities of the science centers around the
4 agency. What do these science centers need to
5 do in terms of beefing up to meet current
6 mandates as well as potential future mandates.

7 So that is an ongoing exercise at the moment.

8 And I think a very positive one;
9 it's amazing how much capability there is in
10 some of these science centers. It's not
11 called aquaculture, but it could be applied to
12 aquaculture.

13 But it has to be - become part of
14 the regular, sort of the mainstream activities
15 within NOAA's research activities, rather than
16 having them off in left field. It's become
17 part of regular business.

18 And the Northeast and Northwest
19 Science Centers have made that commitment, and
20 I think the Alaska Center also continues to do
21 a fair amount of work on aquaculture; it's
22 mostly on the salmon stocking side.

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1 And they have a king crab budget
2 there.

3 MR. CATES: Mike, did I understand
4 right, you are giving a \$4 million budget to
5 try and create these two centers?

6 MR. RUBINO: No. The \$4 million
7 budget principally goes to a headquarters
8 program; about two-thirds of it. One-third of
9 that money is starting to go to hire regional
10 coordinators of the regional office. If you
11 go to a regional office, they have a habitat
12 program, a fisheries program, a protected
13 resources program, and so on.

14 We don't have enough for
15 aquaculture to do within the agency, but we
16 would like to at least have a regional
17 coordinator in each of the regions to act as
18 sort of a traffic cop to look at aquaculture's
19 interest, to do outreach, to help any
20 permitting actions that come in.

21 So we hope to hire regional
22 coordinators in the Southeast region and in

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1 the Northeast region to start with, as well as
2 a part-time position in the Southwest region;
3 again, we can't do everything at once. And
4 like I said part of the money is also going to
5 begin to beef up science centers in the
6 northeast and northwest.

7 MR. BILLY: So they are existing
8 science centers, and they are just enhancing
9 the aquaculture activities within them?

10 MR. RUBINO: That's right.

11 MR. CATES: My only concern about
12 that is that as I think about Manchester, it's
13 a great lab and such, but it's ability to
14 support offshore aquaculture seems to me to be
15 a bit minimal, just because of geographic
16 location.

17 MR. RUBINO: Well, remember, the
18 agency's mission in aquaculture has to do with
19 all marine aquaculture. I think one of the
20 things we have done over the last three years
21 as well, when I came into this program,
22 because this is a federal agency, I was asked

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1 to look at what are we doing about federal
2 laws, and we need a regulatory framework for
3 federal waters.

4 I think the 10-year plan, and your
5 advice, was to look at aquaculture more
6 broadly, bring aquaculture - if I looked at
7 this as a business, who are my clients? Most
8 of the commercial marine aquaculture in the
9 United States right now is shellfish farming,
10 a little bit of salmon in Maine and in
11 Washington State.

12 The other big part of marine
13 aquaculture - at least in hatcheries- is for
14 stock replenishment. So things like those
15 recirculating systems and going to offshore
16 were a big push there for a variety of
17 reasons, but those are technologies for the
18 future; we need to get ready for them.

19 I think I have argued, and the 10-
20 year plan argues, we need to take care of this
21 wider array of aquaculture activities, that
22 the agency has responsibilities for under a

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1 number of mandates - the Aquaculture Act of
2 1980, the Magnusson-Stevens, Endangered
3 Species, and so on, all affect existing forms
4 of aquaculture as well.

5 So these labs, the Manchester lab ,
6 yes, is focused on fin fish, and the two
7 things that they are looking at doing are
8 stock enhancement or stock replenishment of
9 Pacific rock fish and lingcod, as an
10 indicator species for replenishment activities
11 on the West Coast; and looking at sable fish
12 as an alternative for commercial aquaculture.

13 The Milford in Connecticut focuses
14 more on shellfish, so it's shellfish predation
15 issues, disease issues -

16 MR. CATES: Harvest impact.

17 MR. RUBINO: Harvest impacts and so
18 on, interactions between shellfish and the
19 environment and so on.

20 It would be great if the Northwest
21 lab had a lot of shellfish capabilities as
22 well, because of the big shellfish industry in

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1 the Northwest, but it doesn't. So that's one
2 of our challenges and puzzles going forward
3 is, what - I've argued the science centers in
4 the agency need enough in house expertise
5 first of all to be able to provide good
6 science to the regulators to make regulatory
7 and public policy decisions.

8 If not, if we don't have it in
9 house, what kind of partnerships does the
10 agency have to be able to gain that expertise
11 and be able to make those decisions?

12 This is what we are trying to do
13 with the internal research plan.

14 This sort of got me off on a
15 tangent, but that's fine. Maybe I should get
16 back to just quickly cataloguing what we've
17 done, and then we can get some of these
18 questions.

19 So I talked about the aquaculture
20 line in the budget. We continue to have a
21 certain amount of external grant funding
22 through the National Aquaculture Initiative,

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1 which is administered by the Sea Grant office
2 of OAR. So we work very closely with Andy
3 Lazur, who is the current person administering
4 that program.

5 We are about - over the next couple
6 of months we will announce another \$4 million
7 of grants from the previous competition.
8 Again that is stuck at \$1.6 million with the
9 President's budget. Senator Inouye and others
10 have topped that up to \$4-5 million in recent
11 years. It's hard to know what we'll continue
12 in the future.

13 The Senate mark has it at 1.6; the
14 House mark has it at zero. That's been
15 typical.

16 I talked a little bit about
17 creating headquarters and field structures
18 comparable to other programs in terms of
19 adding regional coordinators and science
20 center activities.

21 And the other big part is what to
22 do about federal waters, because that is a

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1 regulatory matter. And so there are sort of
2 two paths going on: we've got national
3 legislation; and we've got the Gulf Council
4 that doesn't want to wait for national
5 legislation, which would like to get something
6 going in the Gulf.

7 National legislation, I think that
8 we have sat down in a number of meetings with
9 industry and environmental NGOs and gone
10 through the bill in great detail, and most of
11 the issues I think have been resolved, except
12 for two which remain outstanding. And I think
13 the various groups have sort of agreed to
14 disagree, on length of permit, and how to
15 include environmental liability considerations
16 into the regulatory program.

17 All the other issues - states'
18 rights, NEPA, environmental requirements - I
19 think we came to a very broad understanding
20 about what they should be.

21 This is an election year. I don't
22 think any of us anticipate a bill moving this

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1 year. But so the pressure then will be for
2 the transition in another administration,
3 where do we go forward? So that was one of my
4 questions to the NGOs.

5 MR. DEWEY: Do you expect any
6 activity on the bill this year? Do you see a
7 hearing?

8 MR. RUBINO: Well, Amanda Halberg,
9 who was the Senate committee staffer, I think
10 would like to introduce the Senate bill. That
11 is her own personal interest.

12 Whether the senators she works for
13 want to do that. But I think in her mind
14 she'd like to introduce the Senate bill, hold
15 a hearing, and at least get that underway and
16 out of the way in this current session of
17 Congress.

18 But whether that is possible this
19 summer or not, I just don't know.

20 There's been talk also of a
21 research bill, though it is focusing on the
22 research parts of the bill, and sort of

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1 punting or delaying the federal regulatory
2 part, federal waters.

3 So all of that is on the table.

4 MR. DEWEY: Sorry, I'm interrupting
5 you with questions. You should keep going.

6 MR. RUBINO: That's all right, the
7 Gulf Council, there are other people with more
8 knowledge than I have, is still looking at
9 this question. I think they are on track to
10 perhaps pass something this fall, wouldn't you
11 say, Larry? Whether it's an amendment to
12 existing fishing rules, or whether it's a new
13 aquaculture FMP, they are still debating that
14 this summer.

15 They have completed most of an EIS
16 for this. They have held a number of public
17 hearings, they are likely to hold more public
18 hearings. As I said, they don't want to wait.

19 A couple of things we've done this
20 year. A number of you were at the marine
21 aquaculture summit last year, in terms of
22 launching this broad marine aquaculture

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1 initiative. One of the questions is, how do
2 you sustain that?

3 We have tried to pick a few topics
4 to focus on this past year. One is this whole
5 question of aquaculture feeds, and looking at
6 alternative feed sources, and it's a big
7 concern in terms of the future of aquaculture,
8 not so much now in terms of forage fish,
9 because the supplies that are ultimately
10 stable. But there is going to be another 40
11 million metric tons of increase, like FAO
12 says, where is the protein going to come from?

13 So this is a serious concern for
14 the aquaculture industry. And we are working
15 with USDA in sort of a joint initiative to
16 look at putting together a federal blueprint
17 for feeds research in the federal government.

18 And we have had a meeting of scientists, a
19 meeting of stakeholders, to talk about these
20 issues, the scientists with our program and
21 USDA will produce a white paper sometime in
22 the fall which will be circulated for public

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1 comment on some recommendations of where the
2 public thought we should go on feeds.

3 We have also just recently had a
4 symposium on shellfish and the environment.
5 This is something that the shellfish industry
6 asked us to do, coming out of the Corps of
7 Engineers asserting jurisdiction over
8 shellfish under the Clean Water Act, how is
9 that going to play out in terms of regulatory
10 questions on shellfish and the environment?

11 So we cosponsored a symposium
12 trying to bring together some of the best
13 minds around the country, and even some other
14 countries, to talk about these issues of
15 shellfish and the environment.

16 Again that will produce a summary.

17 A number of the authors are contributing to a
18 book looking at various issues of shellfish
19 and the environment. It's a way of keeping
20 the dialogue going on the question.

21 And these are two very specific
22 things. A big question to you going forward

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1 is, in terms of stakeholders, you are probably
2 more familiar than most around the country
3 with where this program has come from and what
4 it has been trying to do.

5 We have achieved some modest
6 successes. I think we have convinced NOAA to
7 do modest increases in budget. We are
8 starting to institutionalize aquaculture
9 within the agency. There is no Office of
10 Aquaculture yet. But that may be coming as
11 well.

12 So how do we make that order of
13 magnitude jump? How do we make the quantum
14 leap? Is it legislation? Is it greater
15 understanding amongst the public? Is there
16 outreach to commercial fishing? Are there
17 environmental groups? What should we be doing
18 about the transition?

19 Why don't I stop there.

20 MR. BILLY: Okay. Questions or
21 comments in terms of what you've just heard?

22 MR. FORSTER: Thank you.

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1 In the 10-year plan wasn't there was some
2 specific wish or goal in terms of marine
3 aquaculture, offshore if you like to call it
4 that, more than shellfish and enhancement
5 aquaculture. We have some sort of 15
6 demonstration farms and a tonnage figure?

7 And I guess my question is, that
8 was, what, nearly two years old by now? Is
9 that right?

10 MR. RUBINO: That's right, the draft
11 is two years old. The final plan was last
12 November.

13 MR. FORSTER: I guess the point is,
14 we'll call it one, that's nine years left.
15 How are we doing measured against that
16 objective?

17 Because I just sensed that none of
18 our talk is still around science centers and
19 existing industry which of course has to be
20 looked after, and the council on aquaculture,
21 but this whole business of producing more food
22 fish for our seafood industry seems to me just

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1 as far distant as it always was.

2 And if you would respond to that.

3 MR. RUBINO: I think what I'm trying
4 to say, what I'm saying, been saying, is that
5 we need all these various forms of aquaculture
6 if we are to meet the seafood production goals
7 of marine aquaculture, whether it's offshore,
8 near shore or on shore.

9 Because we are a federal agency we
10 have been given a specific responsibility
11 including the sea, and asked to do something
12 about that. The first step is develop a
13 regulatory framework. If you don't have the
14 rules of the game you can't do any production.

15 So I think we are sort of at a -
16 we've come I think as far as we can with the
17 current commerce legislation. Now in terms of
18 what the federal government can do, provide a
19 draft legislation. We are trying to get
20 various interest groups together to talk about
21 it, to provide technical advice to Congress.

22 Now it's up to stakeholders and

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1 Congress to decide if they really want this to
2 go forward or not.

3 In addition to that we have
4 continued to fund through grant programs
5 offshore aquaculture is at least a quarter or
6 a third of these grant funds in terms of
7 projects. And I think you will see in the
8 next round that will be roughly that amount of
9 funding as well, with the rest of the funding
10 going to things like shellfish enhancement,
11 and a collection of other things.

12 And then through the SBIR program
13 and others there's been some additional
14 funding as well. But it's modest.

15 I think the real constraint that
16 all of you are saying, and that we heard at
17 the summit was, you need a regulatory
18 structure in order to proceed.

19 MR. FORSTER: And the reality is
20 that we are actually still years away from
21 creating a significant tonnage which can make
22 some of these members see this. I mean -

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1 MR. RUBINO: That's probably true.
2 I mean if the Gulf Council passed an amendment
3 in October or December, it would take at least
4 a year to develop the regs, and then you are
5 talking - I think we've acknowledged that even
6 if you got a regulatory framework in place
7 today, the first 10 years after that you would
8 see a variety of different kinds of efforts
9 and initiatives, modest levels of production,
10 maybe a dozen or so farms around the country;
11 maybe even 20.

12 And then you would learn from that,
13 the ones that work, if they do work, you will
14 see, in the second 10 years you will see much
15 faster appreciation and increase.

16 MR. FORSTER: I think that is well
17 stated and exactly what was intended. It's
18 just, I'm concerned that -

19 MR. RUBINO: I don't think that the
20 agency's commitment for offshore is any less.
21 I think in fact it's been strengthened with a
22 greater understanding within the agency,

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1 within the rank and file of my fellow staffers
2 in the agency, the importance of this.

3 But at some point the public
4 through the public process makes a decision on
5 how this goes forward. I think we continue to
6 provide science, and we can provide outreach
7 education, we can meet with constituents.

8 MR. BILLY: Other questions,
9 comments? Yes, Bill.

10 MR. DEWEY: Michael, I have a few
11 here.

12 At the shellfish and the
13 environment symposium you mentioned that there
14 may be some SK money available for first time
15 in a few years here for aquaculture-related
16 research. Did any more information develop
17 after that?

18 MR. RUBINO: The only information I
19 have I think is that we have included SK
20 internally as a priority. So I don't know if
21 the SK announcement has been yet or not. I
22 think it is coming out this month, I would

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1 think.

2 MR. RISENHOOVER: Yes, there's a
3 specific SK announcement. It would have been
4 wrapped up in that broad agency announcement.

5 MR. HOLMES: I do believe that we
6 have submitted an SK one-pager and that we
7 will try to include it on the website in the
8 next couple of days, or get it out to you by
9 the end of the meeting.

10 MR. RUBINO: But aquaculture should
11 be one of the topics that has already been - I
12 think the amount of monies, funding available
13 this year is relatively modest.

14 MR. DEWEY: Start back on the right
15 path. Also as you are talking about feeds,
16 I'm not that actively involved in the feed
17 workshop, but I was interested, and you were
18 at the shellfish and the environment talks
19 there, and we heard from Bob Lindl from Sweden
20 the work they're doing dealing with mussels to
21 mitigate nutrient pollution and then
22 converting mussels into feeds, beside human

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1 food. They have done some work there with
2 poultry feeds in the mussels.

3 And I wonder if that is something
4 we at least want to bring to the attention of
5 the feed scientists. It's an opportunity
6 there maybe for fish feed or even if it could
7 develop in poultry meal, it might be available
8 for fish feed if we can't feed mussels or
9 fish. It seems a little more logical actually
10 to feed mussels or fish than chicken.

11 MR. RUBINO: I'll be happy to pass
12 that one.

13 MR. DEWEY: That was kind of
14 intriguing to me.

15 And then finally you mentioned that
16 the Office of Aquaculture has not been
17 established, but that has been one of our
18 recommendations. What can we do as MAFAC to
19 help advance that besides being part of our
20 plan? We have an opportunity here. Mary
21 Glackin is going to be here this week. Is she
22 the person to be talking to about it? How can

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1 we somehow try to advance that concept to help
2 you achieve it?

3 MR. RUBINO: I think one is perhaps
4 a strategy and timing question as well. Is
5 this something that should be done sort of
6 through executive fiat? In other words the
7 agency does this on its own, which I think is
8 possible. I don't know if we need an act of
9 Congress. Or do we wait for legislation that
10 creates an office that gives it a little bit
11 more strength that Congress wishes to do this.
12 So it might have a little bit more permanent
13 standing in the world. Or both.

14 But I think it's the intention of
15 my management to create an office at some
16 point, but it hasn't been done yet.

17 MR. DEWEY: It seems like that might
18 be an appropriate discussion to have with Mary
19 at the end of this week, something to
20 emphasize coming from MAFAC to say, you know,
21 we've got this 10-year plan. This is a step
22 within it. We'd like to see the agency

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1 advance in this direction.

2 MR. BILLY: Would that require a
3 reorganization plan approved by the
4 department?

5 MR. RISENHOOVER: Yes, it depends on
6 what level you try to do it, whether it would
7 be something NMFS could do administratively
8 through its current functional statements.
9 You go outside of that, I think it's
10 departmental approval. Every year we get some
11 language in our appropriations bill about
12 creating any new offices. So occasionally you
13 will need to go all the way to Congress. So
14 it'd be at what level, what specific
15 functions.

16 MR. BILLY: So it would need someone
17 driving it at the NOAA level beyond the
18 interests of the leadership, NOAA fisheries
19 need help, however it sorts out.

20 MR. CATES: If I understand your
21 question to the committee was comment or
22 advice basically on how to achieve some of

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1 these goals, common goals. If I - I think it
2 is pretty well agreed that nothing is going to
3 happen until the new administration comes in.

4 So we should focus on efforts, one, the
5 transition paper is going to be vital in my
6 opinion on whether the new secretary is going
7 to be in favor of offshore aquaculture, or
8 aquaculture in general.

9 The other thing I think, it's my
10 personal opinion, is, your office has gone as
11 far as it can go with the bill, as we
12 discussed earlier. We are down to basically
13 two issues. And it's going to take our
14 senators to look at that and make a choice.

15 But what we really need to do is
16 focus more on our message and our industry and
17 how we - what role we play in the seafood
18 industry. To me that is what is holding us
19 back, and it is not the NGOs and other groups
20 such as that who are in opposition.

21 Because I think everyone pretty
22 well knows, we are at that point; we are right

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1 there. But it's gaining acceptance with the
2 seafood industry. And that is a very
3 important thing. Without that I don't believe
4 we are going to get any further.

5 So MAFAC should look at that, and
6 advise at least to the stakeholders or to raw
7 fisheries how better to be part of the seafood
8 industry. And we can't be a threat. We are a
9 tool, and we should be partners.

10 And that's the message that some of
11 us are making, that we need to strengthen the
12 system.

13 So that would be my advice to this
14 body, and to Mike Rubino and the National
15 Marine Fisheries is, let's focus on that area
16 a little bit in passing the bill.

17 The first step is to convince the
18 secretary of the new administration. And then
19 the next step will be trying to get the bill
20 passed.

21 The transition document is going to
22 be very important.

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1 MR. RUBINO: Randy's advice is very
2 well taken. I think that NOAA and NOAA
3 fisheries have been very consistent on a
4 message that we need healthy wild stocks,
5 healthy commercial fishing and aquaculture,
6 that they need to be working together.

7 But your advice collectively on how
8 we get that message - some people still aren't
9 hearing the message, that message. So what do
10 we need to be doing in addition to get that
11 message across?

12 MR. CATES: One other quick point
13 was, we need to engage with the councils, to
14 kind of bring this issue to the table. I know
15 what's going on in the gulf. I'm trying to
16 get it to go on -- I've been sending stuff to
17 Kitty.

18 But even, we got to get the
19 councils to understand our industry a little
20 bit better and participate.

21 MR. RUBINO: To the same point or
22 another point?

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1 MR. ROBERTS: I wanted to ask you,
2 back to your comments about the two things
3 that everybody respectfully agreed/disagreed
4 on. The environmental liability, give me a
5 briefing on the data, is it the amount or the
6 limit or the way you go about producing the
7 environmental liability.

8 In other words, are there some
9 people asking the federal government to do
10 some underwriting in the environmental
11 liability thing?

12 MR. RUBINO: No, I think that they
13 are asking private companies that want to
14 locate in federal waters would be liable for
15 any environmental damages that might occur.
16 And the question is, how do you define
17 environmental damages? And how do you draw a
18 box around that?

19 And this comes also, the state
20 legislation in California, there is a clause
21 in there saying that aquaculture companies
22 would be liable for environmental damages, as

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1 defined by the, I guess the secretary of
2 natural resources or whatever of California.

3 So it would be up to the state to
4 define what that box is.

5 I think the administration's
6 position has been to come at it a little
7 differently, to say here are the conditions
8 under which a permit would be given, and we
9 wouldn't give a permit for things that we
10 think are going to cause environmental damages
11 in the first place.

12 If something happens that no one
13 could ever foresee in advance, that's some of
14 the collective risk that we are taking, how do
15 you assign a liability to that? How do you go
16 buy insurance for that?

17 You can't do that. I mean nobody
18 is going to sell you insurance for something
19 you can't imagine now.

20 So again it's a question of how are
21 you going to draw this box. And certainly the
22 bill has a bonding provision in it, which is

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1 fairly typical, you have to put up a bond to
2 remove equipment or to restore a site for
3 remediation issues; that's I think fairly
4 typical in the industry now.

5 But to go beyond that to any
6 unforeseen event, I think that industry has
7 said that this is a nonstarter, that no one
8 could - they just couldn't invest under those
9 circumstances.

10 So is there a way to draw a box
11 that provides some certainty of the investment
12 perspective and that the insurance industry
13 would understand in terms of providing
14 environmental liability laws.

15 MR. ROBERTS: One of the things I've
16 had some - even though I'm retired I still
17 think occasionally. But on this particular
18 thought, we've gotten right where we wanted to
19 go. Let's say Bill, he's in navigable
20 matters, maybe in state waters, but he's in
21 navigable waters, we often push the thinking
22 on this, and if you get to the point where the

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1 federal government is identifying the
2 liabilities to an ecosystem, I could see that
3 at some point that's going to be - if Bill has
4 a problem in navigable waters even though is
5 probably permitted by the federal aquaculture
6 act, maybe said to be onshore, but it's in
7 navigable waters, I can see some potential
8 coming that he's liable under the same kind of
9 thinking the federal government has got for
10 offshore waters, if he is in navigable waters.

11 And that has been something of a
12 concern of mine, looking at the worst thing
13 that could happen, you develop a policy with
14 one intention, and it spills over to somebody
15 that is already permitted. And I don't know
16 if the system is there to take care of it, and
17 by that I mean the insurance system, given
18 what we went through with the cleanup in
19 Louisiana. You just can't get - anyway, I was
20 just wondering if it has a potential to spill
21 over to deeper water even though it's
22 permitted in state waters simply because there

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1 is a navigable water issue there and that's
2 federal.

3 MR. BILLY: I'd raise the same
4 discussion as far as spill over into state
5 waters. Not an area that we've been so -- but
6 certainly it seems like a valid concern.

7 Just trying to - I think Michael
8 described the situation pretty accurately, at
9 least the discussions I've been in on. From
10 the industry side of it it's defining that -
11 how do you define that box, and then can you
12 actually get insurance to achieve it.

13 And maybe that's an area where your
14 folks could help advance the discussion, and
15 pull together some of the insurers in the
16 industry and the NGOs to have that discussion
17 to see - I am a little bit nervous about
18 asking the question, because I'm sure the
19 insurance companies will say, oh sure, we can
20 sell you that product. But what it would cost
21 and all of that, just trying to further that
22 dialogue might be a useful exercise.

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1 MR. RUBINO: Well, let me ask you
2 this, though, too, we don't require
3 environmental liability insurance of any other
4 use of the marine environment with the
5 exception of the oil industry which is on a
6 completely different scale.

7 So is this a precedent that we want
8 to be setting?

9 MR. BILLY: That's a good point. At
10 that last meeting we had there in D.C.,
11 industry said nonstarter. And I suppose if
12 you try to open dialogue on it, you sort of
13 have a starter. So if you want to go down
14 that road, I don't know.

15 MR. CATES: Do you want commercial
16 fishing permit holders to have to carry the
17 same thing?

18 MR. DEWEY: Well, certainly, it's in
19 the back of my mind.

20 MR. CATES: I would say that
21 spillover is an absolute fact of life. It's
22 already happened in my case from having an

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1 operation in Hawaii to a Sea Grant research
2 project in the Gulf of Mexico, I decided to
3 have a single point mooring, and the cage
4 broke loose, the Hawaii state government said,
5 well, we got to have an insurance policy in
6 case the same thing. Rates went way up. So
7 it is a fact of life.

8 MR. BILLY: John.

9 MR. FORSTER: Well, just to this
10 point, I guess one approach, if one were to
11 start a discussion, to say well can we first
12 of all define some standards of environmental
13 damage, and second, can we put some limit on
14 the amount, both of which would give the
15 insurance company some idea of what it was
16 getting into and then it might all be
17 feasible.

18 I guess the cynic in me says that
19 this is a point and an issue which is almost
20 thrown in there as a sabotage of the whole
21 concept. Because left unspecified no one is
22 going to insure it much less take a risk on

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1 it. It's completely open.

2 One could refine a compromise by
3 saying the burden of proof must be on the
4 litigant to actually prove that there has been
5 damage. And then you don't put a whole lot of
6 burden of proof on the defendant.

7 There are a number of ways that you
8 could actually test whether they are arguing
9 this in good faith or not I suppose is what
10 I'm trying to say. That conversation might be
11 worth having, because my sense is there is
12 maybe an element of bad faith in the whole
13 thing.

14 MR. BILLY: Larry.

15 MR. SIMPSON: I don't know if this
16 is a useful contribution or not. In some of
17 the discussions I think the issue is going to
18 have to be addressed; at least in the Gulf
19 it's a major issue, the liability.

20 And Ken brought up unintended
21 consequences, unforeseen. Had casinos on the
22 front beach in Biloxi. It was a Holiday Inn

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1 that one of those barges landed on top of, and
2 the Holiday Inn is gone. Now that is a lot
3 bigger structure than a cage. But I'm sure
4 somebody is liable for the destruction of the
5 Holiday Inn. And since they had to haul the
6 casino off, I'm pretty sure who paid for it.
7 That's one issue.

8 Another issue that historically has
9 happened in oyster grounds is people getting
10 out of the fairways and running aground. And
11 every since they'd done that in Mississippi
12 they've started mapping side-scan sonar, and
13 it's been a very easy fix to say here were the
14 consequences. And so far they have never had
15 any problem being repaid.

16 Some of the test pilot cages have
17 been lost. Thank goodness they have been
18 found. I don't know what else - vessels,
19 hitting other vessels, that occurs lot.
20 Shrimp trawls and other boat trawls hitting
21 pipelines, and sadly to say in some cases,
22 mortality has occurred.

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1 I'm sure this issue needs to be
2 addressed. Now putting a limit on it of some
3 kind, I mean that is probably a reasonably
4 rational idea. But saying that you shouldn't
5 have one I think is probably going to be quite
6 difficult to set.

7 MR. BILLY: Okay, John and then
8 Randy. MR. FORSTER: I think if we
9 confine it to some physical damage like that,
10 then everyone would be much more comfortable
11 trying to figure out what the risk is.

12 It's an open ended question. Right
13 now there is a disease issue in Puget Sound
14 with Vibrio or whatever it is. You could see
15 somebody coming along and saying, the
16 shellfish are responsible for introducing this
17 disease, and there is unlimited liability for
18 the whole shellfish populations in Puget
19 Sound. I mean where does that go in court?

20 And that's where the open-endedness
21 of the thing needs to be brought down to some
22 definition. Otherwise people are just going

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1 to say, well, it's impossible.

2 MR. SIMPSON: Well, wasn't the
3 Valdez just settled last week?

4 MR. CATES: I think the point to
5 this is that it is easy and it is insurable to
6 insure for damage from your structure. A cage
7 is nothing more than a vessel. It's defined
8 as a vessel.

9 Like John says that's not really
10 the issue. It's the unlimited liability. And
11 I think it's worthwhile for NOAA and the
12 National Marine Fisheries to make a stand on
13 this and not go much further.

14 Because the spillover to all the
15 rest of our seafood production, commercial
16 fisheries and everything else, if we implement
17 this, then hey, Alaska King Crab fishery, you
18 got to have unlimited liability for damage.
19 Or any fishery. And that is something that is
20 just not doable, as has already been stated.

21 MR. BILLY: It seems like we ought
22 to - there are three or four of you

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1 knowledgeable in this area, with definite
2 ideas. Maybe you could get together, because
3 our time is about up, and draft a
4 recommendation to NOAA, regarding dealing with
5 this, sort of a recommend NOAA policy position
6 on this matter. You can sort of be the
7 secretary, and bring that to the floor on
8 Thursday.

9 There is one other idea I wanted to
10 put on the table. And I thought a lot about
11 what's happened or not happened with the
12 legislation. And the fact that while we made
13 progress, it's been incremental nibbling, sort
14 of a little bit more, a little bit more. And
15 the thought that occurred to me was whether,
16 given the fact that the head of the United
17 Nations, the United Nations is saying we need
18 a 50 percent increase in food production in
19 the next 30 years, there are various broad
20 indications of the importance of seafood in
21 the diet, and that ought to be a driving force
22 for increases in per capita consumption, at

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1 least in developed countries.

2 What occurred to me was whether it
3 would be useful to have NOAA working with
4 economic research service and ag and marketing
5 development people in the Department of
6 Commerce and wherever else is appropriate, to
7 do a broad-based marketing study that would
8 look at market opportunities and it would be
9 broad enough to look at the high value end
10 species of fish and shellfish, but also
11 producing protein, just the feed people sort
12 of thing. And sort of get our arms around
13 what the economic market looks like
14 potentially, and what the economics are, and
15 then match that up against what is possible in
16 the U.S. presuming we get legislation and you
17 can develop aquaculture in the EZ and so forth
18 let alone in shore as well. So that that -
19 the results could be used to convince the
20 people in Congress and the politicians and the
21 new administration that there is a need for
22 this, and it's potential new business, and it

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1 feeds people on how the U.S. can fit into this
2 picture in terms of our cost of production.

3 You could pick certain target
4 species at different ends - sort of focus in,
5 and then get experts and marketing studies to
6 kind of look at this and give you some results
7 that might prove to be useful.

8 That just - it just seems like
9 there is something else needed, and maybe with
10 the new administration that type of
11 information could be useful.

12 So I throw it out on the table.

13 MR. RUBINO: May I offer just a
14 point of information before people respond?

15 Next week we will have a pre-
16 publication draft of an economic study on
17 offshore aquaculture printed and available
18 online, and we'll make sure that all of you
19 get a printed copy of it.

20 We will brief Mary Glackin and Jim
21 Balsiger next week as well as staff members in
22 Congress. It's a beginning. There were a

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1 group of economists over the past couple of
2 years, as well as John Forster and some
3 business experts to look at these questions
4 from both a big picture and a small scale,
5 what is going on in terms of global markets in
6 seafood, and how does offshore aquaculture fit
7 into that at the macro level.

8 And the micro level, can you make
9 any money at this thing, and looking at what
10 the key issues in terms of costs and feed and
11 land and labor and so on involved in it.

12 So as all these studies do, they
13 sometimes raise more questions than they
14 answer, but at least it's a beginning look at
15 what these key issues are. And maybe after
16 looking at this introduction and sort of a
17 first cut at what the economics are, and
18 offshore is just a proxy for almost any kind
19 of aquaculture in the U.S., in this case,
20 depending on what the issues are.

21 Out of that maybe collectively we
22 could come to some understanding, okay, what

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1 are the next steps in terms of information
2 needed? And as you say our markets on
3 particular species are making the case for
4 jobs, making the case for aquaculture as
5 another tool to produce seafood and so on.

6 MR. BILLY: Go ahead, Tom.

7 MR. RAFTICAN: This is not exactly
8 your point, but this is something after the
9 last liability point, and before yours. A
10 couple of points.

11 We talked a little bit about public
12 understanding. And I think if you look at the
13 largest user group of our near shore and
14 offshore is probably recreational fishery.
15 And there is a dramatic loss of understanding
16 about what we are talking about here.

17 There is a tremendous fear of loss
18 of forage fish in this, and there has been
19 absolutely no examination. And fear is a
20 tremendous motivator, especially when there is
21 nothing to balance it off on the other side.

22 And aquaculture would make a heck

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1 of a lot of sense to the recreational fishing
2 community if it understood it a little bit
3 better, instead of having an adversary, I
4 believe you could have tremendous advocates
5 there. And it wouldn't take an awful lot to
6 get that explanation down.

7 To kind of carry on with that same
8 thing and actually adding to what you are both
9 saying is, foreseen consequences, you are
10 looking at liabilities and unforeseen
11 consequences. There are some foreseen
12 consequences. If seafood is the number two
13 import into the United States behind oil, we
14 are looking at an economy that is troubled at
15 least, I think the major focus of this
16 troubled economy is a weak dollar.

17 If you've got an outflow of dollars
18 because of seafood, and you've got the
19 potential of changing it right here, the
20 public really wants to know.

21 So where you're going with the
22 economics is important, but again, on a macro

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1 scale, let them know that this is a program
2 that is going to have dramatic long-term
3 effects, and part of those long-term effects,
4 something else, understand that we have been
5 in agriculture bread basket to the world for
6 how long. In terms of global climatic
7 changes, that may very well change.

8 So instead of you may be looking at
9 a larger net outflow of dollars, or the
10 potential of dramatically shifting that
11 around.

12 And while you are looking at this,
13 and I'm really good on suggestions and a
14 little light on the follow through, take a
15 look at the carbon footprint of what we are
16 doing with offshore aquaculture. I suspect it
17 will come out very favorably compared to some
18 of the other existing technologies.

19 But these are the things that the
20 public is really looking for and wanting to
21 know. If you come out with something like
22 that, it's extremely topical, and all of a

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1 sudden you go to the head of the advocacy side
2 as opposed to fighting on the other side.

3 Right now the problem I see with
4 aquaculture is the thing, you are fighting
5 adversity instead of getting advocates for
6 you. And there are opportunities to get
7 advocates out there, and maybe we can help you
8 with that.

9 MR. BILLY: Randy.

10 MR. FISHER: I was just curious, how
11 much detail is in that report? Is that state
12 level, or is it kind of a big - report for the
13 whole nation? Is there some detail in there?

14 MR. RUBINO: It's a report for the
15 whole nation. So on the macro side it's a big
16 picture in terms of market trends.

17 In terms of the micro side of
18 looking at sort of the firm level production
19 it's sort of stylized, based a little bit on
20 some of the initial results of offshore
21 ventures in mussels and fin fish, or
22 historical information in the salmon industry.

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1 MR. FISHER: The reason why I asked
2 the question, it seems to me -

3 MR. RUBINO: So I think you are
4 talking really about a next step to look
5 regionally perhaps.

6 MR. RUBINO: Yes, because one of the
7 things I think that we have on the West Coast,
8 I know I haven't done a very good job, is
9 dealing with the governor's office. Because
10 if they are not on board, you might as well
11 kiss this thing off to start with. So you
12 need some degree.

13 So if it's regional in some design
14 it would be - you go to fish and wildlife
15 agency, you are not going to get patted on the
16 back, because they are not going to think this
17 is the world's greatest idea anyway. Being an
18 ex-director I know that.

19 And so maybe it's something to
20 think about doing at regional, so that we
21 could really start pinpointing those areas
22 that have a lot of value, perhaps.

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1 MR. DEWEY: Good suggestion. On the
2 West Coast we have an uphill battle with the
3 governor.

4 MR. FISHER: And they don't
5 understand. I mean part of the battle I think
6 is, they just don't get it. It's not that
7 they don't like it; I just don't think they
8 get it. That's where it is.

9 You almost could put some people to
10 go meet with their main staff and really sit
11 down before they hear the bad side.

12 MR. DEWEY: Related to that point,
13 we've got a good dialogue coming up this fall;
14 OSU is hosting it on offshore aquaculture and
15 inviting representatives from the governors'
16 offices in three states.

17 MR. FISHER: And National Governors
18 Association, I'm not sure they would have
19 brought this up as one of their issues. You
20 know they have these, the national governors
21 have these things where they invite people and
22 they make them aware about forest fires or

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1 whatever it is. And it may be a good
2 opportunity to get in and do something like a
3 report to them.

4 MR. CATES: On your point, Tom,
5 earlier, in all my dealings with state and
6 federal legislators, the economics have never
7 been a question in their minds; they know the
8 need, and they will admit it to you.

9 So I don't think we need something
10 that convinces them more of the economic need;
11 I think it's there. The response I get is,
12 where do you fit into existing industry, and
13 what you are producing, is it for mass people,
14 or is it for the wealthy?

15 And that is pretty much the
16 response we get: where do you fit in with the
17 seafood industry? What are my other
18 constituents going to throw at me regarding
19 this? And is this a mixed market? Am I
20 providing tax dollars for a niche market, or
21 is it something that will turn into a product
22 that is more for the common person.

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1 That is what we need to focus on,
2 those two.

3 MR. BILLY: John.

4 MR. FORSTER: To respond to what Tom
5 Raftican said, the alliance or potential
6 alliance between recreational fishing and
7 aquaculture in a sense implies creating a
8 division between aquaculture and recreational
9 fishing and the rest of the seafood industry
10 in terms of at least the natural environment
11 everyone is competing for a finite resource.

12 On the other hand I think Randy's
13 point is, and I very much agree, that we see
14 ourselves very much as part of the seafood
15 industry selling into seafood markets to
16 supply John's clients and customers.

17 And it seems to me that is an
18 intrinsic dilemma that we wrestle with all the
19 time, and NOAA specifically wrestles with it,
20 because it services all three clients.

21 I mean I am not presenting any sort
22 of solution to it. I'm just saying that that

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1 is an intrinsic conflict that we are having in
2 this whole discussion, that we have various
3 alliances, but in doing that we create
4 somebody else on the other side, and that is -
5 I don't know how we do it. It's a problem.

6 MR. BILLY: Okay, we probably should
7 wrap things up on this topic.

8 MR. RUBINO: Over the next couple of
9 weeks, I'm here today and tomorrow morning a
10 little bit, but available by phone easily. If
11 you have suggestions for the key points that
12 we need to be making in transition documents,
13 how to think about next steps, I heard from a
14 couple of you, that would be very helpful to
15 me, and to us I think in the agency.

16 MR. CATES: Are you going to be here
17 when we discuss the transition document?

18 MR. RUBINO: Is that on the agenda?
19 Wednesday.

20 MR. CATES: If you are not going to
21 be here -

22 MR. DEWEY: If you haven't seen, you

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1 should maybe see that transition paper what it
2 says currently about aquaculture.

3 MR. CATES: Tom, if you don't mind,
4 I'd like to bring up one point since you might
5 not be here that is pertinent to aquaculture.

6 On Section K - oh you don't have
7 it? Page two, managing marine areas, I'm
8 going to ask if we can insert the language on
9 that first sentence, the incoming
10 undersecretary should address stakeholder
11 concerns, particularly those of commercial and
12 sports fishing interests.

13 I'm going to try and ask MAFAC to
14 insert production or aquaculture. Because
15 MPAs are a big obstacle for us right now.

16 I just wanted to bring that point
17 up to you that that's one of the things that
18 we are going to try to put across is
19 commercial and sports fishing and aquaculture,
20 protecting those interests in regards to MPAs.

21 I think that is a big issue going
22 on right now.

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1 MR. BILLY: Okay. Anything else?

2 Okay, let's move on to our next
3 topic, which is ecolabeling under Tab M.

4 (Comments off the record)

5 THE U.S. GOVERNMENT ROLE

6 MR. BILLY: Last meeting we learned
7 a little bit about ecolabeling, various types
8 of certification systems, third party type
9 systems, government, some government, and as a
10 result of that, the committee asked that NOAA
11 sort of provide a review of the systems that
12 are out there worldwide looking at both
13 private sector and government systems to
14 evaluate the status of fisheries and provide
15 for labeling when certain standards are met;
16 what kinds of standards are available as well.

17 We were provided a review that was
18 done by FAO a month or two ago, and that's
19 available, and it's also on the MAFAC website;
20 as well as sort of the annotated agenda for
21 seafood certification labeling that is under
22 Tab M.

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1 And what I thought would be most
2 useful in the time we have available this
3 afternoon prior to a more detailed discussion
4 later on hopefully the agenda is to see if the
5 subcommittee has any comments or suggestions
6 for us to be thinking about leading into the
7 discussion of the full committee, which could
8 end up being in the form of a recommendation
9 that we would put forward, or just our
10 discussion, have a discussion this afternoon
11 that would help all of us better understand
12 this area and where it is headed.

13 If you look at that first page on
14 the annotated agenda, under the third
15 paragraph, objective, purpose, second
16 paragraph, it says: MAFAC needs to evaluate
17 and recommend what role the U.S. government
18 should pursue in the development of U.S.
19 sustainability standards for both wild caught
20 and/or aquaculture fish and fishery products
21 through a formal government certification
22 program.

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1 That's one specific question that
2 we have been asked to consider; that is,
3 should the U.S. government get into the
4 business.

5 And if so, on - what is the scope
6 and what basis? So with that, I think I'd
7 just open the floor for comments, questions,
8 discussion. We can see where that leads us.

9 MR. FISHER: Well, isn't the devil
10 in the details in something like this? I mean
11 I'm not sure I understand what this means. I
12 mean does this say we should know enough to
13 make a recommendation to the Department of Ag
14 and/or NOAA fisheries to say, you've got to
15 come up with a list or some standard for not
16 only our fish but any imports? Is that what
17 it means?

18 MR. BILLY: I think so. That's how
19 I interpret it.

20 MR. FISHER: And we don't know - we
21 would just be asking the U.S. government to do
22 something.

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1 MR. CATES: Or can we ask the
2 federal government to set standards for
3 ecolabels? Not necessarily a program, a
4 label, although I kind of am in favor of that,
5 but maybe just a set of standards. I don't
6 know if that can be done.

7 MR. BILLY: Well, I actually believe
8 that in a broad sense there are standards
9 already in terms of putting something on a
10 food label under the jurisdiction of the Food
11 and Drug Administration in particular, the
12 seafood. It has to be factual, supportable,
13 not mislead the consumer. The general
14 requirements for information on the food
15 label.

16 And I don't know that that bridge
17 has been crossed in terms of FDA even thinking
18 about a mark added to a label of food, and how
19 it would be verified, let alone using
20 different schemes and so forth.

21 We might have a chance on Thursday
22 morning with the representative from FDA to

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1 ask them whether they have gotten into this at
2 all, and if so what is their thinking.
3 Jurisdiction over food labels is spelled out
4 in the Fair Packaging and Labeling Act, and
5 has general requirements, not specific
6 standards for ecolabel. But general
7 requirements.

8 MR. CATES: I think we should do one
9 of two things, and I'm not sure which is the
10 better. I think having a label, U.S. wild
11 caught, or NOAA sustainable, has great value,
12 and you are supporting your constituents.

13 And I think it can be done where it
14 doesn't cost the government. Hawaii is kind
15 of doing it with an Hawaii seal of quality. I
16 think there is value there.

17 But if it's too complicated, if it
18 can't be done, you should at least set some
19 standards that the ecolabels follow. Because
20 right now it's off the chart. One person says
21 they are green and clean, and they are not
22 really, or their standards are - we've gone

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1 through this in the last year. One whole food
2 says their standards are this, and where you
3 fit, and the consumers are confused in my
4 opinion.

5 So it should be one or the other.
6 And I think it's going to be a good
7 opportunity to hear from Kitty and then what
8 they might have to say, their recommendation.

9 But we should recommend something.

10 MR. BILLY: Bill.

11 MR. DEWEY: I was just curious, we
12 as a committee will hear and discuss Katie's
13 proposal? Or are we going to wait, and that
14 going to come before all of MAFAC?

15 MR. BILLY: My understanding was
16 it's when it's on the agenda for the full
17 committee. I have no problem with just
18 hearing about it now.

19 MS. SIMONDS: I sort of wanted to
20 learn about where you all were. But just from
21 listening to the discussion I hear you are
22 kind of at the very beginning of thinking what

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1 you should do.

2 And I guess all of us have heard
3 about the proliferation of labels, and for
4 example, a perfect example is, we have a long
5 line fishery in Hawaii, and what - it's in
6 your book - what NOAA did was let a contract
7 to an agency and they took our long-line
8 limited entry program and then took the FAO
9 code of conduct for sustainable fisheries and
10 assessed the fishery against that.

11 And everybody knows the FAO code of
12 conduct for responsible fisheries. It's
13 accepted, and developed this so that they
14 assessed it to I guess it was 97 percent in
15 favor of that code of conduct.

16 So the FAO was - they were very
17 happy that this was done, and this is slowly
18 happening in terms of other fisheries around
19 the world.

20 The second thing is, FAO also has a
21 set of guidelines for labeling, and we have
22 met with other industries from around the

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1 world, Tesco, Wal-Mart, we had a meeting in
2 Brussels several months ago, and a lot of the
3 seafood industries are very concerned about
4 these labels, like Greenpeace has a label.
5 Monterrey Aquarium has a label. Or there are
6 these seafood guides - there are a number of
7 things that are out there that are kind of
8 bothersome, because they will say, well, you
9 can eat this, don't eat this. And the
10 consumer as everybody sort of identified from
11 all these industries around the world, the
12 consumer is totally confused. And yet the
13 industry is very - they are afraid that if
14 they don't have some kind of label that, hey,
15 their product isn't going to be sold.

16 And so our long-line industry, when
17 Unilever first started this program, labeling
18 program, they asked our industry to be you
19 know the first industry, and we all had
20 serious talks about this, because we thought,
21 hey, if our government says that our fishery
22 is sustainable, why should our industries go

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1 out and pay someone for a label? It's crazy.
2 It doesn't make any sense.

3 And so as you were saying earlier,
4 it's how far you get into this. Are you going
5 to do an FDA sort of thing? I don't think
6 that is kind of what we are thinking about.

7 So that's what we wanted to explore
8 with all of you, because this group that we
9 have put together representatives of at least
10 the tuna RFMO's in the Pacific, and the
11 largest seafood dealers of fresh seafood to
12 begin with, and also canned tuna, the
13 Bumblebee representative was here. And all of
14 us decided that there - perhaps we should
15 take the FAO code of conduct and the FAO
16 ecolabeling guidelines and have FAO determine
17 or some sort of plan of action to all the
18 nations that they should put those two
19 together and then develop some sort of an
20 assessment tool or criteria using both of
21 those guidelines, and let every nation come up
22 with their own label.

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1 So that's kind of what we wanted to
2 discuss. And I do have a two-pager here that
3 explains what happened and what is going on.
4 But again it's how far do you want to get into
5 this? And I think what we were looking at is,
6 if NOAA says that our fishery is sustainable,
7 then everybody should have no fear about
8 eating our fish. We have our own national
9 standards.

10 I mean there are so many standards
11 out there, that it seems ridiculous not to try
12 to come up with some kind of a normal label.

13 I'm sure others of you have come
14 across this, should you eat this, or should
15 you eat that? And like you all said, we
16 import - what do we import, 80 to 90 percent
17 of our seafood? Do we know how that seafood
18 is kept or developed or fished against our
19 seafood?

20 We see that in Hawaii. We have
21 fish coming in from the Marshall Islands, and
22 these boats are owned by the largest fishing

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1 company in Hong Kong. And our fish, our fish
2 are competing against that product.

3 And sometimes you'll see in Costco
4 they'll say, U.S.-caught fish, but when you
5 really look into it, it is not a U.S.-caught
6 fish.

7 So there are these kinds of things.

8 And we really think that NOAA should have a -
9 it should be a NOAA label on our U.S.-
10 sustainable fisheries.

11 MR. BILLY: John.

12 MR. CONNELLY: Just from a market
13 perspective, we spent a lot of time thinking
14 about this. I go to a lot of conferences when
15 this is a point of discussion. I think it's
16 always good to go back to the consumer facts,
17 though.

18 Four percent of people care about
19 this issue in the United States - and I'll get
20 to Europe. Four percent of people said they
21 cared deeply about this issue. We get a lot
22 of comments from NGOs and others that say this

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1 is a huge growing movement. And no one buys
2 seafood based on sustainability. It is a
3 minimal amount, it is 1 to 2 percent that
4 actually buy off of that.

5 I am on the board of the Marine
6 Stewardship Council. At our recent board
7 meeting we looked at the results of focus
8 groups from around the world - Japan,
9 U.S., Europe. And everyone in that focus
10 group, and this is a funky kind of focus group
11 with the focus group leader actually spending
12 a day shopping with people, and at the
13 beginning of the day, they all said, I buy
14 sustainable seafood.

15 When they went to the seafood
16 counter, I'm buying the MSC product because
17 it's good for me. When they went to the
18 checkout counter, you know, we are supposed to
19 buy it, but this stuff is cheaper and it's
20 just as good.

21 So the concept of the consumer
22 caring deeply about this is completely

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1 overblown. Going to Europe, even Birdseye who
2 had spent millions of dollars in advertising
3 around the sustainability concept has backed
4 off that. The CEO has said this is not an
5 issue that has moved my sales at all. That is
6 not to say the industry cannot be committed to
7 sustainability, but selling off sustainability
8 to the mass market, it may be a niche market,
9 but for the mass market it is not a movement.

10 No one gets anything - from the harvesting
11 side or the processing side, nobody gets any
12 premium for doing this work. So that is the
13 first point.

14 And second, the closer you get to
15 the consumer, the more the branded companies
16 get concerned. And again that is something
17 that MSC is going to be struggling with in the
18 future is when we talk about putting a mark on
19 a package, that means you are competing for
20 space on a package. So if that's about the
21 size of a package we are talking about, I need
22 to put consumer - I need to proper display

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1 panel information, what fish it is, where it
2 comes from, country of origin. I need to put
3 nutrient content labeling. But most
4 importantly, if I'm a branded company, I want
5 my logo on there, and I'm not really
6 interested in anyone else's logo on there,
7 because that means you are competing with me.

8 So if I'm Gorton's Fishermen, I
9 don't care about anything other than you being
10 attracted to that fisherman in a sweater and
11 the beard. That's all I care about. And I've
12 spent 150 years training consumers to go look
13 for that fisherman in a sweater.

14 And if you start telling me you are
15 going to put your logo on my package, I'm not
16 as interested in that anymore, for a couple of
17 reasons. First, you are training someone to
18 look for the logo rather than your brand,
19 which means that if someone else does the
20 logo, if some other brand has the logo, you
21 have devalued your brand, because all of a
22 sudden you are not looking for that guy in the

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1 slicker up in the upper right-hand - or upper
2 left-hand corner of the package. You are
3 looking for some logo down here, in a Van de
4 Kamp's or a Mrs. Friday's or someone else has
5 the same logo, that is what the consumer is
6 looking for.

7 So the branded companies want you
8 up here; they are not interested in having
9 competing logos down here.

10 And secondly they are concerned
11 about if you have multiple species in a brand
12 design, just use Gorton's as an example, and
13 you have a logo on one species on your package
14 and you don't on another, are you telling your
15 prospective consumer only half of my stuff is
16 sustainable, so it's very deep caution that
17 the processors and branded companies get very
18 concerned about when people say they want a
19 logo. Because they are not interested in it.

20 They spent a lot of money building up their
21 brand.

22 And third, there are two levels of

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1 activity I think for consideration. The first
2 is certification, and there are more companies
3 interested in certification; there are less
4 companies interested in branding. You can go
5 to a certification level without getting into
6 an ecolabel. Certification just means someone
7 has come in and taken a look at the program
8 and said, yes, you are certified and
9 sustainable. Ecolabel is when you actually
10 try to go compete with the brand.

11 And I argued last February, and I
12 will argue until I stop this job, that we have
13 the standards in place already at NOAA. The
14 10 national standards are the definition of
15 sustainability. So anything sold, anything
16 harvested in the U.S., has been managed under
17 a plan. And those standards are fought over.
18 They have been legislatively mandated. They
19 have been conditionally reviewed. Those are
20 some very solid standards.

21 And so to go outside of that, even
22 though I'm involved with MSC, we say that in

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1 the U.S. those 10 standards are the definition
2 of sustainability.

3 And so maybe to summarize, I would
4 be concerned if NOAA started to go down the
5 label path, because I don't think it will go
6 any place with the branded companies, because
7 they don't want to compete with a logo, for
8 the reasons I mentioned.

9 I think enhancing the work within
10 Fish Watch, significantly, is a much more
11 valuable use of our resources, and our meeting
12 NOAA fishery resource, government resources.
13 The reason we are even in this situation, the
14 reason we are having this discussion - and I
15 will finish up, I promise - the reason we are
16 even having this discussion is because
17 industry has failed over the past 15 or 20
18 years to talk about sustainability and the
19 government has also.

20 Jim, you released the state of
21 stocks report last Friday afternoon, and with
22 the trade press, I thought the best trade

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1 press report was, good news gets no good news
2 - or gets no news. Because between industry
3 and government we have left the communications
4 field to others. Eighty two percent of our
5 stocks are sustainably managed, and you ask
6 anyone out on that street right now I bet they
7 think we caught the last fish in the ocean.
8 It's because government doesn't spend enough
9 money, and industry hasn't spent enough money,
10 talking about the good that we do.

11 So sorry to be long-winded, Mr.
12 Chairman, but those are kind of points from
13 our perspective.

14 MS. SIMONDS: Well, I agree with
15 you about that. Before Balsiger, we talked to
16 Hogarth over and over and over again about
17 NMFS, looking at it from a different point of
18 view. Because every time I read National
19 Fisherman, it was all about overfished stock,
20 instead of, hey, the good news is that we have
21 80-something stocks that are not overfished.
22 That never comes out.

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1 MR. BILLY: John.

2 MR. FORSTER: Just to ask John a
3 question. You talked about the branded
4 companies, but a lot of this noise for
5 certification is coming from the own label
6 companies, the Wal-Marts and the Costcos, and
7 that's where the top notch target audience is
8 for these companies.

9 In a sense they have the conflict.
10 They are quite happy to emasculate brands by
11 having their own brand with a NOAA label on
12 it.

13 Would you like to just comment on
14 that?

15 MR. CONNELLY: Sure. I think the
16 selection of those two companies is an example
17 of a great way to start that conversation.
18 When we talk about the retail market, there is
19 no retail market. There is Wal-Mart, there is
20 Costco, there is Kroger, and there is everyone
21 else. And if Wal-Mart says to do one thing,
22 you can guarantee Costco is going to say, do

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1 the other thing.

2 Wal-Mart has been on the path of
3 MSC. You can nearly guarantee Costco is not
4 going to get on that same path, just because
5 they don't want to be seen as having to follow
6 Wal-Mart.

7 And I would just suggest that you
8 go in, Wal-Mart has made commitments about
9 MSC. I'd suggest you go in and look at how
10 much Wal-Mart product is actually labeled MSC.

11 MR. BILLY: I think you're next.

12 MR. SIMPSON: Given John's
13 comments about differentiation between
14 ecolabeling and certification, I would have to
15 say that I am very supportive of the federal
16 government getting into certification. I am
17 not so much interested in Gordon's or Mrs.
18 Paul's, I'm not so much interested in that.
19 But some of the industry in my region are
20 being held hostage to self-appointed groups
21 that charge exorbitant amounts to do something
22 that they are going to ask the federal

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1 government and others the information for.

2 Now that is my concern, and I'm
3 talking about selling into Europe, overall
4 product; and I'm talking about selling into
5 China and some other places, and they want to
6 be assured that it is, "certified."

7 Now I think they are using
8 synonymously the label, ecolabeling and
9 certification. But I guess what I'm truly
10 interested in is the federal government being
11 the ultimate authority on whether or not
12 something is certifiable, certifiable,
13 certified good. I can understand competing
14 labels and all the other kind of stuff. And
15 you are right, John, you give a guy - and
16 shrimp has done this a long time ago. You
17 have imported shrimp versus domestic produced
18 shrimp, and there is a nickel a pound
19 difference; they don't go with the other.

20 And you see what has happened to
21 the shrimp industry as a result of that. When
22 I first came to work in this business we were

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1 like probably 30 - 40 percent imports. Now
2 it's 90 if not more.

3 But this hasn't got anything to do
4 with shrimp. What I'm concerned about is
5 certifying a product, a resource, a fishery,
6 to a requirement from the federal government,
7 some other federal government, or some buyer,
8 whether it's Wal-Mart or whatever, that this
9 fishery is sustainable.

10 And if that's certification then
11 that's what I support, and I think the federal
12 government should be involved in that.
13 Ecolabeling, we can discuss that.

14 MR. BILLY: Are you talking about
15 certification or audited certification?

16 MR. SIMPSON: It's a label. It's
17 a pronunciation - I mean I've written letters,
18 and they use them to go to the federal
19 government that says, according to this this
20 fishery is sustainable.

21 That's the truth. It's based on
22 stock assessments and so forth and so on.

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1 That's what I'm concerned with.

2 MR. BILLY: Bill and then Randy and
3 then John.

4 MR. DEWEY: So I guess my
5 observations, I appreciate John's comment, and
6 I know he spends a lot of time on this
7 particular issue and is passionate about it.

8 I would agree that based certainly
9 on consumer buying decisions that ecolabeling
10 more than certification particularly in the
11 United States, have a limited value, because
12 there are a relatively small percentage of
13 consumers who are looking for that. Prices
14 and health benefits is another you guys have
15 indicated is important for consumers.

16 That said, John's point is what has
17 drawn it to our attention as a company.
18 You've got the NGOs, Greenpeace's recent thing
19 is an example of that. But prior to that they
20 realized that they are not making - these
21 wallet cards are having a limited effect.
22 They can circumvent that, both threaten to

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1 protest the stores, and force the Wal-Marts of
2 the world to say, we are only going to buy,
3 whether they can or not. It's forced a shift
4 there which has been significant.

5 So from that standpoint it has made
6 us as a company stand up and take attention
7 that we should probably try to pursue this
8 just from the standpoint of market niche and
9 being able to stay in those stores or get into
10 those stores where other people can't; that
11 there is some value to it potentially.

12 Then the other reason that maybe
13 even more significant for us as a company, and
14 the industry, shell fishing industry on the
15 West Coast, is with our use conflicts in
16 trying to farm the near shore areas. We are
17 hoping that the certification helps us get
18 social license to continue to farm near shore
19 areas, and help us address some of these
20 conflicts.

21 MR. CONNELLY: Hearing everything,
22 it's almost like we're in a situation where we

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1 have extortion going on where I think the
2 industry is asking is, the science body, NOAA,
3 where these groups get information from and
4 threaten to protest unless you pay me to
5 certify you, we are asking them to step in and
6 put an end to it. And those 11 points that
7 you talked about, that is a certification.

8 So I look at ecolabeling from NOAA
9 as advertising its success. It's basically
10 telling the consumer, we are sustainable, and
11 you should learn more about how we are, and
12 here are 11 points and our label says so.

13 To me that label would be for every
14 sustainable fishery in the U.S. today, period.

15 But it is advertising your success.

16 And the only point to that is not
17 necessarily for the consumer, but it's also
18 for our legislators and our government making
19 - I mean NASA markets itself. They do a great
20 job at it. Fisheries needs to learn to market
21 itself a little bit better, in my opinion, and
22 advertise its successes.

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1 MR. BILLY: John.

2 MR. CONNELLY: Just to - maybe to
3 Randy and Larry's point, very much those 10
4 national standards are the certification. In
5 fisheries compliant with the law, with the 10
6 national standards, they, NOAA - tell me if
7 I'm wrong, Allen or Jim, tell me if I'm wrong
8 - but I review, and we tell the press, that if
9 a fishery is compliant with U.S. law, and
10 compliant with those 10 national standards,
11 they are operating in a sustainable manner.

12 MR. RISENHOOVER: Or they are
13 operating under a framework, management
14 framework, that is either sustainable or
15 leading toward sustainable.

16 MR. CONNELLY: I have to be sure.
17 I understand the constraint.

18 MR. RISENHOOVER: There is a slight
19 difference there. So that's where we are.

20 MR. SIMPSON: The fishery that I'm
21 talking about doesn't tolerate it.

22 MR. CONNELLY: I can only - the

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1 state guys are going to have to deal with the
2 state activities. But I'm looking to -

3 MR. RISENHOOVER: I'm dealing with
4 governments, not state governments.

5 MR. CONNELLY: I'm sure the state
6 governments have analogous standards that they
7 can claim.

8 And Bill, as far as your issue
9 about the retailers driving some of this
10 because they are concerned about getting
11 blackmailed is absolutely the case. And
12 that's why I go back to the need for very
13 aggressive communications out of NOAA; very
14 aggressive communications. If we are more
15 than 80 percent sustainable, and really
16 sustainable, fisheries, why don't people know
17 that? Greenpeace attacked us, Greenpeace
18 attacked the retailers over the last month,
19 and I hate to say it, Chip, but we got letters
20 out of the New Zealand government, we got
21 letters out of the Canadian government. And
22 Steve Murawski was briefed in the press after

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1 Greenpeace's attack.

2 But we needed something from NOAA
3 before that. We needed something from NOAA
4 basically telling Greenpeace the facts, that
5 of the 23 red listed species the 11 that just
6 pop up like Atlantic sea scallops for us is
7 just spurious, because that is just an
8 absolute success story. As you know, that
9 that is a well managed fishery. And yet
10 Greenpeace is telling us it's a red listed
11 species and shouldn't be sold.

12 So I guess my point is, more
13 aggressive communication helps us provide the
14 retailer and the restaurants the buffer from
15 these kind of blackmail attempts.

16 MR. CATES: To answer a question
17 that you were put, did NOAA stand up or say
18 anything?

19 MR. CONNELLY: Steve was great in
20 the press. He was fantastic in the press. So
21 yes.

22 MR. BILLY: Ken?

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1 MR. ROBERTS: I just want to make
2 sure that certification and ecolabeling aren't
3 the same thing, correct?

4 I agree with what has been said, I
5 think before we even started bringing it up,
6 that's what I would recommend. If I had
7 Tristar Shrimp Company in Dulac, Louisiana,
8 there is nothing that protects me right now if
9 I want my own label or bag, whatever, even
10 though the consumer will never see that,
11 probably never see that at retail. Or take
12 another example, there is nothing preventing
13 me from putting certified sustainable on that
14 label, and getting in legal trouble? I'm
15 asking John really.

16 MR. CONNELLY: I agree with Tom, the
17 FDA would fill the vacuum of fair labeling
18 standards, fair labeling.

19 MR. ROBERTS: That gets back to
20 Tom's point originally. I think that FDA sets
21 a lot of labeling things on food products, so
22 there has to be some relationship with them,

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1 even if the conclusion of MAFAC comes to be
2 that there are a large number of fisheries,
3 domestic fisheries, that could use a
4 sustainable certification just by claiming
5 it's caught under sustainable standards.

6 But could they use it, if FDA would
7 stop them?

8 MR. RISENHOOVER: I would argue you
9 have a very strong case to make with FDA
10 saying that cod or sea scallops or the shrimp
11 if caught in federal waters is operating in a
12 sustainable manner. And if it's not, there
13 may be an enforcement action against them.

14 I mean that is how we want to cure
15 that. If they are not harvesting along our
16 rebuilding plan, or even our normal
17 regulations, then that is an enforcement
18 action under ours.

19 MR. ROBERTS: Alan, that's an
20 interesting point. Because the fishery may be
21 on a sustainable basis, but for me to put it
22 on my label that it's certifiable sustainable,

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1 if a company is operating in violation within
2 that sustainable fishery.

3 (Simultaneous voices)

4 MR. RISENHOOVER: But that is like
5 anything, dairy farmers to cattle farmers to
6 chicken farmers, there are federal
7 regulations, and we all read about there being
8 variation in how those are -

9 MR. ROBERTS: Now I'm driven to a
10 point, could my company do that without NOAA
11 objecting to my company using it, even though
12 the fishery is managed on a sustainable basis,
13 for me to put it on a label, is FDA going to
14 come back and ask you if they know anything
15 about my individual company, and therefore,
16 are you going to have to talk to individual
17 companies?

18 MR. BILLY:

19 So there are ways, protocols, for
20 dealing with that kind of question.

21 Jim, do you want to -

22 DR. BALSIGER: Well, I guess I'm not

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1 sure it adds too much. But it is blackmail
2 and extortion or some variation of those
3 things. But to be honest the Fisheries
4 Service left that window open for those guys
5 for a long time, because we had the Magnusson
6 Act which could have been used to stop
7 overfishing for 30 years, and we let it go on
8 and on and on.

9 So this year we had good success
10 compared to last year in taking species off
11 the overfished and out of the over-fishing
12 category, and we are determined to continue
13 that as much as we can.

14 But that is relatively new. So for
15 a long time half the stocks were overfished.
16 It's hard for the public - or it's not hard
17 for the public to take a Greenpeace attitude
18 that this company, this government agency,
19 this managing fish, half of them are going
20 away.

21 So we allowed that opportunity. So
22 I'm kind of curious, not today, but to figure

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1 out how to change that, and

2 I sort of have the idea, wait until
3 next year and we will take 10 more off, and
4 it's going to be its own public relations
5 thing. But that is kind of slow. I came up
6 on the science side of the fishery service,
7 and we published a science article and saw
8 what the peer guys said, and went back and it
9 was a good story. It stood the test of time.

10 I think a lot of the fishery
11 service has been that way. You know the
12 scientists, they've trained that way. It's -
13 you could pat yourself on the back. It's not
14 real loud.

15 But I think that hasn't served us
16 well, particularly now that we are doing well.

17 So working on that image now that I think we
18 have something to point to, I think maybe we
19 can make some progress.

20 MR. CONNELLY: And again, Jim, on
21 the industry side we have also failed, because
22 we haven't talked about the successes that

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1 have been out there. But what we did with
2 this talk, we did it with cod every time we
3 talked with an environmental group, they say,
4 well, what about cod. So it's a joint
5 responsibility.

6 MR. RISENHOOVER: I don't want to
7 jump the line.

8 MR. BILLY: It's okay.

9 MR. RISENHOOVER: For John a couple
10 of questions. Four percent or so care about
11 the sustainability. You mentioned several
12 other factors - price, label, freshness,
13 quality. Do you have some hard studies or
14 soft studies that show what is the driver?
15 When somebody stands at the fish counter, is
16 it price?

17 MR. CONNELLY: Sure. Every market
18 open out there, as part of a kind of strategy,
19 would be happy to share that kind of stuff.

20 MR. RISENHOOVER: Yes, if you can
21 get some of that to Michael and me. Because
22 you know our world right now is getting hit

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1 with this, with the Greenpeace and everything,
2 trying to make it an issue. It would be good
3 to see from the consumers standing at the
4 counter what are the drivers that make them
5 purchase. And maybe that's what we look at.
6 If it's freshness and quality, that's
7 different than ecolabeling. But if it's
8 price, then it's price.

9 MR. CONNELLY: And just if I can,
10 Tom, just a quick anecdote. The best
11 presentation I've seen in marketing is by a
12 guy named Harry Balzar from, it's a group
13 called NPD in Chicago.

14 And he'll tell you, he'll ask you
15 what is the fastest growing - how fast is
16 salad growing as a meal in the U.S.? Do you
17 think it's 6 percent, 12 percent, what do you
18 think?

19 Salad, as a meal, has been stable
20 for the last 15 years. So you have to always
21 look at what people do, not what they say
22 they'll do. And at the end of this

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1 presentation he shows a clip, and he asks the
2 audience to count the number of times a ball
3 is passed between seven people who are in the
4 white shirts in this video. And it's a great
5 video, Larry. And there are seven people in
6 black shirts. So the kids in the white shirts
7 are bouncing the basketball, running around
8 like this. And of course competitive
9 Americans, they're looking, they're going to
10 count - at the end of 45 seconds, he goes, how
11 many times did that ball pass between the
12 people in the white shirts. And everybody
13 says 17, it's always 16 or 17, because one kid
14 has a cutoff white shirt, and you're not sure
15 whether that one counts or not. So everyone
16 very competitive.

17 Then he says, how many people saw
18 the gorilla walk through that crowd? He shows
19 it again, and sure enough in the middle of
20 that 45 second clip, there is a guy in a
21 gorilla suit waving his arms in front of the
22 camera.

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1 And the point of his presentation
2 is, you've got to look at what people do, not
3 what they say they're going to do. Everyone
4 will fill out a form saying they will buy
5 sustainable seafood. It's what they actually
6 do.

7 So Alan, I'll give you that hard
8 data.

9 MR. KELLY: John, given that, what
10 is the habit? Wal-Mart made this big kind of
11 tide-changing proclamation about buying only
12 MSC certified product. And if it's not that
13 important to their customers, what's going to
14 happen to MSC?

15 MR. CONNELLY: Wal-Mart is committed
16 for any number of reasons. Wal-Mart is
17 committed, they want to open up 1,500 new
18 stores, they need new sources of product. But
19 the places in which Wal-Mart is going to open
20 up 1,500 new stores, it's not in Bentonville,
21 Arkansas any more. It's not in Warrenton,
22 Virginia. It's in Fairfax County, Virginia.

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1 It's in the areas - it's in the suburbs, and
2 the soccer moms don't like Wal-Mart.

3 So Wal-Mart has a whole campaign
4 underway that includes sustainability aspect.

5 So a lot of this is about where Wal-Mart can
6 site their stores. That's a broader position
7 question.

8 Whether Wal-Mart can meet that
9 commitment is a significant question. Right
10 now the talk - the Alaskan pollock guys would
11 love it if Wal-Mart made that commitment. But
12 it's going to be awfully hard for Wal-Mart to
13 meet their customers' price points without
14 twice frozen Russian pollock on their shelves.

15 And that's something the market is going to
16 have to figure out, and how much punishment is
17 Wal-Mart willing to take? Either buy Alaska
18 pollock and pay the price for MSC
19 certification, or not meet your commitment.

20 MR. BILLY: One question occurs to
21 me, and then I guess we'll wrap this up, is,
22 notwithstanding, or accepting what John has

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1 said, is there some advantage to reversing
2 this and through industry leadership
3 developing an ecolabeling that has certain
4 boundaries around it that they could take
5 advantage of?

6 I understand the limitations. I
7 wonder, we've got Magnuson, we've got managed
8 fisheries, we've got what's in place. We are
9 spending hundreds of millions of dollars a
10 year on a regime to make all this work,
11 whether it's on the food label or not a
12 program, a strategy, that really pushes this
13 aggressive like some people have suggested.

14 Either going to the label or not,
15 that's the question.

16 MR. CONNELLY: I don't talk on many
17 of the issues in MAFAC, but I do talk a lot on
18 this one, because I have to spend a lot of
19 time, so I apologize for talking so much. But
20 we just need to be very cautious about an
21 expectation of a label succeeding for that
22 reason that I mentioned, that the competition

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1 for space on a package is intense.

2 It's very very intense, and they
3 don't like someone else's label on there.

4 But I do think, though, as part of
5 a broader campaign to talk about the
6 sustainable nature of U.S. supply is
7 absolutely essential, and we have the benefit
8 of having facts on our side. As Jim said,
9 seven came off this year, and we are in good
10 shape, Alan, hopefully for more next year.

11 MR. BILLY: And Kitty's proposal is
12 industry based analysis that provides a
13 framework for certification.

14 MR. SIMPSON: Are you talking
15 about certification or ecolabeling? Or is it
16 just gray and blobbed all together?

17 MS. SIMONDS: Well, I guess -

18 MR. SIMPSON: Because I'm
19 comfortable talking about certification.

20 MS. SIMONDS: Well, I guess when you
21 think about it, it's sort of like lobbed
22 together. I mean there are so - you know,

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1 there are the tumor guys, there are these
2 ecolabeling schemes. And I guess our theme is
3 that we are a U.S. fishery and we are
4 sustainable, and not getting into competition
5 and things like that, but all of those things
6 that you guys talked about earlier about not
7 having enough - I mean people don't think very
8 well of the government because our fisheries
9 have been overfished.

10 But yet, even so we have fisheries
11 that are sustainable. And the MSC review,
12 doesn't that use our guidelines and our
13 research and everything from NOAA?

14 So a simple - the whole simple
15 thing was, why should the industry provide for
16 and pay for labels if these labels are based
17 on our own NOAA research and these guys'
18 opinions?

19 So you were talking earlier about
20 FDA. If you are going into that sort of
21 thing, I mean that is different.

22 MR. BILLY: Well, I'm not

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1 encouraging it. All I'm saying is, you put
2 something on a label, it's under FDA
3 jurisdiction, guideline. So you can go to
4 them or not, based on whatever scheme, it's
5 under their jurisdiction. Whether they choose
6 to do anything about it is another matter.

7 But I think the proposal is both as
8 I read the proposal, certification, and an
9 audit of the certification, then some form of
10 -

11 MS. SIMONDS: Well, as we describe
12 here, we talk about having an American
13 fisheries undergo a responsible fisheries
14 assessment applying the code. You see the UN-
15 FAO code for sustainable fisheries. It's
16 actually the United Nations code of conduct
17 for responsible fisheries.

18 And this was that nonbinding
19 international agreement and lays out the
20 criteria for the development and management of
21 responsible sustainable fisheries.

22 And they also have ecolabeling

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1 guidelines, but Mark Holliday I think has
2 probably reviewed all of these things with
3 you, yes? Or is that what is going to happen
4 on Thursday?

5 PARTICIPANT: I don't know if he has
6 - has he given the ecolabel parameter to
7 MAFAC?

8 MR. BILLY: Oh, it's in the book.

9 PARTICIPANT: It's in the book.

10 MR. BILLY: I think he is planning
11 to talk about it.

12 MS. SIMONDS: It's the basic
13 principles, yes. Make sure he's managing a
14 fishing operations, aquaculture development,
15 integration of fisheries, coastal area
16 management, coast harvest practices and
17 training issues, research. And so - and I
18 sent actually the FAO report on the Hawaii
19 Longline Fishery, and there were a few others
20 that were assessed, and I looked at the
21 compliance against the code. And I was
22 looking if he would distribute that to all of

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1 you, so you would have a better knowledge of
2 what we are talking about.

3 I think you understand where we are
4 going here. So this internal assessment
5 approach allows a fishery to provide
6 information to substantiate the standard of
7 the seafood it produces. It relies on their
8 description of the fishery management system,
9 the use of the best available scientific
10 information on the status of the fish
11 population harvested, and fishing impacts on
12 the ecosystem.

13 And at American fisheries, NOAA,
14 and the regional fishery management council,
15 and other agencies, comprise an integrated
16 fishery management system, and NOAA provides
17 the essential capacity for monitoring fishery
18 operations, collecting and analyzing fishery
19 data, determining fish stock status, and
20 addressing fishery ecosystem impact; it's
21 NOAA.

22 MR. BILLY: One feeling I have about

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1 this is that it is - we are trying to swallow
2 something awfully big. And we need to find a
3 way to break this into bite sized chunks.
4 Maybe that's something we can be thinking
5 about, and come up with some recommendations
6 after the discussion on Thursday.

7 Because you know there is one clear
8 - one clear thing is this promotion of the
9 management of the fisheries, Fish Watch and
10 other means. The proposal from Kitty and
11 others while interested in some sort of
12 assistance, that's another whole avenue.

13 So I think we ought to - this is
14 going to take more time on the part of the
15 subcommittee and the full committee to figure
16 out a way forward.

17 MS. SIMONDS: Do you think NOAA
18 Fisheries makes good advantage of the fact
19 that so many of our fisheries increasingly go
20 in a sustainable mode, do we announce that
21 primarily to the scientific community? Or do
22 we understand that there may be some marketing

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1 value to it to the industry, and do we focus
2 it and repeatedly get the message across to
3 consumer groups and magazines, and things like
4 that. Or are we really just saying it to
5 other regulators and other scientists?

6 Maybe we can make better use of
7 marketing, and those kind of achievements in
8 the consumer realm as opposed to some other
9 realm. I don't know how you do that.

10 MR. RISENHOOVER: Right, and we do
11 announce that fairly widely. Jim held a
12 briefing with a dozen or so newspapers around
13 the country. We did follow up interviews with
14 about another dozen or so. But I think there
15 needs to be that secondary market that people,
16 others beside the agency, can carry that
17 message throughout their communities, as well
18 as us to keep pushing it through Fish Watch,
19 and through our website reports.

20 MR. BILLY: Okay, I think we need to
21 wrap our discussion up. We'll come back to it
22 on Thursday.

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1 REC FISH WORKING GROUP

2 MR. FLETCHER: We mainly wanted to
3 get an update from Gordon on our MRIP
4 implementations. For those of you who are on
5 the rec fish working group, we will try to get
6 that done in a timely fashion so you can get
7 to your hospitality meeting.

8 It's under Tab E for those of you
9 who are interested. Tab E is the MRIP
10 implementation strategy that is also the FR
11 notice on the registry, as well as a slide
12 show on improving marine and recreational
13 fishing information.

14 So Gordon, thank you for coming
15 home again. And the floor is yours.

16 MR. COLVIN: Thanks. If you can I
17 guess open the books to where the slides are.

18 I didn't know if we were going to project
19 those, are just walk through them in the book.

20 (Comments off the record)

21 MR. COLVIN: While that's coming up,
22 I guess just to take a step back, Pres Pate

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1 and I were both able to attend the last MAFAC
2 meeting over in St. Pete beach in December,
3 and kind of gave you a pretty thorough rundown
4 of the overall program for the marine
5 recreational information program development
6 press from the perspective of the operations
7 team, and it is the operations team that is in
8 the lead for developing all of this, kind of
9 the technical aspects of the survey design,
10 and the various survey issues themselves.

11 I headed up the registry team, gave
12 you a rundown on where we were headed with the
13 registry program. What we thought we would do
14 today is just kind of update all that,
15 starting from where we were there, and let you
16 know what we've been up to over the last six
17 months, and what we expect to accomplish over
18 the remainder of the year.

19 And I can probably just jump along
20 a couple of slides here while that is coming
21 up.

22 There we go. We can just go right

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1 to the fourth slide, which is the timeline
2 slide. I think that is probably a good place
3 to summarize kind of where we are.

4 The red dot is the current date.
5 And if you will notice that the proposed rule
6 to implement the angler registry part of the
7 program was released a couple of weeks ago.
8 It was published in the Federal Register. A
9 copy of that proposal is in the briefing book.

10 And they are in a comment period
11 now that runs through August 11.

12 Looking ahead, I think most of the
13 agency rules were looking to get adopted this
14 year, consistent with the beginning in
15 November; that the White House is looking to
16 get current administration rulemaking done by,
17 so that the timeline shows the final rule
18 around November 1st, and then being
19 administered, implemented, with the initial
20 registrations and state exemptions in the
21 beginning of 2009.

22 The other issue of importance

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1 upcoming is down at the bottom in the center
2 of the draft implementation strategy, release
3 for public review and comment, and I'm going
4 to talk quite a bit more about that in a few
5 minutes.

6 Moving on, just reporting on
7 ongoing progress, the major work of the
8 operations team right now is on implementation
9 of the 15 or so projects research and pilot
10 projects that are underway. Pres gave you a
11 list of all those at the last meeting. I
12 wanted to kind of run down progress on those
13 to date.

14 So on the next slide there are
15 three work groups that are working on these
16 projects - I'm sorry, this says four work
17 groups; there were five of them at one point.

18 But the first work group is the
19 data management and standards group. And what
20 we have included here is a quick summary on
21 the progress they've made so far this year on
22 the work that they are doing. They developed

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1 this metadata tool that is described here, and
2 importantly they are making progress on the
3 development of minimum data elements and
4 standards for surveys, and eventually those
5 data elements and standards will be of primary
6 important not only our own surveys but on
7 those that we will be working with in the
8 various regional partnerships, particularly
9 where we are looking at this issue of
10 exempting a regional data collection program
11 from the registry requirement; substituting
12 the regional program subject to conforming to
13 the national data standards that we will be
14 developing through MRIP.

15 MR. FORSTER: Hey, Gordon, can I ask
16 a question?

17 MR. COLVIN: Yes.

18 MR. FORSTER: Are those minimum data
19 elements standards going to be developed
20 before the final rulemaking?

21 MR. COLVIN: No, I don't think so.
22 I think it's going to be an evolution

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1 actually. I don't think it's going to be all
2 done at any one point. It would be nice, and
3 I think we will have - we'll know a lot more
4 by the time the final rule is out, but we
5 won't have anything final.

6 MR. FORSTER: Thank you.

7 MR. COLVIN: Yep.

8 Now on the next slide we summarize
9 the activities of the design and analysis work
10 group. Originally these were two groups that
11 were merged because their work largely
12 overlapped. And this is where the lion's
13 share of the actual survey redesign and
14 technical work is going on. They now have
15 consultants working on all of their projects.

16 One of their major projects is this
17 sampling and estimation project, which is a
18 statistical task that was really front and
19 center in the NRC's panel's recommendations to
20 better match up the sample design to the
21 estimation procedures, and while it's a very
22 technical function, it's one of the most

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1 important things that we have to do in the
2 surveys, based on the NRC review.

3 They've also stated that the
4 project could get us some better alternatives
5 to get information on discards which was a
6 high priority, and coming to the next slide,
7 it's under other projects, very familiar to
8 folks, the survey coverage issues dealing with
9 the private access and night fishing; the
10 preliminary work on that is underway, and we
11 have a project team very actively working on
12 that one.

13 They also have a group working on
14 angler license frame surveys, looking at both
15 the ongoing dual framework in the Gulf, and
16 what's now underway in North Carolina, and
17 helping to sort out the best ways to implement
18 annual registry-based surveys going forward.

19 Some of the consultants we have on
20 board, our next slide, we have a very highly
21 skilled and qualified group of consultants,
22 three of whom were actually members of the NRC

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1 panel. So we are very happy about the
2 commitments we've had from some very well
3 qualified statisticians, survey statisticians,
4 and people that are involved in those sciences
5 and those disciplines, to work with us on
6 this.

7 MR. SIMPSON: Can you call him
8 now?

9 MR. COLVIN: It says right on the
10 slide, I think, the three members of the NRC
11 panel that we are working with.

12 Next slide summarizes the for-hire
13 workgroup projects. An awful lot of their
14 work right now is on documentation of the
15 various for hire data collection programs, and
16 getting their consultants on board to review
17 those methodologies once they have been
18 documented. The expectation is we'll have a
19 report on preferred for how the data
20 collection methodologies upcoming in the fall.

21 Next is the HMS group's projects.
22 There is a pilot underway to try to get for

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1 hire and private data collecting going in
2 Florida, and also they've got a project
3 underway with a project team that is getting
4 started up in Puerto Rico. They had a meeting
5 last month to get that project off the ground.

6 They have a contract on board to do
7 the HMS work in the south, and I think that
8 includes work in the Gulf, Larry, and as well
9 as a study to get catch and aging data from
10 tournament organizers. I think tournaments is
11 going to be an increasingly important issue,
12 and not just with HMS, but some of our other
13 fisheries, some of the pelagic fisheries in
14 particular, even hearing about king mackerel.

15 So that's the stuff that the
16 operations team has been up to. So let me
17 just stop there. Questions?

18 MR. FLETCHER: This has come up
19 before, but I just have to bring it up again.

20 It appears that there is not much work being
21 done on the West Coast, and the perception is
22 that a lot of money is being spent and is

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1 going other places, because they are not at
2 our level of expertise or development of the
3 survey, or whatever you want to call it.

4 So at some point when you bring
5 these other areas up to the level of the West
6 Coast, there needs to be some recognition that
7 the West Coast should then be given some first
8 opportunity to receive some funding over and
9 above what we've been getting on our own over
10 the years to do what we have been doing.

11 And I just wanted to make that
12 point again.

13 MR. COLVIN: Yes, I do seem to
14 recall you making that point.

15 (Laughter)

16 MR. COLVIN: I think we heard it
17 loud and clear at La Jolla, too, Bob, not just
18 from you.

19 So anything else on the operation?

20 Any other questions on the operations team's
21 projects?

22 And then - I know I'm going through

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1 it very fast, but you can always follow up of
2 course with Pres Pate or Rob Andrews as well,
3 if you have further follow up questions on
4 those projects.

5 Okay, ongoing progress on the
6 registry, the registry program is the program
7 to create a phone book essentially of all salt
8 water anglers as the NRC panel recommended to
9 serve as the basis for those telephone surveys
10 where we are doing telephone surveys down the
11 road.

12 Next slide, if I can. First a word
13 on state license updates. We have licenses in
14 place in all the states except the seven
15 northeastern states and Hawaii. We were
16 hopeful that we might see some new licenses
17 added this year; we did not.

18 We also had some licenses on the
19 East Coast that had major exemptions to their
20 state license frame which will also prevent
21 them from being eligible in all probability to
22 have their anglers exempted from the national

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1 registration requirement. I know that back in
2 December we went over that in pretty great
3 detail, what would and wouldn't work, and the
4 proposed rule is very consistent with what I
5 told you then.

6 I think of those states that have
7 the exemptions, none of them have eliminated
8 them this year. Several states have taken
9 steps in that direction. The state of
10 Delaware is proposing a rule to require their
11 exempted boat fishermen to register for free;
12 that rule hasn't been published yet, but it's
13 in development and they are committed to it.

14 Maryland and Virginia have a
15 consultant on board to try to help them come
16 up with alternatives to their boat licensing
17 that we'll be meeting with next week, and they
18 are going to try to make a push next year.

19 I think the other thing is, we are
20 going to see the Northeast state legislatures
21 looking at licenses next year. That has been
22 made very year. There were legislative

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1 actions and hearings in several states.
2 Massachusetts has a task force in place now.
3 There is a commitment in New York to
4 legislative initiative. In Connecticut,
5 actually, they came this close this year, and
6 their bill just kind of went flat at the last
7 minute; it didn't get voted down, it just
8 didn't get brought to the floor for a final
9 vote in the last hour of the legislative
10 session. So hopefully it will go next year.

11 New Hampshire and Maine may be a
12 little bit more challenging, but we have some
13 meetings going on up there this summer, and we
14 hope that we can make some headway.

15 A lot of the states have told us
16 that their legislatures were reluctant to act
17 until they actually saw the proposed rule.
18 Now they have it. And presumably they will
19 have a final rule before their next session.
20 And since next year is not an election year in
21 most states, hopefully we can make some
22 headway.

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1 MR. FLETCHER: What does that mean?
2 The registry goes into effect?

3 MR. COLVIN: The expectation is that
4 the rule would be adopted as a final rule this
5 fall, and those - we will as of January `09
6 some states will receive their exemptions, and
7 in those that don't, their anglers will have
8 to register as soon as they start to fish in
9 `09.

10 MR. FLETCHER: And what happens if
11 they don't?

12 MR. COLVIN: Then they will be in
13 violation of the Magnusson-Stevens act.

14 MR. FLETCHER: So you are actually
15 going to implement -

16 MR. COLVIN: That's the plan.

17 MR. FLETCHER: - not just begin.

18 MR. COLVIN: That's the plan.

19 MR. FLETCHER: Okay.

20 MR. COLVIN: Okay? So again,
21 proposed rules out, comments, August 11th,
22 final rule, November 1st, that's the plan, and

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1 we would begin to register anglers and issue,
2 enter into MOAs with exempted states by next
3 January.

4 Every time I saw that I just take a
5 deep breath.

6 MR. FISHER: Are you going to have
7 some kind of - a preview list of exempted
8 states?

9 MR. COLVIN: There is in the
10 proposed rule. And what we've said in the
11 proposed rule is, based on the information we
12 have about the structure of the state
13 licenses, the states that are likely to meet
14 the exempted state requirements, most likely,
15 are the West Coast states, the Gulf Coast
16 states except Florida, and the Southeastern
17 states of Georgia and North Carolina.

18 MR. CATES: Is there any
19 enforcement?

20 MR. COLVIN: Enforcement will need
21 to be done by NOAA Fisheries law enforcement
22 assets in the EEZ with the Coast Guard as per

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1 normal. And we will also be looking for
2 assistance from our state partners with whom
3 we have JEAs.

4 And some time later this year, and
5 one of the questions people ask a lot is,
6 well, what is the penalty going to be? We
7 will need to work with general counsel and law
8 enforcement to put a penalty schedule together
9 for registration as we get closer to a final
10 rule, and it will look like other kinds of
11 schedules we have adopted for other similar
12 sorts of things.

13 Okay?

14 Next slide begins what we've been
15 doing with communication and outreach. The
16 communication-education team is headed up by
17 Forbes Darby. And I know that you folks had a
18 lot of interest in this at your last meeting
19 and asked us for some follow up information.
20 So we put a little bit more - I want to just
21 spend a little bit more time talking about
22 some of this.

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1 Some of the activities that we are
2 working on are on the next slide. One of the
3 first and most important things we've done
4 over the last six months is have what we've
5 been referring to as regional listening
6 sessions, which are not so much stakeholder
7 meetings as they are meetings that we've had
8 with our partners face to face in each of our
9 regions.

10 So we've met so far in all of the
11 regions except the Caribbean, our trip there
12 had to be postponed, and I hope will be held
13 later this month. Essentially we get a very
14 detailed read from the regional offices, the
15 fishery science centers, the councils, the
16 commissions, and states, about what they see
17 as their data needs, recreational data needs,
18 particularly in light of the amendments to the
19 Magnusson act and their experience with
20 fishery management since the time of the
21 Denver workshop 2-1/2 years ago.

22 I think many - a number of MAFAC

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1 members have been part of that. Bob was at
2 our session in La Jolla. Kitty hosted the
3 first session in Hawaii, which was very
4 productive, and all of the interstate
5 commissions have been of great help to us in
6 the sessions in their regions. They have been
7 very successful and very informative and will
8 play a very important role I think in this
9 upcoming implementation strategy that we are
10 talking about in a few minutes.

11 The listening session summaries are
12 now posted on the website, as of this morning,
13 on our website. And they are worth taking a
14 look at, because they really do give you a
15 sense of how things shape up in each region,
16 and they are all different.

17 We've also been putting out a
18 monthly newscast, an e-newsletter. All MAFAC
19 members are getting it. It's mainly directed
20 at our partners, so it's going to all of the
21 people involved in the MRIP program, and all
22 of the committees, the task forces, the

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1 working groups, the state directors and the
2 state officers, interstate commissions, and so
3 forth.

4 Randy and Larry, one of the things
5 I wanted to mention since I'm looking at both
6 of you right now is that after the ASMFC
7 spring meeting, a desire was expressed to have
8 each of the commissioners for the commission
9 receive that newsletter, and we ere able to
10 get their addresses. If you would like to do
11 that, if you just get us their email
12 addresses, we can send them, or you can
13 continue to forward them, however you want to
14 do it.

15 MR. FISHER: Either way, whichever
16 you would rather.

17 MR. COLVIN: Well, if you send them
18 the email addresses, we will put them on the
19 list and send them out. The state directors
20 get them but the other commissioners don't.

21 MRIP in the news: we've been
22 getting a lot of coverage. Of course we got a

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1 lot of coverage immediately after the proposed
2 rule came out, and a lot of that was
3 interesting. But we got a lot of coverage in
4 the large media, including newspapers that are
5 listed there, perhaps more so to date than
6 we've seen even in trade press, which was kind
7 of interesting.

8 All in all I would have to say the
9 coverage has been pretty good. It has
10 included the necessary focus of the need for a
11 registry based on including data collecting,
12 which was a connection we were concerned that
13 we would not want to lose.

14 Larry.

15 MR. SIMPSON: If you want to round
16 out the regional thing, there have been two
17 very good articles in one of the largest
18 recreational magazines in the world, and that
19 is CAG magazine. It brings -

20 MR. COLVIN: Oh, yes.

21 MR. SIMPSON: I mean you've got
22 New York and Boston and Hawaii and more.

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1 MR. COLVIN: Well, we have a bunch.
2 Actually what happened too was, CCA had a - I
3 don't know what they called it - a media
4 summit I think they called it in Texas late
5 last year. And it featured MRIP, and they
6 invited John Boreman down. He was down with
7 Forbes. And they representatives from many of
8 the major publications around the country,
9 fishing and boating trade publications.

10 And out of that we actually did see
11 a number of great articles. Now Dick was a
12 speaker at that, and what he talked about was
13 basically what was in those articles.

14 And since then we've seen follow up
15 articles I think in both U.S., which was real
16 good - Rip Cunningham did one in I think
17 Trailer Boat or something like that, the
18 magazine he is affiliated with now, which was
19 excellent.

20 So we have seen some, absolutely.

21 MR. SIMPSON: But his were
22 especially I think worthy of mention.

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1 MR. COLVIN: Yes. No, they were
2 very good. And we have relied on Dick to give
3 presentations that incorporate that
4 information, and Dennis has as well.

5 Dick is a member of both the
6 operations team, and the registry team for
7 MRIP.

8 New website is up now. We've
9 completed revamped the old MRIP website about
10 a month ago, and is now accessible under
11 CountMyFish.noaa.gov. People seem to find an
12 easy way to get there.

13 We have recently engaged the
14 services of a contractor, Scott Ward, who is
15 going to shape and help us deliver a
16 considerably ramped up marketing effort for
17 MRIP and for registry implementation as we
18 need to get the word out on that late this
19 year and early next. He will be working for
20 us, for all intents and purposes, essentially
21 for - it will be a full-time job.

22 Scott has got some pretty good

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1 credentials. We were happy to get him. The
2 recruitment process to get a contractor to
3 help us with this took longer, and in the
4 initial stages was more disappointing than we
5 expected.

6 But at the end of the day we were
7 very happy to have Scott. Give you an idea of
8 one of the projects he worked on, previously,
9 he worked with Selective Service on their last
10 campaign to promote awareness of the need for
11 young men to register nationally.

12 And certainly with that kind of a
13 background he's got the know-how to do what we
14 need on the registry. But he's also worked on
15 some natural resource projects, including some
16 for the National Park Service, and we think
17 he'll be real good.

18 MR. ROBERTS: Just a question: Is it
19 too idealistic to think you could get the
20 email address of all the agents that work for
21 Sea Grant in the coastal area and give them
22 the e-newsletter? Or is that impossible?

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1 MR. COLVIN: Actually it's a very
2 good idea. We should do that.

3 MR. ROBERTS: With Mike Liffman over
4 there making those guys and girls have their
5 own ladders and sportsman groups.

6 MR. COLVIN: We actually had a
7 meeting with the national Sea Grant office
8 about a month or a month and a half ago to
9 talk about some ways we could get Sea Grant
10 more engaged in working with us on a
11 registered program.

12 Now that's been set back a bit
13 unfortunately because of Terry Smith's
14 accident. But we still hope to get back to
15 that before the year is over.

16 Okay. The next big thing that
17 we're going to be working on, in fact already
18 are, is this implementation strategy. We have
19 an obligation to report back to Congress and
20 to everybody about what we are going to start
21 doing in 2009.

22 The way that the instructions in

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1 the act are structured around implementing the
2 improved program within 24 months of enactment
3 of the reauthorization. And we are not going
4 to turn a switch on January 1st, 2009, and
5 implement a new program. But we are going to
6 have to begin to implement the changes, which
7 will become a series of changes, or even an
8 evolution of surveys from the old approaches
9 to the new one.

10 The implementation strategy that we
11 are working on now, and we will be rolling out
12 this summer, is the document that will
13 describe that process. And it is an extremely
14 important one. We have completed an outline
15 of what it will look like, and a little bit of
16 that is on the next slide I think. The
17 outline is in the briefing book, and we really
18 would like to get some feedback from MAFAC
19 members on the content of the outline and
20 their reaction to what's laid out in there.

21 And Mark, I don't know if anybody
22 needs it. I have extra copies of both the

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1 outline and the FR notice. But I noticed that
2 they were in the book, so I'm assuming we're
3 okay on that. But if anybody does need them,
4 I have them with me.

5 The - well enough said about that.
6 I think it's all there. I think one of the
7 points of emphasis you'll see is on the
8 development of the overall program as a system
9 of regional surveys, and we will - that's why
10 these listening sessions and this
11 documentation of regional data needs and
12 improvements to existing data delivery has
13 been such an important process for us over the
14 last six months.

15 What we'll have to incorporate into
16 this document is a summary of what we have,
17 what the needs are, and then what our process
18 will be going forward. And we are going to
19 have to make a few kind of sticky decisions
20 along the way, because there are some regional
21 needs that are going to be harder to meet
22 because of existing institutional

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1 requirements. And a couple of examples,
2 traditionally, that we have the situation in
3 the Gulf where Texas is not part of the
4 existing survey structure so some strategies
5 needed to improve that situation.

6 We have essentially no current
7 involvement by NOAA Fisheries Service with
8 recreational data collection in the state of
9 Alaska.

10 MR. SIMPSON: Keep in mind, Texas
11 is a player, and intrinsically interested and
12 involved. They just have their own system.
13 What we need to do is work -

14 MR. COLVIN: They have challenges in
15 Texas, yes, we are well aware.

16 MR. SIMPSON: But it's not like
17 they completely boycotted it. They are part
18 of it. They just have their own trailer
19 counts, the way we do it.

20 MR. COLVIN: And another thing we've
21 learned is that a number of the councils,
22 mainly the councils, are very concerned about

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1 the timeliness of data delivery in light of
2 the need to work with ACLs and accountability.

3 And South Atlantic Council and the Gulf
4 Council in particular were very emphatic about
5 a need to get them data, such that they could
6 do some in-season - take some in-season
7 regulatory actions if necessary. And we are
8 not even close to that historically. Other
9 places, in the Pacific for example, we are.

10 So one of the things that we'll
11 have to look at is this whole issue of how
12 fast we can take care of the councils that are
13 asking for it.

14 Another issue is that there are a
15 number of problems that they have with low
16 abundance, low frequency managed fisheries
17 that it's going to be very difficult in a
18 survey-based approach, a broad survey-based
19 approach, get the permit data that is needed
20 for management of those fisheries. We may
21 need to evolve specialized surveys, kind of
22 like what has happened in most of the

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1 Northeast with the large pelagics. And those
2 sorts of needs will have to be identified.

3 So as we go through this those
4 sorts of strategies will come forward, and
5 it'll be very important, I think this will be
6 a keystone document in laying out our game
7 plan for getting there.

8 The next slide is funding; nothing
9 new there. It's I think the same funding
10 summary which we gave you in December. We are
11 hoping to see another increase in the '09
12 budget, whether or not we ever get one. And
13 that's pretty much it. I think we are at the
14 end of the road there.

15 So if we can get - hear back from
16 you with comments on the - on that
17 implementation strategy that would be great.
18 Anything further on the registry, a real
19 proposal, anything else, very helpful as well.

20 DR. HOLLIDAY: What is the due date?

21 MR. COLVIN: Registry rule is -

22 DR. HOLLIDAY: When you want the

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1 comments, you said you would like comments,
2 but it would be best if you tell us a date
3 certain.

4 MR. COLVIN: Well, to tell you the
5 truth, Mark, I wasn't given one. But I think
6 because we really need to get that thing out
7 this summer.

8 MR. SIMPSON: And I guess as a
9 side comment, some of you in your different
10 regions you don't understand what goes on in
11 other regions. But if you don't think that
12 recreational data is important, in the last
13 two meetings of the Gulf Council I have sat
14 through two motions of preemption, and they
15 failed by eight to seven. One of the
16 preemptive motions was made by a state
17 director.

18 Now you don't think that this is
19 important to actual management, and getting
20 more so every day? That's 30 years I've been
21 around, and I've never seen anything like
22 that.

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1 MR. FLETCHER: Gordon, have you
2 envisioned the need for a number of ESC
3 meetings? We haven't heard much from the
4 members.

5 MR. COLVIN: Yes, there are some
6 issues and difficulties associated with having
7 a meeting. I think John has tried to
8 communicate that a little bit, Bob. FACA is
9 one issue. And so he's communicated with you
10 as he has.

11 I think his preference is to try to
12 keep working along the way you've been working
13 with communications of that nature. And I
14 don't know if he is going to be able to turn a
15 corner on that.

16 But I will tell him you asked the
17 question. I'm not sure too much can change
18 right now.

19 I should say, I didn't come
20 prepared to give you a detailed briefing on
21 the registry rule. And time and the need to
22 give you an update on everything.

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1 But if you have questions on that,
2 find me and I'll answer them for you. I do
3 think that what's in the rule is very
4 consistent with that outline I gave you back
5 in December.

6 MR. FLETCHER: And then you and I
7 talked a little bit. There has been some
8 confusion about just what does that mean, in
9 terms of the language in the FR notice. Then
10 maybe it needs to have some clarification as
11 to what - and I know it's not 100 percent, but
12 you are fairly comfortable that there are
13 certain states that will be getting that
14 exemption, either through their licensing
15 program or through their regional surveys or
16 whatever.

17 MR. COLVIN: Well, I'm sure that
18 there are states who can. The ball is in
19 their court, or it will be when there is a
20 final rule, to come forward with what they
21 need to get that.

22 MR. FLETCHER: We need something on

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1 that just so they're aware of it.

2 MR. COLVIN: We are talking to them
3 all the time, and we'll continue to do that.

4 MR. FISHER: What's the best way to
5 comment on the proposed rules? Have the
6 commission and the states and all of our
7 friends comment on it?

8 MR. COLVIN: Gee whiz, I would
9 certainly encourage the states to communicate
10 their comments, whether they did it as a
11 collective or individually. I think that
12 would be very helpful.

13 DR. HOLLIDAY: Besides comment on
14 the implementation outlined and the rule
15 itself, early on there was a suggestion of
16 MAFAC members or particularly the committee
17 could play a role in helping the program
18 communications and other things.

19 Is there - are there other things
20 that MAFAC could be doing for the program in
21 your opinion that they are not doing now or
22 should be working on in that area?

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1 MR. COLVIN: That's a good question.

2 You know there are several MAFAC members who
3 are actively serving.

4 DR. HOLLIDAY: But they are wearing
5 their principal hat as opposed to the MAFAC
6 hat in many regards.

7 MR. COLVIN: That could be, and
8 maybe that - gives us an opportunity to more
9 effectively communicate across MAFAC and get
10 more feedback that is MAFAC-oriented feedback
11 to us than we've had.

12 But I think all in all, I kind of implied
13 it, we've had a great deal of help from the
14 commissions, from Bob and from Kitty and
15 Eric's recently signed on as the liaison on
16 the registry, so we've been very happy with
17 that.

18 Does that put you back on schedule?

19 MR. FLETCHER: Thank you.

20 MR. COLVIN: Okay. Thank you.

21 MR. DiLERNIA: Folks, hospitality is
22 in the room next door, board room.

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1 And we'll see you at 8:30 tomorrow
2 morning.

3 (Whereupon, at 4:09 p.m. the proceeding in the
4 above-entitled matter was
5 adjourned.)

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