

U.S. DEPARTMENT OF COMMERCE
 NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
 NATIONAL MARINE FISHERIES SERVICE

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MARINE FISHERIES ADVISORY COMMITTEE

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THURSDAY, FEBRUARY 16, 2006

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The Advisory Committee met at 9:05 a.m. at the International Game Fish Association, 300 Gulf Stream Way, Dania, Florida 33004, Captain Anthony DiLernia, Chair, presiding.

PRESENT:

ANTHONY D. DiLERNIA	Chair; Office of Maritime Technology
WILLIAM T. HOGARTH	Vice Chair; Assistant Administrator for Fisheries
RUSSELL PORTER	Pacific States Marine Fisheries Commission
LARRY SIMPSON	Gulf States Marine Fisheries Commission
ROB KRAMER	International Game Fish Association
STEVE JONER	Makah Fisheries Management
CHRIS DORSETT	Gulf of Mexico Fish Conservation Director
TOM J. BILLY	International Food Safety Consultants, LLC
TOM RAFTICAN	United Anglers of CA
JOHN V. O'SHEA	Atlantic States Marine Fisheries Commission
ERIC C. SCHWAAB	International Assn. of Fish & Wildlife Agencies
LAUREL G. BRYANT	Executive Officer, MAFAC

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PRESENT: (CONT.)

ROY CRABTREE	Southeast Regional Administrator
STEVE MURAWSKI	NOAA
JAMES D. COOK	Pacific Ocean Producers
PETER P. LEIPZIG	Fishermen's Marketing Association
MARY BETH NICKELL-TOOLEY	East Coast Pelagic Association
RALPH RAYBURN	Texas Sea-Grant College Program
HEATHER D. McCARTY	Heather McCarty & Assoc.
KENNETH J. ROBERTS	Louisiana State University AgCenter
DOROTHY M. LOWMAN	Natural Resource Consultant
ROBERT FLETCHER	Sportfishing Association of California

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P R O C E E D I N G S

9:05 a.m.

1
2
3 DR. HOGARTH: May we get started this
4 morning? I think if you look at today's agenda, we've
5 covered some of the things. We've already done the
6 assignment of new members to the subcommittees.

7 Next on the agenda is the next two meeting
8 time frames and location. I think we agreed that we
9 would meet in Seattle.

10 MS. BRYANT: 25th through the 27th of July.

11 DR. HOGARTH: Then the next meeting -- can
12 I?

13 CAPT DiLERNIA: Thank you, Mr. Chairman.
14 The next meeting, we have to select another winter
15 meeting, and in thinking where I might suggest, I'm
16 reminded of what happened to New York after September
17 11th.

18 People from all around the country made an
19 effort to come to New York City, to help revitalize
20 their economy and to pump tourism money and travel
21 money and business money into our economy, and the
22 city did very well. We'll never forget that. We will

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1 not forget what the rest of the country did for us.

2 Being from New York, I'd like to suggest
3 that our next winter meeting be in the City of New
4 Orleans. I think I'd like to return or give back to
5 that region what they gave to us five years ago. So I
6 suggest that our next meeting be in New Orleans.

7 DR. HOGARTH: Can I ask, and I have no
8 problem with it, but can I ask Larry a question? Is
9 Mississippi, some of the locations that are easier to
10 get there, available? I mean, do you think?

11 MR. SIMPSON: Yes. Mississippi, you can
12 still get there. It's just that you've got to come
13 down off the interstate and you can't go east or west.
14 The hotels are coming back on line.

15 There's still a lot of people that are
16 using them and you can't schedule big meetings there
17 yet, because they just don't have the space to block
18 off for that meeting. They're there.

19 DR. HOGARTH: I know one of the
20 appearances is that everything is New Orleans and
21 Mississippi got hit just as bad. But I don't know.
22 If it's by me, I don't know if it's --

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1 MR. SIMPSON: Yes. I'm like Tony. We're
2 going to try in October to go to New Orleans, and if
3 not, we'll have to go to Baton Rouge, just to give
4 them the business. But the central business district
5 -- Ken knows better than I do -- the central business
6 district's still okay, right downtown.

7 DR. HOGARTH: This would be January.

8 MS. BRYANT: The winter meetings generally
9 are January, and the summer meetings are generally end
10 of July, first part of August, because that's what
11 works with Congressional schedules and those schedules
12 with ICAT and IWC responsibilities.

13 DR. HOGARTH: New Orleans is fine with me.
14 I have no problem. I just, you know.

15 MR. SIMPSON: Excellent place right there
16 on the river. We used to have MARFAN conferences.

17 MS. NICKELL-TOOLEY: Do we look at council
18 schedules when we schedule meetings?

19 MS. BRYANT: Uh-huh, yes.

20 MS. NICKELL-TOOLEY: Because you know
21 generally in January, both the MidAtlantic and the New
22 England Council meet as well. So we need to take

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1 those in account, MidAtlantic and New England.

2 DR. HOGARTH: We usually look at all the
3 council meetings before we make a date.

4 MR. JONER: And the Halibut Commission,
5 which is January, around the 16th.

6 MS. BRYANT: Okay.

7 DR. HOGARTH: Yes. That's why sometimes
8 it slips to February, like this year.

9 MS. McCARTY: And the North Pacific
10 Council is the first full week of February.

11 DR. HOGARTH: So is that okay with
12 everybody?

13 CAPT DiLERNIA: Very good. Thank you.
14 Our next item is Identify Follow-up Discussions,
15 Assignments and Items. We've put into this -- I'd
16 like to say a little bit more about the fisheries
17 document, the future of -- the vision document,
18 Fisheries 2020.

19 Some members have asked us to -- we were
20 asked yesterday what did we see. In discussions with
21 Dr. Hogarth, what we'd like to do is -- it's going to
22 be about a two-year project.

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1 We'd like to spend about a year gathering
2 information and data, and spend another year writing
3 the document, preparing the document. I think Laurel,
4 there's a document from the Marine Protected Areas
5 Committee.

6 MS. BRYANT: It's just an example.

7 CAPT DiLERNIA: It is an example of
8 something that we'd like to produce. Now bear in mind
9 that this document was produced with, I think, eight
10 staff members over at NOAA; is that correct Laurel?

11 MS. BRYANT: Yes.

12 CAPT DiLERNIA: Yes. So you're looking at
13 the staff, our staff, she's standing at the table
14 there right now. So --

15 MS. BRYANT: In addition, this FACA (ph)
16 is extremely mission-specific. It's a very discrete
17 mission on different than -- I have such a loud voice.
18 I can't believe nobody can hear.

19 DR. HOGARTH: She doesn't, she doesn't.

20 MS. BRYANT: Thanks. But they also have a
21 very specific mission, and what they're doing now,
22 after the development of this document, they are now

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1 regrouping that FACA, and they're looking at then the
2 specific elements underneath that, for implementation.

3 So they've got this very focused to long-
4 term process, very different from MAFAC's broad focus
5 and kind of true advisory capacity. But nonetheless I
6 thought it is something that recently was generated as
7 early as June 2005, that we could look at, to generate
8 some ideas and get some concepts going.

9 CAPT DiLERNIA: And I thank you all for
10 that. She was -- she identified that document. I've
11 looked at it. I think it's something similar to what
12 I had envisioned and what we had envisioned in our own
13 document.

14 But in order to gather information, we're
15 going to have to -- we're going to need the
16 cooperation of the entire Committee. Our work plan
17 really at this point is to have the members of the
18 2020 Committee and those members consist of the
19 members of MAFAC's Executive Committee, the three
20 executive directors from the state fisheries
21 commissions, and I've asked Heather and Ralph also to
22 serve on the Committee.

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1 The Committee will produce for you a work
2 plan, which we will circulate. We ask that -- and
3 we're going to do a lot of this by e-mail and
4 conference calls. So if you could -- once the work
5 plan is circulated, if you could give us your comments
6 and your advice.

7 Once we receive all the members' advice,
8 we'll then finalize the work plan, and we'll start
9 work. Our next meeting is in July, and hopefully by
10 July well, we have to, if we're going to stick to a
11 two-year delivery date for this document, we will have
12 started work before our next meeting.

13 So it's very important for the committee
14 members to review our work plan and to comment back to
15 us. We're going to rely on the committee members to
16 give us advice on their particular regions.

17 If there are issues that you see emerging
18 in your region, you must let us know. You're the
19 experts for your region. I know the MidAtlantic, I
20 know the Northeast, New England.

21 But I have to rely on you to, outside of
22 that area, my area of expertise there, my knowledge is

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1 limited. But you are the experts. I look to Jim Cook
2 for Hawaii. I think he's a better person to give us
3 advice from Hawaii.

4 I look around this room and you know your
5 fisheries in your area. So we're going to rely on you
6 to help us as we gather our information and put it
7 together in this document.

8 Hopefully after one year of collecting
9 information, we'll be able to start writing. We'll
10 start to circulate the document in draft forms, and
11 two years from now, hopefully we'll have a document to
12 present to the Service. Dr. Hogarth, you want to
13 comment on that at all?

14 DR. HOGARTH: I think that's a good idea.

15 Now we will look at the budget and try to find some
16 money, so that the regional people can have maybe a
17 regional meeting to give input. So those will be
18 divided up, and you can have an opportunity for that.

19 I think it's important to get, you know,
20 public input into anything you're doing like this. So
21 we will find a mechanism. I think commissions have
22 mechanisms, I think already pretty much, to help this.

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1 So we'll work with you to help you to do it, support.

2 CAPT DiLERNIA: Mr. Billy?

3 MR. BILLY: Yes first, Tom Billy. I'd
4 like to strongly endorse the idea of developing this
5 kind of a strategic framework for NOAA fisheries and
6 obviously it will have benefits in various arenas,
7 including help this Committee with its work.

8 I want to make just one comment on
9 process. Over a number of years, when I was working
10 within the federal government, I learned about a
11 process of strategic planning that's called "Planning
12 from the Future."

13 I used it when I was administrator of the
14 Food Safety Inspection Service and FDA, and even in
15 NOAA. There are books written about it, experts and
16 so forth. I found it highly effective for this kind
17 of thing, and would encourage that someone follow-up,
18 and I'd be happy to share some references.

19 It's just, it's the process you use that I
20 think may bring a better outcome.

21 MS. BRYANT: We'll definitely up with you
22 Tom.

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1 MR. BILLY: Thank you.

2 MS. BRYANT: Okay, thanks.

3 CAPT DiLERNIA: Ralph?

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

5 How will this relate to the effort that Ms. Hope did,
6 relative to the councils and public hearings that she
7 -- Mary Hope, didn't she do --

8 DR. HOGARTH: They were the regional
9 meetings that I did.

10 MR. RAYBURN: Oh, the regional meetings
11 that she did, okay.

12 DR. HOGARTH: Yes, yes.

13 MR. RAYBURN: And that was more focused at
14 the councils.

15 DR. HOGARTH: I did them in cooperation
16 with the councils, and they were just sort of -- they
17 were just sort of listening sessions at that time, to
18 help me sort of get started in the agency.

19 We presented some of my goals. We'll make
20 that information available to you, because they are
21 about --

22 MS. BRYANT: And it's up on the web, I

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1 think.

2 MR. RAYBURN: Thank you. Yes, we've seen
3 or had some briefings on it. Thank you.

4 DR. HOGARTH: Yes. In fact, she's still
5 under contract as this group needs her for help. We
6 can make her available and that will help certainly in
7 logistics, and I think we ought to get this done.

8 Let me tell you just a little background
9 of this. Some of the people have come to me and asked
10 for this basically, some of the commercial guys and
11 some of the recreational people have talked and all.

12 So it's sort of a look out in the future
13 of -- it's obvious that, as I said yesterday, we're
14 looking at technology changes. We realize that change
15 is there that's going to take place, both in sampling
16 and all the new, the four new vessels we've got, all
17 the state of the art, acoustical, super quiet things.

18 We're looking at, you know, other ways.
19 AUVs is going to be a big part of our future, and
20 we're looking at oceanographic stuff and, you know,
21 and global observing type of devices.

22 So we are looking differently. I think,

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1 you know, we're going to have to look to how we --
2 what people want out of this fishery. As the
3 population grows and more people are eating seafood
4 and just the whole thing, we need to put together sort
5 of a plan.

6 I think a lot of people have looked
7 forward to it. I don't think it's going to be easy,
8 but I think there's some tough issues. But I think it
9 would be good, and I think this body would be good for
10 it.

11 CAPT DiLERNIA: If I may? The way I look
12 at is if I was going to be investing money in a
13 business, where would I want to put my money? Where
14 do I see the growth area? It might not be what I
15 want. I'm not saying this is a wish list of what I
16 hope happens, or what I want to happen.

17 What I want to happen and what I wish may
18 happen could be very different from what is happening.

19 Very often we see the marketplace dictating what
20 occurs, and that evolution is occurring in spite of
21 our own desires and wishes.

22 So this is not a wish list document. It's

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1 a type of document where we forecast and we see or
2 what we think we see happening in front of us.

3 DR. HOGARTH: The other thing about this
4 document that helps is the budget process is getting
5 tougher and tougher, and we're in more competition
6 with a lot more.

7 I think if you look at it like this, I
8 think you'll find that it will be very beneficial to
9 use on the Hill, because -- excuse me -- visits to the
10 Hill and all. So I think this has a lot of benefit.

11 CAPT DiLERNIA: Right, okay. Thank you.
12 Any other questions from the Committee?

13 DR. HOGARTH: I wanted to talk to you just
14 a second, and I'm going to hand them out. But you
15 asked yesterday about the amendments, and we do have a
16 copy of the amendments to the aquiculture. We'll hand
17 them out now.

18 One of them was the definition of who it
19 is. This was -- Senator Inouye and co-sponsored by
20 Senator Stevens, and it says the following: "Offshore
21 aquiculture permit holders shall be a citizen or
22 resident of the United States or a corporation,

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1 partnership or other entity organized and existing
2 under the laws of the state or of the United States."

3 Then it's a lot more. Then Senator
4 Inouye, co-sponsored by Senator Stevens, put a lot
5 more under the environmental requirements. "The
6 environmental requirements shall address risk and
7 impact on national fish stocks, including the
8 safeguards needed to conserve genetic resources or
9 minimize the transmission of disease, parasites in the
10 ecosystem." So it's a whole list here of five things
11 and there's a couple of others.

12 So this is -- these are all the
13 amendments, and Tom, the other thing is the draft
14 report of the business plan, I haven't seen it. I
15 understand there is a version. We were talking last
16 night, but I really need to look at it before we send
17 it out.

18 So I will try to see really where we are
19 next week, and we will notify you all as to exactly
20 the time line for that, okay.

21 CAPT DiLERNIA: Thank you. Okay. Is
22 there any business before we break? Okay, we -- yes,

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1 Laurel?

2 MS. BRYANT: Just to let people know
3 housekeeping-wise, with regard to shipping your
4 notebooks and everything back hopefully by noon before
5 we break up permanently, we will have FedEx boxes
6 here, if they haven't arrived yet.

7 But I've got labels. You'll have to fill
8 them out and all of that. But then you don't have to
9 bulk everything back home on the plane. So that is in
10 motion, and we'll let you know when they arrive.

11 CAPT DiLERNIA: Laurel was standing out in
12 front of the hotel, waiting for the FedEx truck to
13 show up.

14 MS. BRYANT: Yes, I was waiting for FedEx.

15 CAPT DiLERNIA: But she did her best. She
16 couldn't get them to show up. Ralph?

17 MR. RAYBURN: Is Ms. Collins there, Emily?
18 Is she going to be available somewhere where we can
19 pay for tonight, or how best to do that?

20 MR. KRAMER: Yes. You can give --

21 MS. BRYANT: And even on bus today, she's
22 going to have a money pouch, she said, so that people

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1 can get back to her. That may be the easiest, more
2 efficient way.

3 Also for breakout rooms, and Mr. Chairman,
4 I don't want to jump ahead, but we do have two
5 breakout rooms upstairs. We have a small conference
6 room down at that end, as I understand Rob.

7 CAPT DiLERNIA: And that can be for
8 recreational.

9 MS. BRYANT: We have a large conference
10 room on this end, and then we've got this room. So if
11 we're doing --

12 CAPT DiLERNIA: We have three breakout
13 sessions. Aquiculture can stay in this room. The
14 recreational group is the smaller conference room.
15 That's where, Rob?

16 MR. KRAMER: Upstairs, down that all.
17 I'll lead everybody up to the room.

18 CAPT DiLERNIA: Okay, and the third
19 breakout session is Magnuson-Stevens, correct? And
20 that will be, I guess, the larger conference room?

21 MS. BRYANT: That will be the larger
22 conference room. So I'll take all up there.

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1 CAPT DiLERNIA: What time we want to be
2 back, 11:00?

3 (Pause.)

4 DR. HOGARTH: What do you all think? Do
5 you need an hour, an hour and a half? So we'll come
6 back in a hour and a half, and that will be the break.
7 If you include your own break, we'll come back and
8 report out. Ralph?

9 MR. RAYBURN: Is the overfishing going to
10 be discussed within the --

11 DR. HOGARTH: Magnuson.

12 MR. RAYBURN: Magnuson. It's not going to
13 -- okay. Not as I thought it was going to be, the
14 full committee.

15 DR. HOGARTH: Yes. The full committee,
16 when we come back, you've done all the work already
17 for us, Ralph.

18 MR. RAYBURN: Well, if that's useable,
19 then we can make additional copies so everybody can
20 have that to discuss, if that's what you want to do.

21 CAPT DiLERNIA: Yes, please.

22 MR. RAYBURN: As a committee of the whole.

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1 CAPT DiLERNIA: So when we come back as a
2 Committee of the Whole, we can review this stuff.

3 MR. LEIPZIG: Just for clarification, from
4 my understanding of the discussions yesterday with
5 you, the Magnuson Committee will not talk about the
6 overfishing, nor the aquiculture and recreational data
7 collection?

8 CAPT DiLERNIA: Correct.

9 DR. HOGARTH: So 11:00?

10 CAPT DiLERNIA: Back here.

11 DR. HOGARTH: Break over, ready to report
12 out, take final action.

13 CAPT DiLERNIA: Thank you.

14 (Whereupon, the meeting was adjourned for
15 caucus, to reconvene at 11:00 a.m. this same day.)

16 DR. HOGARTH: As we get prepared for the
17 summit, I would like to -- so I make sure I don't
18 forget to do it, is to thank Rob and your staff and
19 Emily for --

20 (Applause.)

21 DR. HOGARTH: It's really been a great
22 place to have a meeting. It's been, I think, very

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1 productive surroundings and the hospitality is just
2 fantastic. So thanks very much.

3 MR. KRAMER: It's easier to get in the
4 restaurants in the summer.

5 (Laughter.)

6 CAPT DiLERNIA: Thank. Yes Rob, I'd like
7 to add to that. Thank you very much for hosting us
8 here. As someone with 30 years in a charter boat
9 business and a sports fishermen, to be able to sit
10 here and chair a meeting in the RGFA Hall of Fame is
11 quite a personal thrill for me.

12 I'd also like to mention that you had a
13 trustee who, although often he and I disagreed on
14 items, he was a staunch defender and advocate of the
15 recreational industry, and that was the late Steve
16 Sloane (ph).

17 So often Steve and I didn't agree, but one
18 thing I did agree with him on was his enthusiasm for
19 promoting the recreational industry. If Steve were
20 alive today and to see this here, it would really make
21 him very proud.

22 So I think the trustees, please let the

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1 trustees know how grateful I am and how grateful we
2 all are, and I think Steve would feel, seeing this
3 meeting here today. For him, I think it would have
4 been a highlight. I just wish he had lived to see it.

5 MR. KRAMER: This was his idea, actually,
6 when I was first appointed.

7 CAPT DiLERNIA: It was a very good idea.
8 Mr. Rayburn?

9 MR. RAYBURN: Mr. Chairman, would you
10 entertain a motion that we write a letter to the
11 trustees, the chairman, signed by you and Dr. Hogarth,
12 expressing the gratitude of MAFAC for the hospitality
13 they've given us?

14 DR. HOGARTH: I would very pleased to do
15 that. Are you making that -- are you moving?

16 MR. RAYBURN: That would be a motion.

17 MR. O'SHEA: Second.

18 CAPT DiLERNIA: We have a motion that has
19 been made and seconded. Any discussion?

20 (No response.)

21 CAPT DiLERNIA: Members, all in favor of
22 the motion, please raise your right hand?

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1 (Chorus of ayes.)

2 CAPT DiLERNIA: Anyone opposed?

3 (No response.)

4 CAPT DiLERNIA: Thank you, Mr. Rayburn.
5 So again, thank you Rob. Thank you very, very much.

6 We have committee reports. I didn't speak
7 to any of the committee chairmen. Does anyone want to
8 volunteer to be first here? Mr. Billy, Aquiculture.

9 MR. BILLY: Thank you, Mr. Chairman. We
10 profited as a subcommittee from the discussions
11 earlier in the meeting on aquiculture. Although in
12 talking about the role that Bill has indicated he'd
13 like this committee to play, we wanted to first
14 reiterate the comments and the recommendations that
15 this committee, the full committee made at its last
16 meeting.

17 There are captured in the report of the
18 meeting, under Tab 3, pages 4 and 5, and the
19 attachment, Attachment A, which is pages 9 to 11.

20 I'm not going to repeat all those, but
21 simply to say that at that meeting, the Committee
22 agreed to serve as a sounding board, to provide

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1 ongoing feedback during the legislative process, and
2 policy guidance for the long term. We think that's
3 still appropriate.

4 Then if you go to page nine, the
5 attachment, you'll there a more detailed summary of
6 the discussions that took place at the last meeting,
7 including recommendations.

8 The first recommendation, which is using
9 MAFAC as a resource for ideas and comment, in working
10 with Congress, also to provide a mechanism and the
11 website apparently is up, although there is nothing up
12 -- It hasn't been updated, at least last time I
13 checked, in terms of the ongoing process. That can be
14 fixed.

15 Then to engage the Committee in related
16 policy issues including, but not limited to,
17 approaches to the siting of aquiculture facilities;
18 candid species for offshore aquiculture; the role of
19 the fishery management councils, which people will
20 recall, at least the members that were part of that,
21 there was extensive discussion.

22 It was emphasized how important it is for

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1 the regional fishery management councils to be
2 consulted early in the process, and not in an ongoing
3 way.

4 Then finally the last I wanted to
5 emphasize was the ten-year plan, and we've talked
6 about that already and Bill is following up on that.

7 So building on this foundation of what was
8 talked about last time, and the discussions we had
9 earlier in the meeting, we've drafted a resolution,
10 and it reads as follows:

11 "The MAFAC Committee, in light of

12 (1) the growing scientific recognition of
13 the health benefits of seafood;

14 (2) the growing dependence of the U.S. on
15 imports and the resulting trade deficit to meet
16 growing demand;

17 (3) the increasing recognition of the
18 importance of food security in today's world;

19 (4) the opportunity to conduct commercial
20 aquiculture in the EEZ consistent with environmental,
21 conservation and protected species goals;

22 (5) the opportunity to provide direct,

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1 economic benefits to coastal communities through
2 revenue-sharing, e.g., permit fees or royalties;

3 (6) to establish mechanisms for cultured
4 and wild market development and education," and the
5 e.g. there is Marketing Councils.

6 Then "(7) to the U.S. leadership
7 opportunity to establish and encourage best practices
8 for offshore aquiculture."

9 "Therefore, the Committee supports the
10 need for legislation to authorize establishment of a
11 regulatory framework to permit commercial aquiculture
12 in the EEZ."

13 CAPT DiLERNIA: Is that your motion, Mr.
14 Billy?

15 MR. BILLY: Yes, and that is in the form
16 of a motion.

17 MS. McCARTY: Second.

18 CAPT DiLERNIA: You have a second from Ms.
19 McCarty. Good. So we have a motion from the
20 committee and a second. Mr. Schwaab?

21 MR. SCHWAAB: I just wonder if there is an
22 opportunity to enhance that with a statement to the

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1 effect that, you know, recognizing the opportunity to
2 strategically utilize offshore aquiculture to
3 complement wild stock fisheries, and I guess I would
4 offer that as an amendment.

5 CAPT DiLERNIA: We have -- so you're
6 offering it as an amendment. So the maker of the
7 motion, as a friendly amendment, is it acceptable?

8 MS. BRYANT: Recognize or include?

9 CAPT DiLERNIA: Could you state your
10 amendment again?

11 MR. SCHWAAB: Recognize strategic
12 opportunities to utilize offshore aquiculture to
13 complement wild stock fisheries.

14 CAPT DiLERNIA: Maker of the motion, the
15 second is acceptable?

16 MS. BRYANT: Amend to "Recognize strategic
17 opportunities to utilize offshore aquiculture to" --

18 MR. SCHWAAB: Complement wild stock
19 fisheries.

20 MS. BRYANT: "Complement."

21 CAPT DiLERNIA: So the friendly amendment
22 is accepted?

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1 MR. BILLY: Yes.

2 CAPT DiLERNIA: Okay. Any other
3 discussion on the motion? Committee, any discussion
4 on the motion?

5 (No response.)

6 CAPT DiLERNIA: Okay. Yes, Mr. Rayburn?

7 MR. RAYBURN: Dr. Hogarth, do you feel
8 this type action would be helpful for you?

9 DR. HOGARTH: Yes. The hearing is coming
10 up, and you know, I think it would be good.

11 MR. RAYBURN: Is there any additional
12 thoughts that you had on it?

13 DR. HOGARTH: No. I've read part of that.
14 I think that right here at this stage of the game,
15 where we are I think is good.

16 I mean, I think MAFAC is going to have a
17 lot more involvement as we go down the road, and so I
18 think there will be a lot more input. You need to
19 look at the business plan and we need to really work
20 on some of these recommendations we made earlier, and
21 I know some of that's been done.

22 One of the things that's stopped -- just

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1 real quick -- that stopped us a little bit was the
2 Secretary wanted a whole bunch of stuff in
3 preparation, because the Administration is pushing
4 this very hard.

5 So we had to stop and prepare things for
6 him, that is, the data or something, because he wanted
7 to utilize it. So we've done that, and we're back
8 partly on schedule. But we put together sort of a
9 strategy for the Hill and talking points and a whole
10 bunch of that type of stuff.

11 MR. RAYBURN: Just to clarify, then, this
12 supports, you think, the Administration's ocean action
13 plan initiative?

14 DR. HOGARTH: Yes, yes.

15 CAPT DiLERNIA: Ms. McCarty?

16 MS. McCARTY: Thank you, Mr. Chairman.
17 This is Heather McCarty. Yes, we tried to include in
18 kind of a broad sense some of the concerns, but
19 there's a lot more detailed stuff that probably needs
20 to be worked out.

21 Just reading the old reports from last
22 time, I can see that this group really did get into

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1 some detail before and could again. But we need to
2 know when and how. So we have to depend on you guys
3 to let us know how we can approach helping you with
4 the details, which is what you said you wanted.

5 DR. HOGARTH: Yes, and to that point, you
6 know, we do need, and I think there will be a lot of
7 opportunity. If we get the hearing in the House, I
8 mean in the Senate, we've still got to work with the
9 House. So I think July will be an opportunity.

10 I'd really like to set aside most of the
11 day I'll have for the day for something for the
12 Committee to really delve into some more of the
13 details. Because I think even by then, we'll have an
14 opportunity to change the bill some if we need to
15 change it, you know, and so that's something we
16 haven't discussed.

17 But this is good to help get someone in
18 the House. I have a couple of people I want to talk
19 to about sponsoring it, and I think this helps get,
20 you know, move the bill to that point.

21 MS. McCARTY: Okay, and Mr. Chair, again,
22 there's several amendments that we just got this

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1 morning, and some of them look really promising. We
2 didn't comment on them directly. We didn't think it
3 was necessary in the actual motion.

4 But we did have thoughts that some of
5 those addressed some of the issues that have been
6 brought up pretty well, particularly the one from
7 Senator Murkowski that addresses the issue of the
8 council consultation, and sort of kind of a
9 consultation with the governor of the states and so
10 on. So we thought that was pretty good.

11 You mentioned that there was going to be a
12 hearing. Is that scheduled?

13 DR. HOGARTH: No. He just said, he just -
14 - it was in the paper when he announced it somewhere,
15 that he was planning to have a hearing in March,
16 Senator Stevens. We have not seen the date yet.

17 MS. McCARTY: Okay. Then you could let us
18 know --

19 DR. HOGARTH: And I would like to see --
20 yes. I would like to see if we could get MAFAC
21 involved in that hearing. I think it would be good to
22 have someone testify from the Committee from MAFAC.

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1 MS. McCARTY: Thank you.

2 DR. HOGARTH: So I'm supposed to see
3 Senator Stevens, I think next week. So we've got to
4 work it out.

5 CAPT DiLERNIA: Very good. Is there any
6 further discussion on the motion?

7 (No response.)

8 CAPT DiLERNIA: Okay. Seeing no further
9 discussion, I'd like to call for a vote. All those in
10 favor of the motion say aye?

11 (Chorus of ayes.)

12 CAPT DiLERNIA: Any opposed?

13 (No response.)

14 CAPT DiLERNIA: Let the record show the
15 motion pass unanimously. Thank you, Mr. Billy. Thank
16 you for the report.

17 We have two other groups that have to
18 report out. We have the Recreational group, and we
19 have the Magnuson-Stevens group. Any volunteers?
20 First, next?

21 MR. SCHWAAB: I can certainly do Magnuson.

22 CAPT DiLERNIA: Thank you. Eric, please.

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1 MR. SCHWAAB: We have a committee report
2 I'll put up on the screen. Eric Schwaab. So I'm
3 standing in for Pete, who was the acting chair,
4 standing in for Jim.

5 So what we did was we went through the
6 series of issues, and there were two exceptions that
7 we didn't address. The first one is at the top of the
8 list here, and that is the rebuilding standards of the
9 overfishing issue, and we assumed that would come in
10 later.

11 But then we went ahead and we had a fairly
12 lengthy discussion about the whole issue of dedicated
13 access privileges. What we came up with were a series
14 of statements. The first is that the committee
15 strongly reports greater use of market-based
16 approaches to improve management efficiency, and I'll
17 let you read the details of why.

18 Then the committee supports particularly
19 efforts to protect historical participation, ensure
20 continued opportunity for small operators, and provide
21 mechanisms for new entrants into the fishery.

22 Then a series of additional considerations

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1 that should be included. We spoke specifically to the
2 issue of fees to cover direct or new administration.

3 We weren't necessarily ready to write any
4 blank checks with respect to covering all the science
5 costs, but wanted to leave the door open with that
6 final sentence in that first bullet there to do that,
7 based upon the condition of the fishery.

8 But certainly to provide for fees to cover
9 new administrative costs associated with
10 implementation of some kind of a dedicated access
11 privilege system.

12 We talked a little bit, as we did
13 yesterday in the full group, about ensuring or
14 emphasizing allocation approaches that essentially
15 invest individual fishermen in longer-term stock
16 maintenance or growth.

17 So if you have a percentage share, and the
18 stock grows, then your value grows with it.
19 Conversely, if the stock declines, you lose. So we
20 think that that level of investment is an appropriate
21 and significant component of this process.

22 We did speak to the desire to minimize

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1 barriers, to implementation of new systems,
2 particularly against some of the referenda and
3 petition processes that are in the Senate bill.

4 And also to allow for full open market
5 participation, providing that management goals are not
6 compromised by, for example, somebody purchasing a
7 share that they end up not fishing, which could
8 somehow interfere with other management goals or
9 priorities.

10 MS. McCARTY: Do you want questions on
11 this now or --

12 MR. SCHWAAB: Yes, I can do that, and I'm
13 not sure procedurally, Mr. Chairman. You know,
14 there's a lot of language in there that I would
15 suspect people are going to want to digest a little
16 bit before ultimately it is finalized, and what
17 process you might envision for that, whether there's
18 going to be the opportunity to circulate and have some
19 back and forth on details.

20 CAPT DiLERNIA: Yes. I think what we
21 could do is we can accept your report, conditional
22 acceptance of your report. You're going to deliver it

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1 to us, receive it.

2 We would circulate it to the Committee, to
3 the full committee, and then ask the full committee
4 to, say within five business days or seven business
5 days of receipt, to send in any comments, and any
6 comments --

7 What I'd like to do is make use of e-mail
8 as much as possible. I think it's a tremendous tool,
9 and I think it helps us communicate very well. I'm
10 going to go to Laurel on this one and ask her, I
11 think.

12 If there's a way, Laurel that -- can we
13 -- I'm sure there's a way that we could set up, that
14 we should be able to just click on an address to speak
15 to the entire committee. So that when folks send
16 comments to me, they can click and those comments can
17 be broadcast to everyone.

18 MS. BRYANT: This is something that we'll
19 get into. Number one, this will get posted to your
20 members' areas. That's what that's for. It's
21 password-protected so that you guys can look at
22 drafts, and we can all communicate together.

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1 The one problem I have with the one thing
2 is that since 9/11, and all of the antivirus concerns
3 and this and that, that the minute we get you guys on
4 the NOAA e-mail system, I've got to pull you into the
5 security, and you've got to take a little security
6 class and it's all yearly, and it's a pain in the
7 butt.

8 CAPT DiLERNIA: No, no, no.

9 MS. BRYANT: What I would suggest is
10 you've only got 21 of you. I would suggest each of
11 you on your machine making your own e-mail. It's the
12 only way I can think around it, because I keep getting
13 stuck by people much higher.

14 CAPT DiLERNIA: Ralph, you have your hand
15 up?

16 MR. RAYBURN: I do. We can easily make up
17 a LISTSERV on our AMM system if you would like. It's
18 pretty much I can set it up where you don't get dumped
19 with a lot of -- you know, when folks come in and
20 start spamming the list serve.

21 But if that would be helpful, it would
22 just have a -- it would just have a tamu.edu tailer on

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1 it. But we could have it MAFAC as a list serve. If
2 that would be helpful. It would be kind of offline.

3 MS. BRYANT: Let me check it out with our
4 IT people, but if not, that would be great, Ralph.

5 MR. RAYBURN: It's something I can do, and
6 it's a real short.

7 CAPT DiLERNIA: Well, what I'm trying to
8 achieve here is I'd like to get comments, comments so
9 that the entire committee can review the document, and
10 when someone sends a comment to me, I mean, I would
11 like to make sure that the entire committee sees those
12 comments.

13 MS. BRYANT: Exactly.

14 CAPT DiLERNIA: Okay, and once we've had a
15 number of days to review all those comments, then I
16 could send a request to the committee are there any
17 additions, objections, changes. Then seeing none,
18 that would then -- we could then transmit it to the
19 agency. Heather?

20 MS. McCARTY: Mr. Chairman, Heather
21 McCarty. Does it mean -- does that mean we're not
22 going to talk about it today, or can we kind of just

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1 briefly ask questions and so on today?

2 CAPT DiLERNIA: Yes. I would like to have
3 that. I would like to have some discussion today.

4 MR. SCHWAAB: I think the focus is, should
5 be on the big picture though, and not quibbling over
6 language.

7 CAPT DiLERNIA: So yes. Are we going to
8 take a final vote on it today? I don't think so. We
9 could accept it.

10 MR. SCHWAAB: I think we want to make sure
11 that we have all the key concepts covered, and that
12 there are not any major substantive issues that might
13 best be served by a face-to-face discussion. Then we
14 can add or subtract, you know, language through remote
15 review.

16 CAPT DiLERNIA: Dr. Hogarth?

17 DR. HOGARTH: Just one word, is that you
18 know, we don't know when this is going to move. I
19 know that they're writing the floor report now, and it
20 -- there's some, any of it you think is important, is
21 different from the Senate version, the quicker I get
22 it and can go down and talk to Matt and Margaret, the

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1 better off we'll be, because we don't know when
2 they're going to go to the floor.

3 MS. McCARTY: To that end, Heather
4 McCarty. Can you, Eric, as you report on this, go
5 through and say if it's different from the Senate
6 version, in these individual elements? Are you
7 prepared to do that? That would be useful probably.

8 MR. SCHWAAB: Yes. We tried to capture
9 some of that in here, and I guess to the extent I can,
10 I will, and to the extent that other members of the
11 team can chime in, that would be helpful as well. Was
12 that your question, or did you have something else?

13 MS. McCARTY: That was my question.

14 CAPT DiLERNIA: Well, judging by the
15 amount of detail, if you can give us -- Bill, he needs
16 a final document as soon as possible. If you can give
17 us more detail, I'm willing to take final action on
18 this today, if the other committee members are
19 comfortable with it also.

20 I'm just trying to create a climate where
21 there can be an exchange of ideas, and I want to make
22 sure everyone knows that -- ensure that individuals

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1 have their positions well-represented before a final
2 action is taken.

3 DR. HOGARTH: I think, Eric, the main
4 difference there is the fees, you know, the discussion
5 yesterday you all had about covering science and all.

6 I think that is the difference, you know, which I
7 think is valid. I think the referenda and petition is
8 different.

9 MR. SCHWAAB: Would be contrary to the
10 Senate bill.

11 DR. HOGARTH: Yes, to the Senate bill, and
12 I think there are basically two things that I see that
13 are different.

14 MS. McCARTY: What was that last one Bill?
15 I didn't hear you.

16 DR. HOGARTH: The referendum and petition,
17 number three up there is different.

18 MS. McCARTY: Right, right.

19 MS. LOWMAN: And I think --

20 CAPT DiLERNIA: Dorothy?

21 MS. LOWMAN: Dorothy Lowman. I think the
22 one other difference is that the Senate bill is more

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1 restrictive on who could own quota, and we had a long
2 discussion, that we felt that that should be for more
3 of a pre-market situation, as long as the goals of the
4 management program weren't compromised.

5 For example, the concern that someone
6 would just buy up a lot of quota and hold it, and not
7 allow it to be available for harvest. So we thought
8 that that language sort of covered that, that you
9 wouldn't want to compromise the goals of the
10 management.

11 CAPT DiLERNIA: Ms. McCarty?

12 MS. McCARTY: Can we ask questions now?

13 CAPT DiLERNIA: Please.

14 MS. McCARTY: Okay. Are you talking,
15 Dorothy, about that last sentence, allow full open
16 market participation?

17 MS. LOWMAN: Yes.

18 MS. McCARTY: Okay. I don't know what
19 that means. That was going to be one of my questions.
20 What does that mean exactly?

21 MR. SCHWAAB: Well, part of the
22 discussion, harking back to yesterday's comments

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1 about, for example, the recreational sector being able
2 to participate in these markets, and also some side
3 discussions that occurred relating to the
4 environmental community being able to buy shares, that
5 in our subgroup this morning, there was less comfort
6 in sort of specifying some of those particular
7 activities, particularly as it related to the
8 environmental community.

9 But general support for a system that was
10 more open, and allowed broad market-based
11 participation.

12 MS. McCARTY: Okay. May I -- second
13 paragraph. "Support efforts to protect historical
14 participants." Is that "historical participants"
15 referring to harvesters there?

16 MR. SCHWAAB: Yes, I think so.

17 MS. McCARTY: Okay. I would just like
18 that to be more specific in the language. Historical
19 participants should be made more specific. In other
20 words, it doesn't include historical processors, for
21 example.

22 I mean that may or may not be what you

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1 intended, but someone might misunderstand it. One
2 additional question if I may --

3 CAPT DiLERNIA: One, and then we've got to
4 move on, yes.

5 MS. McCARTY: In the last grouping of
6 indented paragraphs, the second paragraph, "Emphasize
7 allocation of shares that assign privileges over
8 longer time periods." Longer than what? What does
9 that mean? I understand what you were getting at --

10 MR. SCHWAAB: Well, I think I mean it's
11 just a relative bias toward privileges. I have to use
12 the word "privileges." I know that's -- privileges
13 that extended for longer periods of time, as opposed
14 to like a one-year or a two-year privilege, which
15 would not invest the kind of stake in the fishery that
16 we're seeking to put into place, you know, to invest
17 in long-term conservation benefits.

18 MS. McCARTY: Okay, and Mr. Chair, do you
19 want comments on this at this time as well, or just
20 questions?

21 CAPT DiLERNIA: I think questions at this
22 point.

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1 MS. McCARTY: Okay.

2 CAPT DiLERNIA: Thank you. Mr. Raftican?

3 MR. RAFTICAN: I've lost it again. Are
4 any of these shares tied to any specific gear types,
5 or is this just -- I mean --

6 MR. SCHWAAB: Well, I don't think that any
7 of the discussion yesterday, and certainly none of
8 ours this morning got to that level.

9 MR. RAFTICAN: Okay. Well, that was my
10 concern, you know, whether it's recreational,
11 commercial or anything else.

12 MR. SCHWAAB: Well, that's different than
13 gear types.

14 MR. RAFTICAN: Yes. Well --

15 MR. SCHWAAB: We did have discussion this
16 morning about, and there was I think general comfort
17 level with the idea that, for example, the
18 recreational sector could band together and purchase
19 shares and shift. I think realistically that's
20 probably the only direction that could go.

21 MR. RAFTICAN: Okay, and again the same
22 thing. Was there no discussion about tying shares to

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1 specific gear types? I don't know about historical,
2 how that --

3 MR. SCHWAAB: No discussion about gear
4 types particularly. I think it was more -- the
5 historical focus had more to do with individuals who
6 had participated in the fishery in the past, getting
7 some consideration.

8 DR. HOGARTH: To that point, I think most
9 of that is considered, you know, what the council
10 would have, council would implement, not in Magnuson
11 itself, that the council would implement that.

12 MR. SCHWAAB: Right.

13 DR. HOGARTH: They have that leeway to
14 look at various gear types.

15 MR. SCHWAAB: Okay.

16 CAPT DiLERNIA: Yes. I could never ignore
17 you Larry, please. Questions.

18 MR. SIMPSON: Larry Simpson. Do you want
19 me to play devil's advocate again?

20 CAPT DiLERNIA: God bless you. If you're
21 asking questions, please ask questions.

22 MR. SIMPSON: I'll ask a quick question.

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1 You don't have to answer it. How do you justify
2 allowing an open access segment of the fishery to buy
3 into a closed access part of the fishery, and not the
4 reverse? How can you justify that?

5 MR. SCHWAAB: Well, I'm not sure I can
6 speak for the whole group in this regard, but I can
7 speak for me, in saying that, you know, I mean there
8 are many fisheries where, you know, there -- I mean
9 you know there are allocations between the
10 recreational sector and the commercial sector.

11 If the recreational community were to band
12 together and purchase, in some way, a portion of that
13 percentage, and move it over into the recreational
14 fisheries so that regulations would then be adopted to
15 target that higher percentage, that would be a
16 legitimate activity under this market-based approach.

17 I think the only -- the reason I said from
18 a practical perspective, because then as soon as you
19 do that, that share is owned by, you know, a much
20 broader group. The ability to move it backwards
21 becomes probably more problematic and less likely to
22 happen. But that's, you know --

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1 MR. SIMPSON: Well, I can give you an
2 example of how it could go back. Suppose the state
3 purchases it? The state purchases it. Say the state
4 uses state license fees to purchase that, and the
5 state decides that there's going to be -- the fish are
6 going to be taken in a rod and reel manner or in a
7 troll manner. Let the state decide how they want to
8 do that.

9 If it's a troll, it may be a commercial.
10 You can have commercial rod and reel also. So you
11 could -- if the state purchases the quota, then it
12 could go back and forth without a problem.

13 MR. SCHWAAB: So moving right along.
14 Okay, enforcement. Our focus was really on this idea
15 of dealing with VMS data, and we did specifically
16 articulate support for sharing of VMS data with
17 Homeland Security agencies and with partner state
18 fishery management agencies.

19 This was tied very closely to the second
20 bullet, where we endorsed public funding to support
21 maintenance and development of these systems,
22 particularly in support of Homeland Security efforts.

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1 Then we also spoke to this concept that
2 was in the Administration bill, but that was not in
3 the Senate version, for increased penalties for the
4 most, the willful or more egregious violations, and
5 again as articulated in the Administration proposal.

6 I'll stop there for questions on that
7 section. Seeing none --

8 CAPT DiLERNIA: Any questions. Okay.
9 Eric, go ahead.

10 MR. SCHWAAB: Ecosystem-based management.
11 You see up there what we captured. First was an
12 endorsement of greater use of ecosystem-based
13 considerations or approaches in the management
14 process, specifically capturing some of the discussion
15 yesterday that related to the use of ecosystem-based
16 analyses in determining appropriate recovery targets,
17 given sort of the changing nature of some of these
18 systems, perhaps reduced carrying capacity
19 considerations.

20 Also the need to look in a multispecies
21 perspective at the idea that we can't necessarily
22 manage for historical maximums for every species

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1 simultaneously, and there are going to have to be some
2 tradeoffs made in that process, and that is an
3 inherently ecosystem-based approach.

4 Obviously we didn't get into a lot of
5 detail on that. Questions on that section?

6 Okay. Recreational data. To be covered
7 by others and presumably to be inserted here.

8 We then talked a good bit about council
9 operations and this peer review process. We generally
10 supported the provisions in the Senate bill, that were
11 directed at improving council operations, including
12 those related to the SSCs and also the issue related
13 to council training.

14 The exception to that endorsement of the
15 Senate approach was this idea that we should set or
16 councils should set annual tax for all species. We
17 don't believe that that particular element should be
18 included in the law.

19 The committee supports the provision that
20 would require the Secretary in each council to
21 formalize a peer review process, not necessarily a
22 standardized process, but articulating a formalized

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1 process. Questions, comments?

2 DR. HOGARTH: What was the discussion on
3 number two, because I can tell you that is a big issue
4 with the Senate.

5 MR. SCHWAAB: Council membership?

6 DR. HOGARTH: No, no. The tax. It's a
7 big issue.

8 MR. SCHWAAB: Well, I mean I'd open it to
9 others that were in the discussion, but certainly the
10 consideration was that not every species lends itself
11 to that.

12 MS. NICKELL-TOOLEY: Yes. Mary Beth
13 Tooley. Certainly, there was a discussion about tax,
14 and the fisheries that I work with. We had utilized
15 hard TACs. It's the appropriate way to manage those
16 species.

17 But we also recognized that other
18 fisheries, particularly multispecies fisheries, that
19 it may not be appropriate. So it certainly is not to
20 say that TACs are inappropriate for fisheries, because
21 they certainly have their place, but not for every
22 management plan.

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1 DR. HOGARTH: Just a question. Wouldn't
2 this be just an open loophole for the not doing it for
3 any of them?

4 MS. NICKELL-TOOLEY: Maybe we should look
5 at the language then, because that was not the intent.

6 DR. HOGARTH: Because I think that is an
7 open loophole personally. The question I have is
8 should there be criteria set or something, because
9 that to me is an open loophole, and I can tell you're
10 dealing with some areas that it would be a push not to
11 do it.

12 CAPT DiLERNIA: Can I -- I have a
13 question.

14 DR. HOGARTH: I think I know where you're
15 going, and I don't have it set either. I think I
16 understand what you're trying to -- what you're
17 saying.

18 MR. SCHWAAB: So what I think I hear you
19 saying is that deviation from the TAC process ought to
20 be the exception, and that exception ought to be
21 justified, based upon particular criteria or
22 circumstances.

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1 DR. HOGARTH: Multispecies consideration,
2 or blah blah blah. Yes.

3 MS. NICKELL-TOOLEY: Yes, something like
4 that.

5 MR. SCHWAAB: And we could capture
6 something to that effect, if people were comfortable
7 doing that.

8 DR. HOGARTH: Okay. Want to type it in?

9 MS. BRYANT: That was good language.
10 Eric, my machine went to sleep. I was going to do
11 that for you.

12 (Pause.)

13 CAPT DiLERNIA: That's pretty good. Mr.
14 Billy.

15 MR. BILLY: The first sentence there,
16 aren't we saying something different than that, that
17 it should be included, unless it's not for, based on
18 certain criteria.

19 DR. HOGARTH: You have to get the first
20 sentence.

21 MR. SCHWAAB: Can we wordsmith this later?
22 All right, great.

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1 (Simultaneous discussion.)

2 MS. McCARTY: That's more than
3 wordsmithing.

4 MR. BILLY: But I have a question. Are we
5 suggesting that the criteria be in the law? Then you
6 need to make that clear as well.

7 DR. HOGARTH: Yes. I would let the agency
8 issue guidelines.

9 MR. BILLY: Fair enough, but be careful of
10 the language.

11 CAPT DiLERNIA: Ms. Lowman.

12 MS. LOWMAN: Yes. I mean, we didn't talk
13 about this in too much detail, except that we were --
14 I think that sort of the gist of it is that you would
15 look at what the, sort of the biology of the stock
16 sort of, and the stock assessment science, to decide
17 whether it should be a hard TAC or something else, not
18 you know, I mean just sort of people's preferences.

19 CAPT DiLERNIA: Ms. McCarty.

20 MS. McCARTY: Thank you, Heather McCarty.
21 I think it's more than wordsmithing, because I think,
22 as Bill has pointed out, this is a huge, huge issue in

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1 this bill, maybe one of the biggest ones.

2 There's an awful lot of people who aren't
3 going to be happy until they see it the way they want
4 it, whichever way that might be. So it's more than
5 wordsmithing in this particular instance, I think.

6 MR. SCHWAAB: But what I'm understanding
7 the basic consensus to be that generally we support
8 TACs, but that -- or a TAC-based approach to
9 management, but that there should not be a specific
10 requirement that all fisheries be managed in that
11 manner, and that there should be a provision for
12 exceptions. We just need to write that more clearly.

13 CAPT DiLERNIA: Okay, go on. Are there
14 any other questions on that? Okay, council
15 membership.

16 MR. SCHWAAB: Council membership. This is
17 an area that the committee felt, and I think the
18 Administration had desired some tightening up in this
19 regard.

20 But the Committee frankly felt like the
21 current process, that at least as it relates to the
22 governors' nomination process, should not be changed.

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1 We did not get into the specific language in the
2 Senate bill relating to the Gulf Council. Sorry,
3 Bill.

4 MS. LOWMAN: We just couldn't go there.
5 (Laughter.)

6 DR. HOGARTH: Oh well.

7 CAPT DiLERNIA: Questions? Regulatory
8 streamlining.

9 MR. SCHWAAB: Okay, and generally, as I
10 think we heard yesterday, there was strong support
11 for, you know, consolidation of the MSA and the
12 ecoprocesses, particularly as it relates to procedures
13 and time lines, with certainly the understanding that
14 we don't want to compromise substantive benefits of
15 the reviews, and that we certainly want to maintain an
16 inherently open process throughout. We did not get
17 into a lot of detail there.

18 Then Bill, the last question I think was
19 one probably for you. There was some concern about
20 this change in the fisheries conservation and
21 management fund, and would the Senate language affect
22 current enforcement efforts. No?

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1 So I guess, Mr. Chairman, that is our
2 report. I guess, you know, I'm not sure how you want
3 to proceed.

4 CAPT DiLERNIA: Well, let me ask the
5 Committee. Do the committee members feel that they've
6 had a sufficient review of this report to be able to
7 vote to accept it or to object it? Do any committee
8 members have any more comments, because if we could --

9 Okay. What I'd like to do is provide Dr.
10 Hogarth with as much complete advice as possible,
11 enough to come to closure on as many issues as
12 possible.

13 So that's my question to the committee,
14 and Ms. McCarty first and then back to Billy.

15 MS. McCARTY: Thank you. Heather McCarty.
16 Did you have any discussion at all about the NEPA MSA
17 thing?

18 MR. SCHWAAB: That was just regulatory
19 streamlining, and we didn't get into the details,
20 other than to, I think, reflect again the broad
21 support that has existed around this room for
22 consolidation of those two processes.

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1 MS. McCARTY: Okay, but you don't want to
2 say anything specifically about NEPA or anything like
3 that?

4 MR. SCHWAAB: Well, I don't know that we
5 would object to that, but we certainly didn't have
6 time to deal with that in detail this morning.

7 MS. McCARTY: Okay, okay. Then I have one
8 comment on the DAP section, if I may. I agree with
9 everything that you've got up there now in the DAP
10 section, except for the Administration position on no
11 referenda.

12 I know that that's what the agency is
13 saying or that's what the Administration is saying. I
14 think that there need to be referenda. That's just my
15 own personal opinion, and I can give you lots of
16 reasons why, but we may not need to get into it, if
17 that's --

18 If it's important to uphold the
19 Administration position in this area, I wouldn't want
20 to argue strongly. But just from my own personal
21 experience with these rationalization programs, it
22 really helps if you have the support expressed.

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1 Not only that, but the reason to go out
2 and get the support. If you have to have a referendum
3 vote of the permit holders or the license holders in
4 any fishery, that forces whoever it is that's trying
5 to get the rationalization program in place, it forces
6 those folks to go out and explain it and educate the
7 license holders. It has a reciprocal benefit that I
8 think is really important from a public policy
9 standpoint.

10 So I actually disagree with that
11 particular Administration position, and agree with the
12 Senate version, I guess.

13 CAPT DiLERNIA: Dr. Billy, and then Mr.
14 Fletcher.

15 MR. BILLY: Thank you. Tom Billy. As I
16 heard what you said, you asked if we would find the
17 report acceptable, versus turning this into a
18 resolution. So it's a report, as modified. Is the
19 report acceptable to the Committee? That's the
20 question.

21 CAPT DiLERNIA: I'm going to turn to Dr.
22 Hogarth. What form -- again, I'd like to come to

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1 closure on as many issues as possible at each meeting.

2 DR. HOGARTH: Well, I consider this a
3 report. To say that it's a report is fine. I mean,
4 in my opinion it's a report on your discussion that
5 will be discussed with the Hill, is what I'll do with
6 it, to be honest with you.

7 Go back to Matt and Margaret and utilize
8 it as we talk to Dave Whaley (ph) with Pombo's, who
9 may in fact just look at this and the rationale.

10 The referendum, we didn't want in law. We
11 think that's something that the councils should have
12 prerogative of, whether they had a referendum or not.

13 For some reason, depending on the species and
14 depending on who you include, we found that the
15 referendum could be a real impediment. It could be
16 blocked by really the people who -- they're not really
17 involved, but feel like they're going to lose in this
18 process, you know, so to speak.

19 In two referendums, we feel like it's
20 really an overkill, and that's one thing that the
21 Senate has fought off if there's two referenda. The
22 second referenda sometimes really doesn't give you

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1 much. I mean, it doesn't give you much.

2 MS. McCARTY: No. I think that might be
3 right.

4 DR. HOGARTH: So, you know, we're not
5 saying if a council wants to use a referendum they
6 shouldn't be allowed to do that. We just didn't want
7 the law to say that in every DAP you had to use a
8 referendum.

9 Because we use sector -- sector
10 allocations and other things may be considered DAPs
11 under this, and that would be done just strictly
12 through the council process, and not -- so like what
13 we're doing in New England now, with some of the
14 sector allocations.

15 If we had to go through a petition and all
16 that, then you get other sectors. How do you divide
17 it out when you've got all of these restrictions but
18 you're doing sector allocation with this?

19 So DAPs is big. It's more than just a big
20 IFQ. There are other thing with DAPs. So we felt
21 like the councils should have that prerogative, and
22 referendum could be really an impediment.

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1 CAPT DiLERNIA: Any follow-up?

2 MR. BILLY: Yes. Are we at a stage, then,
3 where we have discussed this and you're open to a
4 motion?

5 CAPT DiLERNIA: I have some other members
6 that wish a chance to speak. Mr. Fletcher?

7 MR. FLETCHER: Bill, when we discussed
8 this yesterday, you're saying that you had a problem
9 with the language in the Senate version regarding
10 cooperative research. I'm just wondering whether the
11 committee here would be willing to consider some
12 language supporting the Senate version, because I
13 continue to believe that this is extremely important.

14 While I know that Bill and the agency
15 support this, is it not of added benefit if the
16 Congress specifically identifies it? I'm just kind of
17 putting the issue on the table, because I certainly
18 would like to see something as strong as we could get,
19 identifying the value of it.

20 DR. HOGARTH: Now one of the problems when
21 you deal with these type things, is separation of the
22 executive from the judicial and all this other, is

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1 that you have to look at this.

2 Some of these would be looked at as
3 unfunded mandates, because this is a bill, and it says
4 cooperative research. There's no money, so they can't
5 come back and say "Magnuson requires cooperative
6 research. Where does the money come from?"

7 Well, there's many in here Bob anyway. So
8 I mean cooperative research to me has been one of the
9 things, better things that Congress had done, and
10 we've initiated, to really create communication with
11 all of the fishing industry, get them involved.

12 We've learned stuff. I think the
13 industry's learned from us, we've learned from them.
14 I think cooperative research is great. So I don't
15 think the Administration will take it on. I think if
16 you put it in there, I think they'll just be quiet
17 about it. If you want in there, I don't have a
18 problem with it.

19 MR. FLETCHER: I would certainly like to
20 see some expression of support for it in our report.

21 CAPT DiLERNIA: Can you suggest language?
22 Eric's busy typing again, and if you could suggest

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1 language and if no one objects, we'll include it.

2 MR. FLETCHER: Bob Fletcher again. I just
3 -- anything in there will raise the visibility and
4 gives us a little bit better handle on going to
5 Congress when we are asking them to be supportive.
6 We've never really seen the kind of funding that we
7 need for these programs, at least in some areas.

8 This is one that I think is really the
9 future. I can't believe how valuable it's been to
10 educate some people in my industry. They've become
11 partners with NOAA Fisheries, and it's been a real
12 eye-opener on both sides.

13 CAPT DiLERNIA: Bob, could you suggest a
14 sentence that we could include?

15 MR. FLETCHER: Well, I just think in this
16 case, MAFAC should support the Senate language
17 relative to the Section 202, which requires the
18 Secretary of Commerce to establish a regional
19 cooperative research and management program, that
20 would help assist in the gathering and development of
21 stock assessment information.

22 CAPT DiLERNIA: Now let's see what Eric

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1 converts that into.

2 DR. HOGARTH: Section 204 is it, Bob?

3 MS. McCARTY: 204.

4 MR. FLETCHER: 204, yes. I think you just
5 want to be simple and say you support Section 204
6 language. Fine. Okay.

7 MR. SCHWAAB: That would be fine.

8 (Pause.)

9 CAPT DiLERNIA: Ralph?

10 MR. RAYBURN: Should you put something in
11 there about authorization language for an
12 appropriation against that, if you're going to -- or
13 is there one already? I mean, do you keep it from
14 being an unfunded mandate, you know, see if they would
15 put an authorization for cooperative research in
16 there as well.

17 DR. HOGARTH: The problem with that, these
18 are authorizers, not appropriators. So you can
19 authorize anything you want to.

20 MR. RAYBURN: I understand. No, I
21 understand that, but it may get some traction if you
22 have an authorization for it.

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1 DR. HOGARTH: Yes.

2 (Pause.)

3 CAPT DiLERNIA: Any other suggestions for
4 the report?

5 MR. RAYBURN: Mr. Chair, I'd like a -- it
6 was alluded to in council appointments that the
7 Administration wanted some response on that, and I
8 didn't know whether that was just focused on some of
9 the language that was put in, apparently for the Gulf
10 Council, which is curious, I guess.

11 But was there other issues on council
12 nominations from the governors, that the
13 Administration was looking for?

14 DR. HOGARTH: Well, what we were trying to
15 do is make sure it was broad enough, that you could
16 get, you know, make sure you got other people. We
17 wanted academia, we wanted others. It didn't have to
18 be a recreational fisherman or a commercial fisherman.

19 We wanted some of the expertise. That's why we were
20 just trying to broaden the process some.

21 We weren't trying to say "five and five"
22 or "four and four" or anything. We were just trying

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1 to make it so that we could get a well-representative
2 group. That's what our goal was.

3 MR. RAYBURN: So do you feel now that you
4 don't have that opportunity within the current
5 language, to have a broader range of participants on
6 the council?

7 DR. HOGARTH: If you read the exact
8 language, it talks about recreational, commercial and
9 others. We were just trying to say, to broaden what
10 that "other" is to the marine, expertise in marine
11 fishing or marine resources, something or other, so
12 that you could get, you know, more academia people or
13 more, you know, NGOs or more colleges or something
14 like that, contractors, consultants.

15 But you know, I personally -- my personal
16 opinion, it really doesn't make any difference, as
17 long as the governor can submit his list. I mean,
18 he's going to submit what he wants, and when the day
19 is over, I can ask and I've asked some states three
20 times. I'd basically get maybe a change, but you get
21 the same list. So we're going to have to deal with
22 it.

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1 So unless Congress just changes radically
2 the way it's done, then that's not going to happen. I
3 don't think any of this does much good.

4 MR. RAYBURN: That certainly has been my -
5 - when I was working with the governor's office on
6 seeking appointments. I mean it's a process they tend
7 to avoid, and the more complicated you make it, the
8 less interested they are.

9 You know, they're used to saying this is
10 my man, and that's the one that gets the job or a
11 woman or whatever. You set all these criteria, it's
12 really -- it becomes ridiculous almost, with the
13 governor's nominating office.

14 DR. HOGARTH: I think the other thing we
15 tried to do was to make it, you know, tried to make
16 the governor's process more open, you know, to exactly
17 how they selected the names. Because a lot of times
18 we get, we hear "Well, we didn't even know that the
19 governor was supposed to do this. We didn't get any
20 input."

21 So we're trying to say that the governor
22 that the states have to use some type of open process

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1 to do that, make some announcement or something. I
2 don't know. It's a council appointment thing.

3 I got burned earlier in the game when I
4 said that the governors ought to advertise in the
5 *Federal Register* or something like that, and the
6 Secretary wanted to know if he could advertise too.

7 We did that the first year in his job.
8 The calls I got from the Hill weren't very nice. So I
9 sort of think you live with the process.

10 CAPT DiLERNIA: Any further discussion on
11 the report?

12 (No response.)

13 CAPT DiLERNIA: Anyone care to make a
14 motion that the Committee accept the report?

15 MR. BILLY: Yes. So moved.

16 CAPT DiLERNIA: Mr. Billy, a motion. Do
17 we have a second?

18 MR. FLETCHER: Second.

19 CAPT DiLERNIA: Second, Mr. Fletcher.
20 Okay. Any further discussion?

21 MR. RAYBURN: Can I ask a question? I'm
22 sorry.

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1 CAPT DiLERNIA: Yes.

2 MR. RAYBURN: Early on, there was a
3 difference between accepting the report and adopting
4 the report. So accepting the report means you receive
5 it, right, and it's there.

6 It's a report, we've accepted it.
7 Adopting it really is a higher level of consensus, I
8 think, on the substance of the report. So it's a
9 business --

10 MR. SCHWAAB: It's a motion to carry out
11 the recommendations.

12 MR. RAYBURN: So I mean acceptance of the
13 report is the point we're at, which I think is
14 probably -- because of the size group is probably the
15 right process to go, and shouldn't deter from your use
16 of it.

17 DR. HOGARTH: No, no, and I think it's a
18 report out of MAFAC, and I think when you discuss it
19 with them, you'll know that there's still some
20 questions about certain areas.

21 How much the Hill will use, I don't know.
22 But they are still -- I know a couple of the issues

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1 you all have dealt with, they're still looking at very
2 hard.

3 CAPT DiLERNIA: Okay. So technically this
4 is a vote from the full committee to accept the report
5 from the subcommittee. Mr. Roberts?

6 DR. ROBERTS: Is this to be considered as
7 the Committee report on the entirety of the
8 reauthorization bill, or just those issues that were
9 presented by the Administration and that they asked
10 specific comment on?

11 CAPT DiLERNIA: Well, it cannot be on the
12 entire Magnuson-Stevens, because we've separated the
13 recreational registration issue. So it's clear that
14 that cannot be the position.

15 DR. ROBERTS: We were instructed to do
16 that.

17 CAPT DiLERNIA: Yes.

18 DR. ROBERTS: What I'm getting back to is
19 those things we didn't get instructed to break out, I

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1 just don't want this to be the understanding that if
2 we accept this report, that's all the Committee has to
3 say about Magnuson-Stevens, okay.

4 I think the instructions to Eric and Peter
5 were to focus on about five or six things. Is that
6 correct?

7 MR. SCHWAAB: Those were the items that
8 the discussion yesterday focused on.

9 DR. ROBERTS: I just want to make sure of
10 that for the record.

11 DR. HOGARTH: The way I would view this is
12 the subcommittee looked at five or six items, whatever
13 these are, and these are the discussion points. Once
14 you give me feedback on those, it doesn't indicate any
15 position on the Magnuson bill overall. That's the way
16 I look at it.

17 CAPT DiLERNIA: Any further discussion?

18 (No response.)

19 CAPT DiLERNIA: Seeing none, all those who

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1 wish to accept the report say aye?

2 (Chorus of ayes.)

3 CAPT DiLERNIA: Opposed.

4 (No response.)

5 CAPT DiLERNIA: Motion passes unanimously.

6 Thank you, Mr. Schwaab. Bob, you're up next. Mr.
7 Fletcher, recreational registration issue.

8 MR. FLETCHER: Thank you, Mr. Chairman.
9 Bob Fletcher. In our discussions, we covered a lot of
10 territory, and in the end decided the best approach
11 would be in light of all the meetings that have come
12 before and will be coming after, that we just focus on
13 one approach, and that was a suggested letter that
14 Bill could send out to all the constituents, the state
15 directors, the councils, the commissions, sort of
16 educating everyone about the need for an angler
17 registration.

18 We talked a lot about the difference
19 between a license or a permit or a registration, and

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1 we felt that it was important that we stay away from
2 any of the other terms, but just talk about
3 registering salt water anglers.

4 So what you have received is a letter that
5 in part uses some of the language that was provided in
6 Tab 12, under "Salt Water Angler Registration," and
7 also thanks to Larry Simpson, some thoughts on some of
8 the key elements that need to be addressed as you move
9 forward.

10 We all agree that the most important
11 report is the NRC report, and the state directors'
12 response, and their thoughts on how to implement from
13 the state's perspective, because we believe that the
14 states are the ones that are going to need to really
15 be on board with this.

16 There was a discussion about cost, and we
17 felt that if we're ever going to get the anglers on
18 board, we need to try to minimize the cost to the
19 anglers, and explain in a positive fashion the

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1 importance of counting the anglers for their benefit.

2 So where possible, a no-cost registration would be
3 preferred.

4 I don't know. Tony, if you want me to
5 read this into the record, this letter we've
6 suggested, or just make it available for the record.

7 CAPT DiLERNIA: Do all members have copies
8 of the letter? They're all available.

9 DR. HOGARTH: Can I ask one question on
10 the letter? I think it's a good letter. But I'm
11 concerned about just one statement in here. It says
12 "Being able to ask every angler directly."

13 I think that may set a false impression,
14 because you still have a phone book. So you still
15 have a -- you're going to ask the anglers directly,
16 but you're not going to potentially ask every one.
17 We'd be just as well to say "being able to ask anglers
18 directly," rather than "every."

19 Because some anglers may still, by some

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1 hook or crook when you randomly select, not get
2 selected. If they read this, it's "Well, when am I
3 going to get selected," or "Why didn't I get
4 selected." So I'd just to like to take "every angler"
5 and say "being able to ask anglers directly."

6 MS. McCARTY: That's a good suggestion.

7 MR. FLETCHER: Would you point that out?
8 That's in the second paragraph?

9 DR. HOGARTH: Second paragraph, the third
10 sentence.

11 MR. FLETCHER: "Being able to ask anglers
12 directly."

13 DR. HOGARTH: Directly.

14 MS. NICKELL-TOOLEY: Yes.

15 DR. HOGARTH: Take out "every."

16 MR. FLETCHER: Take the "every" out and
17 pluralize "angler."

18 DR. HOGARTH: Yes.

19 MR. FLETCHER: Okay.

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1 MS. NICKELL-TOOLEY: Because isn't the
2 goal to get a statistical sub-sample of the
3 population?

4 DR. HOGARTH: Yes. That's right.
5 Basically, rather than using, when we say yes, there's
6 250 million people in the phone book, we want to get
7 how many there really are and ask them. Right now,
8 the odds of a being a fisherman when you call are very
9 small. This way, there will be anglers who get
10 called, and not --

11 CAPT DiLERNIA: Mr. O'Shea.

12 MR. O'SHEA: Vince O'Shea, thank you.
13 First, I want to echo the concern and the importance
14 of putting in state directors in the third paragraph,
15 because you're absolutely right about licensing. This
16 has a lot to do with the states.

17 But it sounds like I'm word-picking, but
18 I'm really looking at who's speaking here. This paper
19 uses "we" three times. In the first paragraph, I

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1 think what you really mean is that -- is anglers,
2 when, where and for what we are fishing for. I think
3 you mean "what anglers are fishing for."

4 MR. FLETCHER: Right.

5 MR. O'SHEA: Down in the third paragraph,
6 it says "In addition, we will benefit." I would just
7 recommend whoever you intend there, and it wasn't
8 clear to me who it was, whether it's --

9 And then the last sentence, again you have
10 "We are committed." It sounds like there it's NOAA
11 Fisheries, is who you envision. But I would suggest
12 that instead of using pronouns "we," that you put
13 specifically which groups you're referring to. Thank
14 you.

15 CAPT DiLERNIA: Mr. Fletcher.

16 MR. FLETCHER: There was a couple of other
17 elements that we talked about, and they're mentioned
18 here, but very briefly in passing I just want to touch
19 on.

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1 One of those was the confidentiality of
2 data and the state directors need to be made aware of
3 this sooner rather than later, so they can come to
4 that meeting in late March fully prepared to discuss
5 if there are any, and if so, how to address those.

6 Because the key is the states, and the
7 state fish and wildlife agencies are going to be the
8 ones that provide NOAA Fisheries with the information.

9 So that's key, and there's also the ugly issue of
10 funding, and I know that Forbes talked about --

11 And Forbes deserves a tremendous round of
12 thanks for his efforts, because a lot of this was
13 thanks to his wordsmithing and also his providing
14 information and background from the agency. So I
15 thank you very much, Forbes.

16 But Russell, in his somewhat lengthy talk
17 about the whole process, talked about the critical
18 element of funding.

19 While from the angler's perspective it's

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1 better if we minimize the cost to the anglers, the
2 reality is that without some recognition, and I think
3 that's going to come out of the NRC report, and
4 hopefully that will give you the horse to ride.

5 There's also language in those joint Ocean
6 Commission reports. So there are rationale and people
7 that are somewhat knowledgeable, that are speaking on
8 behalf of better funding for data collection programs.

9 So I just raise that. We don't identify
10 it. There was talk about using this whole concept to
11 create licenses that we can generate revenue for. But
12 we didn't want to get into that. That, once again,
13 gets down to that ugly controversy that I don't think
14 we -- benefits anybody right now.

15 So those are some of the issues.
16 Communications is what it's all about, and the more
17 broad-based you can disseminate information about the
18 positive aspects of an angler registration, the easier
19 it will be for the general public to buy off on it.

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1 So I think that we have to always remember
2 that. There's going to be issues that we're going to
3 run into. Some states have an exemption for senior
4 anglers and anglers that are underage, and yet if
5 we're going to get the universe of anglers registered,
6 there will have to be a discussion about that with the
7 state directors, because every one of them is a little
8 different.

9 So those are just a few additional issues,
10 Bill, but I think you've done a lot of work and Steve
11 Murawski and Forbes and the whole staff have done a
12 great job.

13 There's a lot of support in the letters
14 that you have included here, and I think you should
15 take advantage of that support and use it and help it,
16 so that you're riding out of town leading the posse,
17 not being chased out of town by the posse.

18 DR. HOGARTH: I like the letter. I think
19 it does reflect what's going on. I think it does

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1 reflect the meeting we will have at the end of March.

2 They're the elements that we have to look at firmly,
3 you know, and see what the NRC says, and then follow-
4 on with that discussion, yes.

5 MR. FLETCHER: And one last thing. I
6 think this definitely needs to continue to be a
7 priority for MAFAC. Meanwhile, I don't know.
8 Depending on where we are this summer, it might want
9 to be put back on there as an item for us to be
10 updated on and discussed if there's any further
11 benefit from MAFAC getting involved at that stage.

12 MS. BRYANT: I think we can do kind of a
13 follow-up on that.

14 DR. HOGARTH: We'll do a follow-up.

15 MS. BRYANT: I'll make a note of that.

16 CAPT DiLERNIA: Eric?

17 MR. SCHWAAB: Eric Schwaab. I like the
18 letter, too, and I think we're definitely moving in
19 the right direction.

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1 I just -- the major concern that I have is
2 that it still clouds the issue that I think underlies
3 the role that the angler registry might play in
4 addressing our data problems.

5 We still have a lot of misunderstanding
6 about what the registry will do, and what the registry
7 will do is make the front end process of identifying
8 the sampling group more efficient.

9 What it will not do is anything relating
10 to enhanced dockside interviews, which are the more --
11 which is the more expensive and the every bit as
12 important component of this.

13 So what I would suggest is, and I don't
14 have language per se. We've been working on a few
15 things, but I think what we need to do is sort of help
16 to tease that difference out a little bit, and talk
17 about how this virtual phone book will build a
18 foundation on which managers can ask.

19 Then toward the end of that paragraph, we

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1 need to identify that this sample will be complemented
2 or this component of the survey will be complemented
3 by ongoing dockside interviews by some of the other
4 surveys that Steve Murawski mentioned yesterday, like
5 the new for-hire sector, as well as perhaps, you know,
6 some of the state-specific initiatives that are
7 underway.

8 So I think we have to be careful not to
9 perpetuate that misunderstanding that is at the root
10 of a lot of the concerns relating to this issue.

11 CAPT DiLERNIA: Bob, I have a question for
12 you to that point, and I have a question. Go ahead.

13 MR. FLETCHER: Well, we kind of talked
14 about that a bit, Eric. What we decided we needed to
15 limit ourselves to was the angler registration
16 element. It's too easy to get sucked into this
17 broader discussion about where we go from there.

18 But until you have that first element, you
19 can't go anywhere else. So we thought we were going

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1 to try to limit it, because we were talking about salt
2 water angler registration as the first step, and then
3 the rest of it would follow.

4 MR. SCHWAAB: Follow-up, Mr. Chairman?

5 CAPT DiLERNIA: Go ahead.

6 MR. SCHWAAB: I'm with you on that, but
7 the biggest problem that we have, in my opinion, is
8 that we are -- that we're implying that once we do
9 this registry, our data problems will be solved.

10 I object strenuously to anything that
11 would perpetuate that misunderstanding, because it's
12 going to be a huge problem if we don't go into this,
13 recognizing that it is clearly just the first step,
14 and that all of the things that we talked about
15 yesterday have to happen or we're going to be sitting
16 here five years from now with a recreational angling
17 community that's completely up in arms, because they
18 say "Hey, we submitted to this registry. Why isn't
19 our data problem better?"

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1 MR. FLETCHER: Eric, my only response is
2 in the second paragraph, it kind of leads you there by
3 saying creating a database will help managers better
4 answer the fundamental questions, who went fishing,
5 where did they go and what did they catch?

6 I think that kind of encompasses a lot of
7 the area that you're talking about, without really
8 getting to far afield.

9 CAPT DiLERNIA: Okay. I have Tom and then
10 I have Mary Beth. Tom?

11 MR. RAFTICAN: Yes. I just want to add on
12 to what Bob was saying. At the start of the third
13 paragraph, "This legislative proposal is not an end,
14 rather the beginning of a public discussion about ways
15 to collect." I mean I think that's pretty clearly
16 stated.

17 CAPT DiLERNIA: Eric?

18 MR. SCHWAAB: People that are educated on
19 this issue misunderstand the basic fundamentals that

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1 Steve talked through yesterday. The first component,
2 the registry; the second component, the dockside
3 interviews.

4 Without the second component, the first
5 component gets you nowhere. So I just -- unless
6 that's made clear, I'm going to continue to register
7 concerns with this letter as written.

8 CAPT DiLERNIA: Okay. Mary Beth.

9 MS. NICKELL-TOOLEY: Yes. I'd just like
10 to make a suggestion. I think that for many of the
11 reasons that Dr. Hogarth suggests that we do away with
12 the last sentence of the first paragraph, we should do
13 away with the last sentence of the second paragraph.

14 Because I think it addresses Eric's
15 concerns, in that this sentence says "An angler
16 registry will ensure that both anglers and fisheries
17 management have a complete picture of the scope of
18 impact of sport fishing in our oceans and along our
19 coasts," and clearly this program will not do that.

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1 So to leave the impression it will do that
2 is not good, and I think we should delete that
3 sentence.

4 CAPT DiLERNIA: Bob, it's your letter.
5 Want to strike that sentence? I have a question for
6 you also, but answer that one first.

7 MR. FLETCHER: Well, Mary Beth makes a
8 good point. It does kind of lead you to believe that
9 that's the case, and Eric's point, I think, is valid,
10 based on that sentence. But I don't agree with Eric,
11 in that this letter doesn't talk about moving on.

12 So I'd be more than happy to strike that
13 last sentence on the second paragraph if it helps
14 clarify, that this is the beginning, as the language
15 Tom referred to points out, that it's a beginning, not
16 an end. That language does kind of muddy the waters,
17 so --

18 CAPT DiLERNIA: Okay. Eric, about the
19 letter?

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1 MR. SCHWAAB: Well, the survey also -- the
2 phone component of the survey also does not ask what
3 they catch, which we say explicitly here. All it asks
4 is, you know, who went fishing and when and where, how
5 often.

6 The "what they catch" part comes from the
7 dockside interview. And you know, I just think again,
8 I read this letter, I think it's -- I'm perfectly
9 comfortable with the letter, but it's got to be a
10 little clearer about the way this survey is
11 constructed and is prosecuted.

12 CAPT DiLERNIA: I have a question. My
13 question is, who is signing this letter and to whom is
14 it being sent?

15 MR. FLETCHER: I kind of touched on that
16 early. This is going to Dr. Hogarth, to be sent out
17 to commissions, councils --

18 CAPT DiLERNIA: But we're directing it to
19 Dr. Hogarth. So it's going -- this letter is going

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1 above his signature?

2 MR. FLETCHER: Yes.

3 CAPT DiLERNIA: Okay. Then it's going to
4 concerned individuals, we'll just call it, and
5 agencies.

6 MR. FLETCHER: Through the avenues of the
7 commissions, the councils, the states, so that it will
8 be broadly communicated, so that people will
9 understand a little bit about why it's important.

10 CAPT DiLERNIA: Okay, okay, and I'm going
11 to hope that. I have Mary Beth and I have Vince, and
12 hopefully somebody can also give me some suggested
13 language to address Eric's concerns. Mary Beth first.

14 MS. NICKELL-TOOLEY: I'm not sure if I
15 heard this quite right. We're drafting a letter for
16 Dr. Hogarth to send to state directors?

17 MR. FLETCHER: MAFAC will be recommending
18 to Dr. Hogarth --

19 MS. NICKELL-TOOLEY: We can't do that.

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1 MR. FLETCHER: Pardon?

2 MS. NICKELL-TOOLEY: We can't draft a
3 letter and tell Dr. Hogarth --

4 MR. FLETCHER: This is a suggested
5 approach to address the question of the salt water
6 angler registry.

7 CAPT DiLERNIA: We're giving advice.
8 We're suggesting to Dr. Hogarth that this letter be --

9 MS. NICKELL-TOOLEY: Well, so we would
10 write the letter and send it to Dr. Hogarth?

11 MR. FLETCHER: No.

12 MS. NICKELL-TOOLEY: Well, I don't think
13 it's appropriate for us to write a letter that asks
14 Dr. Hogarth to sign it.

15 MR. FLETCHER: No. That's not what we're
16 doing.

17 MS. NICKELL-TOOLEY: I'm getting confused.

18 MR. FLETCHER: No good deed goes
19 unpunished.

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(Laughter.)

CAPT DiLERNIA: Let me try it. We are suggesting language for a letter that would be written by Dr. Hogarth.

MS. NICKELL-TOOLEY: That seems to be somewhat inappropriate. I think if this group wants to send a letter to Dr. Hogarth, that Dr. Hogarth could then cc to state directors, that would be appropriate. But it seems inappropriate for this group to suggest language in a letter that he signs personally. I think it's just a matter of --

CAPT DiLERNIA: Why?

MS. NICKELL-TOOLEY: It just seems -- I wouldn't want to have some committee tell me --

CAPT DiLERNIA: We're not telling him.

MR. FLETCHER: We're advising him. That's what we do.

CAPT DiLERNIA: We're his advisors. We're his attorneys.

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1 MR. O'SHEA: He can do what he wants.

2 CAPT DiLERNIA: He can do whatever he --
3 there are plenty of times I ignore my attorney's
4 advice. Usually I'm wrong, but I've done it. That's
5 what we are.

6 MS. NICKELL-TOOLEY: Okay. It just seems
7 a little odd to me, but --

8 CAPT DiLERNIA: Mr. O'Shea?

9 MR. O'SHEA: Yes thanks, Tony. Rather
10 than wordsmith this at 12:30, also I'm thinking, and
11 since it is a recommendation to Dr. Hogarth, maybe for
12 Eric's thing it's just simply a sentence that captures
13 the thought that this improvement, along with
14 improvements in the intercepts thing, in other words,
15 to just separate the idea that this is only half the
16 equation and that we need to work on the intercepts
17 and put a sentence in there. I'm wondering if that
18 would address Eric's concerns.

19 MR. SCHWAAB: I have something written.

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1 CAPT DiLERNIA: Eric, you said you had
2 something written.

3 MR. SCHWAAB: Is it most efficient if I
4 read this briefly?

5 CAPT DiLERNIA: Why don't you read it, and
6 we'll try to move on with this.

7 MR. SCHWAAB: So the changes that I would
8 recommend are focused on the second paragraph, and the
9 first sentence is "Creating a nationwide database, a
10 virtual phone book of salt water anglers, will help
11 build a foundation for -- to better answer the
12 fundamental questions," etcetera, etcetera, etcetera.

13 Then the last sentence of that paragraph,
14 "An angler registry, complemented by dockside
15 interviews and other surveys, is the first step to
16 ensure that both anglers and fishery managers have a
17 complete picture," blah blah blah blah.

18 DR. HOGARTH: Does that make you happy?

19 CAPT DiLERNIA: Okay. Hold on, wait,

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1 stop. Bob, how do you feel about that?

2 MR. FLETCHER: I absolutely love it.

3 CAPT DiLERNIA: Great, okay.

4 (Laughter.)

5 MR. FLETCHER: Eric should have been on my
6 committee.

7 CAPT DiLERNIA: Larry, your hand was up?

8 MR. SIMPSON: I absolutely love it.

9 CAPT DiLERNIA: Great, okay.

10 MR. SIMPSON: You could wordsmith.
11 Instead of a first step, you could say "essential" in
12 your last comment, "is an essential," because I don't
13 believe it's the first.

14 CAPT DiLERNIA: Did you get -- I'm sorry,
15 there was background noise. Could you please say that
16 again?

17 MR. SIMPSON: I would suggest to Eric that
18 it is an essential element rather than the first. I
19 believe it's way, way down past the first.

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MR. SCHWAAB: I'm fine with that.

CAPT DiLERNIA: Good.

MR. SCHWAAB: I'm a big supporter of this, and I think the group did wonderful work. I just had that one nagging concern.

DR. HOGARTH: I don't know if you could say it is first, but it is essential, because all this is essential to get correct recreational data.

MS. BRYANT: Essential is so noted.

DR. HOGARTH: That's something that I don't know if takes away from it.

MR. SCHWAAB: I take it a lot of things have been done --

DR. HOGARTH: These changes are necessary to get correct recreational change, should be the last sentence.

MS. BRYANT: Just like the others, I'll type it up. It will get on the members' area next week so that everybody can look at this, make certain

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1 we're comfortable with it. I mean, I think that's
2 just what we need to do.

3 DR. HOGARTH: I could use it for the state
4 directors. I'd use it for Bill's Comment, which goes
5 out everywhere, so we can put this --

6 MS. BRYANT: We can also send it to the
7 press, Boat U.S. or wherever.

8 CAPT DiLERNIA: Tom?

9 MR. BILLY: As perhaps a little
10 alternative approach, perhaps the Committee could pass
11 a resolution encouraging Dr. Hogarth to send a letter
12 to interested parties on an angler registry, and
13 towards that end, the Committee has provided suggested
14 language to be included in this letter.

15 CAPT DiLERNIA: Thank you. Very good.

16 MS. NICKELL-TOOLEY: Very good. Second.

17 CAPT DiLERNIA: Thank you, sir. That's a
18 motion.

19 MR. FLETCHER: Second.

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1 CAPT DiLERNIA: And it's been seconded by
2 Mr. Fletcher. There's no discussion, I hope. Any
3 discussion? None. All those in favor, please signify
4 by saying aye?

5 (Chorus of ayes.)

6 CAPT DiLERNIA: Opposed.

7 (No response.)

8 MS. NICKELL-TOOLEY: Abstain.

9 CAPT DiLERNIA: Thank you, Dr. Billy. One
10 abstention. Please note that there has been one
11 abstention, Ms. Tooley.

12 Okay. Is there any other business by the
13 Committee members? Any other Committee members have
14 any business, new business? Mr. Rayburn?

15 MR. RAYBURN: I had a couple of things.
16 Are we going to take up overfishing now?

17 CAPT DiLERNIA: Yes. Why don't you do
18 that?

19 MR. RAYBURN: I had a couple of items that

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1 Laurel might have passed out. The first is, reflects
2 the discussion we had yesterday on overfishing. What
3 I tried to do last night, and the liaison asked me
4 take notes on that discussion, which I attempted to
5 do.

6 I tried to go in yesterday evening and
7 fill out, go to the appropriate section of the
8 Magnuson Act and put in the Senate recommendations on
9 their Section 104, which includes the council, I guess
10 the title of that section is "Contents of Fishery
11 Management Plans."

12 It has in there the language that the
13 Senate proposed on hard TACs. Then I went to the
14 Administration's bill, that dealt with the two years
15 to start in dealing with overfishing.

16 I inputted the language the Administration
17 had in their legislation, proposed legislation, into
18 the appropriate section of the Magnuson Act. I tried,
19 I did well somewhat side by side, even though they're

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1 different sections. Hopefully I did that right. I
2 was getting pretty foggy.

3 But anyway, hopefully I did justice to
4 both of those, with the idea that that may help in the
5 -- what I assume was the dynamics of this discussion,
6 as to whether or not a hard TAC would be the right
7 approach and maintain the ten years to deal with
8 overfished stocks or the Administration's proposals
9 two years to deal with overfishing, and then leave the
10 length of time to recover the fisheries up to the
11 biology of the fisheries and stuff like that.

12 So that's what the first seven or eight
13 pages are. The page, I guess seven pages. Page eight
14 and nine reflects the discussions.

15 The first bullets are my capturing of
16 discussion or attempt to capture discussion. The
17 little "S" in parentheses on some of the bullets
18 reflects a staff response to a question that's
19 answered.

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1 Then summary comments from that
2 discussion, which is somewhat complimentary to the
3 bullets that Laurel had captured during the course of
4 discussion.

5 So I'm not sure exactly the Chairman's
6 desire on this, but it's my understanding that there
7 will be a period of time for folks to look at the
8 bullets, as to whether or not I captured the points
9 that were attempted to be made, and also time to
10 review the two elements prepared here, the Senate's
11 approach to dealing with the overfishing issue and the
12 Administration's approach to deal with overfishing.

13 At some point in time maybe get back with
14 a proposal for the MAFAC to consider, a consensus if
15 you will on this issue of overfishing that could be
16 passed to Dr. Hogarth. But I would yield to the
17 liaison and executive director and Dr. Hogarth on
18 that.

19 CAPT DiLERNIA: You've got the product of

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1 Ralph's hard work here in front of you. It's quite a
2 bit to assimilate and I would like to give the
3 Committee members some time to look at it. If you
4 have any comments, Ralph, can you take those comments?

5 Can we send them to you?

6 MR. RAYBURN: I'd be happy to. I'll get
7 the -- I'll pass the e-mail to Laurel, so she'd have a
8 copy of it too. I'm not, you know, this really falls
9 under the strategic subcommittee, but with Gilmore not
10 here, then I was going to do it. But hopefully we'll
11 be working with Jim and his committee, and I'll just
12 really become a liaison maybe for that.

13 But I'll be happy to accept comments on
14 any of this, and pass them to Laurel and to Tony and
15 to Dr. Hogarth.

16 CAPT DiLERNIA: A couple of weeks. Okay.
17 So we have a couple of weeks to finish this by e-
18 mails, and get our final comments to Ralph for Ralph
19 to make a final document that he'll send to everyone

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1 for their approval. If we don't have objections,
2 we'll adopt it. Ms. McCarty?

3 MS. McCARTY: Heather McCarty. How is
4 that going to be done? By e-mail, the acceptance?

5 CAPT DiLERNIA: E-mail.

6 MS. McCARTY: Okay. Is the subcommittee -
7 -

8 MS. BRYANT: Well, we can do just -- yes,
9 we can also do a phone conference, because we could
10 get a phone conference where there's enough ports for
11 everybody to call in, and we can have an interactive
12 discussion that way.

13 CAPT DiLERNIA: And we've done, in
14 preparing for this meeting, we've had a number of
15 conference calls, and they're productive. It doesn't
16 require -- they're economical.

17 For many of us who are very busy, it
18 doesn't take us the long travel and time dedicated to
19 a meeting. So I would encourage use of that as much

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1 as possible, as well as e-mail communication.

2 MS. McCARTY: Is there going to be a
3 meeting of the subcommittee by teleconference, as part
4 of that process?

5 MS. BRYANT: You can ask for us to put
6 that together, and we need to be able to talk to Jim.

7 MS. McCARTY: Okay. My question then goes
8 to that. If there is a meeting of the subcommittee
9 and other members of the broader committee would like
10 to at least listen to that, is that appropriate? Does
11 that normally happen?

12 CAPT DiLERNIA: Absolutely. As a matter
13 of fact, let me repeat my advice to the full
14 committee. You could serve on all four committees if
15 you wish, if you wish to be a member. Committee
16 membership, it's open. We have a dedicated group.
17 Actually, we have the chair, subcommittee chair who is
18 stuck with it, so to speak.

19 But we hope that when you volunteer to be

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1 on the committee you'll do work there. But everyone
2 is invited. We'd like to have as maximum
3 participation as much as possible please.

4 MS. McCARTY: Thank you.

5 CAPT DiLERNIA: Yes sir?

6 MR. RAYBURN: Can I make a suggestion
7 then, that any comments on this be submitted to me by
8 the 1st of March, and that's a couple of weeks, I
9 guess, unless you all are going to Mardi Gras, and you
10 may want to wait until the 2nd of March.

11 But the 1st of March would be -- and I'll
12 consolidate those comments working with Laurel, and
13 we'll pass them to Jim Gilmore for his committee's
14 review and discussion.

15 Then if they see the need to have a
16 conference call or I'll, you know, working with you
17 Tony, I guess be the liaison. Does that sound
18 acceptable?

19 CAPT DiLERNIA: That's fine. That's

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1 wonderful. Again, the goal is to have closure, to
2 have -- to maximum input from the Committee, maximum
3 involvement for those who wish, yet at the same time
4 to achieve closure on issues, rather than having them
5 floating.

6 MR. RAYBURN: And if it's easier,
7 obviously, to send your comments to Laurel, because
8 you have her e-mail or something, we'll be working
9 together on that.

10 MS. BRYANT: We'll follow-up on seeing if
11 we can get an outside thing. At this point, I think
12 we can stop you all from doing a little silly security
13 training.

14 DR. HOGARTH: Oh, it's simple. It takes
15 ten minutes.

16 CAPT DiLERNIA: Okay. Is there any other
17 new business? Is there any --

18 MR. RAYBURN: I'm sorry. I have another
19 item.

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1 CAPT DiLERNIA: Yes. Go ahead, Ralph.

2 MR. RAYBURN: This is all. I promise I'm
3 going to shut up at this point, but I also have a
4 document that Chris and I on the Ecosystems Committee.

5 I talked to Chris about it a little bit just because
6 of the Gulf interest.

7 This is relative. This is a concept plan
8 that I would like to submit to Dr. Hogarth and the
9 Commission, primarily Larry and Vince, relative to the
10 concept of developing some kind of response plan
11 within NOAA Fisheries and other NOAA elements, to a
12 hurricane, the upcoming Atlantic hurricane season.

13 So I don't know that it necessarily takes
14 action, but I would, certainly for those involved in
15 the Southeastern area and the potential hurricane
16 zones, that might be of interest.

17 Dr. Hogarth, if you could have, you know,
18 your staff look at it, John Ward and how it
19 compliments stuff that they're doing and Steve as

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1 well, and I'll probably try to bring this up at
2 Larry's Gulf States Commission meeting in March, to
3 see whether we can develop some kind of strategy to
4 deal with this.

5 DR. HOGARTH: Okay, and Roy will be at
6 that meeting. If I can't be, Roy will be at that
7 meeting. I would like to take this. I think it's a
8 good point. But one thing I do think, Ralph, we
9 probably need to add is NOS, because they do the, you
10 know, since we're talking about NOAA we should talk
11 about NOS, because they do --

12 MR. RAYBURN: Coastal zone.

13 DR. HOGARTH: Not only that, but they have
14 to do the, what is it, the NAPA (ph) if it is channel-
15 type stuff.

16 MR. RAYBURN: I tried to leave it to -- I
17 tried to draw it up, since it was coming out of MAFAC,
18 that NOAA Fisheries will be somewhat in the lead,
19 because of the close contact they have with the

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1 constituent groups in the fishing communities along
2 the coast.

3 But certainly have NOAA line offices
4 involved in that, both NOS and I put OAR in too,
5 because I felt like the sea grant network ought to get
6 involved in it also. But I would leave that more or
7 less up to NMFS.

8 DR. HOGARTH: Yes. I'll try to get your
9 comments next week.

10 MR. RAYBURN: That would be great. Thank
11 you.

12 DR. HOGARTH: But definitely before you go
13 to Gulf.

14 MR. RAYBURN: Don't you think, Larry. I
15 mean that's something we can --

16 MR. SIMPSON: Yes. Are we going to see
17 you there, Mr. Chairman, at the commission?

18 MR. RAYBURN: Thank you.

19 CAPT DiLERNIA: So we're not taking any

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1 action on this. We're just --

2 MR. RAYBURN: I just distributed it, I
3 think, under the auspices of MAFAC, and I think it's
4 fairly regional, so it may not be appropriate for
5 that.

6 But any comments that anyone might have
7 would certainly be appreciated, and reviewed by Dr.
8 Hogarth and his staff would be appreciated as well.

9 CAPT DiLERNIA: Very good. Thank you.
10 Thank you very much. Ms. McCarty?

11 MS. McCARTY: Thank you. I don't know
12 whether it's appropriate in closing comments, but I'd
13 like to thank everyone at the head table, and the rest
14 of the group here, for making me feel welcome, and the
15 other new members, and all the help you've given us to
16 try to get up to speed. I appreciate that. It's good
17 to meet you all, and I look forward to it. Thank you.

18 (Applause.)

19 CAPT DiLERNIA: Thank you. To the new

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1 members, welcome to our family, and we really hope to
2 put you to work. You've been selected for your
3 expertise, for your knowledge, and I know we intend on
4 taking advantage of it as much as possible.

5 DR. HOGARTH: I would like to thank
6 Claudette for keeping us straight and making us use
7 the microphones, so we'll have a good transcript.

8 (Applause.)

9 DR. HOGARTH: Thank all of you really.
10 It's a good group. It's really been a great
11 discussion, and like said, we'll continue to build,
12 and I think at the next meeting, we'll probably spend
13 more of the second day in actually being able to work
14 through stuff, rather than just informational
15 presentations.

16 But to work through issues so that on the
17 third day, you won't be as rushed to make
18 recommendations or whatever you want to make. So
19 okay.

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CAPT DiLERNIA: Okay.

MS. BRYANT: If any of you are going on the 1:15, please meet us out there in front of the fountain.

MR. KRAMER: The bus will be here at 1:15, but obviously given the lunch situation around here, that's going to be a little bit difficult. So let's move it back to 1:45. Who all is going on the --

MS. BRYANT: If we can get a good head count on who all is going to be going?

MR. KRAMER: Do you have a list, Laurel?

MS. BRYANT: I believe Emily.

MR. KRAMER: Okay. All right. So 1:45, right out here back by the fountain. That's about an hour and five minutes. Subway is open.

MS. BRYANT: Everybody's welcome. We've got plenty of transportation for this.

DR. HOGARTH: Ralph, I need to ask to be excused. I've got IWC issues this afternoon. It's

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1 going to probably take about two hours to take care
2 of.

3 MS. BRYANT: It's three hours, two and a
4 half hours, the field trip?

5 MR. KRAMER: Yes. It's probably about 20-
6 25 minutes up there, and we're going to walk through
7 the boat yard fairly quickly, and then back on the
8 bus, then back down here. Then you should have
9 probably an hour or so to go back to the room, and
10 then the bus will leave again at 5:30, I believe, to
11 go to the water taxi.

12 CAPT DiLERNIA: Rob, can I get away with
13 shorts and a Hawaiian shirt for this afternoon?

14 MR. KRAMER: Absolutely, absolutely.

15 DR. HOGARTH: I don't know if the world is
16 ready for that.

17 (Laughter.)

18 CAPT DiLERNIA: See everyone in Seattle.

19 (Whereupon, at 12:45 p.m., the meeting was

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adjourned.)

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