

MARINE FISHERY ADVISORY COUNCIL

BARANOF HOTEL

JUNEAU, ALASKA

AUGUST 12, 2004

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

(JUNEAU, ALASKA - 8/12/04)

(1:00 p.m.)

CO-CHAIR MR. OSTERBACK: Okay,

everybody. We're going to get started on  
committee reports.

MR. KRAMER: What Judy is handing out  
to everybody right now are some notes that we  
made as the recreational working group during our  
meeting and the document that you'll need to  
accompany these notes is the strategic plan draft  
itself. So, if you will, please follow along  
with me. It's fairly straightforward on our  
comments here.

We began by just taking it a page at a  
time and we first looked at the vision statement  
and the mission statement and, as you'll see on  
the handout from Judy, we made some notes that  
say don't forget the state's tribes, et cetera.  
We wanted to make sure that this included more  
than just Americans because we have a substantial  
foreign tourism industry. We also wanted to make

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1 the point not to forget future generations. This  
2 strategic plan is to promote a healthy resource,  
3 not only for current users but for future users  
4 as well.

5 The next under the science goal  
6 statement, we went down again objective by  
7 objective and I'll just start with our objective  
8 number one. Within this goal we felt like we  
9 needed to define and/or replace the word  
10 exceptional because that was a bit ambiguous, so  
11 we may need to define that a little more clearly.

12 Does that mean more fish, bigger fish, more  
13 access. So we thought about changing that word  
14 exceptional to improve.

15 Something else we carried throughout  
16 this whole process was we did not want to set up  
17 staff to a position of failure, so we wanted to  
18 make sure this was realistic. I think it  
19 outlines a five-year time frame to begin with.

20 The next bullet on there is addressing  
21 -- it mentions new and improved recreational  
22 data. We wanted to make sure that the historical

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1 and existing data is also considered and  
2 referenced in that process in some way to  
3 correlate the two.

4 The third bullet there, facilitate  
5 angler participation. One of the things we also  
6 want to stress there is cooperative research  
7 because not only can you garner more in different  
8 data through that, it's also a very great tool,  
9 vehicle for outreach and education. So we wanted  
10 to make sure that was included throughout.

11 There was discussion on stock  
12 assessments and the need to prioritize and look  
13 at recreational species when determining which  
14 stock assessments NOAA fisheries is going to look  
15 at. So we wanted to make sure there was some  
16 mention in there about stock assessments, the  
17 process for determining which stocks had  
18 assessments performed on it in some way to  
19 involve the recreational constituents.

20 CO-CHAIR DR. HOGARTH: Can I ask a  
21 point of clarification? When you say stock  
22 assessments for recreational species, does that

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1 mean -- who is going to determine what are  
2 recreational species? Do we take the top ten  
3 recreational species across the country or do we  
4 do it region by region?

5 MR. KRAMER: I think it's referenced  
6 somewhere in here about identifying important,  
7 was the word, species in the various regions and  
8 that was discussed a little bit as well. It's  
9 hard for me to speak for other areas other than  
10 Florida because that's where my experience has  
11 been in the past, but they developed a work plan  
12 at the beginning of the year and identified  
13 stocks and that was partially determined based  
14 upon input from all constituents, recreational,  
15 commercial and other.

16 Bob, feel free to jump in at any point  
17 here if you want to expound upon any of these  
18 points.

19 Something that kept coming up that we  
20 all agreed on was brought up, I believe, the day  
21 before yesterday, was addressing better  
22 utilization of existing committees, particularly

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1 the advisory panels with the counsels. The  
2 feeling is that these committees have existed and  
3 have been under-utilized and have not met for  
4 various reasons, but if there's some way that we  
5 can make sure that those committees meet and  
6 provide input, that would be very beneficial.

7 And the fifth bullet there, I think it  
8 refers to doubling the amount of recreational at-  
9 sea sampling. Again, we felt that changing  
10 doubling to increasing might be a little more  
11 appropriate because that needs to be thought  
12 about and we did not want to set up a mandate  
13 which did not necessarily have funding and may  
14 not be obtainable. So just a word recommendation  
15 change there.

16 Objective number two. Let's see.  
17 Within the text of this it refers to the  
18 fisheries information system and it's our  
19 understanding that this is an idea that does not  
20 have the necessary funding to implement as was  
21 designed and, therefore, there was talk about  
22 just removing that and figuring some other more

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1 obtainable way to accomplish similar goals. We  
2 had in there change the second sentence to  
3 development of regional recreational data  
4 collection systems such as GulFIN, RecFIN, ACCSP,  
5 WestPacFIN. There was a lot of talk about  
6 understanding that these fisheries are regional  
7 and look at data collection from that standpoint  
8 and then figure out how to integrate those all  
9 into a universal type approach where it would be  
10 beneficial for staff from a federal standpoint.

11 CO-CHAIR DR. HOGARTH: I think we left  
12 out MRFSS.

13 MR. KRAMER: Yes. That was not  
14 intentional though. Consequently, we had to  
15 delete that first bullet there where it says  
16 fully implement fisheries information system  
17 because, again, it was our understanding that the  
18 funding is simply not there and that may not be  
19 the best approach to accomplish what we're trying  
20 to accomplish.

21 The second bullet there, build  
22 national fisheries information expert teams. We

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1 changed national to regional. We also do  
2 recognize the need to compare regional  
3 information from region to region. You may want  
4 to expound, Bob, on that.

5 MR. FLETCHER: I just wanted to point  
6 out that there's some big differences and there's  
7 a lot of good things going on in the regions, in  
8 the various Gulf and Pacific and Atlantic state  
9 marine fisheries commissions. The work that is  
10 being done is focused on the regional needs and  
11 the regional variations. To try to force this  
12 system into a national box is not something that  
13 the regions are comfortable with. A lot of the  
14 people in the interstate commissions are not  
15 comfortable with. I think it's time that we  
16 recognize the value of those regional differences  
17 and just try to complete and continue the  
18 development of the regional systems so that they  
19 work. We can integrate the information into a  
20 national database, but without forcing a national  
21 database and then try to force every region to  
22 comply with it, it's the wrong way to approach

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1 this.

2 MR. KRAMER: I don't know if you have  
3 thoughts along those lines, Bill.

4 CO-CHAIR DR. HOGARTH: Not really.  
5 I'm not bothered by the regional approach. I am  
6 concerned about this long-term database and  
7 national numbers, but I think we can work that  
8 out. I think it's important to maintain the  
9 long-term database for trends and stuff at the  
10 same time. However we work the national into the  
11 regional, we can talk about it.

12 MR. KRAMER: Okay.

13 CO-CHAIR MR. OSTERBACK: Rob.

14 MR. KRAMER: Yes, Vince.

15 MR. O'SHEA: Just to add to that,  
16 Bill, I think the concern here was that the way  
17 this was cast on the national level didn't  
18 address any of the problems that we're having in  
19 the regional level and I think that's where the  
20 rub is going to be. It seems logical that the  
21 first priority is let's solve these regional  
22 problems before we put any money into a bigger

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1 national program. Now, if the intent was for  
2 that FIS to get AKFIN, GulFIN, WestPacFIN, ACCSP  
3 all up to snuff, if that's built into that, then  
4 that would be a different thing, but that's not  
5 what appeared to us and that's the problem we're  
6 trying to get at. Thank you.

7 CO-CHAIR DR. HOGARTH: Okay. Thank  
8 you.

9 MR. KRAMER: My next comments there  
10 under objective three reflect the same thing.  
11 It's more or less the same thing all over again.

12 On objective four, you can see we added the  
13 bullet there establish standards to facilitate  
14 submission and use of socioeconomic data from  
15 other entities; government agencies, trade  
16 organizations, vessel owners. The intent there  
17 was to create a system that makes it easy to plug  
18 and play for some of these existing entities out  
19 there to submit data into the system, thus  
20 participating within a system.

21 CO-CHAIR DR. HOGARTH: Let me ask you  
22 a question on four. In the discussion we had

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1 earlier, I think Ken may be the one who brought  
2 it up, something about every four years and  
3 coordinate with national survey of -- I can't  
4 read my own writing.

5 MR. ROBERTS: Hunting, fishing and  
6 outdoor recreation. I've spoken to Michael and I  
7 seem to recall also, after having thought about  
8 it some more, that I think NMFS did buy some  
9 extra questions added to that survey I think at  
10 one point.

11 CO-CHAIR DR. HOGARTH: I think we did.  
12 That's why I brought it up. I think we did.

13 MR. ROBERTS: Yes, that's correct.

14 CO-CHAIR DR. HOGARTH: What about the  
15 every four years? Did you all discuss that?  
16 Because we did here. It was a question about  
17 committing to every four years.

18 MR. ROBERTS: That kind of data, in  
19 terms of expenditure, if that's the main thing,  
20 probably every four years is good enough. I  
21 can't see there would be big, structural changes  
22 every four years. You couldn't just do with an

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1 inflation adjustment in between.

2 CO-CHAIR DR. HOGARTH: That's fine. I  
3 just wanted to make sure.

4 MR. KRAMER: Larry, you had a point?

5 MR. SIMPSON: I had a comment.

6 MR. KRAMER: Okay.

7 MR. SIMPSON: Just remember now this  
8 is done in conjunction with the U.S. census. If  
9 you're concerned about a two-month recall with  
10 MRFSS, this is a 10-year recall or a five-year  
11 recall.

12 MR. KRAMER: I think one of the points  
13 that also came out in our discussions is when  
14 speaking for the recreational community we have  
15 lots of different numbers within our own  
16 community out there. You have some numbers from  
17 ASA, you have U.S. Fish and Wildlife, you have  
18 different numbers regionally. So you end up  
19 getting mixed messages. I know it would be a  
20 helpful tool for me to have the source that we  
21 can take to our congressional leaders and others  
22 and say here's that socioeconomic data, this is

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1 what it translates to in dollars and jobs and  
2 impact. So the more we can help standardize  
3 that, the better. A lot of that is the  
4 recreational community's fault.

5 MR. SIMPSON: Firmly agree.  
6 Socioeconomic data is important. What I'm trying  
7 to say is the mechanism that hunting/fishing  
8 survey uses is an adjunct to the census.

9 MR. KELLY: Right. The one that we  
10 use though is adjunct to MRFSS, so we're not  
11 dependant on that census data.

12 MR. SIMPSON: Oh, so we're not talking  
13 about.....

14 MR. KELLY: No. This is something  
15 better.

16 MR. SIMPSON: Oh, okay. You're  
17 talking about that economic add-on stuff. Okay.  
18 Great.

19 MR. KRAMER: Yes, Rod.

20 MR. MOORE: Rob, did you want to take  
21 questions on your stuff while you're going or do  
22 you want to wait until the end?

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1                   MR. KRAMER: I think we can do it as  
2 we go.

3                   MR. MOORE: Okay. Would you mind  
4 jumping back just a little bit then, just to one  
5 comment you made.

6                   MR. KRAMER: Sure.

7                   MR. MOORE: On this question under  
8 objective one in the science goal about  
9 addressing the better utilization of existing  
10 committees, I know there are problems in some  
11 parts of the country where the committees don't  
12 meet and all of that sort of stuff and I agree  
13 with you completely, but there are also places  
14 where there is full, more than full  
15 representation and involvement of the  
16 recreational committee. Our ground fish advisory  
17 panel of the Pacific Council almost half the  
18 members are recreational members. We meet at  
19 every council meeting. There's full involvement  
20 of everybody there. I just don't want you guys  
21 to leave the world the impression that everything  
22 is bad because there are places where -- you

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1 know, we try to get everybody in there and get  
2 everybody's views fully heard and scratched out.

3 MR. KRAMER: We identified that as  
4 this is more than likely a regional problem.

5 MR. MOORE: Okay.

6 MR. KRAMER: We also felt that some of  
7 the onus is on the recreational community itself  
8 for these things.

9 MR. MOORE: Yeah. That's a whole  
10 other problem of trying to get the constituents  
11 to be convinced to show up. But I just wanted to  
12 make sure that you were looking at it more on a  
13 region-by-region basis and not on a national sort  
14 of thing because the Pacific Council really does  
15 work a lot with the recreational community.

16 MR. KRAMER: That's a good point. I'm  
17 on to the second page of the handout here. We  
18 have delete or recast bullet number four and I'll  
19 read the first part of the sentence there and  
20 this is where that arose from. Develop improved  
21 behavior-based policy models to cover the top 10  
22 most important species. We weren't quite sure

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1 what that meant. So we're either saying let's  
2 delete that or redefine it, make it more clear  
3 what we're trying to accomplish with that.

4 MR. FLETCHER: I also think it's a  
5 mistake to try to put together a national list.  
6 It's trying to compare apples and oranges. Back  
7 on the east coast those recreational anglers may  
8 or may not be commercial fishermen and in Hawaii.  
9 So I think regionally is best here, more in  
10 areas that have similar kinds of approaches.  
11 There may be arguments about which is the most  
12 important. How do you measure the most  
13 important. I'd rather leave it at the regional  
14 level rather than go to this national list.

15 CO-CHAIR DR. HOGARTH: That's  
16 something that I haven't talked to Michael about,  
17 but I've read it. I think if you go back and  
18 look at the top 10 just by catch of recreational  
19 species, most of the east coast stocks -- I mean  
20 the top three or four states are east coast. So,  
21 of course, if you look at the catch, you would  
22 be.....

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1 MR. KRAMER: Those are landings?

2 CO-CHAIR DR. HOGARTH: Yes.

3 MR. KRAMER: Which may not necessarily  
4 be indicative of.....

5 CO-CHAIR DR. HOGARTH: That's right.  
6 So I think we have to look back at this one a  
7 little further. I agree with you.

8 MR. KRAMER: Okay. I guess our next  
9 recommendation is under -- you can flip over to  
10 management goals and then we're under objective  
11 number two. That fifth bullet down says make  
12 ecosystem-based management a reality. That  
13 sounds like a pretty tough challenge, so we  
14 wanted to make sure we changed that to move  
15 towards an ecosystem-based management by  
16 adapting, et cetera. I think that's more  
17 realistic.

18 MR. FLETCHER: Let me just comment.  
19 One of the overriding thoughts that we approached  
20 this discussion with was the idea of having a  
21 realistic strategic plan with achievable goals  
22 within the time frame of the strategic plan. A

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1 lot of what we did could be related to that kind  
2 of direction. So I just wanted to let you know  
3 that was something we tried to look at all  
4 through this.

5 MR. KRAMER: Under objective three we  
6 had in there require regular meetings of these  
7 bodies. What that's referring to is we need to  
8 do a better job of getting these AP's that are  
9 associated with the councils that are not meeting  
10 and not contributing to meet and contribute.  
11 Yes, Rod.

12 MR. MOORE: Rob, on bullet number  
13 three under this objective, and I raised this the  
14 other day when Mike was giving his presentation,  
15 the schedule meetings to better fit times when  
16 marine anglers are ready or available to attend,  
17 I think that all meetings ought to be scheduled  
18 so that we can get as much participation by all  
19 constituent groups as possible. The thing that  
20 concerns me is are we going to have a  
21 recreational strategic plan that says schedule  
22 stuff for marine anglers and an environmental

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1 plan that says schedule stuff for  
2 environmentalists, a commercial plan that says  
3 schedule stuff for commercials and the three may  
4 not always be able to meet at the same time. I'm  
5 not quite sure how you get across the point that  
6 meetings need to be scheduled so constituents can  
7 have the maximum opportunity to participate  
8 without saying that it's this group of  
9 constituents or that group of constituents.  
10 Maybe that is the thing to say, is schedule  
11 meetings to better fit times for constituents as  
12 opposed to any particular group.

13 I would just throw that out there as a  
14 suggestion for the committee. I'd feel the same  
15 way if it said this in a commercial plan. I mean  
16 it's nothing about commercial or recreational.

17 MR. KRAMER: That's a good point.  
18 Okay. We're down to -- I guess we can skip over  
19 to objective number six. Under bullet number  
20 four, we just wanted to make sure that we covered  
21 all the bases there and add interstate  
22 commissions, industry associations, tribes,

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1 NGO's, any other contributing groups that may be  
2 able to offer input on that.

3 Then over to the next page, page 11,  
4 is the outreach goal statement. We looked at  
5 objective number one, the fifth bullet down, says  
6 educate anglers on the benefits of the essential  
7 fish habitat program, the marine mammal  
8 protection.....

9 CO-CHAIR DR. HOGARTH: You can tell  
10 Bob Fletcher was in that meeting.

11 MR. MOORE: I want someone to point  
12 out the benefits.

13 MR. KRAMER: Well, we understand that  
14 there needs to be some education here. So maybe  
15 if we just remove the word benefit and just say  
16 educate the people on the contents of those  
17 agreements.

18 That was just kind of a semantics  
19 thing in here to make this more saleable, but we  
20 understand what needs to be accomplished there.

21 The rest on down we had okay. The  
22 final thing that we did was just come up with

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1 some general comments for the plan as a whole and  
2 I'll just read those. I can't underscore this  
3 first comment enough. Success of this plan will  
4 be directly related to the agency's commitment to  
5 provide adequate funding and staff to implement  
6 the plan. None of this can happen unless we have  
7 bodies and budget. I know that may be competing  
8 with other things.

9 One of the issues that was brought up  
10 was that oftentimes outreach education  
11 constituent relations is not viewed as a core  
12 program. Law enforcement science, some of these  
13 other things, are often viewed as the core  
14 programs, but I would contend that this is a  
15 proactive investment and if it's done correctly,  
16 you can realize better budgets, more FTE's,  
17 because you are educating your constituents who  
18 can then work and lobby the Hill to get you the  
19 budgets that you guys need.

20 Along those lines, it was stated that  
21 we have to have some real concrete commitments  
22 there and we would like those commitments

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1 reported back to us at the next meeting. So how  
2 are we going to do this? Are there going to be  
3 positions and components of the regional offices  
4 and the science centers that are involved in  
5 this? I think that's true for all sectors,  
6 commercial, environmental, whatever the relations  
7 are.

8 The next point we made as a general  
9 overall is the success of this plan is contingent  
10 on the performance measurement plan developed by  
11 the agency to track progress and identify  
12 problems. We felt that MAFAC should be included  
13 in this reporting as well.

14 A lot of times outreach education,  
15 communication, relations are non-quantifiable,  
16 hard to put your hands on, hard to measure, but  
17 we do feel there are many things in here that are  
18 measurable, are definable, and how these fit in  
19 your overall performance-based budgeting and that  
20 process needs to be clearly defined and goals set  
21 so we can see progress on this and that's it.

22 CO-CHAIR DR. HOGARTH: Thanks. You

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1 were very helpful. Michael, are you okay, do you  
2 got it?

3 MR. KELLY: Yeah, that was all clear.

4 CO-CHAIR MR. OSTERBACK: Mr. Chairman,  
5 do you need a motion to adopt the report?

6 CO-CHAIR DR. HOGARTH: Yeah. I was  
7 going to thank Rob and his group there for the  
8 time they put in on it. We need a motion to  
9 accept.

10 MR. MOORE: Mr. Chairman, I would move  
11 to accept the report, along with the changes in  
12 the discussion that we had.

13 MR. GUTTING: Second.

14 CO-CHAIR MR. OSTERBACK: We've got a  
15 second on the motion. Any discussion on the  
16 report, on the motion?

17 (No discussion)

18 CO-CHAIR MR. OSTERBACK: Hearing none,  
19 all those in favor signify by saying aye.

20 IN UNISON: Aye.

21 CO-CHAIR MR. OSTERBACK: Those opposed  
22 same sign.

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1 (No opposing votes)

2 CO-CHAIR MR. OSTERBACK: Thank you  
3 very much for your report. I believe bycatch is  
4 up next.

5 MR. RAYBURN: I couldn't get this  
6 projector to work. I was hoping you'd call  
7 aquaculture first so Don could work on it.

8 MR. SIMPSON: While you're doing that,  
9 Mr. Chairman, could I make a comment? Bill said  
10 that probably the majority of the recreational  
11 take would be along the east coast and that just  
12 didn't ring right with me, so I checked.....

13 CO-CHAIR DR. HOGARTH: In the gulf.

14 MR. SIMPSON: Yeah. Because I checked  
15 it out and four out of the ten would be in the  
16 gulf and four out of the ten would be in the east  
17 coast and then two of them are in the west coast.

18 CO-CHAIR DR. HOGARTH: I meant that,  
19 I'm sorry, because Florida is the number one  
20 recreational state in the east coast and west  
21 coast.

22 MR. RAYBURN: He just wanted to see if

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1 the gulf was sleeping.

2 (Discussion about hurricane in  
3 Florida)

4 CO-CHAIR MR. OSTERBACK: Ralph, can  
5 you do without it?

6 MR. RAYBURN: Yeah, I can do it  
7 without it. I was doing the PowerPoint while Rob  
8 was getting the copies made. I guess I could  
9 have done a hard copy for you, too.

10 Basically, we had our meeting. Jim  
11 Gilmore, Rod Moore, myself and Larry were there  
12 at the meeting. Chris Dorsett was invited and  
13 participated with us. Alvin stopped in a while.

14 Bob Fletcher was on our committee as well, but  
15 he was working on the rec fishing. Mel Moon is a  
16 member of the committee, but he wasn't there.

17 We reviewed the agenda and the minutes  
18 from the last meeting, the December meeting. It  
19 was suggested that now that the transcripts are  
20 online after the meeting, we could just validate  
21 the minutes that were prepared after the meeting,  
22 but no one had any problem with the way the

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1 minutes came out from the last meeting.

2 We reviewed the technical publication  
3 that was mentioned when we talked about bycatch,  
4 the one evaluating bycatch. A national  
5 standardization for bycatch reporting, I think,  
6 or something along those lines. It was basically  
7 the same report of the Powers Commission that we  
8 heard in December.

9 The one suggestion we had, and I think  
10 that's about to go to press now, within the  
11 acknowledgements, the first page of that, it  
12 listed the people on the team, but we thought it  
13 might have been good to also include in there the  
14 fact that MAFAC had reviewed that study and found  
15 it to be appropriate. You can look at the  
16 language we had in our minutes, but we found that  
17 as appropriate methods of standardizing bycatch  
18 reporting. So that in the acknowledgement  
19 section of that pub would show that you had  
20 presented it to the advisory committee and they  
21 thought it was good. That was one suggestion we  
22 had on that. Otherwise no one had any issues

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1 with it.

2           Since our committee also includes --  
3 or we took it upon ourselves and I think we  
4 mentioned that at one of our previous reports  
5 that we were also looking at marine protected  
6 areas just to kind of monitor that process and  
7 had set up for Mel to give a report on their  
8 meeting that they had in April. He, of course,  
9 wasn't here, but I had taken the minutes off the  
10 website for the MPA Federal Advisory Committee  
11 and we looked through those and saw that Mel was  
12 involved in one of the leadership and one of the  
13 subcommittees of that, primarily the one dealing  
14 with national and regional issues, and he had  
15 reported on that during the course of the  
16 advisory committee. I think it was just their  
17 second meeting. They had met in early April in  
18 Key Largo, so it looked like from the notes they  
19 were just basically getting organized with their  
20 subcommittees and stuff. We're going to continue  
21 to monitor that process. Folks on the committee  
22 felt like it was important for us to do that.

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1           We also discussed, based on the  
2           comments at the December meeting and what was  
3           realized here, that MAFAC, after their review of  
4           bycatch, suggested that there be periodic updates  
5           to the committee on the progress being made and  
6           the implementation of the bycatch. That's pretty  
7           much what we did on Tuesday afternoon in that  
8           hour and a half discussion. The intent was to  
9           maintain that. The subcommittee felt like that  
10          was important to continue that either if it  
11          warranted a presentation before the full  
12          committee and, if not, at minimal, a written  
13          report on the progress being made on the  
14          implementation of the regional bycatch plans in  
15          our notes prior to the meeting to have that  
16          presented to us, our notebook materials.

17                 We also engaged in a discussion, and  
18                 it wasn't necessarily because Michael was here,  
19                 on protected resources, but it seemed like, as we  
20                 heard the discussion on Tuesday afternoon, a lot  
21                 of the bycatch issues also had protected  
22                 resources implications. So we felt like our

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1 committee would be interested in being engaged in  
2 the protective resources aspect of it to somewhat  
3 broaden our purview not to just bycatch but also  
4 include in that the protected resources. I  
5 talked to Laurie Allen a little bit about that  
6 during our last meeting.

7 We felt like that would be a worthy  
8 objective in our subcommittee and we also felt  
9 like in that same we would have issues with the  
10 essential fish habitat and basically ecosystems  
11 impact.

12 So we got into a discussion about what  
13 the purview of our subcommittee could be  
14 primarily as a result of some discussion we had  
15 that I'll reflect on later. Anyway, we felt like  
16 under protective resources that the bycatch  
17 subcommittee under the current structure would be  
18 a reasonable venue for that.

19 We also discussed what we'd like to  
20 have at our next meeting of the subcommittee.  
21 Suggestions were made that we have a response --  
22 by that time maybe we could review the response

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1 to the petition on coral in the northwest  
2 fisheries and what implications that may have and  
3 relate it to essential fish habitat.

4 We also discussed that there may be a  
5 good opportunity to get an update on the sea  
6 turtle longlining issues in the western Pacific  
7 and possibly with the focus on what may be a good  
8 concept for exporting some of the technology used  
9 in that to find a solution to that issue,  
10 exporting that to other parts of the Pacific  
11 area.

12 Finally, for a discussion item for our  
13 next meeting, we felt it would be good to have  
14 the Western Pacific Fishery Management Council  
15 discuss their progress in developing an  
16 ecosystem-based management approach to some of  
17 their programs.

18 Finally, at the subcommittee, because  
19 we had one of our members who would be retiring  
20 from service, we asked Rod to reflect on some of  
21 his experiences with MAFAC and give us some  
22 guidance. We really had that set for the last

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1 thing on the agenda, but it turned out that every  
2 item we brought up Rod was able to express some  
3 reflections on MAFAC in the process. So I don't  
4 know why I even thought I'd have it on the  
5 agenda. I realized it was going to pretty well  
6 dominate the conversation for the period of time,  
7 but we thought that was a good venue and Rod  
8 probably deserved that last glory. As long as he  
9 wore his hat, he was able to speak. So it worked  
10 out pretty well.

11 The subcommittee expressed a great  
12 debt of gratitude, for all those in my class  
13 anyway that just got started in this process, for  
14 the leadership that Rod has given to MAFAC  
15 through the years and certainly that will be a  
16 void that I don't think we have any intention of  
17 filling. It would be near impossible.

18 Of course, the same goes for Dick and  
19 Bonnie as well. The impact that they've had and  
20 where they've brought MAFAC so now we can make it  
21 a usable group and with Bill's insight and his  
22 leadership of it as well make it very effective,

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1 make it where we feel like this is time well  
2 spent for us.

3 So certainly from the subcommittee we  
4 expressed a gratitude to Rod and we appreciate  
5 the insight he gave us and some of the comments  
6 I've made about where we see this subcommittee  
7 going and the idea of even possibly a  
8 restructuring of subcommittees so it would have a  
9 broader venue in the future as we look at  
10 reorganization with new members and staff is very  
11 helpful to us. I'll be submitting the notes of  
12 our meeting, but that basically is a summary of  
13 it. I hope you enjoyed my PowerPoint.

14 CO-CHAIR DR. HOGARTH: You will have a  
15 written report, right, so we can follow it?

16 MR. RAYBURN: Yes, sir, I have a  
17 written report. I can download it now, but  
18 Laurel just said I could go ahead and e-mail it  
19 to her.

20 CO-CHAIR MR. OSTERBACK: Scott, did  
21 you have a question?

22 MR. BURNS: Just a comment, Mr.

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1 Chairman. Thank you. I second your suggestion  
2 that at the next meeting we have some discussion  
3 or presentation on the steps that have been taken  
4 in the western Pacific to reduce the longline  
5 bycatch of sea turtles as well as the export of  
6 those techniques to other countries in both  
7 eastern and western Pacific.

8 As Bill mentioned at the beginning of  
9 the meeting, that initiative is an area of active  
10 collaboration between my organization, NOAA and  
11 others. So if there's anything that I can do to  
12 help with the preparation of that presentation,  
13 I'd be happy to do it.

14 MR. RAYBURN: Thanks, Scott. These  
15 were items that we were suggesting for our  
16 subcommittee to view and get some preparation for  
17 that, but certainly any of those that you felt  
18 would be worthy for the full committee, that  
19 would be great with us as well. Yes, sir.

20 MR. MOORE: I apologize, I may have  
21 missed it, but I believe we also discussed the  
22 idea of the update we got on what's going on with

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1 bycatch be included in the members' notebooks at  
2 every meeting.

3 MR. RAYBURN: Yeah, I think I  
4 mentioned that, but basically.....

5 MR. MOORE: Okay. I apologize. I may  
6 have missed it there.

7 MR. RAYBURN: I thought unless there  
8 was an issue that felt like it was significant  
9 enough to receive an oral presentation, otherwise  
10 a written update at each meeting would be  
11 appropriate to maintain that request of MAFAC to  
12 be updated on the bycatch implementation plans.

13 CO-CHAIR MR. OSTERBACK: I have one  
14 question for you. When you were talking about  
15 the coral issues, were you including Alaska in  
16 that update on where they are with corals?

17 MR. RAYBURN: Yeah. As I understood  
18 it, and Chris really was the one who brought this  
19 to our attention as I recall, there apparently is  
20 a petition now that will have been acted on by  
21 the time we get to our next meeting, so we  
22 thought an update on that and what the

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1 implications of the petition would be. That's  
2 what we're looking at.

3 CO-CHAIR MR. OSTERBACK: Good. I  
4 appreciate that. Any other comments from your  
5 committee?

6 MR. RAYBURN: Did I cover it, Chris,  
7 Rod? Gilmore is at lunch.

8 MR. DORSETT: Yes.

9 CO-CHAIR MR. OSTERBACK: Okay. Good  
10 work. Appreciate the work. With that, we've  
11 got.....

12 MR. RAYBURN: Will you accept that or  
13 do we need.....

14 MR. MOORE: Mr. Chairman, I move that  
15 we accept the by-catch committee report.

16 MS. RAYMOND: Second.

17 CO-CHAIR MR. OSTERBACK: Maggie  
18 seconded. Yes.

19 MR. GUTTING: Ralph, one of the issues  
20 that's sort of hanging out there is the zero  
21 mortality rate goal in the Marine Mammal Act.  
22 There is a fair amount of political churning on

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1 that issue. It may be appropriate, depending on  
2 what happens over the next couple of months for  
3 the subcommittee to look at that issue. It's  
4 part of bycatch, obviously. My thought is that  
5 given the diverse membership of the committee and  
6 subcommittee, that it might be useful to have a  
7 discussion depending on how events evolve. Just  
8 a suggestion.

9 MR. RAYBURN: Thank you.

10 CO-CHAIR MR. OSTERBACK: Any other  
11 comments before we vote?

12 MR. RAYBURN: Mr. Gilmore might have  
13 some comments on the report.

14 MR. MOORE: Especially about the part  
15 where he volunteered to do all the work for the  
16 next meeting.

17 CO-CHAIR MR. OSTERBACK: I was there  
18 for that part. Okay. Again, thank you for the  
19 report. All those in favor signify by saying  
20 aye.

21 IN UNISON: Aye.

22 CO-CHAIR MR. OSTERBACK: Opposed same

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1 sign.

2 (No opposing votes)

3 CO-CHAIR MR. OSTERBACK: Motion  
4 carries. So Outreach Committee.

5 MR. DiLERNIA: We have our report and  
6 ready to project, but I've got a feeling it's not  
7 going to be up there. I can summarize the  
8 report. I kept my notes, Mr. Chairman.

9 What the Outreach Committee did was it  
10 reviewed the Fish 101, so to speak, that we were  
11 given, which is behind Tab 6.

12 MR. MOORE: Mr. Chairman, can I  
13 suggest a short recess until we see if we can get  
14 this thing working because it's kind of hard to  
15 hear conversations with the cell phones going on  
16 and everything else.

17 CO-CHAIR MR. OSTERBACK: So you wait  
18 until the guy with the loudest voice talks.  
19 Yeah, we can do that. We're on break until we  
20 get a computer.

21 (Off record - 1:48 p.m.)

22 (On record - 2:03 p.m.)

1 CO-CHAIR MR. OSTERBACK: Okay, Tony.

2 MR. DiLERNIA: Thank you, Mr.  
3 Chairman. The Outreach Committee met this  
4 morning to review the document called Managing  
5 U.S. Marine Fisheries, a Complex System Simply  
6 Stated. We conducted a review and we came up with  
7 some comments that we'd like to offer to the  
8 agency.

9 One of the first comments that was  
10 made was that we all recognize that there are  
11 many documents of this type currently available.

12 We feel that in the final production of the  
13 document that the agency will be using there  
14 should be a review of those documents that  
15 currently exist.

16 Because we know the timeliness of the  
17 project, it has been suggested that if anyone has  
18 any comments that they'd like to forward to the  
19 agency, the track to follow would be to e-mail  
20 them to myself and then I'll compile all the e-  
21 mails, try to summarize them if possible and  
22 forward that entire package, e-mail that entire

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1 package to Laurel, our executive director.

2 Another comment was that whatever  
3 final document is produced, there should be a  
4 web-based site to support the paper document.  
5 There was a lot of discussion regarding the  
6 length of the paper document and how much of it  
7 should be summary, how much of it should be in  
8 detail and there was a general agreement amongst  
9 the committee that the paper document should be a  
10 brief, general introduction and overview and, for  
11 details, an individual should be able to refer to  
12 a website where they can get additional  
13 information.

14 If I could skip down to item six,  
15 identify the audience. I offered the comment to  
16 the committee that I thought the audience of this  
17 document, individuals would be perhaps  
18 congressional staff, perhaps media folks, folks  
19 who were producing summary documents for someone  
20 superior to them, either a member of Congress or  
21 for an editor of a newspaper. Typically the  
22 individuals in those positions, entry-level

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1 positions, are, let's face it, younger folks,  
2 folks in their 20's, early 30's. That age group  
3 communicates really a little bit differently than  
4 we. The average age around this table is  
5 probably around 50 years old. That age group  
6 communicates a little bit differently. They  
7 point and click on most stuff. I'm still  
8 learning how to do that. I may be a slow  
9 learner, but I'm still learning how to point and  
10 click and learning how to use the web for  
11 information. I look at my students and the young  
12 folks around me and they rely on the web for a  
13 lot of information. So if that's the audience  
14 that we're talking about that this document will  
15 be used by, truly we need then to have a web-  
16 based site to support the paper documents.

17 We need to incorporate visual  
18 materials and photographs. The current document  
19 does not have any. It's clear that there's a  
20 need to have visual materials and photographs to  
21 liven up the document.

22 More detailed in this current document

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1 are council plans that are listed in the  
2 document. We thought that it would be better if  
3 you simply had a listing of council sites because  
4 the councils continuously update their plans and  
5 whatever changes are being made to the plans.  
6 Rather than put this on paper and all of a sudden  
7 a few months later becomes obsolete, it might be  
8 better simply to replace the council plans  
9 section with a listing of council sites.

10 We had two questions. One question we  
11 have is when is this project scheduled to be  
12 completed. The person who is going to answer  
13 that I guess just left the room. If the  
14 completion date is after the next MAFAC meeting,  
15 the committee recommends that MAFAC have a second  
16 opportunity to review the revised document. If  
17 the agency decides to take our recommendations  
18 and review and revise the document, we'd like to  
19 have another opportunity to review the final  
20 document before it gets put out.

21 So those are the comments that I have  
22 regarding this particular document, Managing U.S.

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1 Marine Fisheries, and I'd invite committee  
2 members to add any comments that they wish. I'm  
3 not sure if I missed anything or if they'd like  
4 to add to what I've said. Maggie.

5 MS. RAYMOND: We talked a little bit  
6 about how it would be nice to have an inclusion  
7 of a reference to fishing gear, which I think  
8 would be a web-based link. I don't know that one  
9 exists that does that.

10 MR. DiLERNIA: Yes.

11 MS. RAYMOND: But just a simple  
12 regional description of the basic commercial  
13 fishing and recreational fishing gears are in  
14 each region. That was the only other thing.

15 MR. DiLERNIA: Laurel, could you  
16 please add that to our report? Okay. I see  
17 you're doing that. Any other committee members  
18 regarding this document? Rod.

19 MR. MOORE: Tony, two things. One,  
20 there are a couple places, at least for the west  
21 coast, that has some good descriptions or good  
22 line drawings of commercial fishing gear. Pete's

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1 website is one of them and there are several  
2 others. I'll try to remember.

3 MR. DiLERNIA: This is exactly the  
4 types of comments if you could send to me by e-  
5 mail that I'll incorporate.

6 MR. MOORE: I'll try to remember to  
7 find those websites and get them to you. The  
8 other question I have, Tony, is did you guys look  
9 at sort of the structure of this report? One of  
10 the things that struck me was that it almost  
11 seemed to bounce around, starting in one  
12 direction and then abruptly shifting off  
13 someplace else and then going back a third place.

14 Did you look at that at all or is that something  
15 you want additional comments on?

16 MR. DiLERNIA: I'll take additional  
17 comments on that. We didn't do that in detail.  
18 If you go back to number one, many documents  
19 currently available, once you begin to review  
20 this document and compare it to many of those  
21 other documents, I think whomever is authoring  
22 the final product will begin to sense a bit more

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1 of an order. Again, we recommend that this be  
2 revised and reviewed and compared to other  
3 existing publications. Scott.

4 MR. BURNS: Tony, did the committee  
5 have views on which audience this document should  
6 be aimed at?

7 MR. DiLERNIA: No. Those comments  
8 regarding the young adults and all were my own.  
9 I offered that on my own behalf. That was a  
10 question we had for the agency, who would the  
11 audience be for this document.

12 CO-CHAIR MR. OSTERBACK: Do you want  
13 to respond to that?

14 MR. DiLERNIA: Yes, sir.

15 CO-CHAIR DR. HOGARTH: I think you  
16 sort of hit the nail on the head. We get a lot  
17 of questions from the Hill, a lot of briefings, a  
18 lot of questions from you staffers and you people  
19 that get involved in this as to what you mean by  
20 this and what you mean by that and we end up  
21 going down and doing a lot of 101's. When the  
22 Congress committees change, we get the same

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1 thing. OMB calls and wants to come down and talk  
2 about what are these terms. Sometimes you  
3 council members, to be honest with you, don't  
4 have some of this background, so we would  
5 probably use it somewhat to that. But it's  
6 basically for public affairs people who call and  
7 say we read this scientific report and what does  
8 this term mean and that term mean.

9 So I think a lot of documents, you're  
10 right, are available and I'm not sure if we've  
11 reviewed those as well as we should to  
12 incorporate some of that and I agree with that,  
13 number one. As far as schedule, I guess, it's  
14 not really one -- it's a little later than I  
15 would have wanted anyway, but considering the  
16 comments that have been made here, I think the  
17 timing is based pretty much on when we get a  
18 document that people feel like it's reasonable.  
19 I would like to say that, yeah, we could probably  
20 take it back to MAFAC depending on when you meet.

21 I would like to finish it before January the  
22 20th just for personal reasons. I don't leave

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1 stuff hanging that I've started. So that's  
2 probably it. If nothing else, we can make sure  
3 we send it to each one of you individually.

4 Knowing the comments that were made  
5 here and other things we're doing, I'm not sure  
6 it would be much before then, but I'll have to go  
7 back and talk to people that are working on it. I  
8 agree with most of the things you've said there.

9 I don't think I have any problem with anything  
10 that's there. So to go back and address each one  
11 of them, how long it would take, I don't know.  
12 It's something I wish I'd already had done.

13 I think it's important to have it in  
14 January when the new people come in because there  
15 will be a lot of changes. Regardless of who wins  
16 the presidential, there's still committee  
17 changes. A lot of committee changes. There will  
18 be new staff members, new congressmen, new  
19 senators, all those people.

20 MR. DiLERNIA: Those inquiries will  
21 probably start December 1st, even before folks  
22 are on board, won't they?

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1 CO-CHAIR DR. HOGARTH: Yeah. That's  
2 why I say I'm concerned. But, either way, we'll  
3 make sure that you all get to look at it one way  
4 or the other.

5 MR. DiLERNIA: Thank you.

6 MR. MOORE: Mr. Chairman.

7 CO-CHAIR MR. OSTERBACK: Vince and  
8 then Rod.

9 MR. O'SHEA: Well, first a comment on  
10 the gear thing. Atlantic States Commission is  
11 working with endangered species folks to  
12 categorize all the fishing gear on the east coast  
13 as well as interaction with turtles. North  
14 Carolina has already done that and I think the  
15 gulf guys are thinking about doing that as well.

16 I'll send you information on that responding to  
17 the gear thing. The stuff is already on the  
18 shelf ready to go, I think.

19 The question on item one, many  
20 documents currently available, it's built into  
21 that comment the idea that whatever this new  
22 document is, that the definitions and the things

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1 that are in existing documents, this new document  
2 needs to be consistent with those definitions.  
3 Did you guys discuss or kind of capture that  
4 idea?

5 MR. DiLERNIA: That's a good point. I  
6 think what we were trying to say was that there  
7 are good pieces that have been produced by other  
8 agencies out there and we agree NOAA should have  
9 its own document that describes the fishery  
10 management process. It should not be left to  
11 other agencies. I mean Sea Grant does a  
12 wonderful job of describing it. I've seen the  
13 councils do their own work.

14 MR. O'SHEA: The commission's got one.

15 MR. DiLERNIA: The commission has.  
16 But, at the same time, the agency should have its  
17 own document. So while this is a noble effort  
18 and it's a good, hard first strike, there's a lot  
19 to be learned from some of those other documents.  
20 If we could just pull those pieces together, you  
21 could produce an excellent document that the  
22 agency could really just hold up there and say

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1 look what we have.

2 MR. O'SHEA: Thank you.

3 CO-CHAIR DR. HOGARTH: To that point,  
4 I think, too, we should reference those  
5 documents, as many as we know. We should  
6 reference them and say we've utilized these, but  
7 you'll find a more thorough discussion and then  
8 reference those.

9 I do think, too, one thing we didn't  
10 do and what we should try to do is diagrams of  
11 pictures of some of the more common gear. What  
12 is a longline and this type of stuff. I think  
13 that's something we should add to this, too.

14 MR. DiLERNIA: I know committee  
15 members will forward things to me and I'll put it  
16 all together and I'll forward it to staff.

17 CO-CHAIR DR. HOGARTH: Thank you for  
18 your comments.

19 MR. DiLERNIA: If I may, if there's no  
20 other comments regarding this document, I'd like  
21 to move on.

22 CO-CHAIR MR. OSTERBACK: You've got

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1 two more. You've got Rod and then Ken.

2 MR. DiLERNIA: Thank you.

3 MR. MOORE: Actually, it's a question  
4 for you, Bill. When this is finally put together  
5 and you were talking about NOAA public affairs  
6 and so forth using it, have you considered -- and  
7 it may be something you want to run by the public  
8 affairs folks -- sending this out as sort of a  
9 press packet to various newspapers around the  
10 country? One of the things that works real well,  
11 a reporter gets a nice glossy packet, it's got  
12 all of this stuff in it, so they don't have to --  
13 it's not like they have to call you to find out  
14 what's an MSY. They've got it right there in  
15 front of them and they can use it.

16 CO-CHAIR DR. HOGARTH: We're in the  
17 process of doing it.

18 MS. BRYANT: We've got some of the  
19 stuff. We've wanted to do that for a long time  
20 and we're finally kind of getting freed up off  
21 some other things where we can do that.

22 MR. MOORE: Yeah, I think once the

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1 document gets done, it's a great thing to be able  
2 to send out so the L.A. Times, you know, oh,  
3 well, we don't really know what MSY is, but we're  
4 not going to pay any attention because we don't  
5 have any way to reference it.

6 CO-CHAIR DR. HOGARTH: Just to that  
7 point real quick. You know, we don't have public  
8 affair people. They don't belong to us, they  
9 belong to NOAA.

10 MR. MOORE: I do understand that.

11 CO-CHAIR DR. HOGARTH: And what's  
12 happened is NOAA hasn't chosen yet to replace the  
13 head of public affairs. At the same time we lost  
14 one of the staff members there. They haven't  
15 replaced that person. So we've been working now  
16 with a two-person staff, Connie Barkley and Susan  
17 McKinna. They both do an excellent job. Susan  
18 is really excellent in dealing with the public.  
19 But we're short two people and I'm beating on  
20 them like mad. Of all agencies to be short two  
21 people, not us because we have more of that than  
22 all the rest of them put together, and we're the

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1 one's that are short-changed right now. They've  
2 interviewed for the head and hopefully in the  
3 next two or three weeks we'll have that person  
4 back, the head of public affairs, and then we've  
5 got to get some more help for him.

6 MR. MOORE: I do want to point out, as  
7 I have in the past, that we're the advisors to  
8 Secretary of Commerce and the administrator of  
9 NOAA is our chair by the charter. I think we  
10 could let him know.

11 CO-CHAIR DR. HOGARTH: Thanks for your  
12 comments.

13 MR. ROBERTS: One of the things that  
14 was sent out to us before the meeting says on  
15 Fishing 101 the present plans call for additional  
16 sections on ecosystem-based management and marine  
17 aquaculture and some other things. I haven't  
18 heard any discussion about between now and  
19 January 20th, you really want to get this done by  
20 January 20th. Bill, do you want those other  
21 sections done?

22 CO-CHAIR DR. HOGARTH: I don't think

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1 we're at the point right now to do that,  
2 personally. I think we just mentioned this will  
3 be a living document and I think we mentioned  
4 that we're looking at aquaculture and, as things  
5 develop, we will add it to it, but I think we're  
6 just second-guessing. We're just in the learning  
7 stage ourselves.

8 MR. DiLERNIA: May I continue, Mr.  
9 Chairman?

10 CO-CHAIR MR. OSTERBACK: Yes.

11 MR. DiLERNIA: Thank you. The  
12 committee then turned its attention to some other  
13 items that we wanted to recommend to the agency.  
14 The first there is under additional committee  
15 work. The committee was trying to map out or  
16 plan work for the future for some of its future  
17 meetings, which part of its mission is to serve  
18 MAFAC and the agency. One of the recommendations  
19 was that the Rec Fish Implementation Plan that is  
20 currently being revised should also be finally  
21 reviewed by the Outreach Committee.

22 We also in our discussions thought it

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1 would be helpful if we could get a report from  
2 the agency regarding the reorganization of the  
3 Office of Constituent Services. We understand  
4 that the office has been reorganized and once the  
5 final reorganization is in place, if there could  
6 be just simply a brief.....

7 CO-CHAIR DR. HOGARTH: How about  
8 changing the word reorganization to report on the  
9 status of the Office of Constituent Services?  
10 Reorganization carries on the Hill a different  
11 connotation and we have to send it through to get  
12 it approved and all this stuff.

13 MR. DiLERNIA: On the status. I have  
14 no objection. Do any of the other committee  
15 members? No. So then if we could simply change  
16 that term to status.

17 MS. BRYANT: Got it.

18 MR. DiLERNIA: Thank you.

19 CO-CHAIR DR. HOGARTH: I'm trying to  
20 do it without it going through all that process.

21 MR. DiLERNIA: Okay. Item three. The  
22 committee appreciated the fact that the OC

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1 incorporated its comments in regards to the  
2 current report to Congress. It reflects changes  
3 that have been made compared to previous reports.

4 It appears that these changes are the results of  
5 the comments that the committee made at previous  
6 meetings. So the committee would like to express  
7 its appreciation to the agency for accepting  
8 those comments and making the changes.

9 Having said that, there are some other  
10 documents that we'd like to comment on. In the  
11 future, the committee would welcome the  
12 opportunity to provide similar comments regarding  
13 status of the stocks, living oceans and fisheries  
14 of the U.S., are documents that the committee  
15 hopes in the future will be able to review.

16 CO-CHAIR DR. HOGARTH: Give you an  
17 inch, you take a mile.

18 MR. DiLERNIA: I'm from New York.  
19 What do you expect? We thought that the new  
20 report worked out well. We were so helpful that  
21 time, we'd love to be helpful again. Thank you,  
22 Mr. Chairman. That's my report and I'll be happy

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1 to take questions. Yes, sir.

2 MR. MOORE: To that last point, do you  
3 want to add the NMFS budget in there.

4 MR. DiLERNIA: I'll be happy to report  
5 whatever the committee recommends to me.

6 CO-CHAIR MR. OSTERBACK: Are there any  
7 questions or comments for Tony on his report?

8 CO-CHAIR DR. HOGARTH: Let me just say  
9 one thing.

10 MR. GILMORE: Just a comment and  
11 that's I sent a note to the NMFS leadership about  
12 this a month ago or so and I just wanted to say  
13 it publicly, not as an Outreach Committee member,  
14 but I very much appreciate the agency listening  
15 to us on this status of stocks report, taking our  
16 comments into consideration and going back and  
17 really doing a zero-base budgeting kind of  
18 approach, I thought, revisiting a lot of the  
19 assumptions of how it was being done. I'm just  
20 very grateful to you and to the other folks at  
21 the agency for listening. So I just wanted to  
22 say that publicly in addition to the e-mail I

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1 sent.

2 CO-CHAIR DR. HOGARTH: Just to  
3 respond. Status of stocks has taken on sort of a  
4 life of its own. I think it is important we  
5 continue to work with that. That seems to be the  
6 one document that people are paying a lot of  
7 attention to. One thing I think is not entirely  
8 clear the way I like it to be is to go in and  
9 say, okay, this stock was over-fished, but it's  
10 not clear which stocks you're talking about at  
11 times, so I think we've got to continue to work  
12 towards a list of what is over-fished for one day  
13 when we put the FMP in place. So we've got to do  
14 it a little bit better.

15 The only thing I'd say, and I don't  
16 have any problem with this, is you meet so  
17 seldom, infrequent for some of this stuff, so the  
18 only thing we'd have to do is set up a mechanism  
19 where we send it to the outreach chairman and  
20 he's responsible to get comments or we send it to  
21 every member but you respond back to the outreach  
22 chairman what you want to do. We only need to

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1 work the logistics out because we can't wait  
2 until you have a meeting sometimes with the  
3 report deadlines we get from Congress and other  
4 things, but we have no problem really. That's  
5 what you're here for.

6 CO-CHAIR MR. OSTERBACK: Dick.

7 MR. GUTTING: Bill, on the last point,  
8 I think what struck the committee was these are  
9 major documents and expressions of the agency to  
10 the public at large and they're radically  
11 different in level of detail and format almost  
12 across the board. I think what the committee was  
13 interested in doing was looking more  
14 strategically, not looking at an individual  
15 document as an editor would look at it, but  
16 looking more at what is the agency trying to  
17 communicate. Are there gaps or are there  
18 inconsistencies overall. In other words, just  
19 taking a look at the fundamental structure of  
20 these documents and the timing of these  
21 documents. Trying to make a more integrated  
22 communication, I guess.

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1 CO-CHAIR DR. HOGARTH: I have no  
2 problem. There's one you haven't listed because  
3 you don't know about it because we only did one,  
4 but the annual business plan -- which I am having  
5 a hell of a time getting this agency to do on  
6 time. To me, the annual business plan would pull  
7 most of these things together or these reports in  
8 a format that's about 12 to 15 pages, no more  
9 than that, that we could utilize, too. I would  
10 like input on that. I was talking to him today.

11 He promised me a month ago that I'd have it and  
12 six months ago I'd have it and we still don't  
13 have it and I'm concerned about the format we're  
14 using. It may be like Fishing 101, we don't know  
15 the audience and we're not dealing right. We  
16 need to put something out so the general public  
17 can understand what the status of this fishery  
18 is. Do we have a plan to move forward? If we're  
19 failing here, then we should admit we're failing  
20 here and we need to work in this area.

21 We'll probably have a draft in the  
22 next month and I will send it out to you. Again,

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1 that's one I would like to get turned around. If  
2 we could get this one out, then I think at the  
3 January meeting maybe you ought to put report  
4 format and give us advice on how to do them in  
5 the future or something. I would not like to  
6 hold this one up for months. I'd like to at  
7 least get it current, but I think that one is one  
8 -- a lot of these others people are not going to  
9 read, the long and involved, but I don't think it  
10 hurts to look at them. I want something that's  
11 spiffy, that people will look at, that I can send  
12 down to Congress and put them on the table for  
13 people coming in, waiting to get into the  
14 Admiral's Office or places like that.

15 MR. DiLERNIA: Mr. Chairman, I have  
16 one other thing.

17 CO-CHAIR MR. OSTERBACK: Okay.

18 MR. DiLERNIA: As chairman of the  
19 Outreach Committee, I'd like to thank -- we have  
20 one member that's outgoing, Mr. Gutting, and he's  
21 provided a tremendous amount of support and  
22 advice and as chairman of the committee I'd like

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1 to thank him for his contributions to the  
2 committee. Thank you, sir.

3 CO-CHAIR MR. OSTERBACK: Very good.  
4 If there's no more questions for outreach, is  
5 there a motion to accept the report?

6 MR. MOORE: Mr. Chairman. I move we  
7 accept the Outreach Committee report with the  
8 changes that were discussed during presentation.

9 MR. BURNS: Second.

10 CO-CHAIR MR. OSTERBACK: Seconded by  
11 Scott. Any other discussion?

12 (No discussion)

13 CO-CHAIR MR. OSTERBACK: Hearing none.  
14 Those in favor signify by saying aye.

15 IN UNISON: Aye.

16 CO-CHAIR MR. OSTERBACK: Opposed same  
17 sign.

18 (No opposing votes)

19 CO-CHAIR MR. OSTERBACK: Motion  
20 carries. Thank you for your report. As everyone  
21 knows, some of our members are leaving. I think  
22 they've been very important to us and we're going

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1 to miss them. Anyway, on with aquaculture. Don.

2 MR. KENT: We met earlier today. Our  
3 outgoing member, Bobby Brown -- or Bonnie Brown,  
4 I'm sorry, John Forster, myself, Ken Roberts,  
5 Elizabeth Sheehan. We also invited all of the  
6 speakers that attended. Most of them had to  
7 leave, but Mark Mensell (ph) and Don Bremner  
8 attended and entered into discussions with us.  
9 Of course, Linda Shawtis (ph) attended before she  
10 needed to leave. I'd like to say also that we're  
11 all going to miss Bobby very, very much.

12 (Laughter)

13 MR. KENT: We were charged in the  
14 meeting with collecting comments and discussing  
15 and coming back to the committee with  
16 recommendations relative to the expanded case.  
17 I'd remind everybody that the draft business case  
18 was developed as an internal document for NOAA to  
19 use as a rational in support of the proposed  
20 National Ocean Aquaculture Act. So, in that  
21 regard, we're going to confine these comments to  
22 that, then we'll talk about programmatically

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1 larger concerns relative to the development of  
2 NOAA's role in marine aquaculture.

3 So, specifically, relative to the  
4 case, devised ways to demonstrate localized  
5 economic benefit. It's great to talk about the  
6 global need, the trade deficit, the desire to  
7 keep jobs within the U.S., the need to not over  
8 the next 25 years have an additional increase of  
9 \$5 million to the trade deficit, but there ought  
10 to be a way to kind of bring that down and make  
11 people represent the idea that these are jobs  
12 that will exist in a local community. The people  
13 actually performing the aquaculture and fileting  
14 fish and all that will actually be within  
15 communities in the coastal zone.

16 Also, the case discusses lightly the  
17 negative components or perceptions that exist out  
18 there about mariculture. Those maybe ought to be  
19 brought up to the front end. Potential  
20 environmental impacts, user conflicts and  
21 socioeconomic considerations. Again, these  
22 considerations, when you listen to some of the

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1 talks we had yesterday, a lot of that revolves  
2 around the idea that we don't want to have  
3 something that the federal government comes in  
4 and sticks outside the waters of our state, our  
5 community and then we have to live with. What's  
6 the benefit to us. So creating dialogue on a  
7 regional level, on a community level, would be  
8 extremely valuable on the front end of this.

9 Also, to let folks know, as this  
10 document matures and becomes available, to let  
11 folks know that this is an aside thought down at  
12 the end, but really consideration on the front  
13 end in NOAA's mind.

14 Also, we should expand on the catfish  
15 example that exists.....

16 CO-CHAIR DR. HOGARTH: Don, can I --  
17 before you move on. I hope you take this right.

18 I hate to see things put as negative. You start  
19 off negative, then you're sort of in the hole.  
20 Do you want to say negative or do you want to say  
21 important issues that must be addressed? I mean,  
22 to me.....

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1                   MR. KENT:       The things that are  
2 perceptually a problem. You heard yesterday the  
3 socioeconomic considerations that were coming  
4 across as a concern.

5                   CO-CHAIR DR. HOGARTH:    But all the  
6 negatives, are they potential problems or  
7 potential issues that need to be -- I guess I'm a  
8 little concerned.

9                   MR. SIMPSON:     Sensitive of the word  
10 negative.

11                  CO-CHAIR DR. HOGARTH:    They may be  
12 negative or they may not be until you examine  
13 them fully. I guess I'm just concerned when you  
14 refer to negatives. Maybe you're not meaning to  
15 put negatives. Maybe you just mean to put those  
16 type of issues up front. We can call them what  
17 we want.

18                  MR. KENT:       Let me ask Bobby real  
19 quick. Do you have an alternative thought?

20                  MS. BROWN:       I'll think of an  
21 alternative. Here was my point. When I read  
22 what had been put together, it was all pretty

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1       sweet, sunny, and then you got to the appendix  
2       and there was all the complaints. My point --  
3       and I agree with you, maybe there's a better way  
4       to say this as a report to you because you're  
5       going to then give this higher up. My point is  
6       to deal with all of the questions and concerns  
7       regarding open ocean aquaculture up front and not  
8       to stick them in an appendix, to put them out  
9       there and either debunk them, which is most of  
10      the time, or say that, yes, this is the problem  
11      and, guess what, it's already being worked on  
12      here, here and here or to say we don't have a  
13      clue how we're going to solve it, but we know  
14      it's coming and so we're going to deal with it.

15                   CO-CHAIR DR. HOGARTH: I agree with  
16      what you're saying.

17                   MS. BROWN: So maybe there's some  
18      other word we can come up with.

19                   CO-CHAIR DR. HOGARTH: I guess I'd  
20      look at them as.....

21                   MS. BROWN: Challenges?

22                   CO-CHAIR DR. HOGARTH: .....challenges

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1 or issues that must be resolved or something like  
2 that rather than -- yeah, I guess I wouldn't call  
3 them all negatives.

4 CO-CHAIR MR. OSTERBACK: Challenges.

5 MR. KENT: Is that acceptable to  
6 everybody? I'll make that change.

7 CO-CHAIR DR. HOGARTH: I know what you  
8 mean now, so that's okay. I'm just not a  
9 negative person, so I like the positive.

10 MR. KENT: Expand on the catfish  
11 example to include real open ocean farming  
12 examples. There are examples, not within this  
13 country. We saw one yesterday. We saw the New  
14 Hampshire example, but that's a demonstration  
15 project. It's not an economically viable one,  
16 but it's out there to demonstrate the challenges,  
17 demonstrate the technology and also to deal with  
18 some real questions that are developed over time.

19 There are Australian and Hawaiian tuna farms.  
20 These are commercial operations and it might be  
21 valuable to go back in and use those as examples.

22 Also, there's some environmental work, so this

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1 expands beyond an economic document and starts  
2 looking at environmental questions. Those are  
3 considerations that also can be incorporated in.

4 Consequences of action and non-action.

5 There ought to be a clear statement that comes  
6 out and says here's the dilemma that exists right  
7 now relative to trade deficit and relative to  
8 increased seafood need. This is the result of  
9 moving forward with NOAA as the lead agency would  
10 be and here's the downside of not doing that in a  
11 clear point/counterpoint sort of set up.

12 And then create incentives regarding  
13 diminished fee rate. This is one of the things  
14 -- we had about a full three and a half hour  
15 discussion today before we broke for lunch and a  
16 lot of it centered around how the state gets  
17 involved and how communities get involved. One  
18 of the ways to drive it in a business sense is  
19 that if there's an anticipation of developing  
20 lease fees or permit fees from commercial  
21 operations, then maybe there's a way to diminish  
22 that burden on business by looking at a point

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1 system, which we'll describe a little bit later,  
2 but make that consistent throughout.

3 CO-CHAIR DR. HOGARTH: Can I go back  
4 to this open ocean farming example. I didn't  
5 bring it up earlier and I'm sorry, but did you  
6 discuss cages? Did you all discuss whether  
7 that's really aquaculture or just these growing  
8 facilities.

9 MR. KENT: In all the considerations  
10 that have been voiced, you have -- actually, the  
11 grow-out situation from a technological  
12 standpoint and others are really no different  
13 than most other forms of offshore aquaculture.  
14 Granted, the juveniles are brought in from a wild  
15 fishery and then raised. It's basically a  
16 market-holding and a fattening process. But  
17 that's really not much different than what's  
18 going on in the situation of a shore-based  
19 hatchery, bringing juveniles out. John, would  
20 you.....

21 MR. FORSTER: Yeah, that's exactly  
22 right. The offshore component of that industry

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1 and cages has got a lot to teach us. The  
2 difference between what we're talking about in  
3 terms of totally control system of aquaculture is  
4 the source of juveniles. If we're looking for  
5 examples of offshore aquaculture now, tuna is  
6 somewhere we can go to learn.

7 MR. KENT: It's global. It's western  
8 Pacific, eastern Pacific, Mediterranean, off of  
9 Africa now I believe as well, so there's plenty  
10 of places that can be used as an example.

11 CO-CHAIR DR. HOGARTH: It's a big  
12 issue. The total quota is probably 26,000 metric  
13 tons, but we've got about 22,000 metric tons in  
14 pens around the world.

15 MR. FORSTER: I don't think we're  
16 advocating that that is a model for aquaculture  
17 to follow, but it's an example of an industry  
18 that is worth looking at right now and what we  
19 can learn.

20 MR. KENT: Also, delete the  
21 appendices. I know you're shooting for a 15-page  
22 document, but there's a lot of information in the

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1 appendices and they need to be incorporated into  
2 the document. The term carrying capacity used in  
3 there should probably be replaced to a different  
4 term. It's an inappropriate use of that term.  
5 And then move ocean policy recommendations into  
6 the text as an additional rational. There's a  
7 little box that describes the U.S. Commission on  
8 Ocean Policies recommendations and it's a little  
9 separate graph that ought to be put right in  
10 there as the text.

11 So, in looking at citing criteria, one  
12 of the discussions we had was on what involvement  
13 will local communities, will the states have on  
14 citing these locations in their waters. So we're  
15 sort of off the case now and we're talking into  
16 more of an operational level where things ought  
17 to go. We need to start talking about these kind  
18 of issues that come up and some strategies on how  
19 to communicate with the community on that.

20 So, in identifying sites for  
21 aquaculture, there can be two ways to approach  
22 that and they're not necessarily exclusive of one

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1 another, but we're looking at aquaculture  
2 development zones, areas that regionally have  
3 been identified as appropriate for this use  
4 and/or developing development criteria. In other  
5 words, we want to avoid this type of area, we  
6 want to avoid this type of conflict, we want to  
7 move it into this sort of area. This is where I  
8 think there's probably a lot of room for council  
9 action as well, council involvement, because in  
10 developing some of these criterion and looking at  
11 specific areas, you certainly don't want to put a  
12 farm right on top of a critical zone for  
13 recovering species.

14 Reinforce the coastal zone management  
15 act process. Make sure that there's a way with  
16 existing law to go back in and utilize the  
17 existing regulations as they pertain to how areas  
18 out in the EZ will interface with coastal zone  
19 management.

20 Ensure state input on the  
21 acceptability of aquaculture. Early on we're  
22 going to have to develop a protocol that lets the

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1 state agencies have an input. Is this something  
2 they even want to have here? The governor was  
3 kind enough to come over yesterday and state that  
4 he thinks there ought to be a moratorium on the  
5 development of offshore aquaculture. He uses a  
6 lot of terms differently than I would use them  
7 and I think that's one of the things that NOAA  
8 maybe wants to do is work up a glossary so you  
9 clearly define mariculture as more than just  
10 shellfish culture.

11 So right now the state has made a  
12 decision and is there a need to go in any further  
13 with the state consider fin fish an offshore  
14 aquaculture or is it time to start a dialogue  
15 with them and find out the steps by which they'd  
16 be excited about it.

17 Input on site selection determined by  
18 the state. We certainly need to have the states  
19 have an input on this process up here. In order  
20 to manage this properly, we need to have that  
21 input from the state, either legislatively or  
22 executively mandated. Who speaks for the

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1 individual state in its communication with NOAA  
2 relative to making these decisions.

3 Obtaining a permit. Back to this idea  
4 of one type of proposal might be a little more  
5 favorable than another from the standpoint of  
6 getting a break on, say, lease fees. So consider  
7 a point system to maximize benefit to local  
8 economy. An example on ownership. Is this a  
9 cooperative or is this an individual. Is this a  
10 sole organization or is it made up of a group of  
11 fishermen, a group of researchers, or processors  
12 or whatever. Or domestic versus foreign. Maybe  
13 a foreign corporation should be paying more for a  
14 license or a lease or a permit to work than a  
15 domestic corporation.

16 Integration with the local university.  
17 Is there a connection there with the  
18 infrastructure available in the local community  
19 and meeting with local standards. Are you  
20 setting a new standard or are you consistent with  
21 what's available in the community already?

22 Elizabeth, did we get all those okay?

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1 MS. SHEEHAN: Yes.

2 MR. KENT: There's lots of examples.

3 MS. SHEEHAN: It was basically this  
4 idea of breaking out when Gunnar said we want to  
5 increase the benefits that aquaculture can have,  
6 so we wanted to say what do we mean by benefits  
7 and is there a way to sort of weigh that against  
8 each other. So it's a start.

9 MR. KENT: And then programmatic  
10 action items, things that we feel need to get  
11 done overall and moving NOAA's role forward.  
12 Consolidate all available technical and economic  
13 information. From that, there's a lot of  
14 different things that could be dealt with. It  
15 was pointed out, even during the meeting, Larry  
16 has sent us material and Vince has sent us  
17 material, about what's being done regionally in  
18 developing codes for what ought to be going on in  
19 aquaculture in those areas. There's very large  
20 reports generated on economic prospectuses of  
21 working in the gulf. Those sorts of materials  
22 need to get brought together. There's a

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1        tremendous amount of environmental studying  
2        that's been done on aquaculture.

3                We saw a presentation yesterday that  
4        talked in fairly general terms about concerns  
5        relative to environmental impacts and those are  
6        based in sort of kinds of locations as opposed to  
7        others. It's important as we start talking about  
8        developing the EEC that we bring information like  
9        Rich Langdon's up where he talks about not even  
10       being able to measure effluents considerations.  
11       So that sort of materials needs to get brought  
12       together and then develop the best response to  
13       environmental concerns.

14               We need to have NOAA develop a  
15       position relative to how it's going to be looking  
16       at criteria in evaluating the environment. What  
17       are the issues with being offshore versus an  
18       enclosed environment. Rod.

19               MR. MOORE: I was going to make a  
20       suggestion here, Don. In terms of developing  
21       best response to environmental concerns, you  
22       might also want to develop a best response to

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1 economic concerns because a lot of what you're  
2 going to get are going to be economic concerns,  
3 especially on the local level.

4 MR. KENT: I used that as an example.  
5 It's just what popped up. But the point is  
6 there is a lot of material. As the office gets  
7 organized, you now have a coordinator and that's  
8 the second point here. The staff needs to  
9 increase. It's not going to be done by one poor  
10 guy. And it's going to have to be developed on a  
11 larger scale, but that's just an example.  
12 Economic would be another one. Citing would be  
13 another.

14 Conduct regional meetings, mimicking  
15 this forum and localizing representation where  
16 possible. I think everybody appreciated the  
17 breadth of what was represented yesterday. It  
18 would be valuable to go ahead and do that in  
19 other locations and ask input from  
20 representatives of those different communities,  
21 from the fishing community, from the environment  
22 community, when possible, regionally in those

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1 areas.

2 CO-CHAIR DR. HOGARTH: Don.

3 MR. KENT: Sir.

4 CO-CHAIR DR. HOGARTH: To that point,  
5 would MAFAC like to be involved in those regional  
6 meetings, the Aquaculture Committee? That's just  
7 a thought.

8 MS. BRYANT: Would it be a  
9 subcommittee or would it be whatever MAFAC  
10 representative might be in that region?

11 MR. KENT: How would you define a  
12 region for NOAA? Would you use the council  
13 regional structure?

14 CO-CHAIR DR. HOGARTH: I think to  
15 start off we'd use council regions, I believe.

16 MS. BRYANT: That's where the  
17 fishermen are.

18 MR. KENT: Would that be an  
19 opportunity then to bring the council in by  
20 making it part of the council process in defining  
21 it regionally that way?

22 CO-CHAIR DR. HOGARTH: Yeah.

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1                   MR. KENT:    I don't think anybody on  
2                   the committee would think that's a bad idea.  
3                   Bonnie.

4                   MS. BROWN:   I don't think it's a bad  
5                   idea, but you might want to do something in  
6                   addition that also utilizes the ASMFC, CFMC  
7                   because ASMFC, for example, that's not the same  
8                   council.  It's not just the council.  I just  
9                   think you get a lot deeper into the roots of the  
10                  community.

11                  CO-CHAIR DR. HOGARTH:    The state  
12                  director is the only thing you have on the  
13                  council and on the commissions, both.

14                  MS. BROWN:    So I'd hate to just see it  
15                  limited to the council because I think you'll  
16                  miss out on a ton of.....

17                  CO-CHAIR DR. HOGARTH:    No, I don't  
18                  want to just limit it to them, but I would just  
19                  think the same regional structure we have with  
20                  the councils.

21                  MS. BROWN:    Right.  But if it's  
22                  possible, since they've already got the plans,

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1 they must have been thinking about it, so maybe  
2 they've already talked to some of the, quote,  
3 local talent.

4 MS. RAYMOND: Don, just to that point.

5 I think that's something that you ought to think  
6 about doing whenever you have any kind of  
7 regional meeting on an issue, just like with  
8 those bycatch meetings. Contact your MAFAC  
9 person or persons in that region and make sure  
10 that they're there somehow or at least try to get  
11 them there because I think that will be really  
12 helpful.

13 MR. KENT: I think it would be  
14 valuable for the agency in this new office and  
15 this aquaculture coordinator to develop briefings  
16 for the regions and come back out as they visit  
17 the regions and talk about what's going on here.

18 There's a lot that needs to get done within the  
19 agency.

20 CO-CHAIR DR. HOGARTH: Just to that  
21 point about staffing. We've got the coordinator,  
22 we've got one other position that's on the street

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1 now and I think there's a possibility of one  
2 other right up front. We're waiting for the  
3 coordinator to get on it. But also there's a  
4 plan to try to get this office better connected  
5 with, say, Manchester and Milford who are doing a  
6 lot of this work so they will have the benefit of  
7 the labs we have that are actually involved in  
8 aquaculture stuff now. We haven't had that and  
9 that's the goal, so that this team works with the  
10 Milford, Manchester and Gulf Bay.

11 MR. KENT: I think as this matures and  
12 opportunities afford themselves and people start  
13 coming to NOAA and saying, well, I'm interested  
14 in being down in the southeast, I want to put in  
15 a cage system offshore, it's important for the  
16 southeastern administrator to actually know what  
17 the issues are and how to deal with this  
18 internally within the organization.

19 CO-CHAIR DR. HOGARTH: I'm sorry I  
20 didn't bring the minutes from the leadership last  
21 week because we talked about this coordinate and  
22 how to coordinate both the science center and

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1 regions, so there's a family put together to do  
2 this.

3 MR. KENT: And then promote regional  
4 demonstration projects using same incentive  
5 criteria. Ideally, what you'd want to be doing  
6 is utilizing local technology. All of the  
7 factors we discussed relative to maybe decreasing  
8 lease fees as a desirable situation are the same  
9 sorts of things you'd want to try to promote in a  
10 demonstration project.

11 I think Rich's was a great example.  
12 We have the fishermen working with us. There's a  
13 direct technology transfer. This wasn't just the  
14 University of New Hampshire, it was a consortium  
15 of people working together. Fishermen,  
16 universities, technological folks. So that sort  
17 of thing coming together would be very valuable.

18  
19 Then as the act moves forward, as  
20 funding is available, then start selecting  
21 regional demonstration projects that people can  
22 go to and see and potentially understand a little

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1 more about what's going on and realize  
2 opportunities.

3 CO-CHAIR MR. OSTERBACK: Don, John has  
4 a question.

5 MR. FORSTER: I just had a question to  
6 go back to this question of interacting with the  
7 agencies and resource limitations. There was  
8 some discussion about how, if at all, the  
9 resources at USDA can be helpful here and they  
10 are involved in aquaculture, they do have people  
11 and, to that extent, it's a resource that might  
12 be available to NOAA as it moves forward.

13 CO-CHAIR DR. HOGARTH: By the way, and  
14 I don't know if Linda discussed it with you,  
15 there is an inter-agency aquaculture task force.

16 It was FDA, agriculture and I don't know how  
17 many others, but we do have that internally now  
18 that's operating. That probably needs to be  
19 expanded some to move forward to bring in you  
20 all.

21 MR. FORSTER: I'm thinking these  
22 regional meetings with the councils, it would be

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1 a help to build bridges if at some point one  
2 could bring a representative of USDA to those  
3 meetings who's kind of involved with this, people  
4 like Gary Jensen.

5 CO-CHAIR DR. HOGARTH: I'd like to go  
6 back to the inter-agency task force so that FDA,  
7 agriculture and everybody knows here's the  
8 schedule and make sure they get their people  
9 involved too.

10 MR. MOORE: Mr. Chairman.

11 CO-CHAIR MR. OSTERBACK: Rod.

12 MR. MOORE: I have two motions I'd  
13 like to make. The first motion is that I move  
14 MAFAC accept the Aquaculture Committee report.

15 MS. RAYMOND: Second.

16 CO-CHAIR MR. OSTERBACK: Okay, we have  
17 a second. The motion is to accept the report and  
18 it's been seconded. Any comments on it,  
19 discussion.

20 (No discussion)

21 CO-CHAIR MR. OSTERBACK: Hearing none,  
22 all those in favor of accepting the report

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1 signify by saying aye.

2 IN UNISON: Aye.

3 CO-CHAIR MR. OSTERBACK: Those opposed  
4 same sign.

5 (No opposing votes)

6 CO-CHAIR MR. OSTERBACK: Motion  
7 carries. Thank you for your report. I sat  
8 through most of it and there was a lot of work  
9 being done and a lot of good ideas came out of  
10 it. Appreciate it.

11 MR. MOORE: Mr. Chairman, I have  
12 another motion.

13 CO-CHAIR DR. HOGARTH: This is on  
14 aquaculture?

15 MR. MOORE: Yes, it is.

16 CO-CHAIR DR. HOGARTH: Okay. Because  
17 I want to say something when you get through.

18 MR. MOORE: One thing that the  
19 committee did not bring up in its report was the  
20 fact that NMFS was looking forward to going  
21 forward with legislation and so forth and so on  
22 and there's this whole question out there about

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1       whether there's a need for some sort of  
2       regulatory process for open ocean aquaculture  
3       and, if so, who's going to do it and that kind of  
4       thing, which is embodied in the draft legislation  
5       that Linda described to us the other day. I  
6       think it would be appropriate that we make some  
7       comment on that.

8               So I would move that MAFAC support  
9       regulatory authority over open ocean aquaculture  
10      be given by legislation to the National Marine  
11      Fishery Service provided that, one, the  
12      legislation includes a means of taking into  
13      account through a transparent process the full  
14      economic, social and environmental impacts of  
15      granting open ocean aquaculture permits and, two,  
16      that MAFAC, as the Department of Commerce's  
17      statutory advisory committee, has the opportunity  
18      to provide advice on the development of that  
19      legislation.

20              CO-CHAIR MR. OSTERBACK: Okay. When  
21      were you going to read it slowly?

22              MR. MOORE: Do you want me to read it

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1 fast?

2 CO-CHAIR MR. OSTERBACK: Can we have a  
3 copy of it?

4 MR. MOORE: I've got a copy here.  
5 I've got it on my computer. I've got no way to  
6 transfer it over.

7 CO-CHAIR MR. OSTERBACK: Do we have a  
8 second?

9 MS. BROWN: I second it.

10 CO-CHAIR MR. OSTERBACK: Bonnie  
11 seconded the motion. Discussion. Bonnie.

12 MS. BROWN: Transparent process, is  
13 that meant to mean an open public process?

14 MR. MOORE: If I may, Mr. Chairman.  
15 Yes. The comment that came up during the  
16 discussion the other day is that, well, you know,  
17 how are we going to know who's doing what or  
18 deals being cut, blah, blah, blah. You know, we  
19 ought to have an open public process.

20 MS. BROWN: That's what I want to  
21 know.

22 MR. MOORE: Yeah. All of the impacts

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1 are out there, are considered, decision is made,  
2 people have an opportunity to comment.

3 MS. BROWN: As a point of illustration  
4 in our discussions today, it was said a number of  
5 times that we needed to lay out the maps, find  
6 the places with conflicts and nix those to begin  
7 with. That's a public process that should occur  
8 way before something goes up on its federal  
9 register and it's really a huge point. I'm cool  
10 with it. I would just want to have a friendly  
11 amendment if they don't understand what  
12 transparent process is.

13 CO-CHAIR MR. OSTERBACK: I think they  
14 understand that.

15 MS. BROWN: I mean really, way before  
16 even something like what we just had gets  
17 written.

18 CO-CHAIR DR. HOGARTH: Look at the  
19 process we've been using, particularly in south  
20 Atlantic, for example. It's been very open,  
21 meeting set aside, you put maps on the table,  
22 people come in. That's the open transparent

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1 process. It takes a while.....

2 MS. BROWN: Before it gets written  
3 down there's even a draft.

4 CO-CHAIR DR. HOGARTH: Yeah.

5 MS. BROWN: Okay.

6 CO-CHAIR DR. HOGARTH: In fact, first  
7 off, I plan on having the matrix group try to  
8 develop some criteria that will be then open to  
9 discuss before we even get to that.

10 MR. KENT: I'm trying to visualize  
11 this world where there's this dark room somewhere  
12 where people are kind of figuring out where these  
13 things are going to go and then the next day  
14 you'll come out and there will be -- I mean it is  
15 transparent. It's a public process. It's all on  
16 federal register review. My only concern with  
17 that is to insinuate that there's anything that  
18 gets done in a timely manner that would support  
19 the idea that people don't have an input.

20 CO-CHAIR DR. HOGARTH: Don, you  
21 haven't been at this long enough. We get accused  
22 of that all the time.

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1 MR. KENT: I'm just a babe in the  
2 woods.

3 MR. MOORE: Don, just because you're  
4 paranoid doesn't mean nobody's out to get you.

5 CO-CHAIR MR. OSTERBACK: Any other  
6 discussion on the motion.

7 (No discussion)

8 CO-CHAIR MR. OSTERBACK: Hearing none.  
9 Everybody understands the motion. All those in  
10 favor of the motion signify by saying aye.

11 IN UNISON: Aye.

12 CO-CHAIR MR. OSTERBACK: Those opposed  
13 same sign.

14 (No opposing votes)

15 CO-CHAIR MR. OSTERBACK: Motion  
16 carries. Thank you, Rod.

17 MR. MOORE: Thank you, Mr. Chairman.

18 CO-CHAIR DR. HOGARTH: I just want to  
19 say one thing real quick. I really want to thank  
20 everyone, including the presenters, those that  
21 are here, those that are not here. I thought  
22 yesterday's discussion was excellent and I've

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1 gotten about three phone calls today from news  
2 media that picked it up for the comments and all.  
3 I'm very impressed with it and really happy  
4 because it's sort of the way I've been trying to  
5 get us to go in that direction for three and a  
6 half years I've been here. I thought yesterday  
7 sort of brought it all together in what I thought  
8 was one of the best open discussions we've had.  
9 This is a tough issue for all of us and this  
10 country needs to be part of making decisions. So  
11 I just want to thank everyone, all of you and I  
12 hope that you realize that your comments were  
13 taken seriously. As we move forward, you need to  
14 be involved and those comments will be taken  
15 seriously as we go. I don't know where this will  
16 end up. I have my own opinions, but they don't  
17 matter a lot in this process. It's what the  
18 American public wants. I think MAFAC took this  
19 and really did what I think MAFAC was created to  
20 do. So, all in all, I'm very happy and very  
21 pleased with the way things went and the  
22 discussion. So I thank all of you, MAFAC and the

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1 public for participating.

2 MR. GUTTING: Bill, just a comment.  
3 We have no idea when that legislation might  
4 become publicly available. No idea when Congress  
5 may or may not hold hearings on it. My only  
6 suggestion is that when it does become publicly  
7 available, if there haven't been hearings and  
8 explanations, that a forum like this, which is  
9 federally registered and is open, might be a good  
10 opportunity for you to explain it and to get some  
11 feedback from the committee. Every piece of  
12 legislation is going to have ambiguity and  
13 uncertainties and you don't want to have people  
14 running off saying things because they have some  
15 agenda and perhaps have misinterpreted the  
16 language. So just think about if circumstances  
17 play out, the next MAFAC meeting might be a good  
18 forum to kind of continue the discussion.

19 CO-CHAIR DR. HOGARTH: The last  
20 comment I'll make, since you're all here, there's  
21 been several letters from Congress and some of  
22 the NGO's have requested that we do an

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1 environmental impact statement of this  
2 legislation. That's under advisement. I'll tell  
3 you my thoughts on it and what I've told people  
4 is that it's a piece of legislation that we've  
5 written that's like many pieces of legislation.  
6 Once it gets to Congress, we don't have any  
7 control of it. So that bill could be introduced  
8 as we've written it, it could be modified up  
9 front before it goes. To do an EIS on a moving  
10 target, I think that would cause nothing but  
11 problems throughout. Once the legislation is  
12 passed, then I think we have to do an  
13 environmental assessment. But to try to do an EIS  
14 on something Congress is going to pass, I mean I  
15 would just be shooting in the dark. So it's  
16 under advisement of what we do and how we do it,  
17 but that's my opinion so far. We need to let  
18 Congress do what it does. I don't even know if  
19 it would be separate legislation or part of  
20 Magnuson. So then would I be doing an EIS on  
21 Magnuson. We have never done this although the  
22 law says that you can. We have never gotten

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1 involved in legislative EIS's because we don't  
2 really have control at all. We're at the whim of  
3 whatever Congress does with it. I haven't seen  
4 many that have gone through without many  
5 amendments and modifications.

6 MR. MOORE: Mr. Chairman.

7 CO-CHAIR MR. OSTERBACK: Yes, sir.

8 MR. MOORE: If I could just sort of  
9 supplement the record to what Bill said. There  
10 were several groups on the west coast that were  
11 asked to sign a letter to Congress demanding that  
12 NMFS do a legislative EIS and a couple of us  
13 talked about it back and forth and we said, no,  
14 we're not going to do this. We're not going to  
15 make this demand. For one thing, Congressional  
16 process is so open and there's so much that's  
17 going to be going on there, it's silly to require  
18 an EIS up front on a piece of legislation that,  
19 as Bill says, is going to change.

20 But, second of all, there is a  
21 significant budgetary time and personnel cost to  
22 the National Marine Fishery Service every time

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1 they have to write an EIS. To expend that amount  
2 of resources on something that is going to be  
3 radically changed by the Congress and, in fact,  
4 may never go anywhere is just a waste of  
5 taxpayers' dollars and it takes people away from  
6 doing other things that are important for fishery  
7 science and management. We said, no, we're not  
8 going to support it. So I think that needs to be  
9 part of the record. There are reasons not to  
10 support it.

11 CO-CHAIR DR. HOGARTH: The last  
12 comment to that is a lot of stuff will be done by  
13 regulation. The legislature will give the  
14 authority to do stuff. When we do the  
15 regulations, we have to do an environmental  
16 impact statement. We know that. So there will  
17 be an environmental assessment done of the  
18 regulations, so it doesn't mean it's not going to  
19 be done. It's going to be done after you get the  
20 authorizing legislation, then we, through  
21 regulation, will have to do the environmental  
22 assessment. I'm not trying to get out of

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1 anything. It's the way we work.

2 CO-CHAIR MR. OSTERBACK: Okay. Thank  
3 you. Next we have Laurel, committee  
4 administration and meeting.

5 MR. LEIPZIG: Just for the record  
6 there is a science subcommittee. There's only  
7 four members on it. Two of them weren't even  
8 here, so Chris and I chatted and it was agreed  
9 just to remind you that we had presented a report  
10 at the Washington, D.C. meeting asking a number  
11 of topics to be brought forward to MAFAC. So far  
12 that has not occurred. So just put it back in  
13 the hopper. If there's an opportunity that those  
14 questions that were posed could be made as a  
15 presentation at some future meeting, we'd  
16 appreciate it.

17 CO-CHAIR DR. HOGARTH: We probably  
18 ought to put that on the next agenda for January.

19 MR. LEIPZIG: And if there's any  
20 particular issues that the agency has that they  
21 would like to bring to the subcommittee, that  
22 would also be appreciated.

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1           One other. There was a working group  
2           on capacity and Scott and I were the only two  
3           members present and Scott had to take a phone  
4           call, so he isn't present here. At the last  
5           meeting, Scott gave a report about the  
6           legislation that was proposed to modify the CCF  
7           account, the capital construction fund. This has  
8           not gone anywhere in this session. It will be  
9           reintroduced. If there's specific comments from  
10          the agency about that proposed legislation, it  
11          would be nice to have that also made -- the  
12          questions and comments made available to the  
13          working group so that we could discuss it and  
14          respond appropriately at the next meeting as  
15          well. So, with that, I'm done.

16                   CO-CHAIR MR. OSTERBACK: Laurel has  
17                   some administrative stuff that she needs to take  
18                   care of.

19                   MS. BRYANT: Actually, it was more of  
20                   a discussion. I mean Peter's thing leads into it  
21                   perfectly because I'd really like to talk about  
22                   the agenda for the next meeting. Now that Bill

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1 has kind of established this new position for me,  
2 I'm going to be able to follow through more with  
3 staff and internally. I've talked a little bit  
4 with Alvin, a little bit with Bill and just  
5 wanted to kind of open it up for discussion, Mr.  
6 Chairman, on some of the things.

7           There has been some discussion today,  
8 I know Michael Payne from our office headquarters  
9 in protected resources is going to be discussing  
10 fishery issues versus protected resources issues.  
11 Bill, that's been something that he's wanted  
12 MAFAC to look at and at least kind of discuss an  
13 outline.

14           So, based on what Michael will be  
15 presenting today, kind of the original thought  
16 was that his presentation would be a precursor  
17 for a more in-depth discussion when you're in  
18 Hawaii, knowing that those issues are very  
19 relevant over there. But then also, because of  
20 the aquaculture forum that we had at this  
21 meeting, Alvin said he would be interested. I  
22 thought that something similar in Hawaii, noting

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1 that they do have open ocean pens and they have  
2 some marine aquaculture projects occurring there,  
3 that that might also be important.

4 So I wanted to really kind of get a  
5 feeling, Mr. Chairman and Bill, just kind of a  
6 good discussion on what we want for the next  
7 agenda so that I can kind of do that in a timely  
8 fashion. There will be a lot of logistics with  
9 the next meeting that need to be taken care of as  
10 well.

11 CO-CHAIR DR. HOGARTH: To that point,  
12 I'm not sure you'll be able to do all that today  
13 because I do think even the Ocean Commission  
14 report really gets to the president and some  
15 things come out of that, then we would need to  
16 probably bring some of those fishery issues back  
17 to MAFAC to discuss. We need to see the final  
18 report from the Ocean Commission and need to see  
19 what the administration position is on these  
20 points for implementation. That is probably  
21 something we get into the timing of this meeting  
22 that things will start happening with that. So I

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1 think that would be something that you probably  
2 want to have some discussion on.

3 The Science Committee, by the way, may  
4 want to hear the report that came out of the  
5 committee that the admiral set up to look at  
6 science within NOAA because it does affect  
7 fisheries. That may be an issue you would like  
8 to look at. I just got the letter from the  
9 Science Board to the admiral and one thing that  
10 really concerns me, and I didn't think it was  
11 coming out of this, that all the science ought to  
12 be the assistant administrator for research in  
13 the course of the admiral.

14 I don't know what that means totally,  
15 but what I thought they were talking about, and I  
16 thought they did not make the recommendation, was  
17 that all science would be under that person and  
18 they would determine what science was done. I  
19 really get concerned with fisheries when that  
20 happens because people don't really -- well,  
21 let's stop there. So I was a little surprised by  
22 that recommendation, but it may be that you

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1 wanted to hear that. That's just my input. And  
2 then I think as we move on a little bit and what  
3 Magnuson does and this type of thing, we'll have  
4 a better idea. It may be a little bit too early  
5 to really do the whole agenda for next time.

6 MS. BRYANT: What do you think about  
7 aquaculture versus marine protected resources?  
8 Michael, if you've got something to say on where  
9 you think protected resources and MMPA,  
10 reauthorization and some of those things.

11 MR. PAYNE: I assume I'll have a  
12 little bit of time at the end.

13 CO-CHAIR MR. OSTERBACK: Yeah. Okay,  
14 we've got Rod and then Vince.

15 MR. MOORE: Mr. Chairman, this is my  
16 last act here, committing everybody to doing  
17 something else. I would like to suggest that  
18 MAFAC consider at its next meeting and sort of  
19 pass it on down the line to future generations of  
20 MAFAC of maybe doing this once every three years,  
21 spend half a day, a day, heck, you're going to be  
22 in Hawaii, spend an extra day, looking at your

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1 current structure of MAFAC and deciding if what  
2 you have fits for where you see yourselves going  
3 in the next couple of years and make  
4 modifications to the structure as need be.

5 When we set stuff up in 1999 and I've  
6 used this analogy with a couple of people, it's  
7 kind of like a rebuilding plan. We had to rebuild  
8 MAFAC, so we wrote the rebuilding plan and we  
9 wrote it in such a way that MAFAC got rebuilt.  
10 Well, it's rebuilt now. Now you've got to look  
11 at your long-term management. What we did in  
12 1999 in terms of structure, in terms of function,  
13 in terms of how you want committees to work  
14 versus working groups, what committees you want  
15 to have, what the jurisdictions of those  
16 committees are. Those are things that worked  
17 great in 1999. They've been modified slightly  
18 since then. You may want to look at it,  
19 especially in the context of the ocean report  
20 coming out.

21 As Bill says, there's a lot of stuff  
22 there that you're going to have to be dealing

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1 with. You may want to spend some time just  
2 talking among yourselves. I would not suggest  
3 getting an expensive fancy outside facilitator.  
4 We tried that in 1999. After a day and a half we  
5 told him to shut up and get out of the room and  
6 we did it ourselves. Although maybe you want to  
7 pull somebody in from outside to sort of mediate  
8 the fights, whatever, but you ought to spend a  
9 day doing that and you ought to sort of pass that  
10 wisdom on to the next generation.

11 MS. BRYANT: On that note also I'd  
12 note that we're going to have a fairly large  
13 class that we'll be rolling out. They're going  
14 to be reaching the end of their second term next  
15 September. Not this coming one, but the  
16 September after September 2005. So just kind of  
17 a view of that institutional brain drain. In the  
18 interest of kind of providing continuity and  
19 consistency and with Bill's, all his efforts  
20 initiated, it is something to kind of consider if  
21 we want it to continue to function.

22 MR. KENT: Can I ask a question? We

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1 have four people that are rotating off. Do we  
2 have four that are coming on at the next meeting?

3 CO-CHAIR MR. OSTERBACK: Yes.

4 MR. KENT: What is the proportion?  
5 When we came on, I think there was 12 of us or 16  
6 of us that came on. Do you need to shorten some  
7 of us or lengthen some of us or what?

8 MS. BRYANT: We have attempted to do  
9 that and I think that's something I'll be talking  
10 with the doctor about. If we do need to, we may  
11 need to try to stagger it, but I don't think you  
12 can do that in any other period of time unless we  
13 do it during the charter. But we did stagger it  
14 at one point and we were able to keep the four  
15 chairs and those are the four people going off.  
16 At one point, it was like all 18 people. It was  
17 really bad. So now we kind of have you in two  
18 big chunks.

19 MR. DiLERNIA: A question, Mr.  
20 Chairman. I was looking at the charter. I was  
21 trying to determine when it expires and it seems  
22 like.....



1 MS. BRYANT: We just renewed it. It  
2 will expire.....

3 MR. DiLERNIA: It was signed March 14,  
4 2002.

5 MS. BRYANT: That's not the one that's  
6 up on the Web. The one on the Web, Tony. It has  
7 been renewed and it doesn't expire until 2006.  
8 It's every two years.

9 MR. DiLERNIA: Okay, because what I've  
10 got here is dated March 14, 2002.

11 CO-CHAIR MR. OSTERBACK: Vince and  
12 then Ralph.

13 MR. O'SHEA: Thank you. Just sort of  
14 as a process thing here. It seems to me that  
15 advice is most effective when it's asked for. I  
16 like Rod's idea, but I think the other thing that  
17 we might consider building in this process is  
18 having from Bill what he thinks his priorities  
19 are and what his concerns are so that we have  
20 that as sort of a signal to set our agenda of  
21 what kind of things we're looking at. We may  
22 find things that we're really fascinated with,

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1 but if it doesn't line up with what's on his  
2 radar screen and what's confronting him, I'm just  
3 not sure if this group is serving as much use as  
4 it could be.

5 CO-CHAIR DR. HOGARTH: I think there's  
6 plenty of time before that meeting we could  
7 discuss it. If you all have something in  
8 particular you want, let us know. We need to see  
9 the lay of the land a little bit first, I think,  
10 as to what issues may come out and what may be  
11 some of the agenda items. The Ocean Commission I  
12 know is something that would need to be on that.  
13 There's no doubt about it. Internally, we'll be  
14 looking at some things.

15 I said this morning I think the five-  
16 year plan is something that I've restructured and  
17 they're working on it very hard. That's probably  
18 something we would want you to look at. I think  
19 some of the report structure is something we  
20 should take a look at and all these reports put  
21 together.

22 CO-CHAIR MR. OSTERBACK: Okay. Ralph.

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1                   MR. RAYBURN: I think just more of a  
2 basic question on the next meeting. I have it  
3 down on my calendar for the week of January the  
4 10th. Is that still the situation? I heard  
5 something about having to change that.

6                   MS. BRYANT: That's what Gloria has  
7 marked out.

8                   CO-CHAIR DR. HOGARTH: My calendar is  
9 pretty free then. It's up to you all. I know  
10 there's an important meeting that a lot of people  
11 would not be able to come that week.

12                   MS. BRYANT: No, it's the next week.

13                   MR. KENT: The World Aquaculture  
14 meeting is the 17th.

15                   MS. BRYANT: So this should still  
16 work.

17                   MR. KENT: So the 10th should work  
18 fine for any of us that are interested in that  
19 other meeting.

20                   MR. RAYBURN: I just wanted to make  
21 sure.

22                   MR. KENT: Do we have a venue?

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1 MS. BRYANT: We currently have it for  
2 the week of the 10th with meeting on the 11th,  
3 12th and 13th. I do not have a location yet, but  
4 we've got the name of one.

5 MR. KENT: I mean part of the country?

6 CO-CHAIR MR. OSTERBACK: Hawaii.

7 MR. KENT: We're going to Hawaii? Can  
8 I make a suggestion then as far as items we may  
9 want to look at?

10 CO-CHAIR MR. OSTERBACK: Did you go  
11 from I'm going to be available on the 10th to  
12 you're going to participate in what's going on  
13 the agenda? I'll put you on the list. Jim.  
14 I've got like three ahead of you.

15 MR. KENT: Okay. I'm sorry.

16 MR. GILMORE: At the risk of usurping  
17 some of Don's list, one thing I was going to put  
18 on the list was we might want to, if the members  
19 are interested, just alert Senator Inouye to the  
20 fact that we will be there and be sure he and his  
21 staff are aware and invited since he'll be either  
22 the chairman of the Commerce Committee or the

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1 ranking democrat.

2 MS. BRYANT: And I'll be working a lot  
3 with Kitty Simon and her staff.

4 CO-CHAIR MR. OSTERBACK: Peter.

5 MR. LEIPZIG: I appreciate Vince's  
6 comment about advice is probably best used when  
7 it's been asked for, but there's probably other  
8 times when problems arise and maybe it's good to  
9 give advice the other way as well. I talked a  
10 little bit with Laurel about this already and I'm  
11 not suggesting it necessarily for this coming  
12 agenda as an item, but I've been having some  
13 discussions with law enforcement folks on the  
14 west coast, particularly with the state agencies,  
15 and they have problems and issues with  
16 interacting with federal agencies, be it with  
17 NMFS or the Coast Guard.

18 I would think that it would be an  
19 appropriate topic for MAFAC to have some  
20 discussion, perhaps closed door discussion with  
21 them about what those types of concerns are so  
22 that we can formulate some recommendations to the

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1 agency to help facilitate their interaction with  
2 each other because effective law enforcement is  
3 so critical to fisheries management and to make  
4 it effective we can't have problems arising  
5 between these various agencies. So I just throw  
6 it out there. At some point I think that would  
7 be an appropriate topic.

8 CO-CHAIR MR. OSTERBACK: I've got an  
9 idea. Like I said, there's a couple more  
10 meetings and then you're going to have a whole  
11 new group again. I think when I first got on  
12 here we had enforcement and then come and give a  
13 long presentation, which there was lots of new  
14 members then. That was good for us, I think.  
15 Did you have something?

16 MS. BRYANT: I was going to say, I  
17 didn't know if you were talking about Hawaii, but  
18 I guess you're talking at a future point and I  
19 was curious to know if at all it would be good to  
20 even kind of work with the councils on that and  
21 kind of involve them.

22 MR. LEIPZIG: I don't know that

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1 involving the councils per se is really that  
2 critical. The council in our case, and I'm  
3 assuming that if it's occurring in the Pacific  
4 probably similar problems may be occurring with  
5 other states and other regions, but the Pacific  
6 Council certainly has an enforcement consultants  
7 group that would be a good body to perhaps make a  
8 presentation or express their concerns because it  
9 represents the three coastal states of the  
10 Pacific as well as the Coast Guard and NMFS.

11 CO-CHAIR DR. HOGARTH: Let me just  
12 address that. It may be better to wait. I've  
13 told Dale Jones to bring in all of the state or  
14 we go there, just a meeting with all the state  
15 law enforcement agencies and that is supposed to  
16 be being set up right now, so it would be good to  
17 get the results from that and then we could see  
18 what that -- but that is going to happen pretty  
19 shortly. We have enjoyed enforcement agreements  
20 with most states except North Carolina and  
21 Hawaii. But get their leadership together so we  
22 can talk about enforcement and the Coast Guard

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1 will be coming to that meeting and there will be  
2 a discussion of relationships.

3 MR. LEIPZIG: Sure. Some of their  
4 issues have to do with just communication and  
5 sharing of information and data.

6 CO-CHAIR DR. HOGARTH: It may be that  
7 if you got some of these that you could give them  
8 to me and I could make sure that they're put on  
9 that agenda too. So that would be a way to start  
10 that process and then get feedback after that  
11 meeting takes place. So if any of you have any  
12 topics, I'll make sure Dale addresses them.

13 CO-CHAIR MR. OSTERBACK: Dick.

14 MR. GUTTING: I just wanted to take  
15 this opportunity to say that I thought your  
16 staff, Bill, did a terrific job at this meeting.

17 I subscribe 100 percent to what Vince said about  
18 the importance of having someone seek your advice  
19 and it certainly applies to the overall agenda,  
20 but it also applies to the kind of presentations  
21 that are made.

22 Thinking about how Jack Dunnigan put

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1 up some questions and I got the sense as a  
2 committee member he was putting up questions that  
3 he was wrestling with and wanted our input. It  
4 sounds very simple, but let me tell you as an  
5 old-timer that that has not been the case always.

6 We've had a lot of time spent conveying  
7 important information, but it's the questions  
8 that really count and there were a lot of  
9 questions at this meeting. So I really strongly  
10 encourage you that when you get your agenda you  
11 try to focus your presentations around questions  
12 that are on your mind that are timely, that the  
13 members can give you input. I'm very encouraged  
14 with the direction of this committee, you know,  
15 just looking at it over the last couple of years.

16 I think you're really moving in the right  
17 direction. But it all comes down to bringing  
18 some focus and asking real questions and getting  
19 input.

20 Just another sort of comment. When I  
21 was with my trade association, National Fisheries  
22 Institute, we had regional meetings and we always

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1 had difficulty trying to get discussion going.  
2 Everyone here sees the agency from a different  
3 perspective and we all interact on a daily basis  
4 and have certain thoughts and views. I know we  
5 shared them with Bill in the hall, you know,  
6 where we think he's screwing up. Not he  
7 personally, but the agency may be going off in  
8 the wrong direction or the right direction or  
9 perhaps there's a need. Those hallway  
10 conversations are always going to take place and  
11 in many respects they're the most valuable part  
12 of being a member of MAFAC.

13 I get the sense sometimes it might be  
14 useful to have those kinds of discussions out in  
15 the open so that we can all hear because what may  
16 be going on in one region may or may not be of  
17 interest to others. What I see in Washington  
18 D.C. at the congressional level and the  
19 international level you all may not be seeing at  
20 the region. But having some kind of a feedback  
21 mechanism, I don't know how to do it because it  
22 shouldn't be a gripe session. This could very

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1 easily turn into a very destructive, negative  
2 thing. But somehow to get feedback from the  
3 committee on basic -- not so much concerns, but  
4 observations and comments about the overall  
5 direction of things somehow on a regular basis  
6 could be, if done right, very useful. But, Bill,  
7 I think your staff did just a terrific job at  
8 this meeting.

9 CO-CHAIR DR. HOGARTH: Me, too.  
10 Thanks.

11 CO-CHAIR MR. OSTERBACK: Larry.

12 MR. SIMPSON: Thank you, Mr. Chairman.  
13 Just since Pete made his comment about law  
14 enforcement, with a few exceptions, I think a lot  
15 of good things are happening as far as  
16 coordination in the gulf and we'd be happy to  
17 share those. It's a good picture,  
18 communications-wise, training-wise, field  
19 operations-wise, strategic plan-wise, cooperative  
20 agreement-wise. We're doing some things in the  
21 gulf that have proven very valuable and I think  
22 it's helped us, state, federal and Coast Guard.

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1 So whenever that comes about with the gulf, we'd  
2 be happy to contribute in that regard.

3 The only other point I had, Mr.  
4 Chairman, was an agenda item. January, most of  
5 the dust is settled and I think a report, not a  
6 discussion of, but a report on budget, a report  
7 on appropriations for the past year and look  
8 forward for the next year. It would be an  
9 opportune time.

10 CO-CHAIR DR. HOGARTH: We've got  
11 another very sensitive issue that at that time  
12 I'd like to bring forward and Ralph is helping me  
13 with quite a bit is the shrimp industry in the US  
14 is really going down the tubes and it's very  
15 difficult to deal with the issue. It's an old,  
16 established, very hard-nosed industry and now  
17 we're in the middle of the dumping suit versus  
18 the fishery and what could be done to help that  
19 fishery.

20 We have done some things at the  
21 request of the industry. We're going to try to  
22 put that out around August 23rd, just a

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1 discussion paper. I know the Gulf Council is  
2 looking at shrimp. So we may want to bring that  
3 forward.

4 MR. SIMPSON: It could be some  
5 significant changes and it could be some not so  
6 significant, but I'd like to see someone pull all  
7 that together and that time frame in January  
8 might be a good time frame to talk about what  
9 happened with the money.

10 CO-CHAIR DR. HOGARTH: We can do it.

11 CO-CHAIR MR. OSTERBACK: Okay. Don  
12 and Tony.

13 MR. KENT: I just want to say if we're  
14 going to be in Hawaii and there was the interest  
15 on the part of the committee, there is some  
16 opportunities there for actually viewing some  
17 interesting aquaculture operations if we were on  
18 the main island, a trip over to the Oceanic  
19 Institute would let people see some new culture  
20 technologies. There is an offshore cage system  
21 off Oahu. There's also on the Kona coast the  
22 natural energy laboratory that has interesting

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1 culture projects. They are permitting and  
2 installing a tuna cage off that coast, so there  
3 might be an opportunity for folks to gain some  
4 firsthand experience with that sort of  
5 technology.

6 CO-CHAIR DR. HOGARTH: There's a new  
7 fishery complex that has been built. It's a  
8 state of the art auction. By then we will have a  
9 site selected that we're trying to build a NOAA  
10 facility that will bring all the NOAA facilities  
11 together. All the weather service and  
12 sanctuaries and regional offices and a science  
13 center. Hawaii and the Pacific Islands has a  
14 pretty exciting future right now. There's a lot  
15 of things being done there.

16 CO-CHAIR MR. OSTERBACK: Tony.

17 MR. DiLERNIA: Thank you. Don sort of  
18 anticipated my question. If we are going to  
19 Hawaii, I was wondering what we could see in the  
20 way of those facilities and he did a great job of  
21 naming a few that I think would be very helpful  
22 for us. I, for one, would like to see them.

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1 CO-CHAIR DR. HOGARTH: I think we can  
2 arrange one day for the meeting. They have a  
3 facility to meet at the Oceanic Institute and you  
4 get a tour.

5 MR. DiLERNIA: That's in Honolulu?

6 MR. KENT: It's outside, about a 40-  
7 minute drive.

8 MR. DiLERNIA: But to build on Ralph's  
9 question regarding the date, that's the date  
10 that's been set. Now the location though would  
11 be Honolulu then or we don't know that for sure  
12 yet?

13 MS. BRYANT: At least my discussions  
14 with Kitty so far, that's where it will be. It  
15 will be in Honolulu.

16 CO-CHAIR MR. OSTERBACK: Do we want to  
17 do anything about the next meeting, August?

18 MS. BRYANT: Once I get everybody's  
19 electronic presentations, I'll get those on the  
20 members area site. Also, Joe has been kind  
21 enough -- what I'm going to start trying to do is  
22 have the transcripts burned on CD's and I'm going

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1 to start posting them on the site so members can  
2 get it there and it will certainly be helpful for  
3 me trying to get the summary done or the minutes  
4 and then getting it out to you guys and then you  
5 can immediately go there and check on things. So  
6 I'm hoping that we can continually improve on  
7 that process and I'll send you an e-mail. Thank  
8 you, Mr. Chairman. That's it.

9 CO-CHAIR MR. OSTERBACK: One other  
10 thing since we started this thing of looking two  
11 meetings ahead, right now we're kind of looking  
12 at doing the August meeting in Seattle. If  
13 anybody has problems with that, talk to Laurel.

14 MR. MOORE: Why do you have to do it  
15 in August?

16 MS. BRYANT: Well, at this point, one  
17 of the best business things too, and perhaps  
18 we'll have a new administrator, Rod, I don't  
19 know, but Bill has suggested that he definitely  
20 likes this time of year because Congress is out  
21 and then January because Congress is also out and  
22 that makes it much easier for the administrator.

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1 CO-CHAIR MR. OSTERBACK: If you guys  
2 don't mind, we'll just continue on. We've got  
3 one more agenda item.

4 MR. LEIPZIG: Mr. Chairman, in terms  
5 of the August meeting, as an alternative, it's  
6 much cooler in San Francisco in August than it is  
7 in Seattle. Throw it out for reaction.

8 CO-CHAIR MR. OSTERBACK: As an  
9 alternative?

10 MS. BRYANT: Put Seattle or San  
11 Francisco?

12 CO-CHAIR DR. HOGARTH: You're getting  
13 ready to go to Michael Payne and protected  
14 resources and this is my fault as much as anybody  
15 else. Laurie Allen, who is head of PR, would say  
16 very clearly today that she says most things in  
17 PR it's the afterthought. We've finished  
18 everything else and we bring protected resources  
19 in now to talk to us. That's one of the things  
20 PR deals with most of the time in fisheries and  
21 all, is that it is an afterthought. They are  
22 probably under the most strict mandates of

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1 anything we have in the agency with the Marine  
2 Mammal Protection Act and Endangered Species Act,  
3 which are both extremely tough.

4 Laurie and the new team that she's put  
5 together are turning that group around. So it's  
6 probably an issue that should be on the agenda in  
7 January because she is doing a lot of things with  
8 the jeopardy standard and listing and de-listing  
9 and things like that. So Michael will talk to  
10 you in a minute, but it is an important issue and  
11 getting probably more important each day with  
12 it's impact on commercial fisheries, but also in  
13 several instances it's impacted recreation.

14 MR. PAYNE: Thank you, Bill. I did  
15 have a PowerPoint presentation, but I think it  
16 went the way of the computer. However, after  
17 being here for the last three days, I probably  
18 would deviate from it quite a bit. I actually  
19 had more questions to ask you than I probably  
20 have solutions for you.

21 MS. BRYANT: They do have your  
22 PowerPoint.

1           MR. PAYNE:   The PowerPoint is behind  
2           Tab 12 if you want to follow along.  Before I get  
3           to that, I do have some other stuff.  Many of you  
4           don't know me.  I'm Mike Payne.  I've been with  
5           the agency since about 1990.  I came into  
6           protected resources initially right around the  
7           time that the 1988 amendment started what was  
8           referred to as the Fish Fix.  We did do the  
9           reauthorization in 1994 and since then most of my  
10          activities with the agency has been having to do  
11          with fishery interactions and marine mammals for  
12          the most part.

13                 Right now I am the division chief for  
14          the marine mammal and sea turtle division.  
15          Historically, it was marine mammals only and  
16          primarily dealt with the MMPA.  I was the  
17          division chief for four years.  I then went to  
18          the Alaska region and worked under Jim for the  
19          last five years and I've recently gone back to  
20          headquarters to work under Laurie.

21                 Right now we've kind of realigned the  
22          Office of Protected Resources and I now have

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1 seabirds, turtles and marine mammals in my  
2 division. So I think I pretty much deal with  
3 anything that involves commercial fishing. So  
4 any regulations or anything that we do will go  
5 through me at some point in the process.

6 Having said that, I tried to think  
7 about the history of what I had done with the  
8 agency. I don't think I had ever come to MAFAC  
9 for advice. Listening to you guys over the last  
10 two days -- there might be one exception to that.

11 I think in 1997 we did a report on pinapeds and  
12 endangered salmon and how to deal with nuisance  
13 pinapeds in the northwest. This is the third  
14 time I've been involved with MAFAC and I think I  
15 might have talked about that the last time, which  
16 was about six years ago. So our office as a  
17 whole has not sought your advice. At the same  
18 time, I don't know that it's been something  
19 that's really been of interest to you other than  
20 the comments that I've heard in the past.

21 I will go through my presentation, I  
22 promise, but I really think as a committee you

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1 ought to ask yourself what's next. How do you  
2 want to become involved in protected resources  
3 issues. I would have a lot of problems with this  
4 group doing it, but at the same time I would be  
5 happy to be involved with this group. I don't  
6 know whether Laurie would assign me, but she  
7 really likes to be involved in these discussions  
8 as well, so she might do it.

9 Over the last two days a number of  
10 topics that I didn't even talk about in my  
11 PowerPoint you've talked about that probably  
12 would be something that you would like to take up  
13 in the context of protected resources as well.

14 Best available data. These are things  
15 that we have arguments about internally even.  
16 Under the MMPA, best available data may be a  
17 little bit different than what we use under the  
18 ESA. They do use different data and how that  
19 data is used does affect commercial fishing.  
20 There's no doubt about it.

21 Right now, and I didn't hear it  
22 discussed yesterday, there is an administration

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1 bill that probably won't get through until after  
2 the election to reauthorize the MMPA that has in  
3 it -- well, I'll go over this, but part of the  
4 MMPA characterizes all commercial fishing into  
5 different categories depending upon their take of  
6 marine mammals. The administration bill will add  
7 recreational fishing to that list. That wasn't  
8 discussed in your discussion of recreational  
9 fishing. I don't know how many people know that.

10 So rec fishing will become very involved in the  
11 MMPA if the current bill goes through in the next  
12 administration.

13 Increasing pinapeds has been an issue  
14 forever. The MMPA and the ESA deal very well  
15 with declining stocks, endangered and threatened  
16 species, but it really doesn't tell us what to do  
17 when pinapeds become nuisance in some people's  
18 opinion to their industry and their livelihoods.

19 I know that Dr. Hogarth has considered pulling  
20 together a committee several times to address  
21 this issue and for one reason or another we just  
22 haven't been able to get to it in the last 12

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1 months, but I know that six months ago I was  
2 asked to go talk to some people about this very  
3 subject and other things have gotten in the way.

4 So if it happens, it won't happen until after  
5 the election. It's a very controversial topic.

6 Whether you like it or not, he serves  
7 two constituent bases. The largest issues for  
8 the agency are fishing, but in all honesty, it's  
9 probably the smallest constituent base that we  
10 have. The two environmental statutes, ESA and  
11 MMPA, are nationwide and I think if he could  
12 authorize the lethal take of a pinaped today, I  
13 doubt if he would be able to do it before he  
14 signed his ink on the federal register notice.  
15 Other constituents would step in. Congress would  
16 step in. So it's a conflict that's built into  
17 the management of commercial fishing and  
18 protected species. It's just there.

19 But we need to address it somehow.  
20 The only place where it's really a huge issue is  
21 in southern California and the western United  
22 States. Seals are an issue in New England, but

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1 not to the extent they are in southern  
2 California. We know that.

3 CO-CHAIR DR. HOGARTH: Let me  
4 interject here. I have really considered that  
5 and I've looked at many ways to do it, but it is  
6 not politically from politics, but from the  
7 American public it's suicide. I've been trying  
8 managing recovered species. It is very much a  
9 controversial issue. If you talk to the American  
10 public, 70 to 80 percent says you should not kill  
11 any marine mammals. I'm concerned with how do  
12 you do ecosystem-based management if you don't  
13 manage the ecosystem, which are your top  
14 predators. It's an issue and how we deal with  
15 it, I don't know.

16 MR. PAYNE: Okay. Cut in any time you  
17 want to, Bill. The other topic, and he just  
18 brought it up, but it's the next thing on my  
19 list, is the idea of ecosystem management under  
20 the MMPA.

21 Well, I have a little different perspective. I  
22 don't believe that the MMPA necessarily is a good

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1 model for ecosystem management. I don't believe  
2 single-specie fishery management plans are  
3 either. So I think there's problems in both  
4 statutes, but that doesn't make a solution for  
5 either one.

6 He is correct. When you don't remove  
7 the top predator, when it becomes a nuisance,  
8 that becomes an issue for ecosystem management,  
9 but there's a part of me -- and I don't want to  
10 get into this discussion. I think we could take  
11 the next three hours and I know everybody wants  
12 to go home. But that is something you might want  
13 to take up. It's one of those rabbit trails as  
14 some people call them. It's a lot of discussion  
15 without a lot of solution. But, nonetheless,  
16 MMPA and ecosystem management -- how do I want to  
17 say this. We do manage in terms of an ecosystem  
18 management but within the framework of the  
19 statutes. The statutes do not allow you to kill  
20 mammals directly. So that's kind of an oxymoron.

21 Bycatch. You talked about bycatch.  
22 Right now we're developing a national bycatch

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1 plan. We also have regulations within the  
2 statute that require that we monitor bycatch for  
3 marine mammals. Historically, we've done it  
4 separately. Fisheries have their bycatch  
5 programs, the MMPA, the Office of Protected  
6 Resource has a fund through Congress, MMPA  
7 directed observer programs. We're trying to do  
8 that as a national observer program now. We're  
9 working with our national program at  
10 headquarters, but that certainly is something you  
11 guys might be interested in.

12 Somebody mentioned gear tech transfer.

13 I'll get to that in a second, especially with  
14 the longline issues and sea turtles. That's  
15 certainly an issue.

16 Outreach. You had a list up there --  
17 I don't remember your name, I'm sorry. You had a  
18 list up there of documents you would like to  
19 review. One that we do every year which has all  
20 this information in it that most people don't  
21 read are the marine mammal stock assessment  
22 reports. We're required to do them. They

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1 outline our best information on status, RMAC's,  
2 current trends, PBR calculations, total human  
3 removals and how many total allowable to take  
4 basically under the MMPA. We get a lot of  
5 criticism on them because again the information  
6 that goes into those documents we call the best  
7 available data. Some people have exceptions to  
8 that.

9 So those are things that have been  
10 talked about here that aren't on this  
11 presentation, so I know that we can't really get  
12 into a discussion of protected resources here, so  
13 I'll take you to what I think we really should  
14 talk about and that is what's next. How do we  
15 give information to MAFAC or does MAFAC want  
16 information.

17 Looking at the structure of this  
18 committee, and don't take this wrong, please, I  
19 don't know if MAFAC is set up to handle protected  
20 resources issues. I know all of you deal with  
21 them. Some of you are actually experts from a  
22 legal perspective or otherwise on the MMPA and

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1       ESA, but I also know that several of the  
2       commissions, I don't know about the gulf, but I  
3       know the Atlantic and the Pacific have protected  
4       species staff. You might want to take this up as  
5       a MAFAC issue.       When you think about  
6       restructuring your organization, have a protected  
7       species person on here that can kind of counter  
8       the argument that the only good pet is a dead  
9       one. I mean that's an argument. That's one side  
10      of the coin, but there is another side. You  
11      can't do that. You need somebody here to kind of  
12      balance those arguments when you go into  
13      discussion.

14                I wish like hell we would have had a  
15      subcommittee this morning on protected species  
16      because then we could have sat down and figured  
17      out a lot of the questions that I'm asking you  
18      now. Do you want to deal with protected species?

19      If so, how? Do you want to be involved at a  
20      subcommittee level? That would bring issues to  
21      you from my office that you could comment on. If  
22      Laurie tasks me with being your protected species

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1 rep to this committee for the last five years in  
2 front of the North Pacific Council every meeting  
3 we had a protected species session. Sometimes  
4 the entire council meeting was taken up with  
5 protected species for sea lions. But even when  
6 sea lions quieted down, I don't think I ever  
7 missed a meeting where I didn't have a two or  
8 three-hour presentation on issues that might  
9 affect the council in the next six months to a  
10 year. Things like that. So they could be  
11 looking forward or ahead on what they wanted in  
12 their next meeting. So that's something you  
13 might think about.

14 And then, again, what is the role of  
15 MAFAC. You only meet twice a year. Our rules  
16 and regulations usually take a year to get  
17 through, but even now we have a very transparent  
18 -- somebody mentioned that word. It is pretty  
19 transparent. It didn't use to be, but it is now.

20 We have a pretty transparent process. I don't  
21 think we implement any federal regulation that  
22 doesn't go through the council. It originates at

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1 a region usually. We don't do any re-mammal  
2 regulations anymore that don't go through a take  
3 reduction team process or something like it.  
4 Even though MAFAC isn't on those teams, certainly  
5 state reps, commission reps, fishermen,  
6 environmental groups are.

7 So it is a very public process.  
8 Before we draft the reg we try to bring all the  
9 information together and have people at least  
10 have a discussion. It doesn't mean we're going  
11 to agree at the end, but we at least try to have  
12 that discussion.

13 Now, with that, I will go briefly --  
14 that's not a sermon. I would like to be involved  
15 with MAFAC. I think Laurie would like to be  
16 involved with MAFAC. Right now I don't know how.

17 I don't know at what level you want us here. I  
18 don't know how we could bring information to you  
19 that you could comment on. If there's a way to  
20 do it, we'll do it. We'll make it happen.

21 If you go through my PowerPoint, what  
22 I was going to tell you before I went off on that

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1 little soapbox, there are four or five things  
2 that we do right now. I thought I was supposed  
3 to give you a list of current issues. That's  
4 kind of what I did, but the issues change every  
5 six months, so you would get a different list.

6 Gear technology, the first graphic.  
7 The second one kind of tells you what the next  
8 four are. I was going to talk a little bit about  
9 gear technology and development, fishery  
10 interaction issues, which are primarily Section  
11 118 of the MMPA and ESA with regard to turtles  
12 primarily, regulatory streamlining, which is a  
13 concept, policy almost, within our agency whereby  
14 all consultations done on any fishery management  
15 action goes through this process where we try to  
16 be up front. We combine the ESA and NEPA in the  
17 context of a Magnuson Act, Fishery Management  
18 Council framework.

19 ESA section consultations are still  
20 our biggest tool. There's no doubt about it.  
21 When it comes to a listed species, everything  
22 requires a consultation and sometimes that's

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1 where the rubber meets the road and that's where  
2 the friction meets the road sometimes as well.  
3 We try to minimize that, but it happens. And  
4 then research permitting, which some people call  
5 the bane of everything because whatever federal  
6 action we authorize requires a permit.

7 The office has changed quite a bit in  
8 the last four years. Ideally, we would like to  
9 reduce mortality to listed species and marine  
10 mammals. Sometimes it becomes a reality that you  
11 can't do that, so we've shifted our thinking  
12 somewhat to reducing -- not reducing  
13 interactions, but reducing mortality from  
14 interactions. That is we're trying to rely more  
15 on gear technology.

16 A good example is the right whale take  
17 reduction team and everything the New England  
18 region is doing to try to minimize the mortality  
19 of northern right whales by commercial fishing  
20 gear in that area. It's a thankless task. It's  
21 much like leatherbacks in the western Pacific. A  
22 leatherback take, a right whale take can occur at

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1 any time throughout the species' range any day of  
2 the year, almost any location. It's not  
3 something that's isolated with a pulse, so it's a  
4 very difficult thing to do. So rather than  
5 trying to minimize that one mortality, we're  
6 trying to use gear technology to minimize  
7 mortality from that one interaction.

8 A lot of information has gone into sea  
9 turtle technology in the last couple years and  
10 some of that is beginning to bear fruit. How you  
11 transfer that information to other longline  
12 fisheries I think is very important and probably  
13 going to be the backbone of a lot of the turtle  
14 recovery work in the next couple of years.

15 The thing that I am probably most  
16 familiar with, although I'm beginning to learn a  
17 little bit about turtles, is the MMPA and Section  
18 118 which set up the current way to manage marine  
19 mammals under the MMPA. PBR came around in 1994  
20 and those calculations and everything that comes  
21 from the 1994 amendments to the MMPA are  
22 basically the backbone of what we do now. Take

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1 reduction planning is at the core of that.

2 We work with people to try to reduce  
3 mortality, injury, serious injury in those  
4 fisheries that take marine mammals above a  
5 certain level. If the commercial fishery takes  
6 marine mammals at a level that's considered  
7 negligible, we don't even bother with it. If it  
8 takes marine mammals at a level that is less than  
9 50 percent of PBR, we're required to do a take  
10 reduction team with discretion and we try to look  
11 into ways to permit those people involved in that  
12 fishing so they can keep track of mortality. But  
13 basically since 1994 we've only interacted in a  
14 big way, we've only developed take reduction  
15 teams for those commercial fishing whose bycatch  
16 of marine mammals exceed PBR.

17 We've had five TRT's since 1994.  
18 We're getting ready to do two more as a result of  
19 a court order -- actually, a settlement. We  
20 don't do them lightly. They're very expensive,  
21 but they do result in a lot of information  
22 transfer between the industry fishermen and

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1 protected resources, so they're a useful tool.

2           So that's kind of what we've done and  
3 we'll continue to do it as long as there's a  
4 need, but, to be honest, we're down to a point  
5 where almost 90 percent of the commercial  
6 fisheries -- we just did a report to Congress on  
7 this -- are at a level where I doubt we can do  
8 anything to minimize bycatch. Which has some of  
9 our other constituents very upset because there  
10 is a ZMRG goal in the MMPA, also very  
11 controversial because people have different ideas  
12 about what that should be. But, in reality, the  
13 agency just chose to stay with the goal that  
14 we've had or the definition of that goal that  
15 we've been using since 1994 and it won't change  
16 too much.

17           The fisheries that are currently under  
18 take reduction team review will stay under it  
19 until we get bycatch to a level where they don't  
20 need to anymore. Between 85 and 90 percent of  
21 commercial fishing in the United States is at a  
22 level that is considered acceptable or probably

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1 won't come under any further protective measures.

2 Regulatory streamlining is something I  
3 think -- I don't know who coined the term. It  
4 was either Rebecca or Bill. But it came about  
5 largely as a result of two or three serious  
6 interactions between protected species and  
7 commercial fishing about 1999. At that time  
8 Stellar sea lions and the groundfish fish in  
9 Alaska was considered the number one problem in  
10 the agency. The Hawaii longline issue and  
11 leatherback turtles was if not number one a very  
12 close number two. I forget the third fishery  
13 that was involved in that, but I think it was a  
14 west coast fishery.

15 Built into everything we do now with  
16 commercial fishing we try to do it up front. It  
17 doesn't mean we skirt around the edges. It just  
18 means we work twice as hard in the beginning and  
19 hope the tail end works out because of it. We  
20 try to have a draft consultation completed prior  
21 to the draft environmental assessment which is  
22 required for the action to go forward. That

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1 draft consultation doesn't have to be a full-  
2 blown ESA document. It's basically a thumbs up  
3 or thumbs down with regards to whether the  
4 alternatives in the EEA will result in jeopardy  
5 or not. A final biological opinion if necessary  
6 is required at the time the rule goes final.

7 But it's pretty successful. It's been  
8 used to mitigate a lot of thorny issues and the  
9 most difficult situations that we've had with  
10 fishing. Usually when we have an issue where a  
11 commercial fishery is getting ready to think  
12 about going forward and we know it's going to  
13 result in jeopardy, Bill and/or Laurie sends out  
14 two or three people to wherever we go, Honolulu,  
15 Alaska or wherever. We sit down for two or three  
16 weeks in a room and we try to work something out  
17 so it doesn't end up in a train wreck. So far  
18 we've been pretty lucky. I guess the last two or  
19 three years we haven't had a train wreck. In  
20 2000 we did, but we all learned a little bit from  
21 the sea lion issue.

22 The last thing I was going to talk

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1 about is research permitting. Most people really  
2 do not like -- I don't know how much of you are  
3 involved with research permitting, but there is a  
4 lot of research on gear mitigation, gear  
5 technology. That requires permits. Sometimes  
6 those permits take up to a year, which causes our  
7 constituents heartburn. There's a couple  
8 problems with this. It isn't really the MMPA  
9 that causes that. All of those authorizations  
10 require NEPA, they require consultation. That's  
11 usually where the bottleneck is. We're getting  
12 better at doing programmatic environmental  
13 assessments, programmatic opinions, such that in  
14 the future we hope the process will be shorter so  
15 that people can get their research, get out there  
16 and do good things for protected resources.

17 It's taken a long time in the past,  
18 but I think we're getting caught up. The guy who  
19 took over that position, Steve Leathery, took  
20 over that position when he was in a big hole and  
21 it's taken him a couple years to get back to  
22 ground level and I think he's beginning to see

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1 above ground now. So good things are happening,  
2 but it just takes a while.

3 The other big initiative we've had  
4 which is interagency is something called Splash.

5 It's a humpback whale assessment in the North  
6 Pacific. It involves several agencies, several  
7 NOAA offices, a lot of state agencies, a lot of  
8 researches, four countries. They just completed  
9 all those permits in a really timely manner to  
10 get that research out the door.

11 I think we're getting better. Largely  
12 because of Bill and Rebecca we actually have  
13 worked with fishing industry, commercial  
14 fishermen and the councils a lot more in the last  
15 four years than we ever did before that. I think  
16 that's the way of the agency in the future. I'm  
17 not going to say we're here to help because I  
18 think most of you wishes we were not here at all,  
19 but we are here and we're here to stay. How we  
20 work together in the future I think a large part  
21 depends on kind of how you want to work together.

22 I think we're open to trying to do anything you

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1 would find useful.

2 I don't think we need MAFAC. The  
3 office doesn't need MAFAC. We have a lot of  
4 constituents who review our documents. We're  
5 probably the most scrutinized office in the  
6 agency. Even though people complain about our  
7 data, any time we go forward with a regulation  
8 I'll take that data up against any fishery data  
9 we have. If we don't have data that good, we  
10 don't go forward. We aren't allowed to. Having  
11 said that we don't need MAFAC, I know damn well  
12 we're not going to turn you away. We would like  
13 to work with you if there's a way that you think  
14 we can. We'll bring anything to you. We don't  
15 write too many documents. We write a lot of  
16 regs. The fact that you meet only every six  
17 months, I don't know how you interact in between  
18 your meetings or if you do. Do you want to  
19 review our regs? I don't think you need to. If  
20 you want to review our policies, we do one or two  
21 a year. We'd be happy to review them through  
22 you. Just tell us how and we'll try to make it

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1       happen.

2                   So, with that, Mr. Chairman, I hope  
3       that was okay. I'm willing to take comments or  
4       questions or leave it up to you and the committee  
5       to discuss whether you want us on the agenda in  
6       Hawaii. If you do, I think it should be a  
7       discussion, if you'll allow me one more second,  
8       of how we work together in the future rather than  
9       just bringing forward a bunch of issues to throw  
10      at you. If you do want to work together in  
11      Hawaii, we'll make it happen.

12                   So that's it for right now. Thank you  
13      for your time. It's been a long meeting. You've  
14      had a very productive meeting it sounds like. I  
15      certainly learned a lot and I appreciated being  
16      here even though we're kind of at the end of the  
17      agenda.

18                   CO-CHAIR DR. HOGARTH: The group has  
19      really changed a lot. I have to say the morale in  
20      protected resources was very low. They probably  
21      have one of the more difficult jobs in the  
22      agency. I think Michael said they don't need

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1 you, but I think you will be a benefit.

2 The recovery planning is something we  
3 have not done well at so far. I think the  
4 understanding of listing and de-listing criteria  
5 which they're working on now is an important  
6 issue. The whole thing of recovery stocks, I  
7 don't know what you can do with it, but we're  
8 sure glad to listen to input on how you manage  
9 recovering stocks.

10 These are different issues than we  
11 deal with in the rest of the agency so to speak.

12 They are more mandated and we have less  
13 latitude, but it still could be a very open -- it  
14 could be a more open process, which it has been,  
15 and I think a better understanding of what the  
16 mandates are and what they have to do are  
17 important. But they do a great job. I'm really  
18 pleased the way PR is moving right now.

19 MR. PAYNE: I do have one more, if I  
20 may, Mr. Chairman. When I said we don't need  
21 you, I don't mean we don't love you. It's just  
22 that many of the people that you represent we

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1 already get comment from. We get a lot of  
2 constituent comment. We want to work with any  
3 group that's willing to make us better and I  
4 think we're open to that.

5 Another thing I forgot to mention is  
6 that I'm organizing a meeting with sanctuaries  
7 because right now sanctuaries and NMFS have an  
8 interesting relationship and we're trying to  
9 figure out a way, at least for protected  
10 resources, not necessary the SF part of the  
11 house, but within protected resources what we can  
12 do within sanctuaries together to further what we  
13 need to do, primarily research and outreach.  
14 Laurel just reminded me, I'm very bad at this,  
15 but one area that you guys are probably much --  
16 you have to be better than we are, is how you get  
17 out to people. If MAFAC can be a mechanism for  
18 outreach, we can use you to get our information  
19 out for public review. That would be a real  
20 benefit.

21 One of the things we can use NOS and  
22 sanctuaries for I think is outreach as well.

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1 They do have interesting ideas about how to  
2 manage fish and protected resources inside  
3 sanctuary boundaries without talking to us, but  
4 we're going to talk to them about that this fall.

5 If there's anything you have in that regard,  
6 we'll take that message there too.

7 CO-CHAIR MR. OSTERBACK: I know Bob  
8 was first. For some reason I know that.

9 MR. FLETCHER: I've been through the  
10 congressional hearing obstacle course on this  
11 issue over the years and what I've learned is  
12 that there's really no chance to manage marine  
13 mammals. There is no interest on the part of  
14 Congress to do that. We worked hard on that  
15 cooperative report that NMFS and Civic States put  
16 together and it went absolutely nowhere. I mean  
17 it was DOA.

18 But there is one little sliver of hope  
19 for those of us who are being overrun by robust  
20 populations which, as you said, Mike, is not  
21 addressed in any way in that protection act.  
22 That hope has to do with developing non-lethal

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1 techniques for deterrents. We tried with the  
2 southwest region and we got stomped on by the  
3 California Coastal Commission. I still think  
4 that Jimmy Lucky is licking his wounds from that  
5 and he's not even there anymore.

6 I just want to say that there should  
7 be some way that this agency can look into  
8 encouragement to develop that as the only logical  
9 way for some of the industries out there to co-  
10 exist. Then the other statement I want to make  
11 is we kind of have a somewhat unique opportunity  
12 because you're introducing an administration bill  
13 to reauthorize the MMPA and I would hope that  
14 this committee would have an opportunity to  
15 comment on that draft language whenever that  
16 becomes available. Maybe the timing is right to  
17 discuss that in Hawaii as that may be shortly  
18 before you'll introduce it. So those are my  
19 thoughts.

20 CO-CHAIR DR. HOGARTH: Let me just  
21 respond to Bob real quick. I was at southwest  
22 region when we tried to do this non-lethal and I

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1 had a hearing to discuss this. I said something  
2 about the rationale for trying to do this with  
3 California sea lions. They're a very smart  
4 animal. They know the sound of a boat when it  
5 goes out, they know the sound of a boat when it  
6 comes back, they know how to get in -- it's  
7 amazing what they do. So I thought something  
8 like a non-lethal deterrent would be very  
9 effective.

10 MR. PAYNE: Mr. Chairman, Bob. The  
11 MMPA bill that's before Congress right now or it  
12 will be before Congress. It depends on what  
13 happens in November. If the President remains  
14 the same, the Republicans will have a running  
15 start. I'm sure they'll do something fast. If  
16 things change, it will probably be a couple year  
17 delay if not longer. It's the same bill that's  
18 been in front of the House for over three years.

19 We haven't really changed it dramatically. The  
20 problem is the last time it was reauthorized in  
21 '94 we really haven't changed our position in a  
22 number of years, but it's there again. I've been

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1 told by the House Committee people or the Senate  
2 Committee people that I deal with it's not going  
3 to be taken up now until after November for  
4 certain, so it's nothing new. I mean I'm sure  
5 you saw it when you were working with the Pacific  
6 States on that report. So it's not like we've  
7 done anything in the dark or kind of written  
8 things in the last year. We haven't changed  
9 much.

10 CO-CHAIR MR. OSTERBACK: Ralph.

11 MR. RAYBURN: I just wanted to mention  
12 to some of your comments, Michael. When Laurie  
13 met with us in Washington at our first meeting  
14 and I was elected chairman of the Bycatch  
15 Committee, it seemed appropriate to me that  
16 protected resources would be engaged in the  
17 Bycatch Subcommittee work. As I think we  
18 mentioned this morning, we discussed that at our  
19 subcommittee session this morning about having  
20 more involvement with protected resources. I'm  
21 not sure if you were here for my short briefing  
22 on that, but I was suggesting to MAFAC that that

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1 protected resource be included in the  
2 jurisdiction of that subcommittee on bycatch.  
3 Granted, bycatch is only an element of it, but  
4 even to broaden it, even if it's a name deal to  
5 broaden that out, it certainly seems to me that  
6 protected resources needs to be engaged in what  
7 MAFAC does.

8 I mean if we are the single advisory  
9 group to the Secretary of Commerce and we're all  
10 natural living resources under his jurisdiction,  
11 certainly protected resources should be there. I  
12 would certainly encourage your office's  
13 involvement in what we do and certainly would  
14 offer, absent any conflict here, offer our  
15 subcommittee on bycatch as a venue for you absent  
16 the full committee process to engage MAFAC.

17 You know, I don't think we're  
18 necessarily going to, as you mentioned, be in  
19 timely review of your regulations. You have  
20 constituency groups out there, but what we're  
21 intending to do with MAFAC, I think, based on the  
22 guidance of many of the senior people through it

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1 is really to be more of a strategic body, so  
2 where you have issues out there that are  
3 strategic issues for protected resources and I  
4 think that's where I would hope you would bring  
5 that or Laurie would bring that to this committee  
6 either at the full committee or subcommittee  
7 level so that those could be hashed out with  
8 whatever expertise we have within this group or  
9 expertise we could generate and I think we could  
10 be a factor and you would maybe find out along  
11 the line that it is a good friend to have, being  
12 engaged to MAFAC.

13 CO-CHAIR MR. OSTERBACK: Tony and then  
14 Don.

15 MR. DiLERNIA: I couldn't agree more  
16 with what Dick said regarding the best advice you  
17 give is when it's asked for.

18 MS. RAYMOND: That was Vince. Dick  
19 repeated him.

20 MR. DiLERNIA: So, as we're putting  
21 together the agenda for the next meeting, because  
22 we only meet twice a year and because our time is

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1 so valuable, I would suggest that we wait a  
2 little bit and see the issues as they develop how  
3 we develop our agenda for the next meeting.  
4 That's all. We only meet twice a year. To try  
5 to predict at this point -- maybe I'm off base,  
6 but I'm not sure we can predict that accurately  
7 where we should be going six months from now. We  
8 have some general ideas, but not the specifics at  
9 this point.

10 CO-CHAIR MR. OSTERBACK: Don.

11 MR. KENT: I was just curious, since  
12 we have representation and Bill referenced it was  
13 why did you go to the Coastal Commission and ask  
14 for clearance to do that? Your folks out of your  
15 laboratories go to coastal areas all the time and  
16 do research on marine mammals. Why in this  
17 instance was the Coastal Commission's permission  
18 sought?

19 CO-CHAIR DR. HOGARTH: We have to, by  
20 law, consult with the Coastal Zone Commission on  
21 most of the fishery regulations. A lot of times  
22 they don't comment. This one they chose to get

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1 involved in.

2 MR. KENT: What if they chose to get  
3 involved in any tracking experiment that you  
4 wanted to do. So what is the process for that?  
5 When a permit gets published by one of your.....

6 CO-CHAIR DR. HOGARTH: That's probably  
7 something we should discuss because I don't know  
8 that I know the entire process. We do have to go  
9 to the Coastal Zone Commission and get their  
10 input on all regulations. We have to say why we  
11 did it. We have to have a certain time frame to  
12 respond. Don, I probably should know more about  
13 the process.

14 MR. KENT: It's difficult, Bill. I  
15 just know it's, again, back to this issue of  
16 consistency with the Coastal Act. If the Coastal  
17 Act or the Coastal Plan for California doesn't  
18 really have an aspect of it relative to research  
19 on marine mammals, then you're sort of allowing a  
20 precedent to get set here that maybe you  
21 shouldn't.

22 CO-CHAIR MR. OSTERBACK: Go ahead,

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1 Dick.

2 MR. GUTTING: A point of  
3 clarification. On the program, the way it runs  
4 is the state comes up with a coastal zone  
5 management plan and that is reviewed and approved  
6 by the Secretary of Commerce and it's consistency  
7 with approved coastal zone plans. So the  
8 question in California for you is what's in that  
9 coastal zone plan? Do they have an element of  
10 the plan that deals with research? If it does  
11 and the secretary has approved it, then you've  
12 got consultation. But if it isn't in the plan,  
13 there's no generic obligation to be consistent  
14 with something that isn't there.

15 MR. KENT: If I may, I think what has  
16 to be done then is that the state then has to  
17 petition NOAA through NOS Office of Coastal  
18 Resource Management for the ability to review a  
19 permit for consistency to the coastal zone plan.

20 I mean it's back in your agency again.

21 CO-CHAIR DR. HOGARTH: Coastal Zone  
22 Management is in NOS, right.

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1                   MR. KENT: Right. But the point being  
2 that if that process isn't being followed and  
3 you're just jumping from both -- if you say yes,  
4 you can have review authority, then you're sort  
5 of establishing a precedent here. Anyway, that's  
6 something for your general council to look at,  
7 but I was just kind of curious.....

8                   CO-CHAIR DR. HOGARTH: Something I  
9 need to know more about.

10                   MR. PAYNE: Maybe it is for general  
11 council. Whenever we develop a regulation, at  
12 the time we go out with proposed reg, we write a  
13 letter to any state that may be affected by that  
14 regulation for consistency with the coastal zone  
15 management plan. Often we don't get back a reply  
16 or we get back something very short. All we're  
17 required to do is address it in our public  
18 comment process. If we're found to be  
19 inconsistent with something we've agreed to  
20 through a coastal management plan, then I don't  
21 know how we address it. So far we haven't. The  
22 letter that goes out says is this consistent with

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1 your plan, yes or no. Most of the time it is. I  
2 don't think I've ever been involved with a  
3 situation where something came back that was  
4 really inconsistent with the state coastal plan.

5 MR. KENT: I think you did in the  
6 instance that Bill was referring to. In essence,  
7 them saying you're not going to get to do this  
8 with critters in our waters. Enough on that. I  
9 just wanted to ask the question.

10 CO-CHAIR DR. HOGARTH: I'll tell you  
11 all in January or I'll talk to you before, but I  
12 will trace that out. I know the coastal zone  
13 management act was up for reauthorization, but as  
14 far as the details I really don't know. I know  
15 we have to do it and we've done it. Usually we  
16 can do it anyway, so I don't know why it stopped  
17 it. I'm being honest with you. I need to go  
18 back and find that out why it did stop it.  
19 Unless it created something in Congress.

20 CO-CHAIR MR. OSTERBACK: I know  
21 there's at least two or three people at this  
22 table that were at MMPA in '94, including myself.

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1       If you're asking should we do this, I'll tell  
2       you right up front these meetings aren't long  
3       enough.     Because of what Mr. Payne has been  
4       talking about, the sea lion issues and what have  
5       you, came about more commissions. We don't have  
6       the time. I'm telling you. You really want to  
7       think about this before you jump on this one.

8                   MR. GUTTING:   You're being a lot more  
9       blunt than I was.

10                   CO-CHAIR MR. OSTERBACK:   I know what  
11       the pain is that goes with it. Not this one, the  
12       rest of it.

13                   CO-CHAIR DR. HOGARTH:   Let me just say  
14       real quick, the only problem is the protected  
15       resources, the MMPA, are very interwoven with  
16       fisheries. It is more and more difficult to  
17       separate them and I think too much in the past we  
18       tried to separate them and we don't need to  
19       separate them. They really need to be integrated  
20       into the total picture.

21                   CO-CHAIR MR. OSTERBACK:   With that, do  
22       you have anymore?

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1                   MR. PAYNE:     I could talk all day.  
2                   It's up to you all.   Actually, I did think of a  
3                   couple of things, but I don't need to bring them  
4                   up now.

5                   CO-CHAIR MR. OSTERBACK:   Okay.   Thank  
6                   you for sticking around and giving a report and  
7                   being real frank with us about needs and wants  
8                   and who loves who because that's where we're at.

9                   Before we stop then, does anybody have anything  
10                  else?

11                  CO-CHAIR DR. HOGARTH:   I just want to  
12                  thank the people in the audience, the reporters  
13                  and Don and Mark and Jim Balsiger, our regional  
14                  administrator for sitting through the whole  
15                  thing. I again want to recognize Dick and Bonnie  
16                  and realize you've been extremely important to  
17                  MAFAC and you will be missed because you've been  
18                  very active.

19                  (Applause)

20                  CO-CHAIR DR. HOGARTH:   I again want to  
21                  thank Laurel and Judy.   I think everything worked  
22                  extremely well.   I thank all of you who attended

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1 to take a week to assist us. We really do  
2 appreciate it very much and it's very helpful to  
3 us. It's been a very good meeting, so thanks.

4 MS. BRYANT: Mr. Chairman, I just have  
5 one thing. This evening's event is not  
6 mandatory. This is just kind of an on your own.

7 I guess it's like 20 bucks a head or something  
8 like that. I spoke with the owner and he's  
9 apparently got some shuttles, so at 6:00 o'clock  
10 is when he's going to start coming up here.

11 MR. O'SHEA: Can we have a show of  
12 hands of how many people might be interested in  
13 going tonight?

14 MR. BRYANT: So pretty much it looks  
15 like everybody.

16 MR. SIMPSON: Do we have a separate  
17 room there?

18 MS. BRYANT: They're giving us the  
19 banquet room. I've never been there. I don't  
20 know what it looks like.

21 (Discussion about dinner)

22 CO-CHAIR MR. OSTERBACK: Ralph, you

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1 had something and then I've got something else I  
2 want to do.

3 MR. RAYBURN: I didn't want to compete  
4 the other night with the hat and the blindfold,  
5 but I was concerned about these folks losing  
6 their diplomatic travel status, so I brought some  
7 official Texas passports for people. I put it in  
8 the name of the chair. I didn't figure Rod  
9 wanted to travel in his own name and then I've  
10 got one for the Dick and then one for Bonnie.

11 MR. MOORE: Ralph, I do want to say  
12 that Alaska gives out passports and given the  
13 relative size of Alaska and Texas, if you cut the  
14 Alaska passport in half, you'll still have two of  
15 them that are bigger than Texas.

16 CO-CHAIR MR. OSTERBACK: Okay. Since  
17 we do have some folks that came and they spent  
18 the whole time with us, do you have a last word  
19 for us before we run off?

20 MR. BREMNER: Thank you. I do as a  
21 matter of fact. On behalf of southeast Alaska  
22 and the people here I have a couple books for Dr.

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1 Hogarth's library. The first one is kind of like  
2 the bogeyman under Calvin and Hobbs' bed, you  
3 know. It's Abusing Alaska, it's a picture  
4 history of federal government's environmental  
5 management of the 49 states. This isn't meant as  
6 some kind of doom and gloom type gift, but  
7 there's really one line in there that says  
8 authority over the land must co-exist with  
9 responsibility to the land. That applies to our  
10 ocean and you've probably heard our comments.  
11 That's where they come from, this history.

12 The other one is the fun one. It's  
13 from 1950, Alaska Sportsman. There's an article  
14 in there for you to read about salmon in the  
15 trap. We had salmon traps. The Tlingit and  
16 Haida Tsimshian people had traps. We used traps,  
17 we used hooks, we used lines, every form of  
18 fishing we've had, but it's fun and exciting to  
19 read about our salmon traps. Tlingits had salmon  
20 traps in Alaska. I suppose if we lose all of our  
21 fishing permits, we'll probably be the first  
22 advocate for salmon traps. So thank you for

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1 coming.

2 CO-CHAIR MR. OSTERBACK: Thank you.  
3 Anyone else? The only other thing I want to do  
4 is thank the staff, Judy and everyone, for  
5 putting the meeting together.

6 (Applause)

7 MR. MOORE: Mr. Chairman, can I make  
8 my last motion. I move we adjourn.

9 CO-CHAIR MR. OSTERBACK: So, with  
10 that, we're adjourned.

11 (4:30 p.m.)

12

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