

MARINE FISHERY ADVISORY COUNCIL

BARANOF HOTEL

JUNEAU, ALASKA

AUGUST 10, 2004

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

2 (8:35 a.m.)

3 CO-CHAIR MR. OSTERBACK: Okay, good
4 morning everyone, we'll call the meeting to order.

5 As you notice, you don't have any packets, you
6 don't have any name tags, they're somewhere en
7 route. I think what we'll do is, just for the
8 recorder's sake, there, too, is start over here on
9 the left and just go around and everyone introduce
10 themselves and we'll go from there.

11 MR. RAYBURN: I'm Ralph Rayburn.

12 MR. O'SHEA: Vince O'Shea.

13 MR. SIMPSON: Larry Simpson.

14 MR. LEIPZIG: Pete Leipzig.

15 MR. DORSETT: Chris Dorsett.

16 MR. BURNS: Scott Burns.

17 MR. MOORE: Rod Moore

18 MS. BRYANT: Laurel Bryant.

19 CO-CHAIR DR. HOGARTH: Bill Hogarth.

20 CO-CHAIR MR. OSTERBACK: Alvin
21 Osterback.

22 MS. RAYMOND: Maggie Raymond.

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1 MR. GUTTING: Richard Gutting.

2 MR. DiLERNIA: Tony DiLernia.

3 MS. SHEEHAN: Elizabeth Sheehan.

4 MR. GILMORE: Jim Gilmore.

5 MR. ROBERTS: Ken Roberts.

6 MS. BROWN: Bonnie Brown.

7 MR. KRAMER: Rob Kramer.

8 MR. FULSTED: John Fulsted (ph).

9 MR. KENT: Don Kent.

10 MR. FLETCHER: Bob Fletcher.

11 MR. FISHER: Randy Fisher.

12 CO-CHAIR MR. OSTERBACK: Okay, thank
13 you. So we'll get packets, I guess, whenever,
14 hopefully we'll get them today. So in the meantime
15 everybody has an agenda in front of them and I'll
16 go ahead and turn the meeting over to Dr. Hogarth.

17 CO-CHAIR DR. HOGARTH: Thank you.
18 FedEx is a little slow these days, it's taken them
19 over a week to get it from Washington to here in
20 Juneau, so we gave them a week's timeframe but they
21 didn't make it so we understand they are in Juneau,
22 been here since yesterday but they can't get them

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1 here until lunch. So that's even slow once it gets
2 to the destination. Maybe they got a monopoly
3 here, I'm not sure.

4 But anyway, welcome all of you here to
5 the MAFAC meeting. There's a couple of people I'd
6 like to make sure that I recognize, and I'm sure
7 I'll probably leave out someone but I think we
8 should let the audience introduce themselves. Of
9 course we have Jim Balsiger who's our regional
10 administrator, he'll be here for a few minutes and
11 then have to run to the -- what we have a weekly
12 call, we get all our leadership together so he'll
13 be wanting to do that. We also have Ali Nostromin
14 (ph) from the Governor's office somewhere, I saw
15 her earlier, and I think we have Senator Kim Elton
16 from Juneau, and then also we have Don Bremner of
17 Southeast Alaska Intertravel Fish and Game
18 Commission here. And I think that Jim Murray,
19 who's the director of Sea Grant Extension program.
20 I'm sure that others that I may miss. We do have
21 a new person with us I'd like to introduce is Mike
22 Rabino who's the new Seafood Aquaculture

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1 Coordinator, have gone through that process and we
2 have a new national seafood coordinator that will
3 be on our staff and trying to work with us. Good
4 morning, Stephanie Madsen, the Chairman of the
5 North Pacific Fisheries Management Council is also
6 here.

7 So I think with that I'd like to just
8 go around the room and let people introduce
9 themselves in the back so we all know who's here in
10 case I did leave out someone.

11 MR. BALSIGER: You already did me, I'm
12 Jim Balsiger, regional administrator here. All the
13 visitors that need help, please let somebody know,
14 like Laurel, and we can help you out with whatever
15 you need.

16 MS. EARLS: Janice Earls with Oceana.

17 MR. PAYNE: Mike Payne with Protective
18 Resources in Silver Spring.

19 MS. MADSEN: Stephanie Madsen.

20 MS. CHAVES: Linda Chaves.

21 MR. RABINO: Michael Rabino, future
22 aquaculture manager.

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1 MS. CHILDERS: Dorothy Childers with
2 the Alaska Marine Conservation Council.

3 ALLEN: Allen, 17th Coast Guard
4 District here in Juneau.

5 MR. TKACZ: Bob Tkacz, reporter for the
6 Alaska Fishermen's Journal.

7 MR. EBISUI: I'm Ed Ebisui from the
8 Western Pacific Fishery Management Council.

9 MR. KELLY: I'm Michael Kelly from the
10 NOAA Fisheries Office.

11 MR. RIZNER: Gary Rizner, NOAA
12 Fisheries CFO.

13 MR. LANNING: Rich Lanning, University
14 of New Hampshire where I direct the Cooperative
15 Institute for New England Mariculture and Fisheries
16 and I work in open ocean aquaculture.

17 MR. MURRAY: Jim Murray, I'm the
18 assistant director of NOAA's National Sea Grant
19 Office.

20 MS. BOWIE: I'm Judy Bowie.

21 MR. DUNNIGAN: I'm Jack Dunnigan with
22 Sustainable Fisheries.

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1 CO-CHAIR DR. HOGARTH: All right. Let
2 me take a few minutes to go over a few things, if
3 you don't mind, just sort of a going on in
4 fisheries and a little bit of an update.

5 We hope that this meeting will continue
6 and it's our plan to continue to build the role of
7 MAFAC to be a very effective advisory body for
8 helping us identify strategies and priorities for
9 the agency. I think today we're going to have
10 quite a few discussions, and over the next three
11 days, that I think will help us as we move forward.

12 We're going to talk more about the bycatch
13 implementation and hopefully collaboration with Sea
14 Grant to enhance the fisheries outreach and the
15 education capabilities and along those lines and
16 others.

17 We were talking about marine
18 aquaculture, which is getting lots of attention. I
19 think NOAA as an agency is really not sure of what
20 our is and what our role should be and we tried to
21 identify that and move forward. We think that
22 aquaculture has a role and we want to make sure

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1 that we discuss that role very openly and that we
2 get input from those who could be involved or
3 impacted by aquaculture. I think it's important as
4 we talk about aquaculture to remember you're not
5 just talking about food production but you're also
6 talking about enhancement. There's quite a few
7 hatcheries in this country that are operating now
8 as enhancement, particularly in the salmon world
9 and we have quite a few that are operating for
10 production such as clams in Florida, catfish, I
11 could go on and on and name others and there's a
12 lot being developed. And we feel like it's
13 important to discuss for several reasons is that,
14 you know, the U.S. is way behind in aquaculture
15 if you look at worldwide production. Imports are
16 about 75 percent of all our seafood right now, at
17 least 75 percent, and that we are seeing some
18 problems in some of the seafood that's introduced
19 into this country, you know, imported, plus we have
20 about an \$11 billion trade deficit in seafood
21 alone. While we're not trying to push aquaculture,
22 we want to work to assist dramatically with all of

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1 the constituents and hopefully come up with
2 something that's, if it's allowed, that we have a
3 good, you know, permit system in place that won't
4 bog people down and make sure that it will be done
5 compatibly with the environment and we don't get
6 involved in species that are already very plentiful
7 and just end up, you know, destroying the market.

8 So there are a lot of things that need
9 to be looked at and we want to make sure that we
10 look at them in a systematic way.

11 Also this is sort of a meeting that
12 we'll see the terms of four, I think, very
13 dedicated members end. We hate to see that but
14 that's the way the system is set up. Dr. Bonnie
15 Brown, Dick Gutting, Rod Moore and Laverene
16 Ragster, who is not here, she could not attend, but
17 this will be the last meeting of those four and we,
18 you know, are looking for replacements and we've
19 advertised and we've got a list of names that we
20 will be looking at for replacements. So we wanted
21 to make sure everyone comes over tonight for the
22 awards reception and make sure that we give them

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1 our appreciation as they leave us. I'm sure
2 someone will have a few things they like to say in
3 roasting these people, I've heard a few already so
4 it should be an interesting night.

5 (Laughter)

6 You know, one issue we have to talk
7 about this week is a little bit better planning for
8 the agency. I'm not sure that people think that
9 the agency has a long-term plan for fisheries, and
10 I think it's important that we do have a strategic
11 plan but I think if you look into fishery
12 management, where we want to be five years from
13 now, so what type of issues we'd be looking at and
14 what type of data that's necessary that we're not
15 getting or what type of research programs or
16 observer programs or salmon recovery plans,
17 protective resources recovery plans. I think we
18 really need to have a clear definition of where
19 this agency is going for the next five years and I
20 hope we can talk about that.

21 And also just to talk a little bit
22 about things that are going on right now within the

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1 agency. I'd like to talk a little bit about the
2 PEW Commission Report and the Ocean Commission
3 Report. You know, the PEW is out and a draft of
4 the Ocean Commission report is out. The Governor
5 has asked the Ocean Commission to take another look
6 at some of the issues and I understand they've done
7 that and that report will be submitted to the
8 president sometime, I think, by the end of August
9 is the timeframe I'm hearing.

10 We have set up internally, through
11 NOAA, we have a group that's looking at all of the
12 recommendations of both the Ocean Commission Report
13 and to be honest with you the PEW Report is very
14 close, we think, to the Ocean Commission Report.
15 And we've gone through each one of the issues and
16 trying to get a position and what it takes to
17 implement and things like this and put them in
18 somewhat of a priority. These will then go to CEQ,
19 Council of the Environmental of Quality who will
20 try to put them together and get the
21 Administration's position on the various issues
22 within these commissions. So it's something that's

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1 being worked on right now and something that's
2 being taken, you know, a lot of attention that we
3 are working very hard to look at these and what
4 should be implemented. Some of them, you know, if
5 we can, within fisheries, we're going to try to
6 implement regardless, you know, if we think they're
7 good business and there were some things that we
8 felt like we should look at very carefully.

9 For your information there's probably
10 five to seven bills that have been introduced
11 either in the House or Senate that affects NOAA or
12 NOAA Fisheries or the ocean policies. The one by
13 Senator Hollings is a very comprehensive and
14 Congressman Ray Hall's got a couple, and
15 congressmen here and in California and others have
16 got what they call the BOB and the LOB, two bills,
17 the big ocean bill and the little ocean bill,
18 there's a lot of them floating around. We have not
19 been asked for comments on any of them yet. With
20 about 14 days left in this years session it's very
21 doubtful that any of them will move any place this
22 year, and when Congress comes back next year

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1 they'll all have to be reintroduced, so I doubt
2 that you'll see a lot of action on these bills.
3 We've looked at them, internally we've looked at
4 them and as most bills, there's things that you
5 like and things that you'd rather not see, but no
6 hearings have been scheduled at all and so we don't
7 look for much to happen there. The one that may
8 have some life would be the NOAA Organic Bill which
9 sort of sets of the mission for NOAA. NOAA does
10 not have a mission statement, so to speak and the
11 NOAA Organic Bill does that. Whether that will
12 move or not, that probably has a little bit more
13 chance.

14 One thing that, you know, with such a
15 little bit of time left, there are two things that
16 probably will happen and that is that we do not
17 have budgets and, so, you know, the government is
18 running to the end of this fiscal year and only the
19 Defense Department has a budgeted place. One
20 ominous bill that rolls all the rest of the budgets
21 into one, word is that may not pass so then we may
22 have to be working on a continuing resolution until

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1 probably next February or March. And so, you know,
2 nobody knows, I mean when you get back, you know,
3 they move to come back in, so you know we don't
4 know. We know the House has done a budget, the
5 Commerce Justice Bill has been done. We did not
6 fair very well in the house bill but we don't fair
7 very well in the house bill any year. It's always
8 the Senate that comes to the rescue. In fact, if
9 you look at the house bill we probably wouldn't
10 have a program in Alaska, they'd cut everything
11 that Senator Stevens has in his budget, that's the
12 way we do business, so we wouldn't be in Alaska
13 based on a house bill and a couple of other states,
14 and that's the way they do the budget and we
15 realize that, so we have to look towards the
16 conference and hoping the Senate to protect.

17 But I think that is one of the big
18 things that will take up and the other one is no
19 doubt the Commission, the 911-Commission Report.
20 It's got a lot of Commission and I think that will
21 have to be addressed. So when you take those two
22 big issues, you've got 12 to 14 days and everybody

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1 wants to get out to go campaigning, so it's very
2 doubtful anything will happen and then they'll come
3 back in the lame duck session after November and
4 depends on what happens there, is the mood of what
5 Congress may want to do.

6 So I think there is one hearing, only
7 one hearing that's been scheduled that I'm aware of
8 and that's a Magnuson-Stevens Hearing that Senator
9 Snow has on a bill that she has. I think cancelled
10 twice, didn't know that she wanted me there so bad
11 and I wasn't planning on being there and so when
12 she found out I wasn't there she cancelled it and
13 so now she's got a hard, fast date when I'll have
14 to be in town if she wants to have it, it'll be
15 September the 14th.

16 MR. LEIPZIG: What's the date again?

17 CO-CHAIR DR. HOGARTH: September the
18 14th if she continues to have that. Most people
19 feel like that, even under the Magnuson-Stevens,
20 that there would not be anything done this year,
21 that there would be a concentrated effort next year
22 by the Commerce Committee, but with the Commerce

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1 Committee, depending on the election, is headed by
2 Senator Stevens or Senator Inhofe of Hawaii, there
3 will be a major effort next year under the Magnuson
4 Reauthorization. Some people feel it doesn't make
5 any difference which one of them is chairman,
6 they're so close, they're brothers, or twins, so
7 they probably would look at Magnuson next year
8 regardless. And in talking to Senator Stevens, he
9 wants to have a series of field hearings as part of
10 looking at Magnuson Reauthorization.

11 So you all know that we have some
12 Magnuson things that we'd like to see changed and
13 there's others I think we need to consider, but
14 they've gone through the whole process and waiting
15 on the heel, but if Congress doesn't look at it
16 this year they have to go through the whole system
17 again next year. Nothing that goes through this
18 year basically except for a few special bills can
19 be carried over so you have to start all over. So
20 we look forward to it.

21 There is a lot of interest in IFQs,
22 quite a bit of interest in IFQs, and we're getting

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1 some push from the CDQ and the Administration to
2 speed up the process on red snapper IFQs in the
3 Gulf and we're trying our best to do that. And
4 there's been others on the West Coast on IFQs, it
5 does appear that the Administration will be very
6 supportive of IFQs for the future. And, of course,
7 here in Alaska we're working extremely hard, the
8 region is doing an excellent job with help from the
9 Senator on getting crab restoration in place.
10 That's a very tough bill for us to do. We've had
11 to go outside and hire attorneys to look at the
12 anti-trust issues and all but we are planning on
13 being on schedule by January 1st to get that done.

14 So a lot of things going on and there
15 are a lot of, as you are well aware, a lot of
16 negative press that's being written about fisheries
17 and fishery management. There's several editorials
18 I got here today with me, you know, Washington
19 Post, New York Times about things, no leadership
20 from the top to the bottom and council process and
21 just a lot of things. But, you know, I realize the
22 time of year we're in, I told someone in leadership

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1 last week, I wish we could fast forward to November
2 5th, I may be unemployed but at least we'll be
3 through that time period and can move on. But I
4 really have some real heartburn with some of the
5 things in reading these, because the Sustainable
6 Fishery Act went into place basically in 1996 even
7 though Magnuson was 1976, the teeth of the
8 Sustainable Fishery Act was 1996 and if you look at
9 what's happened since then, there's a lot of
10 positive things I'm hearing are happening. We've
11 been moving more stocks off the over fished last
12 year in one single year since the Act went into
13 place and there are 43 fishery management plans in
14 place and on and on. We had all time high biomass
15 of summer flounder, scallops, swordfish, and, you
16 know, just a lot of positive things you can look
17 at. But, yes, we do have some things we've got to
18 address there's no doubt about it. But it didn't
19 happen in five years and it's not going to be
20 corrected in five years. The thing that's
21 important is to have a plan in place for recovery
22 and I think we do. So we have to look at some

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1 issues like cold water cause, there's no doubt we
2 need to look ahead and some habitat issues and some
3 of the backhedge issues. But I think through IFQs
4 and some other things we could even address the
5 gear of technology, we can address the backhedge.

6 We have done on more on turtles, one
7 person called me the other day and he said the
8 title of this agency should be the Turtle Agency,
9 seems like what we're dealing with. But, you know,
10 we have got many things in place now to save
11 turtles. The swordfish fishery in Hawaii has
12 opened back up with new technology, so far they
13 have not even taken a turtle in that fishery but
14 they haven't fished much either. But with the new
15 technology, we took all the small hooks out of the
16 gulf of Mexico, and South Atlantic can no longer
17 use a J-hook or anything under a 16-circle hook in
18 the fishery. The fishermen are paying some penalty
19 for that if they are.

20 We are trying to do our job and protect
21 the resources, and we also have to do a better job
22 on recovery plans, both for turtles and for salmon,

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1 which I hope we work on next year.

2 So just a little bit there. I told
3 somebody the other day, I think I could talk for
4 days on fisheries and I think things are really
5 moving in the right direction.

6 Lawsuits, we're doing real well on
7 lawsuits, we only had 23 lawsuits last year and the
8 first 26 cases this year, we won 24. So I think
9 the process of knowing how to do the process and
10 doing the regulatory streamlining and NEPA is fine.

11 It just seems like in the last six weeks,
12 everything we do we get a lawsuit particularly from
13 one group. But we've have probably 24 to 28
14 lawsuits already this year and we had 23 last year.

15 So we have five lawsuits on Amendment 13. We
16 have, you know, trying to get an injunction to
17 close down the longline fisheries on account of
18 turtles in the Gulf. So the lawsuits are starting
19 to go back up. Our goal is continue to win them.
20 We're going to continue to do the process right and
21 we're going to make sure the science is right
22 behind what we do and we'll take our chance in

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1 court, but I think we can win those cases.

2 There is a couple of issues I'd like to
3 bring to your attention because we'll probably
4 discuss some of them here. There's been a lot of
5 controversy over the MRS and using MRS, the
6 recreational system for doing real-time monitoring.

7 Judged out of compliance and we did determine that
8 was out of compliance but they came back into
9 compliance once we made that determination. But
10 there was a lot of questions about MRS and the use
11 of MRS for single state monitoring. We're in the
12 process of signing a contract with the NRC, which
13 we get through a lot of things because we feel that
14 they are very independent and give you good advice
15 on the recreational survey, what we should be
16 using, should be using, if MRS the right tool or
17 should we be using something else and that will be
18 undertaken immediately.

19 We also signed a contract with NRC or
20 the national academy part of it, the medical unit,
21 these are actually medical doctors and those of
22 expertise and contaminants, we want to make sure

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1 that we get a real good hard look at what's being
2 said about contaminants and mercury and these type
3 things. That's an extremely expensive study and
4 will probably take at least 18 months, maybe a
5 little longer, but we think it's important to look
6 at these and see what we get out of it and it will
7 help us manage better. And I'm not sure it's on
8 the agenda here and if not, we need to put it back
9 and make sure if I have the information to even
10 discuss it. But we just got a report back from the
11 NRC the week before last on best available science.

12 We had asked the NRC to look at best available
13 science and they did and one of the things they've
14 said, you know, there's some bills floating around
15 but Congress should identify best available science
16 and they were very opposed to Congress doing that
17 and said it would really be difficult, they felt
18 like, for Congress to be identifying that, there
19 were too many variables and depending on the
20 fishery and these types of things. But they did
21 make some recommendations for us internally about
22 peer review and about working with the councils.

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1 Again, they said that the councils should be made
2 to use the best available science and if they
3 deviated from what the SCC or the science in total,
4 they should be made to give an explanation in the
5 report so that we could review that at the time we
6 look at approving the package, so we will be
7 talking to the councils about that. Because that's
8 the second time science has come through as a
9 problem with how we operate the councils and so we
10 will be discussing that with the councils.

11 Let me see what else here, I know you
12 all are tired of listening to me but there's a
13 couple other things. One other thing that's
14 happened is that we have, you know, we want to make
15 sure that MAFAC is operated as efficiently as we
16 can do it so we've created a new position,
17 executive director for MAFAC and Laurel will be
18 going into that very shortly, moving from her
19 position and some of the other activities she has
20 in outreach and other to be the executive director
21 for MAFAC and we think this will give you, you
22 know, a better interfacing and make sure that we

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1 get the information done and to MAFAC on time to do
2 things. We feel like that will be a positive move.

3 Also the charter has been approved.
4 Again, it's a two year charter, it's been
5 approved by DOC, so the charter is in place. We
6 are getting some comments from DOC attorneys about
7 the National Marine Fishery Services not overseeing
8 councils and commissions and advisory committees
9 the way we should, so I'm asking them for better
10 instructions than just saying we're not doing as we
11 should, so I don't know what it means but so far
12 they've given no specifics as such, except for some
13 budget issues and things, so we'll follow up on
14 that. But the charter has been approved.

15 A couple of things from a national
16 level. You know, I tried to do a national seafood
17 cook-off and I just couldn't bring it off. It just
18 seemed like there was too many people involved and
19 I just couldn't do it. But the Louisiana Seafood
20 Producers picked it up and the weekend before last
21 in New Orleans, part of the Louisiana Food Service
22 show had the first Great American Seafood Cook-off.

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1 There were 15 people that were cooking, from
2 Alaska to Maine to Florida and we had the
3 Governor's chef from Alaska was cooking. The chef
4 from a mansion in Texas cooked, and it was
5 interesting, she said she couldn't cook what the
6 president liked because he liked peanut and butter
7 and something sandwiches better and she wasn't
8 going to do that, she had to cook seafood, but they
9 were there. And it was very positive. I thought
10 it was very good. They had from 1:00 o'clock to
11 4:00 o'clock to sort of cook and be judged and part
12 of the bigger show there was a lot of seafood given
13 away as part of the entry there. And a lot of TV
14 coverage, in fact the Food Channel was there,
15 interviewed me and talked about fisheries and what
16 people should and shouldn't eat and management of
17 fisheries, but it got a lot of coverage. Ended up
18 there was one vacant cooking table and it was sort
19 of interesting as you looked down the aisle, Iowa,
20 the state of Iowa had one but they announced that
21 at the last minute Iowa realized you had to cook
22 seafood and they wanted to cook beef so they didn't

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1 show up.

2 (Laughter)

3 But the winner was the chef from New
4 Orleans, Bush, I think is his last name, and then
5 the guy from.....

6 UNIDENTIFIED VOICE: That was never in
7 doubt.

8 CO-CHAIR DR. HOGARTH: Uh?

9 UNIDENTIFIED VOICE: That was never in
10 doubt.

11 CO-CHAIR DR. HOGARTH: It never was in
12 doubt, it really never was in doubt.

13 UNIDENTIFIED VOICE: In New Orleans,
14 right.

15 (Laughter)

16 CO-CHAIR DR. HOGARTH: And then Rudy's
17 209 recipe from Maryland was second with Luke
18 grabbing it and then Delaware was number 3, and
19 that's how it went. So I got to crown the king of
20 seafood at that meeting.

21 On August the 19th I'll be on the Hill
22 discussing the shrimp option plan that we put

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1 together at the request of the industry although
2 some of the industry now saying they didn't request
3 it but I think, well, those that did request it,
4 Ralph was instrumental in putting the first meeting
5 together, sort of a shrimp summit in Houston about,
6 what, a year and a half ago now. And they came
7 forward, they were really down and out and talking
8 about they couldn't make money so we had about a
9 day and a half there and they put up some options
10 and they asked us to look at a business plan which
11 we agreed to do. We have put that together. We
12 did hold it for awhile because the anti-dumping
13 case came along and I wanted to make sure it was
14 right so I've had it peer reviewed twice and I've
15 had a technical writer review it, a technical
16 person look at it and then we can get it back from
17 this person, I got to have it by the 19th but I'm
18 hoping that we'll get it back by the middle of this
19 week. But basically it talks about the fact that
20 the imports of shrimp have gone up 300 percent over
21 the last couple years, price of gasoline is now a
22 dollar a diesel, they use 1.30 a gallon, the

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1 industry is in real bad shape and there's no doubt
2 about it. So what is it's future? We talked about
3 marketing. We talked about quality control, and I
4 think they're trying to work something with Sea
5 Grant to look at quality control and we'll work
6 with them. We talked about some options like the
7 co-op and some different type of permit system that
8 would reduce the efforts, so we're going to unveil
9 that to Congress. It got to a point there that I
10 was getting in the middle, the Tampa Tribune wanted
11 it under four year and we didn't release it because
12 we weren't through with it and now they're
13 threatening a lawsuit, and then the House Ways and
14 Means Committee, of all committees on the Hill said
15 they wanted it immediately, if not, they would have
16 a hearing so I'm going over on the 19th to have a
17 hearing on that and then Senator McCain has gotten
18 involved and said he wants it so I think what we
19 got is those who think the dumping suit is good and
20 those who think that the dumping suit's not good
21 and we're just caught in the middle of it. But we
22 will go back to Houston on the 23rd of August and

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1 we'll have a series of several meetings. I think
2 it's a very excellent report with the data. It's
3 no doubt that the industry is still suffering.
4 There's no doubt that the effort in the industry
5 has declined dramatically over the last year and a
6 half. So anything that's done after this would
7 have to have a total new assessment based on the
8 effort, but I think this is a snapshot in time and
9 it needs to get out so it will.

10 We were thinking about having a
11 national conference in October to try to, you know,
12 follow on some of the things that are going on and
13 get people together, it just didn't work out. The
14 councils were planning on having one next March to
15 look at Magnuson Reauthorization and so we decided
16 that we wouldn't. But what we are going to do is
17 for the first time since 1976 we're inviting all
18 the councils together for a two day meeting to look
19 at training, to look at a little bit of where we
20 want to go in the future and to talk about some of
21 the things that have come in in the Ocean
22 Commission Report, but the main thing is training.

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1 They said we didn't have a training program so we
2 want to try to look at that and work with that. In
3 preparation for it, we all, hopefully will have a
4 draft of a training manual put together that we
5 could utilize so this will be in Baltimore on
6 October the 19th and 20th. It's in the planning
7 stages and Jack Dunnigan is working with the
8 council, the executive directors, and they had to
9 get the agenda together, but we plan on having a
10 very good meeting and like I said, the first one
11 since 1976. So we feel like it's important, we've
12 got so many issues facing us that we think it's a
13 good opportunity to do that. And all the councils
14 that we've talked to have been very happy about
15 getting together and I think they're good for
16 exchange of council members to be able to talk to
17 each other, too. Councils do things differently
18 and they hear about one council and not the other,
19 and so I think this will be a good opportunity for
20 them to talk about themselves some and we can have
21 some panel discussions and things. So we look
22 forward to doing this. Jack Dunnigan is our point

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1 of contact.

2 I think this is the last thing I'll
3 bore you with, I hope I'm not boring you, but the
4 last thing I'll go over with you real quick is
5 what's going on in the agency and all. We continue
6 to make staff changes and to add people and try to
7 get things in place and in constituent services we
8 just hired Forbes Darby who will come in as rec
9 fish coordinator, and he has a lot of expertise in
10 the recreational industry, he's worked with ASA and
11 others and we just think he'll be great to come in
12 to work with us and we look forward for him to come
13 in and try to do that.

14 Rachel Housten who was formerly the
15 special assistant to Rebecca Lynd, who you all know
16 is the regulatory deputy is now going to be the new
17 environmental liaison in the Office of Constituent
18 Services. We felt like we needed to have someone
19 as a point of contact and a liaison between the
20 NGOs and the environmental groups and Rachel will
21 be excellent at that and has already gotten active
22 in it.

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1 We're looking at sort of revamping the
2 rec fish group to make it more effective with those
3 people in the field, with headquarters and there
4 will probably be another position added there.

5 And also we were planning on looking at
6 another commercial fishery liaison. We have
7 commercial people throughout, but, in particularly
8 in the gear technology we have three ex-commercial
9 fishermen there. But we feel like we maybe we need
10 one to help still at the national level to
11 coordinate with the commercials, so we'll be
12 looking at that.

13 And of course Laurel's old position as
14 a national coordinator will be advertised to fill.

15 And finally after, it seems like this
16 guy's got more time as SES and regional
17 administrator than anyone I think of all we got,
18 Rod McGinnis has finally been put in officially in
19 the Southwest region, he'll do an excellent job.

20 Bill Fox has left S&T and has gone to
21 the Southwest region to replace Mike Tillman who
22 retired in the Science Center in the southwest and

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1 I think bill has come in with a lot of new vigor it
2 seems like, and interest. I was talking to him
3 last week and he seems to have a whole new outlook.

4 Doug NaMasla from the Science Center
5 here in Alaska, we brought him to D.C. to be the
6 acting director of the Office of Science and
7 Technology. We tried everything we could to keep
8 him there and, in fact, I even tried to get his
9 wife a job at the University of Maryland since
10 she's a professor, but it didn't work and he's
11 determined to come back, so we have chosen a person
12 for the Office of Science and Technology. The
13 person is probably about halfway through the
14 approval process so I can't announce it but I think
15 you'll all be very happy with who you see going
16 there. He's a very good, I think, person that's
17 got a good outlook and I think he'll be excellent
18 there and so we hope to get that done.

19 And then in Hawaii we finally had the
20 two people, both the Science Center director, who
21 is Sam Pooley who was the acting regional
22 administrator is now the Science Center director.

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1 And Bill Robinson who is the ARA of the Northwest
2 region is the regional administrator. And then
3 Mark Holliday has been put in as the director of
4 the Office of Policy. I've set up an Office of
5 Policy to try to get some of these things that we
6 do into some type of policy that we can find. We
7 have a hard time finding what policies have been
8 done. Bill Fox, when he was administrator did
9 something and it's in a letter somewhere and Rolly
10 did something and Nancy did something but as far as
11 finding policies they're really not there, and so
12 we need policy direction.

13 Then a little bit to today's agenda,
14 the things that were asked for based on the last
15 meeting, we will talk about bycatch, last time we
16 talked to you about bycatch production plans and
17 outreach and education and so Jack Dunnigan and Jim
18 Murray will both talk to you about what's going on
19 as far as the bycatch is concerned. You know we're
20 looking at what do we have, any obstacles and
21 things, and then what the role of MAFAC could be as
22 a -- and Sea Grant wants to talk to you and we do,

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1 too, what can the role of MAFAC be as an industry
2 review group for some of the annual review and
3 recommendations for fishery outreach proposals.
4 Could this body serve as a review group looking at
5 proposals, and we think it could so we wanted to
6 talk to you about that and Jim will bring that up.

7 Then he'll talk about the recreational
8 strategic plan. This has gone through a lot of
9 comments and it's here today to talk to you about
10 that, and Michael Kelly has done an excellent job
11 there and he wants to try to finish that plan by
12 October. And Ed Ebisui from the Western Pacific
13 Council wanted to talk about this plan so we've
14 added him to this process.

15 And then there's a document that you
16 haven't seen yet?

17 MS. BRYANT: Yeah, they have.

18 CO-CHAIR DR. HOGARTH: They have.

19 MS. BRYANT: It was all mailed.

20 CO-CHAIR DR. HOGARTH: It was all
21 mailed, okay. The managing of, simply stated, Fish
22 101. What happened was when we started to work

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1 with the people downtown and new people, they kept
2 saying fisheries are too complicated, we don't
3 understand all these terms you use and all this, we
4 feel that that should be something like, you know,
5 that explains these. So you have a document in
6 front of you that we'll discuss this morning. What
7 I'd like to do is get your input, do you think it's
8 too comprehensive, do you think the terms are
9 explained, or do you think this serves a purpose.
10 And up front there's a lot of information about the
11 councils and FMPs and all that, is that relevant or
12 should that come out, I just want your general
13 impressions of this because I would like to get it
14 published pretty quickly for you council members
15 and all. But we get lots of comments from news
16 media and from others, well, what do you mean by
17 this term and that term, so we felt like this was
18 something we could utilize to make sense, and if
19 not tell us why you think it should be looked at.

20 It's been looked at it from a technical
21 standpoint and thinks it meets the point but not
22 sure exactly what we want to do with all the front

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1 stuff and that's why it's here for you to look at
2 and give us your input, blessing or not bless and
3 we'll work from there but we do want your input.

4 Then we're going to have an aquaculture
5 day, you can see it's tomorrow, which is going to
6 be, I think, a very good discussion. We're going
7 to talk about the aquaculture plan, I'm talking
8 about the legislation that's there. I believe we
9 have several people that will come in on that.
10 Gunner Knapp from the University of Alaska, Matt
11 Rand from National Environmental Trust. I think
12 all of these will be here. United Fishermen of
13 Alaska. Richard Magden from New Hampshire. And
14 then Linda Chaves who is the acting aquaculture
15 coordinator will talk about some also. And Don
16 Bremner is going to be part of that. And then
17 Allen Osterman will be with us, and I think others,
18 Kevin Duffy I think said he will have a person here
19 to listen to this, so a lot of interest.

20 And then the National Standard One
21 Guidelines will be discussed, which I hope for the
22 last time. Jack knows and Rebecca knows I'm not

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1 happy, I thought this was going to be out a long
2 time ago and we're still piddling with National
3 Standard Guideline One and I hope this will be out
4 soon.

5 And then IFQs, we're going to have a
6 brief discussion and what we would like to do with
7 IFQs for the future, criteria and things. And I
8 think we found, I think Dick Gutting reminded us he
9 did something about year 2000 on IFQs and, you
10 know, look at that again.

11 And then Mike Payne is here to talk
12 about protected resources and what we plan to do,
13 what you would like to see done and protect the
14 resources at the next meeting, which will be
15 January in Hawaii.

16 And the last thing I'd like to say for
17 you all to think about, if you would think about
18 it, is, you know, some people have asked me since
19 MAFAC, we hope it's getting -- we feel like and I'm
20 very happy it's getting more involved and really is
21 doing more advisory, would you all feel it would be
22 important or be helpful to have a meeting in, say,

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1 Washington, sometime whenever, within the next few
2 months, so that you would be open to just getting
3 comments from constituents and pick four or five
4 topics, you feel like are your top five topics and
5 talk to stakeholders as a whole. You know, that's
6 something we have, you know, we'd use you, but
7 would you like to go out and discuss with your
8 stakeholders some of the issues you feel like
9 should be addressed and have a day or two, you
10 know, discussion with stakeholders and
11 constituents. We just want to talk about it, if
12 that's something you feel like is important, we'll
13 work with you to do that. Several people brought
14 that up to me.

15 With that I'm looking forward to the
16 three days. I think if Laurel needs to talk about
17 any of the logistics, I'll let her do that, but
18 other than that I look forward to it.

19 MS. BRYANT: Nothing, other than we're
20 waiting for the FedEx boxes. They're in Alaska,
21 which is good and we were able to pinpoint that
22 down to Juneau. So hopefully they'll be here by

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1 noon and they'll get here to us. They've been here
2 for a couple of days, I guess, but they just didn't
3 get to the hotel. But I believe for Jack's
4 discussion on IFQs we were able to get these
5 printed off so you should have those for discussion
6 and hopefully, if you brought the handouts that we
7 sent in advance, that we should be able to just,
8 you know, proceed without any problems.

9 But that's all I have. I'll give you
10 updates later on this afternoon talking about this
11 evening's events.

12 CO-CHAIR DR. HOGARTH: All right, does
13 anybody want to have any questions before we start,
14 I mean I covered a bunch of stuff.

15 MR. FLETCHER: Bill, you're talked
16 about trying to require the councils to act on the
17 best available science. There's been an ongoing
18 kind of a gun battle about what that means and when
19 science is the best available and what constitutes
20 the best available and are you prepared to give
21 anymore definition or detail or sideboards or
22 anything to that phrase which is really such an

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1 amorphuses ball.

2 CO-CHAIR DR. HOGARTH: I don't think I
3 am today but we will be shortly, taking the report
4 from NRC, that's what we're doing right now. We'll
5 make that report available to you, by the way, but,
6 yes, I think it's the one thing we plan to do by
7 the October meeting with all the council members,
8 just to have a better discussion of the best
9 available science and what we got from them.

10 And Bob, I, for one, realize that
11 councils have to have some leeway to what they do,
12 you know, to look at -- I think the 10 National
13 Standards give you a little bit of leeway. I think
14 it's definitely a standard that we have to live by
15 but I think it does give you some leeway. So I've
16 been talking to our Science Center about more
17 ranges, more levels and probability associated with
18 them rather than just one number, you know, and
19 we'd give you some probabilities. That's something
20 we're looking at also. Yeah, and after our meeting
21 we'll be able to discuss it further but we'll make
22 that best science report available to you all

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1 immediately if it's not already, we'll get it for
2 you.

3 Ralph.

4 MR. RAYBURN: I was going to ask Laurel
5 a question earlier about some logistics and stuff
6 later on in the meeting, that's okay, you can go
7 ahead.

8 CO-CHAIR MR. OSTERBACK: Okay, Larry.

9 MR. SIMPSON: Bill, I had a concern, an
10 interest in this Ocean Policy Commission task over
11 the last several years, and appreciate your
12 comments that the agency is developing some plains,
13 some positions, some response and so forth and you
14 mentioned that regardless the agency is going to
15 implement some things and we've got some
16 congressional interest and ostensibly it's a
17 report to Congress in the present.

18 Bluntly, I'm just concerned that we
19 don't get a shotgun approach to this and that we
20 try to draw this into a concerted efficient effort
21 within the agency to deal with it. It has the
22 potential to do something. It also has the

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1 potential to fall on its face. And there's certain
2 large portions of it in which I outlined in my
3 comments back and so forth that have a real chance
4 to do some significant changing in the way we do
5 business in fish, in an overall look.

6 I'm concerned that we don't get a
7 shotgun approach, Bill, and I think it's a large
8 enough task that that's something that maybe even
9 you personally or certainly somebody close in the
10 inner circle needs to put their hand on and be the
11 one point of contact to try to bring this stuff
12 together to keep some handle on it, because
13 everybody's going to see some aspect of it that
14 they like and try to run with that and I think it
15 needs to be put together in one effort, so to
16 speak.

17 Would you like comment or a little
18 dialogue on that?

19 CO-CHAIR DR. HOGARTH: No, I think
20 you're exactly right. That's the goal right there,
21 that's what we're doing. In fact the
22 Administration's been very, you know, direct with

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1 us that they don't want us to just run off doing
2 pieces of it. And when I said there's some things
3 that we're looking at, we've heard about science
4 and the separation of science and we've been trying
5 to address it.

6 MR. SIMPSON: Right.

7 CO-CHAIR DR. HOGARTH: I think this
8 give us a little bit more direction there.

9 MR. SIMPSON: But that needs to be done
10 in a stove pipe.

11 CO-CHAIR DR. HOGARTH: Yeah. There
12 will be a -- in fact there's a national, there's
13 matrix management that you hear us talk about, but
14 now we have councils like the National Ocean
15 Council, which all the ocean issues are supposed to
16 go through and this is chaired by Rick Spenrad and
17 myself, and so all these issues and prerogatives
18 are going through that, you know, and so we look at
19 it. And then it goes to the committee, so to
20 speak, and there will be a comprehensive plan put
21 together and we have to first off say well, we
22 agree with something or not and why we didn't agree

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1 with it and, you know, what priority did we think
2 it had.

3 So that's where we are in this stage
4 and we're hoping the Administration will accept,
5 you know, those things how we ranked them and what
6 we said we've done. You know, there's no doubt one
7 of the things, we have some, I guess, internally
8 have some heartburn over this, is this new
9 national, you know, Council of Policies, is what it
10 does, if it doesn't have any authority, what does
11 it do and I have been very outspoken, I think the
12 process we got is too slow, you know, we take too
13 long and then everybody complains about the data is
14 two years old but it takes two years to get through
15 this process. And so if you have another one is it
16 actually going to add more to it, or is it going to
17 give you better decisions so, you know, I
18 think.....

19 MR. SIMPSON: I have my concerns about
20 that too.

21 CO-CHAIR DR. HOGARTH: Yeah.

22 MR. SIMPSON: It could be faster. It

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1 could be a pre-cursor with doing away with the
2 other system, I don't know.

3 CO-CHAIR DR. HOGARTH: Yeah.

4 MR. SIMPSON: It's important.

5 CO-CHAIR DR. HOGARTH: And we are
6 looking at, which I didn't mention, the regional
7 council, some of these regional eco-system
8 councils. Well, the end of August we're having a
9 meeting in Charleston, there's going to be about 60
10 people, but we're bringing in people from the
11 states, from commissions, from councils, Navy, EPA,
12 Department of the Interior, it's just a whole group
13 of academia to take the first look at how do you
14 delineate eco-systems. They're not going to fall,
15 definitely not going to fall into council lines, so
16 to speak, so how do you delineate them and then how
17 do you get input. So we're taking the first cut at
18 that at the end of August because that's something
19 that Congress has given us \$2 million to do eco-
20 system pilot projects on the East Coast so this is
21 the beginning of that, is to how will you have
22 these regional bodies and how we delineate and so

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1 we are starting that. And that was something that
2 was mentioned, but we also got another directive on
3 that from Congress, so we're not stepping out
4 ahead, we've just got two different directions on
5 that.

6 MR. SIMPSON: Just one.....

7 CO-CHAIR DR. HOGARTH: Summarize real
8 quick. There will be, I am sure, Administrative
9 positions on why and why not are these things, and
10 with directives of how to get it done. Rod.

11 MR. MOORE: Bill, sort of in line with
12 what Larry was asking and following up on what Bob
13 said. This whole concept of the various
14 commissions and what they've called for and the
15 shotgun approach to doing things and, you know, the
16 NRC on best scientific information. A lot of the
17 criticisms that come out, and especially on this
18 using science and need to separate science and
19 allocation, all this sort of stuff. I'm not sure
20 what they're based on, but from the standpoint of
21 those of us who work actively with the Pacific
22 Fishery Management Council, there are several here

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1 in this room, it gets kind of frustrating to be
2 constantly told that the councils, the fisheries
3 managers, and I know it's got to be frustrating for
4 you guys, too, are not listening to the science.
5 That the science isn't being used, you know, that
6 the scientists are being overridden. We've gone
7 back and looked at what the Pacific Council has
8 done over the years and I can think of one
9 instance, which was a very aberrant situation where
10 the council deliberately decided to allow a level
11 of fishing that was higher than the published ABC.

12 But in every other instance, the council takes the
13 advice of the SSC, which often is a range and, you
14 know, you got to figure out where the hell in the
15 range you're going to be and stays with it. So
16 this whole thing about the councils aren't
17 following the science and so therefore they need to
18 be restricted, punished, slapped down, something or
19 other gets really annoying for those of us in the
20 Pacific Council.

21 And to the extent when NMFS is
22 responding to these things, whether it comes from

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1 the press or critics of one sort or another, it
2 would be very helpful to point to the good things
3 that the councils have done and use this as an
4 example. Yeah, we don't have the best situation in
5 the world and a lot of that is because we have a
6 data intense system that has very little data to
7 use, which I know is something you're aware of.
8 But we're getting real tired of being painted with
9 the same broad brush and accused of doing things
10 that we haven't done.

11 CO-CHAIR DR. HOGARTH: Well, you know,
12 when you look at the reference -- you ask people
13 when they say, did you look at the reference, there
14 is one reference they use -- I took over this job
15 right at the same time a lawsuit came out, the
16 decision from a judge, and it said, only in a
17 bizarre world of comics would you do such a
18 ridiculous thing or something. It was like they
19 set the quota at like 15 percent of probability of
20 rebuilding, one of the councils did.

21 MR. MOORE: Uh-huh.

22 CO-CHAIR DR. HOGARTH: And that's

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1 haunted us from that day forward and it's just
2 been, you know, and that's where the 50 percent
3 probability, he said you have to have at least the
4 50 percent probability any time you set a quota.

5 MR. MOORE: And we use from 50 to 70
6 percent probability.

7 CO-CHAIR DR. HOGARTH: But it was only
8 used once. But that is the base for it. If you
9 look at the reference of people making that
10 statement is that one judge's decision and he made
11 it very vivid, you know, only in the bizarre world
12 of comic books would someone do some of this.

13 One thing I didn't cover, I want to
14 cover real quick, too, is the sea turtle issue in
15 the tags. We put new tags, larger tags in the Gulf
16 in the south Atlantic. And you know Congress has a
17 law that says if you import shrimps to this country
18 you have to use -- and have a shrimping fishing
19 industry you have to use the same tags. They
20 changed it so that now that these countries that
21 we're importing from have to use the large tags, I
22 think it's August the 1st or September the 1st,

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1 these foreign countries have to use the large tags
2 and we've been overseas now in many countries doing
3 workshops on the new tags but also doing workshops
4 on the new gear that we're using in the longline
5 fisheries.

6 And not putting Scott Burns on the
7 spot, but we are working with World Wildlife do an
8 MOU on sea turtles, particularly so we can get to
9 the international arena and get money to do things
10 internationally because unless we can get the
11 nesting beaches and things done on an international
12 basis we won't be successful so we are trying to
13 work an MOU and I hope we're very close to that,
14 get that out. I'd love to see it get out.

15 Any other questions.

16 (No discussion)

17 CO-CHAIR DR. HOGARTH: We're ahead.

18 MS. BRYANT: We're way ahead. Does
19 everybody have their packets that I mailed, where
20 you got the documents?

21 CO-CHAIR DR. HOGARTH: Fish 101
22 documents.

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1 MS. BRYANT: You could do that because
2 they got them.

3 CO-CHAIR DR. HOGARTH: In the document,
4 do you all have this?

5 MS. BRYANT: Yes.

6 CO-CHAIR DR. HOGARTH: Management of
7 U.S. Marine Fisheries, simply stated. You know,
8 first you see how it's broken down and it's
9 questions and answers-type thing and then it does
10 talk a little bit about the members of the council,
11 how they're added and what is their FMP in all this
12 and then it gets into terms and then we do have
13 some of the fishery management plans. Some people
14 have questioned, well, in this type of document you
15 would want to put fishery management plans or not
16 because they do and you're adding and all, then
17 that would make this sort of a needed reply to it.

18 But as the terminologist stated saying, you know,
19 well, what is limited entry, what is individual
20 quota management and all would be safe.

21 So I'm asking for your input. Some of
22 you have done it, some people think it's good, some

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1 people don't.

2 Tony, okay.

3 MR. DiLERNIA: Bill, I thought it was
4 pretty good. Bill, I would have thought that most
5 councils have also documents as to what is
6 fisheries management like. I remember when we
7 served on the MID, when I was I&E chair, one of
8 the tasks that I was given was to work with the
9 committee to put together a document for fishermen
10 on the fishery management process and how does it
11 work and as I was reading this I said, gee, whiz,
12 this is very similar to the kind of stuff that we
13 did in '91/92.

14 CO-CHAIR DR. HOGARTH: There's a
15 reason, Tony, we used some of that.

16 (Laughter)

17 MR. DiLERNIA: Well, I hope you did.
18 Well, we worked on that together.

19 CO-CHAIR DR. HOGARTH: Yeah.

20 MR. DiLERNIA: The only comment I had
21 is the flow chart that was in this document is a
22 little brief. I thought maybe the flow chart could

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1 be a little bit more detailed.

2 CO-CHAIR DR. HOGARTH: Okay.

3 MR. DiLERNIA: And, again, I remember
4 in the MID we developed a flow chart that you might
5 want to check with the staff.

6 CO-CHAIR DR. HOGARTH: Okay.

7 MR. DiLERNIA: I'm sure it's buried in
8 a file cabinet somewhere that you may want to
9 include with it.

10 CO-CHAIR DR. HOGARTH: Okay.

11 MR. DiLERNIA: But overall, I thought
12 it was pretty good.

13 CO-CHAIR DR. HOGARTH: Thank you.
14 Remember, this is not being prepared for court and
15 we have talked to GC and, in fact, did a disclaimer
16 thing we'd need to put in here to keep from causing
17 problems with the court system of anything like
18 that. But it is to try to get more people in tune
19 with what these definitions mean so they understand
20 when you talk with these terms.

21 MR. DiLERNIA: I was curious about one,
22 Page 22, Page 22 of 28, it specifically focuses on

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1 MPAs there and I was just curious as to why that
2 was included.

3 CO-CHAIR DR. HOGARTH: Well, that's a
4 question that's been brought up and we haven't
5 taken it out yet because I didn't want to do
6 anything with this stuff during the make up.

7 MR. DiLERNIA: Yeah. I'm not sure that
8 was necessary.

9 CO-CHAIR DR. HOGARTH: Okay.

10 MR. DiLERNIA: That may just confuse it
11 a little bit.

12 CO-CHAIR DR. HOGARTH: All right.

13 MS. RAYMOND: Thank you, Bill. I was
14 going to just respond to your question about
15 whether or not these needed to include the plans
16 that each council manages and since I've already
17 found two mistakes, I would suggest that you take
18 them out.

19 CO-CHAIR DR. HOGARTH: Okay.

20 MS. RAYMOND: Because there's like one
21 missing in New England and there's something wrong
22 with one in the mid-Atlantic and so just to your

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1 point, things might change quickly.

2 CO-CHAIR DR. HOGARTH: How would you
3 feel about this, someone suggested that each
4 council has a web site where these are, just refer
5 it and say each council has a web site and you can
6 refer to that.

7 MS. RAYMOND: Yes, I think that's the
8 best thing to do.

9 CO-CHAIR DR. HOGARTH: Okay.

10 MS. RAYMOND: And also I thought this
11 was a little bit long and that if you took that out
12 it would sort of cut down the number of pages.

13 CO-CHAIR DR. HOGARTH: Okay. All
14 right, thanks. Rod.

15 MR. MOORE: Bill, I think the idea is
16 excellent. The execution needs a lot of work. I
17 know this is a draft, so I suppose I shouldn't be
18 picky, but somebody needs to edit this thing.
19 There are typos, there are words missing, there are
20 misspellings, there are reversed acronyms, there's
21 all sorts of stuff in here, so that's something
22 that needs to be done.

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1 CO-CHAIR DR. HOGARTH: Okay.

2 MR. MOORE: It sounds almost like this
3 was written by a committee in that half the
4 committee were people who were trying to
5 communicate with the laymen and the other half were
6 senior scientists who were trying very hard to talk
7 about what they do but still can't quite get it
8 down to the level below the post-doctoral. Within
9 the same paragraph you'll have something that a 10
10 year can understand and something that you need an
11 advance degree to figure out or have spent 30 years
12 in fisheries management. So there needs to be --
13 you know, if you have somebody within your office,
14 somebody who can just sort of do a scrub on this to
15 make it a little bit better.

16 There are some particular technical
17 points I found. I got to Ten National Standards
18 and saw National Standard number 9 and just barely
19 managed to keep from crumpling and throwing this
20 out, the national standard does not say whenever
21 possible, it says when practicable and there's a
22 reason that that wording is in there in the Act.

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1 So there are things like that that need to be gone
2 through.

3 CO-CHAIR DR. HOGARTH: Okay.

4 MR. MOORE: On the MPA issue, I would
5 disagree with Tony somewhat. MPAs are a fishery
6 management tool that is being looked at. It is
7 something that is discussed a lot in the public.
8 And if we're trying to provide a guide for people
9 to understand what it is these councils are talking
10 about, then you have to throw it in there, but you
11 have to define it. I mean there's no real
12 definition of an MPA, there's no discussion of
13 marine protected area versus reserves, how the
14 National Marine Sanctuaries fit in; as you know
15 that's a tender topic on, at least, the West Coast,
16 and I think it will be in other areas soon.

17 On the FMP list, I did not go through
18 this in detail. I think at a minimum, just change
19 it to a one line, you know, for each, you just give
20 the name of the FMP by council if you want. The
21 idea of using the web site is probably a good one
22 and that way you can reduce the size of this thing

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1 and get more information in it.

2 Those are the more general comments I
3 have on this. Well, of course, I'm not going to be
4 on MAFAC but I was going to say I'd be happy to
5 look at a further draft.

6 CO-CHAIR DR. HOGARTH: You could always
7 do that.

8 (Laughter)

9 CO-CHAIR DR. HOGARTH: I think, you
10 know, this was thrown in as an executive order and
11 I think maybe we probably should mention marine
12 protected areas, sanctuaries as these fit together
13 and not just as an executive order. An executive
14 order, you know, you can define executive order but
15 you don't have to use this one specifically,

16 So I wanted to say, if you get home,
17 I'll hold this for probably a week anyway, so if
18 you want to end me an email after you've looked
19 through the specifics, do it, because I'm going to
20 look at it on the plane back and I won't be in the
21 office much next week, so it'll probably be the
22 week after.

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1 MR. MOORE: Well, I won't be in the
2 country next week.

3 CO-CHAIR DR. HOGARTH: Okay. Dick
4 Gutting.

5 MR. GUTTING: Yes, Bill, I, not
6 surprisingly agree with Rod on his comments, I
7 began to have trouble with the first five words and
8 it just went downhill from there.

9 Fisheries are a living marine resource,
10 well, yes and no. One of the problems right off
11 the bat is you never define what a fishery is, you
12 never explain what a fishery is. That seems at the
13 center of everything we do. And I think a lot of
14 people do think of fisheries in terms of the fish
15 in the water but that's only half the story. So I
16 think that needs to be clarified up front, what is
17 it that we're talking about here, and that's well
18 defined in the Act, as you know.

19 I also felt -- I won't repeat what Rod
20 said, but you don't mention the tribes here.
21 Tribes have fishery management responsibilities,
22 they're part of the community of managers. I think

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1 they need to be mentioned and how they fit into the
2 process.

3 I felt that one of the great mysteries
4 to me is exactly what is a stock assessment, and
5 not being a scientist, it's always been a little
6 bit mysterious to me, and I really think that the
7 description on Page 4, it's some activities, it
8 needs a little bit of help in kind of describing
9 what those activities are, fishery dependent,
10 fishery independent, what are the fundamental
11 tools, if you will, or mechanisms that we use; I
12 think that would be very helpful.

13 CO-CHAIR DR. HOGARTH: Okay.

14 MR. GUTTING: My last comment, Bill, I
15 really was, when I got this and was thinking about
16 it, who the hell was the audience and you kind of
17 answered that question for us when you described
18 it. And my suggestion to you is that before you
19 put the final stamp on this document, you run it by
20 that audience, you know, pick out a couple of
21 people up the chain that you want to communicate
22 with or in the press, whoever the target audience

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1 is and run it by them and see whether this fits
2 their needs. I think it's very important when you
3 write documents like this, that you're writing them
4 for a particular audience, and I was very confused
5 when I reviewed this. I didn't know whether this
6 was for school children or, you know, who this was
7 for, and I think you'll get a much better document
8 if you do a little, what we call marketing, just
9 nothing other than ask the audience, ask your
10 customers.

11 CO-CHAIR DR. HOGARTH: That's a good
12 point. Mike brought up many of these, but Mike is
13 -- you know, there has been some council people
14 involved. Mike looked at it and we couldn't get
15 the changes made that Mike asked for in time to get
16 it to you all to look at it all, so I've held any
17 comments until I got here. I thought it was
18 important to get it by MAFAC at this meeting so I
19 was willing to hold it longer, and the comments I'm
20 hearing are some that Mike has made.

21 Chris.

22 MR. DORSETT: Dick brought up the

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1 points that I was going to make, audience, you
2 seemed to indicate that it was more from inside the
3 belt-way crowd as opposed to the general public and
4 I think that it's critical.....

5 CO-CHAIR DR. HOGARTH: I can't hear you
6 Chris.

7 MR. DORSETT: Dick raised the points
8 that I wanted to make and it's largely surrounds
9 who the audience is and Bill seemed to indicate it
10 was more of an inside the belt-way crowd people
11 that have to deal with this in the course of their
12 job and don't understand the fishery management
13 system. And if that's the case then I think it
14 needs to be tailored for them as opposed to the
15 general public because I was a bit confused about
16 that myself.

17 I like the flow chart, though, this one
18 is not the best one I've seen and I'll try to pull
19 some examples of ones that I've seen that are
20 better. Other pictures, diagrams, map of the EEZ
21 with State waters, Federal waters, I think would be
22 very helpful. I would have as many pictures as

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1 possible.

2 CO-CHAIR DR. HOGARTH: Rob.

3 MR. KRAMER: Most of my questions were
4 addressed, too. My only other point here is that
5 you refer several times in here for opportunities
6 for public input. You refer to the Federal
7 Register and having worked in fisheries management
8 for many years one of the most frustrating things
9 I've found was that these opportunities were there
10 but the public didn't really understand how and
11 when to plug in. And the more that can be
12 clarified, I think, the easier it will be because
13 we all know you're not really managing fisheries
14 you're managing people and you got to get those
15 people involved.

16 But, yeah, Chris and Dick both
17 addressed my questions about making sure you have
18 your target audience clearly defined because
19 another thing I saw while in government is that a
20 document would be produced and it would be
21 distributed to everybody and it would really be
22 ineffective to each one of those constituencies.

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1 CO-CHAIR MR. OSTERBACK: Okay.
2 Elizabeth.

3 MS. SHEEHAN: Oh, great. I think this
4 is a great idea and I had some of the same opinions
5 that Rod and Dick mentioned. And in terms of
6 summarizing it, the danger of simply stated is lack
7 of precision. So I think that there were
8 definitions and questions that were answered that
9 lacked precision using usually, as much as possible
10 and I think that confused as opposed to clarified.

11 I agree that the section on the plan
12 should be taken out and the idea of a web page is a
13 good one and perhaps a suggestion is to have some
14 clarity when you open it up so that the reader
15 knows what questions are being asked and answered
16 and what's the order of those questions because
17 you're sort of going through not exactly where
18 you're going to end up in the end. And so some
19 kind of introduction of why or categorizing some of
20 the groups of questions.

21 CO-CHAIR DR. HOGARTH: Okay. Vince.

22 MR. O'SHEA: Two points. Once you

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1 decide on the audience that's going to drive the
2 definitions and really there's no point in
3 commenting on definitions. But I think
4 philosophically the definitions ought to be right
5 in front of the document, terminology is a big
6 issue with people that aren't part of the fish
7 world and they need to see the definitions up
8 front. And the second is, I think what could go in
9 the back, though, is some sort of where these folks
10 could go to get additional information. We talked
11 about adding a web site but there's a lot of good
12 places out there to get additional information and
13 those should be listed in the back.

14 Thank you.

15 CO-CHAIR DR. HOGARTH: I like that. I
16 like that. By the way before we go to the next
17 person, I get lots of emails on certain topics, you
18 know, people decide to, you know, protect a dolphin
19 or protect this or protect that. And we've never
20 really found a way to respond to them and finally,
21 Larry Tuminski, who does our computer stuff, you
22 know, came to me last Friday and said I may have a

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1 system that I will now probably reply to every
2 email I get so we'll try that.

3 (Laughter)

4 MS. RAYMOND: No you won't after you
5 just said that.

6 (Laughter)

7 CO-CHAIR DR. HOGARTH: I think it's
8 important and, you know, I'm not in it as much as I
9 should be so I'm trying to find some automatic
10 system of some kind. Because to be honest with you
11 last weekend, I think -- the last weekend I was at
12 the office my computer got shut down on things
13 about protecting -- I think it was protecting
14 dolphin on the West Coast -- the West Coast
15 decision on tuna dolphins, so it's on people's mind
16 and so I just shut it down.

17 Bonnie.

18 MS. BROWN: Guess what my comment
19 relates to?

20 CO-CHAIR DR. HOGARTH: What?

21 MS. BROWN: Page 22, what's the role of
22 farmed fish or aquaculture, overall, that section

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1 needs to be rewritten, maybe three sentences
2 instead of two. Whoever wrote it, I think doesn't
3 have a -- I'm sorry, I'm not trying to insult them,
4 but I don't think they had a great idea about the
5 scope and the application of aquaculture. It says
6 farmed fish provide a supplement source of seafood
7 -- well, supplemental, but it's not that alone,
8 aquaculture supplements, depleted T&E and wild
9 stocks, there are examples in sturgeon salmon,
10 trout, American chad flat fish, oyster just to
11 mention a few. And a culture is not specifically
12 for food, it's often for restoration. Then the
13 second part of that sentence, I really freaked out,
14 while reducing the demand on wild stock, and that's
15 not necessarily true either because when you have
16 high availability and generally higher price of
17 aquaculture products, we know that often increases
18 the desire to harvest wild fish at a less expensive
19 price so there really are some, and I'm not trying
20 to get into the aquaculture discussion now, but I
21 think maybe after we have the aquaculture
22 discussion there could be three more correct

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1 sentences written here.

2 CO-CHAIR DR. HOGARTH: Yeah, I agree,
3 that's got to be redone.

4 MS. SHEEHAN: Okay.

5 CO-CHAIR DR. HOGARTH: Ralph.

6 MR. RAYBURN: Gilmore had his hand up,
7 didn't you, Jim, before me, he's just rather shy.
8 Go ahead, Jim.

9 CO-CHAIR DR. HOGARTH: All right, Jim.

10 MR. GILMORE: Ralph, I defer to the
11 always more articulate.

12 MR. RAYBURN: Well, I would go back
13 and it's been said, but just to reiterate. I
14 thought I heard the audience initially was going to
15 be the councils, in that, the reason this was
16 prepared was to respond to the concern in the
17 commission and others, the PEW Commission and the
18 Ocean Commission, that the new people on the
19 councils needed to be educated about the process.
20 And then you mentioned, Bill, that people at NOAA
21 and other areas higher up were saying that
22 fisheries was complicated so you were going to

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1 respond to that with this document, and I would
2 argue that it doesn't really do either.

3 I mean if those are the two audiences,
4 that it would not meet either audience. It seems
5 like it's much -- if someone appointed to the
6 council doesn't know pretty much what's in this
7 manual already then I would question whether they
8 should be appointed to the council. It seems very
9 fundamental. But you and I have been living it for
10 awhile so maybe.....

11 CO-CHAIR DR. HOGARTH: But they are
12 appointed.

13 (Laughter)

14 MR. RAYBURN: What?

15 CO-CHAIR DR. HOGARTH: But they are
16 appointed.

17 MR. RAYBURN: Well, I understand that.
18 But this is just going to maybe give them the
19 lingo, but really not going to give them any
20 insight as to how to make decisions and on the
21 other hand it seems as if it was to target higher
22 administration folks, then it would seem they would

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1 want to have more of the focus being on the legal
2 implications and the governmental regulatory
3 authority that creates the different things and the
4 terminologies and those types of needs.

5 So I mean just to reiterate what a lot
6 of the other folks have said but until you know
7 what your target audience is you can't really
8 respond to whether this document is of any value
9 and I would say you may want to look, I brought
10 some publications, a guide done with our Sea Grant
11 legal folks on fisheries management, and this is a
12 fairly -- it's made for the common, but it's also
13 made to the council members it'd be good too -- I
14 have some copies of those that I brought just so
15 you all could take them back and look at them. I'm
16 sure you've looked at them, the authors have
17 probably looked at it, but I would again argue that
18 you need to find out which target audience you're
19 going for and if you're just going to cover the
20 waterfront, well, maybe this is okay but if you're
21 really going to try to either educate council folks
22 or inform the leaders of the government, what the

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1 fisheries management is all about, I don't feel
2 this document necessarily meets either one of those
3 audiences.

4 CO-CHAIR DR. HOGARTH: There will be a
5 training manual. It's obvious we've got to have a
6 training manual for new council members and some of
7 us would go there and some wouldn't, but it would
8 have to be a lot more for a training manual. And
9 maybe we need to look at the two together and
10 decide, you know, if we need both or if we could
11 just pull a section out of the other or this.

12 MR. RAYBURN: Yeah, that might be
13 helpful just to not get in a rush to produce
14 something.

15 CO-CHAIR DR. HOGARTH: Jim.

16 MR. GILMORE: First of all, from my
17 first observation proved out there was the very
18 articulate and important contributions from Ralph,
19 and I agree wholeheartedly. I almost wonder
20 whether you want to go back and revisit the idea of
21 having a single document. Because it seems to me
22 that most people are going to the web sites these

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1 days to get the information to begin with. A
2 number of people have commented, you should be
3 having links to the various regional councils and
4 the science centers and the regional offices in
5 order to be sure that audiences are getting out to
6 more specific information that they want. They're
7 probably going to find this document on your web
8 site, and I wonder if you -- I haven't looked at
9 the NOAA web site to see if, when a journalist is
10 going to look for something, if there's a media
11 room that they go into that.....

12 MS. BRYANT: Yes.

13 MR. GILMORE:and it has a
14 glossary on it already and has links to.....

15 MS. BRYANT: Not on that.

16 MR. GILMORE: But I guess what I'm
17 saying, is you probably -- it sounds like you
18 probably have two or three different audiences here
19 and I'm just wondering whether you want two or
20 three sections of this thing that people can find
21 on the web site in order to go and get this
22 information that will then take them on in their

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1 journey if they want to go learn more about one
2 thing or another from there rather than try to have
3 a be all and end all document that somebody doesn't
4 get to Page 25 of to find out that there's a
5 glossary.

6 CO-CHAIR DR. HOGARTH: Thanks. Bob
7 Fletcher.

8 MR. FLETCHER: I thought there was some
9 good things about this but I felt that this
10 document fell into the same trap that the Oceans
11 Commission did and that is they looked at the way
12 certain councils operate and picked the worst
13 example and painted all the regional council system
14 as having the same flaws. A statement in point is
15 on Page 4 where it says in those cases, stock
16 assessments are not undertaken or considered until
17 stock is declined. I don't know which councils
18 operate that way but I know the Pacific doesn't.
19 We cry constantly for you to give us more money to
20 do more stock assessments on stocks that aren't
21 even being impacted but certainly aren't declined
22 yet, so that concerned me.

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1 There was some other areas that frankly
2 I was not aware of that maybe need more definition
3 and one of them is on the next couple of pages
4 along where it says the EEZ doesn't start until
5 nine miles up the Florida Coast and off Texas and I
6 didn't know that, so that's good, but maybe a
7 little more information there.

8 MR. SIMPSON: It goes back to the
9 Spanish Land Grant and it's just one side of
10 Florida.

11 MR. FLETCHER: Well, that's kind of
12 surprising and maybe needs more description. And
13 there was a couple other areas where I thought it
14 could have been more comprehensive, but I could
15 give you an email Bill and talk about those.

16 CO-CHAIR DR. HOGARTH: Okay.

17 MR. FLETCHER: There's no sense in
18 going on and on. But the main thing was that one
19 comment about stock assessment descriptions, maybe
20 we need to look at certain councils. I imagine
21 North Pacific would raise the same red flag about
22 that comment knowing how comprehensive they are

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1 working on their stocks.

2 So anyway, those are all of my thoughts
3 right now.

4 CO-CHAIR DR. HOGARTH: All right, send
5 it to me in an email, too, great. All right, Tony.

6 MR. DiLERNIA: Let me go out on a limb
7 here a little bit and take a guess, I would think
8 that this document that you prepared was, it seems
9 to me intentionally developed for, say,
10 congressional staff, changes over every couple of
11 years, and you're constantly answering the same
12 questions over and over again because staff members
13 are constantly changing. If that's the case, if
14 that was the original intent of the document, then
15 I think that 28 pages or whatever is too much.

16 Given the reading load those folks have
17 and the attention span, not to be negative, but
18 just the attention span because they have so many
19 things pulling at them for their attention that
20 somehow try to keep this under 10 pages or less
21 would be the way to go. If that's your target
22 audience, if that's really the audience that you

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1 plan on circulating it to.

2 Thanks.

3 CO-CHAIR DR. HOGARTH: Thanks. Well, I
4 appreciate the comments, really, and we will take
5 them all and sit down, I will with Mary and Mike,
6 but if you have any further when you get home,
7 please feel free to send them to me because like I
8 said it'll probably a couple weeks before I really
9 get too involved in it, but thank you.

10 And I think you've all saw, and I guess
11 we need to go back and define the audience, part of
12 it is the congressional staff, they keep asking
13 questions on this and then you'll get a news media,
14 you'll have some news media event and you'll talk
15 about the status and stocks of this and that and
16 they'll say, what do you mean by this or mean by
17 that and so it may be we're trying to target too
18 many audiences and we need to go back and look at
19 that and define that and then, you know, tear this
20 down and then I think the way you get information
21 is good, if we could have one page this is where
22 you get it additional information and then take

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1 that to fishery management plans and refer to each
2 council's web site I think will probably strengthen
3 this quite a bit, so I do thank you for the
4 comments and we'll work on that.

5 CO-CHAIR MR. OSTERBACK: Bill, on
6 Thursday, I think when we go into committees, maybe
7 if some of the outreach committees want to consider
8 looking at it.

9 CO-CHAIR DR. HOGARTH: Okay.

10 MS. BRYANT: I think so. I think
11 that's a great idea.

12 CO-CHAIR DR. HOGARTH: Do you want to
13 go ahead and.....

14 MR. RAYBURN: Don't get rid of the
15 idea, it's a good idea. If I could, too, it may be
16 better to do something like that in a web site
17 situation where you can keep it updated and current
18 rather than doing it hard copy where as soon as you
19 print it it becomes out of date.

20 CO-CHAIR DR. HOGARTH: That's what I
21 feel we need to do.

22 CO-CHAIR MR. OSTERBACK: Tony.

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1 MR. DiLERNIA: Yes.

2 CO-CHAIR MR. OSTERBACK: You're the
3 chair, right, of.....

4 MR. DiLERNIA: I'm sorry, I didn't hear
5 what you said.

6 CO-CHAIR MR. OSTERBACK: I said maybe
7 on Thursday when we go into committees maybe some
8 outreach may want to take a look.

9 MR. DiLERNIA: Very good, thank you.

10 CO-CHAIR DR. HOGARTH: Would you like
11 to go ahead and take a break now.

12 CO-CHAIR MR. OSTERBACK: Sure, maybe
13 we'll go ahead and do that now.

14 CO-CHAIR DR. HOGARTH: FedEx is coming
15 and she can get that stuff out and get set up and
16 so we'll take a break now and come back at 10:30.

17 (Off record - 9:59 a.m.)

18 (On record - 10:30 a.m.)

19 CO-CHAIR MR. OSTERBACK: On to Mr.
20 Dunnigan is going to do some IFQ presentations and
21 so Jack.

22 MR. DUNNIGAN: Thank you, Mr. Chairman.

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1 Good morning everybody. My wife's a school
2 teacher.

3 (Laughter)

4 MR. DUNNIGAN: I'd like to take a
5 couple of minutes this morning, our subject is IQs
6 and what I'm really trying to do today is to invite
7 MAFAC into a dialogue with the agency about policy
8 relating to individual quotas and systems and how
9 that issue we see developing from a policy and
10 political perspective over the next year and a half
11 or six months or five years or however long you
12 think it's going to take us to finish with the
13 reauthorization of the Magnuson-Stevens Fishery
14 Conservation and Management. So I'd like to invite
15 you to that. It's a process and I'll explain it in
16 a second, which is going to take us a number of
17 months, probably stretching over the next two MAFAC
18 meetings so I'd like to be able to come back to you
19 in January and then again in April and I'll tell
20 you what I would do at each of those meetings to
21 talk about what the agency's recommendation ought
22 to be to the Congress in dealing with this issue of

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1 individual quotas.

2 So what we're going to do this morning.

3 The other thing I would like you to do is, today,
4 begin with initiating that dialogue. Get some
5 sense from around the table as to, you know, where
6 do you see this issue, it's positioned today, what
7 are likely to be the problems and concerns that
8 we're going to have to deal with as we put together
9 agency recommendations for policy, and maybe talk
10 about some of the issues and bring some of that --
11 start bringing some of that to the floor. So
12 that's what I'm going to do.

13 You have two pieces of information that
14 have been handled out to you by the MAFAC staff.
15 The first one was prepared -- both prepared for me
16 by Matt Molozo on our staff and Matt will be our
17 point person in doing all the staff work that will
18 follow through on this. And most of what is on
19 that sheet is going to be covered in the slide
20 because I have 10 slides to go through. But not
21 everything, there may be some things that Matt had
22 on the sheet that I am not using in the slide and

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1 if you want to check on some of those we can do
2 that as well. All of the information on the slide
3 comes from that sheet in one way or the other.

4 The second piece that you have is a
5 bill, it looks like bill language, it never went
6 anywhere. It was our work product. Last year we
7 worked on the Magnuson-Stevens Reauthorization Bill
8 in an administration position, it was ultimately
9 transmitted to the Congress. While that was
10 happening there were a couple of bills that were
11 introduced on the Hill and somebody said, well,
12 gee, you should at least get the IQ provisions that
13 are in the administration bill put together as a
14 package and rush them up to the Hill because there
15 was some activity that was going on. It turns out
16 that our whole bill ended up being cleared by the
17 administration in time and so that bill never went
18 there but for easy reference you should be able to
19 look at that bill and see the provisions that are
20 in the current administration proposal for
21 reauthorization of the Magnuson-Stevens Act, and
22 that's basically just to make this reference easy.

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1 A rose is still a rose by any other
2 name and we've used lots of names in this
3 discussion over the many years that we've been
4 talking about individual quotas. We have
5 individual fishing quotas, IQs is probably a
6 broader term. Each of these things means something
7 a little bit different. ITQs references whether or
8 not they're transferrable. You can have quotas
9 that don't necessarily need to be transferrable.
10 The question of IPQs, having quota shares for the
11 processing sector as well as the harvesting sector
12 has been an issue probably, at least as of today
13 it's not an issue unless there's some statutory
14 changes that we were trying to tackle before and
15 now thanks to the U.S. Commission on Ocean Policy
16 we have another term which is dedicated access
17 privileges.

18 I don't care what we call them, I think
19 it's much more important to talk about how we feel
20 about the substance of some of these issues and
21 what's going on.

22 Where are we today?

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1 There was a moratorium on the approval
2 and implementation of any new IQ programs, it
3 expired in October 5th of 2002, and so the
4 moratorium has expired, councils are free today to
5 go forward to prepare fisher management plans with
6 IQ provisions, the Secretary is free to improve and
7 implement those. We haven't approved any new ones
8 since the moratorium expired. There are a number
9 of things that are going on so what we have in
10 place today are essentially the same four
11 individual quota programs that existed before the
12 moratorium went into effect. You've got surf
13 plants and ocean, you've got rec fish in the South
14 Atlantic, you've got halibut and sable fish in the
15 North Pacific, and then there's also the Atlantic
16 blue fin tuna IQ program in the purse seine fishery
17 which was actually done originally. So those are
18 the four that we have in place today. But there
19 are more things that are happening.

20 There is specific authorization in the
21 Magnuson-Stevens Act for the Gulf of Mexico council
22 to move forward on a red snapper individual quota

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1 program and someone who probably knows better than
2 I, Larry, what's the status of the referendum?

3 MR. SIMPSON: The first one's been
4 taken, the second.....

5 MR. DUNNIGAN: The first one, and it
6 passed?

7 MR. SIMPSON: Oh, yeah.

8 MR. DUNNIGAN: And it passed, okay. So
9 we'll talk a little bit about two referenda as
10 opposed to one or the other in the future.

11 Bering Sea crab, rationalization,
12 Congress instructed the North Pacific Fishery
13 Management Council a couple of years ago to come up
14 with a report, that report was transmitted the
15 appropriations bill for the current fiscal year
16 directed the Secretary to approve and thereafter
17 implement that plan, approve it by January 1 of
18 2005 and we're working very hard on that, the
19 region here in Juneau is just doing a spectacular
20 job. It's without a doubt the biggest single
21 fisheries management rulemaking that we've ever
22 tried to accomplish. And it's impressive what

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1 people can do, so that's underway.

2 At the same time the North Pacific
3 Council is also moving forward on a plan for
4 rationalization of the Gulf of Alaska groundfish
5 fishery, and so now we're using another term, we're
6 using rationalization, which is related to IQs,
7 it's the matching, developing program that allows
8 to match capacity to the available resources.

9 So those are what's going on. There
10 are a number of issues that we've identified so
11 far, they're in the handout that ought to be
12 appropriate for reauthorization. Let me just take
13 a half a second to go down a little side road about
14 what our plans are in the agency for dealing with
15 MSA reauthorization because this will play out in
16 that timeline. In the 107 Congress, the
17 Administration worked for about two years, we had a
18 large internal working group, I wasn't really
19 working much with MAFAC in those days, I was,
20 wasn't I, I was a member but I don't recall whether
21 MAFAC was involved in that or not.

22 (Laughter)

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1 When the Chairman waives his finger at
2 you, you know you're in trouble.

3 But we finally got our bill finished in
4 October of 2002, right at the end of the Congress
5 and OMB cleared it and said go ahead and send it to
6 the Hill and it was the day after Congress had
7 adjourned. So we had a lot of effort but we were
8 just never able to get an administration bill in
9 the 107th Congress up to the Hill, however, in
10 January of 2003 here we were with this brand new
11 Administration cleared bill and we were ready to
12 just, you know, send it back on up and the
13 Administration said, no, you can't do that, this is
14 a new Congress, we have to run it through all of
15 the clearance procedures again. So we basically
16 wanted to take advantage of the work that we had
17 done so we did take our bill that we had just
18 gotten cleared, reran it through clearance
19 procedures, it took a couple of months but in the
20 spring of this year, or early summer of this year
21 or last year, we were able to get it up to the Hill
22 and there is an administration bill, I don't

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1 believe it's been introduced formally, but it has
2 been transmitted to the president of the Senate
3 Committee to be passed, so we are on public record
4 and, again, that bill on IQs that you have is just
5 the IQ provisions of that administration bill
6 extracted out.

7 Now, what we're planning to do,
8 Congress is, as Bill said today, is probably not
9 going to deal with the Magnuson-Stevens
10 reauthorization issue. We will go into the 109th
11 Congress next January and we will want to have
12 administration positions on what we think Congress
13 out to do with reauthorization, IQ issues, but lots
14 of other issues, many of them perhaps will be
15 driven by the report of the U.S. Commission on
16 Ocean Policy. But what we're planning to do now, I
17 think the memo went out internally yesterday, is to
18 go back and re-put together another team. In the
19 108th Congress we didn't do an interagency
20 discussion of what our position ought to be,
21 because we just relied on what had just been
22 cleared, it's now been three and a half years since

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1 we, in the agency, have had a chance to talk to
2 ourselves about how we think things are going and
3 what needs to be changed, plus we've had the report
4 of or will have shortly the report of the U.S.
5 Commission on Ocean Policy plus there's been a lot
6 of water under the bridge in the last three years.
7 So we are going to start over. We are going to go
8 back to ground one with an internal working group
9 that will be set up in the next couple of weeks to
10 develop a new administration position on
11 reauthorization of the Magnuson-Stevens Act.

12 The next thing that's important in this
13 regard is the conference that the councils and NOAA
14 will co-sponsor next March, and the planning for
15 that has already started. It's a follow-up to the
16 conference from last November and we hope to sort
17 of build on the success at that conference and the
18 specific focus of that is going to be issues
19 relating to reauthorization of the Magnuson-Stevens
20 Fishery Conservation Management. So we're not
21 going to come out with an agency position or
22 frankly we're not going to make up our mind as to

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1 what we think is appropriate until we have that
2 opportunity to sit down with our partners and the
3 councils, with the community at large and consider
4 pooling what all of the issues are. Shortly after
5 that, though, we will move, we hope fairly
6 aggressively, to finish putting together an
7 administration position and be informed by all of
8 these discussions in light of the March conference.

9 What I would like to be able to do with
10 MAFAC during that period of time, when you get to
11 your January meeting, we will have done a lot of
12 internal work both on our own and directly in
13 preparation for the conference on a number of
14 issues relating to Magnuson-Stevens
15 reauthorization, this will be one. I would like to
16 come back and talk to you about where we are with
17 that and get your feedback on what our views are
18 and what you think we ought to be, where you think
19 we ought to go, and then after the March
20 conference, we will continue to refine our thinking
21 and assuming you have a meeting somewhere in the
22 spring timeframe, which typically MAFAC does, I'd

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1 like to come back to you again after the conference
2 and at that point our thoughts ought to be much
3 better congealed and we'll have an opportunity to
4 sort of bounce that off of you one more time before
5 we finish running it through administration review.

6 So that's how I'd like to use MAFAC and
7 that's generally how I see the MSA reauthorization
8 issues going on in the agency over the next couple
9 of months.

10 Are there any general questions about
11 just that, that little side bar that we had? Rod.

12 MR. MOORE: Jack, listening to the
13 schedule you just laid out, I don't know when MAFAC
14 is going to have their spring meeting in 2005, but
15 is that not -- given that you're going to have to
16 interagency clearance on an administration
17 position, and we know how long that can take, given
18 how fast the Hill might start working on Magnuson
19 Act issues, is that going to put the
20 Administration, by waiting that long, you know, by
21 going through two more MAFAC meetings, is that
22 going to sort of put the Administration behind the

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1 eight ball in terms of getting an overall position
2 on Magnuson up to the Hill in preparation for the
3 hearings that will start going on and everything
4 else?

5 MR. DUNNIGAN: I'm not sure. That's
6 one of Bill's big concerns, in fact, he and I were
7 just chatting about that here. We want what we do
8 to be relevant but at the same time, I don't, you
9 know, want to go into that March meeting with my
10 mind made up on anything.

11 MR. MOORE: Understood.

12 MR. DUNNIGAN: So it's really the
13 scheduling of that March meeting, the last week of
14 March that's going to put us there. And if MAFAC
15 meets in April, there's not that much difference in
16 time between those two that we can come back.

17 MR. MOORE: Yeah, I mean it's just if
18 you're going to -- post-MAFAC you're going to be
19 doing the interagency clearance, you're going to
20 have to add on another two months to get
21 Administration clearance on stuff.

22 MR. DUNNIGAN: Yeah, it's.....

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1 MR. MOORE: Well, I'm not going to be
2 here so it doesn't matter.

3 MR. DUNNIGAN: We're going to move as
4 fast as we can.

5 MR. MOORE: I mean I think it's good,
6 the involvement that you're trying to have with
7 MAFAC is a good thing. I'm just trying to figure
8 out how the move can contribute and how the
9 Administration can have something in an appropriate
10 timeframe so you're not trying to play catch up
11 with everything else that's already going on on the
12 Hill.

13 MR. DUNNIGAN: Yeah, that's a concern.
14 Okay, any other questions about how we're going to
15 go about doing the MSA in general?

16 (No discussion)

17 MR. DUNNIGAN: Okay, let's go back on
18 IQs. You'll see on your sheet, I've reorganized a
19 little bit for purposes of the slides, these are
20 some major issues that we've identified that relate
21 to IQ programs. What we've done, including this
22 list together and that sheet together, is gone back

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1 to testimony that we've seen over the last couple
2 of years, various bills that we've seen over the
3 last couple of years, what have been some of the
4 options that have been out there, I'm going to take
5 a couple of minutes, mainly the rest of the slides,
6 and just sort of review what some of this is and
7 then we can maybe talk about any of them
8 individually or if there are other major issue
9 areas that we need to chat about, this will be a
10 good time to put those on our radar screen as well.

11 So four major sets of issues. You
12 know, should you have a program and if you're going
13 to have one what's next should you go through to
14 get it set up. What issues relate to the initial
15 allocation and shares and deciding who gets to have
16 them. A quota share. Should they or should they
17 not be transferrable and to what extent should
18 there be cost recovery of the government's
19 management.

20 Whether or how to start a program,
21 there have been a couple of options that have been
22 talked about. This is the type of option that was

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1 in a number of bills, I think one of Senator Snow's
2 bills had this option in it of having a dual
3 referendum, you know, you would go out to the
4 industry first and you would ask them whether or
5 not they're willing to have the council prepare the
6 program and if that passed then the council could
7 prepare a program and then the program itself will
8 go out for a second referendum. Sort of another
9 way of looking at that would be to have one
10 referendum, allow the councils to proceed with the
11 preparation of the program and simply go out for a
12 referendum when the council had the program put
13 together.

14 This is the alternatives that we came
15 up with last year, which was a little different.
16 And by the way, in our bill last year and all of
17 these things we have been very up front in saying
18 that we're not stuck in concrete on any of these
19 issues. We were trying, mainly, to develop ideas
20 to further what we had. You know, how strongly do
21 we feel about this, we think it's a workable way.
22 We think it would be a good way of going about

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1 doing it, but we're willing to talk about better
2 ways, whether it be any of these. But we thought
3 that, you know, there might be, rather than having
4 a referendum, we thought it might be better to have
5 a minimum number of licensed fishermen in the
6 fishery be able to request that the council
7 proceed, and, you know, the council wouldn't be
8 required to proceed and presumably if they thought
9 that the referendum wasn't going to have a chance
10 to pass anyway they wouldn't necessarily have to
11 follow through to do it. And then a fourth way of
12 going about it is to require only normal plan
13 development and approval process, leave it up to
14 the councils and the Secretary to decide whether or
15 not, as we did with surf plans or with rec fish or
16 halibut, whether we ought to go ahead with the
17 program.

18 I think to me the referenda issues have
19 always seemed to revolve around the lack of trust
20 and I'm personally, you know, someone who lives in
21 the system so I sort of trust it to operate well, I
22 think it has operated well and the councils do a

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1 good job and I think we work with them pretty well.

2 But there's obviously a lot of sentiment out there
3 that there needs to be some sort of industry
4 validation of whatever kind of program it's going
5 to come up with. So I think, you know, we've
6 testified that we're not necessarily very
7 enthusiastic of our referenda process and we
8 basically came up with this as being another way of
9 looking at it.

10 So those are the.....

11 CO-CHAIR DR. HOGARTH: Do you want
12 questions?

13 MR. DUNNIGAN: Sure. Larry.

14 MR. SIMPSON: Sure. Basically I don't
15 see any difference in one and three and on this
16 issue, it's my contention that IFQs are an economic
17 issue and as an economic -- that's my opinion, and
18 as an economic issue, you need to be involved with
19 with the industry, period. And this trust business
20 and all that kind of stuff, forget that, I mean
21 this is an active direct involvement in the
22 industry in something that is strictly economics in

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1 my opinion. And so I think that the two referenda
2 issue is probably the way to go and I don't think
3 you should shy away from it or look at it in a
4 stance. I think it's just a cost of doing business
5 and I think they're here to stay.

6 MR. DUNNIGAN: Dick and then Pete.

7 MR. GUTTING: I really like number 3.
8 I think that's a very constructive idea. There are
9 a lot of instances where things get started with an
10 industry petition, a dumping case as an example,
11 but marketing programs, there's a number of
12 situations and so there's lots of precedent for it,
13 Jack. And I think the other thing that's --
14 there's two other things that are appealing to me
15 and one is it will tend to encourage the industry
16 to get together. It's not as if they're going to
17 react to something that the government puts in
18 their mailbox, they're going to have to get
19 together and talk it out. And if there's one thing
20 that you need to have plenty of, is a lot of talk
21 within the community that's directly affected, and
22 so this encourages that at the front end. I think

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1 that's a very positive thing.

2 And the other thing is it saves costs.

3 I mean referendums are expensive, and this really
4 in some sense puts the cost on the industry. If
5 they really want it they'll get together and form a
6 petition, I think it's a sincere way of getting
7 started in the process. And I agree with Larry it
8 is sort of like number 1 in the sense that you're
9 having a front end expression of support so to that
10 extent I don't think you have the differences, but
11 for the other reasons I think it does have some
12 merits.

13 MR. DUNNIGAN: Mr. Chairman, do you
14 mind if I just call on them or do you want to do
15 it?

16 CO-CHAIR MR. OSTERBACK: Well, I think
17 if I keep a list it will be easier.

18 MR. DUNNIGAN: Okay.

19 CO-CHAIR MR. OSTERBACK: So Rod and
20 then Peter.

21 MR. MOORE: Jack, the problem with the
22 referendum -- well, a couple of problems with the

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1 referendum, one is it's very expensive, it's
2 complicated, it takes up time for either the agency
3 or the council or whoever is going to be holding
4 it.

5 The second thing with the referendum,
6 whether you have one or five, is that, you're not
7 necessarily capturing everybody who might be
8 affected by an IQ program. So I mean you might
9 want to have a referendum amongst licensed
10 permit holders for a particular fishery but there
11 may be other fisheries that are fishing on the same
12 stock that have concerns about an IFQ program,
13 whether warranted or unwarranted, and their views
14 don't get captured in this initial very expensive
15 complicated referendum. And, you know, I don't
16 want to have to air your dirty laundry in public
17 too much, but, you know, Bering Sea crab, we have a
18 little problem with referendum there, buy-back. So
19 to me having a referendum doesn't make a whole lot
20 of sense and frankly I think that the normal plan
21 development and approval process is the way to go.

22 There's both a statutory and a regulatory and a

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1 policy process that's set up and everybody knows.
2 If you do feel like there has to be some sort of
3 expression of great interest to try to avoid that
4 trust issue that some people raise, then, okay,
5 have a petition requirement, you know, get a bunch
6 of people together to sign a petition asking the
7 council to please do this and it's up to the
8 council then to decide whether they want to do it
9 or not. But I think having a referendum is
10 unnecessarily complicated, it's costly, and it
11 doesn't necessarily capture the views of everybody
12 out there.

13 Now, we have the council process set up
14 to do fisheries management, let's let it do
15 fisheries management.

16 CO-CHAIR MR. OSTERBACK: Peter.

17 MR. LEIPZIG: First, I disagree with
18 Larry, that IQs.....

19 MR. SIMPSON: You've got every right to
20 be wrong.

21 MR. LEIPZIG: No, IQ systems are not
22 just purely economic. I see them as having some

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1 powerful conservation benefits to them as well as
2 economic. And I point out that every fisheries
3 management measures that we have has economic
4 consequences, so IQs are no different in that
5 regard than anything else, they're going to impact
6 people differently. Some people better, some
7 people worse, but, you know, that's fisheries
8 management. We live with it now.

9 The referendum process, as others have
10 said, is complicated. I think there's problems in
11 defining your population in advance before you've
12 actually engaged in the discussion about what it is
13 you're going to do becomes problematic. But with
14 that said, a referendum type of system in this case
15 would be the only time we have fisheries management
16 where the people are involved, actually are voting
17 on and approving what fishery management measures
18 they're going to live with. We don't get to vote
19 on the quota. We don't get to vote on gear
20 regulations. We don't get to vote on the season.
21 To me IQ systems are fisheries management measures
22 and why is it so special that people who are

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1 involved in it and are going to be regulated by it
2 are going to get to vote to approve it. It's not
3 done anywhere else, I don't think it's appropriate
4 here.

5 I see the list as a list of increasing
6 preference in terms of the order.

7 MR. DUNNIGAN: We didn't intend.....

8 MR. LEIPZIG: I see it that way though.

9 I see the last one as being the preferred
10 alternative if any council is going to move down
11 this way, is to go forward with the normal process
12 because it is no different than anything else and I
13 would prefer to see that come out from the
14 Administration.

15 CO-CHAIR MR. OSTERBACK: Maggie.

16 MS. RAYMOND: Jack, just a point of
17 clarification and then a quick comment. On number
18 3, the petition would come from permitholders in
19 the fishery?

20 MR. DUNNIGAN: And I think, by the way,
21 if you look at that bill I think we had -- it was a
22 one-third, one-third of the permitholders could

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1 request from the council that it begin the process.

2 At that point the council is empowered to do it,
3 not required.

4 MS. RAYMOND: Okay. And just to the
5 discussion about what's the best way to do it, I
6 mean I think clearly there's been a political will
7 that the industry somehow is involved in some kind
8 of voting and pretty much every draft bill that
9 I've ever seen, ones that have been introduced and
10 ones that never even got to be introduced, all have
11 some kind of referendum in them, and so I think you
12 just, whether it's good, bad or what the better way
13 to do it is, the political reality is is that's
14 what Congress is going to have some form in that,
15 so I'll just point that out. I don't know how much
16 worth it is to debate which is the best one because
17 you're going to have some form of it. I don't
18 think it is going to be four if Congress has their
19 way.

20 MR. DUNNIGAN: A correlarly to what
21 your last comment was, you know, it's possible that
22 Congress will do nothing on IQs, they could leave

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1 the world the way it is today, councils are
2 authorized to go ahead. Our sense is, at least so
3 far, Congress seems to want to do something,
4 whether it be to put limitations on how they can be
5 used or on the process that's used to develop, so
6 we're anticipating that.

7 You know, if you were to get us, you
8 know, off some place and ask us, do you really
9 think all this is necessary you'd probably find a
10 wide range of answers on that subject.

11 MS. RAYMOND: Well, if I could just
12 follow up. I mean I think it's more important to
13 have something out there that's, I mean to focus on
14 things like just some basic standards, like no
15 foreign ownership, you know, no -- figure out what
16 excessive share means and things like that, rather
17 than -- this stuff is more like council stuff, who
18 gets -- which fisherman gets it, you know, more
19 something that should be in the law, I think, you
20 know, specifically spelled out in the law. But the
21 law should say, really clearly, you know, things
22 like no foreign ownership and just simple things

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1 like that.

2 MR. DUNNIGAN: Right. A lot of those
3 were in our bill and our Administration position
4 and also were in Senator Snow's bill and we were
5 able to work with the Senator's staff and there's a
6 lot of commonality on that type of issue between
7 those two provisions.

8 But all of these things that I'm
9 talking about in this presentation today are issues
10 that have been raised on the Hill.

11 CO-CHAIR MR. OSTERBACK: Jack, I've got
12 Elizabeth and then Ken, and then I was thinking
13 maybe I'd open it up and see if we have any
14 questions from the public.

15 MR. DUNNIGAN: Okay. We've got three
16 more sets of issues.

17 CO-CHAIR MR. OSTERBACK: Okay, so
18 you're.....

19 MR. DUNNIGAN: I'm at your disposal.

20 CO-CHAIR MR. OSTERBACK: Okay. Which
21 would be better?

22 MR. DUNNIGAN: It's just question and

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1 answer and your time.

2 CO-CHAIR MR. OSTERBACK: Okay, well,
3 I'd like to try after this, so Elizabeth and then
4 Ken and then if any of the public have a question
5 we'll try it that way.

6 MS. SHEEHAN: Jack, mine was actually a
7 question around who was going to participate in the
8 initial petition and that was sort of answered by
9 Maggie. But then Rod's point about there are other
10 stakeholders who are affected by the decision to
11 start a program and put an IQ program in place,
12 should they have a role in this decision to start,
13 not that it's a -- so if in the bill it's your
14 ability to authorize a quota to a fishing vessel
15 owner, fishermen, crew members, and fishing
16 community members, do they have some legitimate
17 role or voice here in the process from the starting
18 program?

19 MR. DUNNIGAN: I think that's a very
20 fine question. I don't know the answer yet. I
21 think it's something we have to talk about. In
22 these proposals that have been talked about so far,

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1 it's been licensed permitholders who would be
2 involved in a petition or a referendum or
3 something. But the question is, all right, beyond
4 licensed permitholders, are there legitimate
5 interests that might have a say in what goes on
6 here, that's an issue I think we have to talk
7 about, we don't have a particular view on that. We
8 look forward to being able to work on that.

9 CO-CHAIR MR. OSTERBACK: Ken.

10 MR. ROBERTS: Thank you, Mr. Chairman.
11 Jack, on the four, I would argue that maybe
12 initially you go into it allowing some public
13 participation of whether by permit petition or
14 referendum but also at the same time you maintain
15 number 4. I just think -- I know there is, Larry,
16 because you and I lived it eight years ago and
17 proven to be right now because the referenda's
18 passed and the next one's going to be pass, when we
19 did red snapper eight years ago, I do believe,
20 surely, it's economics and that's the way the boat
21 operators see it or the processor, but I do believe
22 there's a national interest, too, at stake. And at

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1 some point I think you have to have the ability
2 with the national interest to be implemented by
3 direct action of number 4. I mean it'll still have
4 to go through the hearing process, but there's a
5 national economic issue too as we all know if you
6 look at literature having to do with common
7 property resources, and I think that's one of the
8 reasons, if I were writing a whereas as to why the
9 nation wanted to go into a dedicated access mode.
10 But that national interest would have to be very
11 clearly stated and I assume it will be coming out
12 at some point, that the nation has an interest in
13 achieving certain things with a dedicated access
14 program.

15 So I would say very clearly you need to
16 have number 4 allowed for for the national to take
17 action instead of simply passively waiting to have
18 a petition of a referenda requested of you.

19 The other thing is I know when we
20 struggled with this on the Gulf Council and the
21 reading I've done in the past, I personally don't
22 think you could have a referendum or a petition

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1 without somehow identifying who the people are
2 going to be in the industry who are going to have
3 shares. I'm going to give you the instance. As we
4 got into the Gulf Council situation with red
5 snapper, obviously the permitholders are the ones
6 you think logically, but as you get into developing
7 the IFQ, then there'd be in the discovery process a
8 reason why processors may have a role, or fish
9 buyers or whatever, or even crew, and I'm
10 wondering, if that is the case, that's one of the
11 decisions you have to make somewhere along the line
12 in getting your dedicated access program going, why
13 don't you deal with that up front when you try to
14 develop means by which you're going to register
15 people for a referenda or who can actually submit a
16 petition because you're going to have to deal with
17 it somewhere in the planning development process, I
18 know we did and I think most of the others coming
19 along have to deal with that, and it might be
20 better to deal with it initially, to make
21 provisions for certain groups of people bringing a
22 petition and maybe not just permitholders.

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1 I don't know how you make that
2 operational but I do know it's something you're
3 going to confront.

4 MR. DUNNIGAN: Is part of your point
5 that if we're going to have a two referendum
6 process or maybe this process that your sampling
7 would be different, maybe if you're going to have
8 two referendums you might just have the first one
9 with permitholders, and then maybe as a charter to
10 that IQ development program, the council would be
11 deciding which relevant groups have a legitimate
12 stake in.....

13 MR. ROBERTS: That's correct, that's
14 what I'm saying. You can have a referenda of
15 permitholders, but as you get to approval of the
16 IFQ, in the process of that development, you may
17 have processors, crew men that, some communities
18 that may have gotten included, and so if that's the
19 case then you don't want to have the permitholders
20 voting to approve the final IFQ, you want to have
21 all the people that are going to be impacted. And
22 I think that's the kind of caution you have to have

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1 when you go to registering people, that there may
2 be more people affected, then when you get down to
3 final approval, you can't have those original
4 people voting on it, alone, I should say.

5 MR. DUNNIGAN: One of the advantages,
6 of course, is we have enough lists of like
7 permitholders and the more we open that up, it
8 might be hard to identify those.

9 MR. ROBERTS: It sure could and I could
10 see number 4 could be -- an offshoot to number 4
11 would be that you go ahead and have councils
12 develop on their own initiative, but you have a
13 sunset after five, six, seven years and then the
14 industry has to vote to continue with it or not. I
15 don't know, there's all kinds of combinations.

16 MR. DUNNIGAN: Definitely. Thank you.

17
18 CO-CHAIR MR. OSTERBACK: Okay. Jack,
19 we'll try this and see if we've got any public
20 interest.

21 MR. DUNNIGAN: Sure.

22 CO-CHAIR MR. OSTERBACK: Okay, they're

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1 cooperating, we're giving all the right answers.

2 (Laughter)

3 CO-CHAIR MR. OSTERBACK: So Tony.

4 MR. DiLERNIA: To the point that Jack
5 was just speaking to. As a fisherman, if I was
6 going to be involved in initiating a petition, I
7 would be very reluctant to start a petition if I
8 didn't know who was going to be deciding the final
9 decision. What Ken was just mentioning was have
10 the fishermen do the initial petition and then open
11 it up later on to others to make the final
12 determination, I'm going to be very careful for
13 what I ask for because I might not want to get --
14 you know, a lot of other folks on the outside then
15 -- I initiate a process that creates an animal a
16 lot different than what I was asking for. So in
17 that instance I would not go forward and initiate
18 the petition as a fisherman because I don't
19 know.....

20 MR. ROBERTS: Tony, that's exactly what
21 I'm saying, you know, you ask for something, you
22 vote on it, it gets started and then a group gets

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1 together during the planning development process
2 and then before you know it, the group, the crewmen
3 get organized and get 20 percent of the shares.

4 MR. DiLERNIA: Uh-huh.

5 MR. ROBERTS: And then if that's the
6 case, then how can you have them not vote in the
7 second go around if they're going to be
8 shareholders, see.

9 CO-CHAIR MR. OSTERBACK: Tony.

10 MR. DiLERNIA: Well, yeah, and as a
11 fisherman and as a business man and as a business
12 owner, I have a business, I own it, I have my
13 capital out there, I have my risk out there and so
14 my risk is out there I should be involved in making
15 the decision. Folks that have no risk at all, I
16 suspect -- be careful as to whether or not they
17 should be involved in that final decision.

18 MR. DUNNIGAN: There have, in
19 discussions, been a lot of questions asked in
20 various programs about who's at risk. I know the
21 North Pacific Council dealt with this specifically
22 in Bering Sea crab because they've ended up dealing

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1 with -- and that's how the IPQ issue got rolled
2 into this one, the provisions they have in there
3 for communities, there are -- that question openly
4 does end up being asked, certainly in the case of
5 the Bering Sea crab one. That one, of course,
6 didn't have a referendum.

7 CO-CHAIR MR. OSTERBACK: Rod.

8 MR. MOORE: I just want to point out in
9 response to the conversation that was going on
10 between Ken and Tony, the people who ultimately
11 make the decisions under the law are first the
12 council and then the Secretary of Commerce or his
13 designee. Pete was right on point, you know, we
14 don't vote as a community or as a fishery or
15 anything else on every single management measure
16 that comes out there, whether it's an IQ or whether
17 it's a closure or gear change or whatever it might
18 be. The law provides that the council makes
19 management recommendations to the Secretary, the
20 Secretary approves, disapproves or partially
21 disapproves, and all of this talk about who is
22 going to get to vote on what the management measure

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1 is, who's going to get to vote is the council.
2 It's not any list of people, whether it's
3 fishermen, processors, crew members, you know,
4 left-handed blonde carpenters, whatever, it's the
5 council that under the law gets to vote and decide
6 and make a recommendation to the Secretary of
7 Commerce who then has to balance things and make a
8 final decision.

9 So, you know, all of the talk about a
10 referendum after the plan is approved, it's not the
11 way the law provides and I don't think it should
12 provide that way, it doesn't on any other
13 management issue.

14 CO-CHAIR MR. OSTERBACK: Larry, and
15 then Vince.

16 MR. SIMPSON: Trust me, I'm not being
17 argumentative. I think my point is being made by
18 the discussions. This is different than gear.
19 This is different than tack. This is different
20 than how much you can extract from the resource.
21 All those protections are in place. This is about
22 how you do business. This is about you got a

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1 thousand pounds of fish and you got a thousand
2 fishermen catching them or do you have a hundred
3 fishermen catching a thousand fish, so I think my
4 points are being made by the discussion.

5 My other point is, Ken's probably one
6 of the most, if not the most knowledgeable person
7 that I know that deals with these things, and in
8 the process of developing the dedicated, whatever,
9 the term you want to call it, dedicated fisheries
10 share, you might get into crews, you might get into
11 processors, you might get into how someone can buy
12 a share at the end of everything. And the
13 fisherman has got to know after they start the
14 process for good and altruistic reasons, you know,
15 this is what we want to do, is start the program,
16 and during the development of the program they say
17 that rich doctors can buy up shares, you know, by
18 just on the open market, they may vote against it
19 at the final referendum. So that's why I say I
20 don't see any difference in three because you're
21 going to have to count the people to get the
22 petition, there's no difference in three and one in

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1 my opinion.

2 CO-CHAIR MR. OSTERBACK: Vince.

3 MR. O'SHEA: I know Jack's trying to get
4 through his issues here, Mr. Chairman, I'll pass.

5 CO-CHAIR MR. OSTERBACK: Peter.

6 MR. LEIPZIG: Well, maybe it does get
7 down to Jack's comment is trust, maybe I tend to
8 trust the system and I believe that the councils
9 will, through the evaluation and analysis that's
10 required to develop anything they're going to do
11 the right thing. But I, again, disagree with
12 Larry.

13 MR. SIMPSON: That's fine.

14 MR. LEIPZIG: But I don't see this as
15 being so unique. We have a limited entry system
16 for our groundfish fishery, the state's have
17 limited entry systems for their salmon fisheries.
18 They're talking about for the coastal, the
19 migratories, and I suspect if we go around the
20 table that every council's got limited entry
21 systems and there's never been a referendum to
22 approve that and that restricted the business and

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1 the economics of the fishery just as much as any IQ
2 system that has been proposed would change the
3 economic systems there and I just don't see the
4 need for referenda in this case.

5 CO-CHAIR MR. OSTERBACK: Okay, Bill.

6 CO-CHAIR DR. HOGARTH: Well, just real
7 quick. I think Congress is still interested in
8 IFQs and lots of people. Now, the red snapper
9 required two referendums. Most of the bills that
10 we've seen from the Hill will require at least one
11 referendum, if not two, most of them got two. I
12 have some problems with that and stated up front I
13 have some problems with two referendums in
14 particular. I think, you know, I just do. But I'm
15 not sure what Congress will do with this issue, I
16 think it will be addressed in Magnuson next year,
17 but I think it's good to have this discussion, and
18 this is the type of discussion that Senator Stevens
19 said he's looking forward to seeing the record of
20 as he moves forward, and so I think it's good and
21 we need to make sure we make this available to him
22 and his staff.

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1 But this will be one of the big things
2 here, and the percent of ownership is going to be
3 developing while we're here, on how that can be
4 transferred. That's it for me.

5 CO-CHAIR MR. OSTERBACK: Okay. We're
6 ready.

7 MR. DUNNIGAN: Okay, we'll move on to
8 the next set of issues that seems to come up when
9 we talk about IQs and these are initial allocations
10 of shares, how do you decide, you know, who gets
11 them and, again, these are different ideas that
12 have come out in the various discussions, fishermen
13 with a catch history, fishery communities and one
14 bill said other persons specified by council there
15 would be a lot of discretion in the council, and
16 fishermen and fish processors. And, again, this is
17 not just a question of processor quota, it's also
18 the question of are processors eligible to be
19 assigned or later to acquire shares in an IFQ
20 fishery. Could it be any U.S. investor including
21 non-users. And we've actually talked internally a
22 bit and on the Hill somewhat, informally, about

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1 auction system and that's been in the public, so
2 part of what we're doing here is have an
3 opportunity to talk about economics and economic
4 management fisheries, shouldn't that be captured
5 for the people of the U.S., an auction system would
6 allow you to do that.

7 So, again, these are just options that
8 have been out there on this whole question of
9 allocations and shares.

10 CO-CHAIR MR. OSTERBACK: Rod.

11 MR. MOORE: Well, actually you left out
12 number 6, Jack, which is fish processors only.

13 (Laughter)

14 MR. MOORE: The privilege to fish, to
15 harvest fish in the exclusive economic zone is a
16 privilege that generally is available to anybody in
17 the United States, short or tall, big or small, who
18 they work for doesn't matter, you know, it's a
19 public resource. We are trying to find ways that,
20 as we have with limited entry systems, for good
21 social, economic, biological, whatever reasons,
22 find ways to restrict who has those privileges

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1 while still serving the basic public good. But
2 within that context who gets to own or who gets to
3 have the privilege of being able to fish on the
4 basis of this initial allocation really should be
5 potentially open to everyone and it should be an
6 individual council decision as to how they might
7 wish to restrict it to accomplish particular goals
8 and that may vary from council to council, it may
9 vary from fishery to fishery within the council.
10 You may want to have, you know, one set of
11 privilege holders for a commercial fishery, a
12 subset of that or a charter boat fishery and then
13 unrestricted privileges for recreational fishery
14 when all three groups are harvesting the same fish.
15 So to my mind there should not be a generic
16 restriction on who can receive an initial
17 allocation of shares or hold them later on. And I
18 think that councils ought to be given the option of
19 looking at an auction system if they so desire to
20 do it. Does that mean that I'm going to support,
21 you know, World Wildlife Fund owning all of the
22 groundfish shares, no, not necessarily, but, you

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1 know, it's a viable option that's out there. This
2 is a national resource and we need to provide
3 councils with the flexibility to tailor things to
4 what meets the needs of their particular fisheries
5 within the bounds of the law.

6 MR. DUNNIGAN: You would eliminate the
7 U.S.

8 MR. SIMPSON: As long as it's not
9 French.

10 (Laughter)

11 MR. MOORE: Now, what does U.S. mean,
12 does it mean a person as defined in the Magnuson
13 Act, which can be a foreign, a corporation that has
14 foreign ownership but is incorporated under the
15 U.S., you know, there are fisheries where there is
16 substantial involvement by participants where if
17 you trace back the corporate history have a
18 substantial foreign investment but they've been
19 involved in the fishery for a hundred years, should
20 they -- and, you know, they form a viable part of
21 it, should they not be allowed as a U.S. person,
22 you know, in the eyes of the Magnuson Act, why not

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1 allow them along with anybody else.

2 CO-CHAIR MR. OSTERBACK: We have Scott
3 and then Dick.

4 MR. BURNS: Of the options up there I
5 prefer two because it's the most flexible. I've
6 always thought that decisions regarding both
7 initial allocation and ultimately transferability
8 and other provisions need to reflect an underlying
9 program and just referring to the draft legislation
10 that you've also provided us with, there are two
11 different times of programmatic objectives that are
12 mentioned there. First, some more generic ones
13 like the maintenance of the basic social and
14 cultural framework of the fishery. And also I
15 think it's important for the councils to articulate
16 clearly what their goals and objectives are with
17 respect to a particular IFQ program and make
18 decisions regarding allocations that are aimed at
19 achieving whatever those objectives happen to be.

20 CO-CHAIR MR. OSTERBACK: Dick.

21 MR. GUTTING: I agree with Rod and
22 Scott that this is a decision that really should be

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1 open-ended and one that the council decides based
2 upon its fundamental goals and objectives for the
3 fishery, how it sees the nation as maximizing the
4 benefits from the fishery. But it raises a
5 question, Jack, for you, and that is why do you
6 have these up as issues for the agency, does the
7 agency have a policy or why are you even thinking
8 about this in terms of options?

9 MR. DUNNIGAN: We're looking at all of
10 the options that might come up under any of these
11 issues. We have a bill right now that actually
12 don't know what it says on this issue, but the
13 moving forward into the option two, it's in our
14 bill, and -- but the fact is moving forward into
15 the 109th Congress we're starting over from scratch
16 to look at these. And these are ideas that have
17 been generated in the debate so far and we just
18 want to make sure that we're looking at everything
19 before we decide where we want to go.

20 MR. GUTTING: Okay. All right, well,
21 again, like Scott if I had to choose I would choose
22 number 2 because it appears to be the broadest.

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1 But that doesn't mean that I would foreclose the
2 possibility of an auction. I mean I think all of
3 these options in essence should be on the table and
4 the councils should have to figure out what makes
5 the most sense for the particular fishery involved.

6 MR. DUNNIGAN: In other words, this --
7 this really is these are all interesting options
8 and there really ought to be a lot of council
9 discretion given?

10 MR. GUTTING: Exactly.

11 CO-CHAIR MR. OSTERBACK: Jack, I have
12 one comment maybe. I like the broadest option also
13 and the reason I think is because Alaska, as they
14 have gone through different scenarios, whether it's
15 limited entry for salmon or CDQs, IFQs, they don't,
16 as you see them they don't exist as they originally
17 did, I mean changes happen in them as different
18 parts of the communities that got affected, you
19 know, start playing a role in it so they change
20 over time. So I think I would, you know, whichever
21 way is the broadest option that you could put in
22 the so called tool box for councils to work with

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1 because the make up of each council, their region
2 is so different that, you know, some have tribes
3 involved and some have other things so I've never
4 looked at the auction portion of it. And I imagine
5 you're looking at the same thing some of the other
6 countries use as far as annually type of thing, so
7 that may be something that could be looked at, but,
8 yeah, I'd just, you know, as long as it's a broad
9 based and everything is available for individual
10 councils to make their decisions with, that's the
11 way I would go with it.

12 MR. DUNNIGAN: The one comment I'd make
13 on that, Alvin, is that this last option down here
14 I suspect is going to require a lot more statutory
15 authority than we have today because it's handling
16 money and that's hard for the government to do. So
17 we might be able to generate a lot of possible
18 options for the councils to consider but if we're
19 going to get down to that level, I think that's one
20 we're going to have to think through clearly to
21 make sure we get the authority, basically, because
22 it's already written, you know, on.....

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1 CO-CHAIR MR. OSTERBACK: And I think
2 getting comments from places that do use that
3 system to see what -- you know, so the users could
4 see what the pro's and con's of it are, just like
5 when they did the IFQ system, they brought in
6 people from different countries to say this is what
7 we got and this is how we got there and what's good
8 and bad.

9 Okay, Peter.

10 MR. LEIPZIG: As I look at the list
11 that Matt had put together, the first topic about
12 how you start the process is the one that is very
13 different than all the rest because you've got to
14 start the process and if Congress is going to get
15 involved in something they're going to spell that
16 out. All the rest of the issues though are
17 decisions that have to be made as components of any
18 system. And I would hope that the legislation,
19 whatever comes out of Congress, would be silent on
20 all of these issues. I think they're a complete
21 list, I didn't find any problem with, you know, the
22 completeness of any of the one topics but I would

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1 hate to have Congress start identifying particular
2 ones and say this is the way it has to be, I'd
3 rather leave it up to the council system or whoever
4 is -- however the process is going to begin, if
5 it's the petitioners, if that is what Congress said
6 to do, to define those things, so that they have
7 that flexibility.

8 CO-CHAIR MR. OSTERBACK: Ralph.

9 MR. RAYBURN: In the case where you're
10 talking about fishermen, if you're in a fishery
11 where it's crew served fishery and the crew gets
12 paid a share of the catch, does that establish the
13 history for that crew man in that fishery?

14 MR. SIMPSON: Not necessarily.

15 MR. RAYBURN: Is that generally when
16 you talk about fishermen, it's not just a boat, not
17 boat owner, not the captain, but those fishermen in
18 this case would that include any crew who's
19 reimbursement is based on the share of the catch
20 and therefore justifies any history that they have
21 in the fishery?

22 MR. DUNNIGAN: That might be a way of

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1 doing it. There are other ways of working the crew
2 into a permit, let me go back to the Bering Sea
3 crab one. As an example right now there's a
4 portion of the allocation that's reserved for crew,
5 and individuals, I'm told who are eligible there
6 are anybody who signed the fish tickets. That that
7 establishes your eligibility there to own a share.

8 Another thing that's in that provision
9 deals with crew, and I think this is all crew, not
10 just whoever signed the fish ticket, by making the
11 fisheries financing program of loans available to
12 them to borrow money to buy shares after their
13 initial issue. That's another way of dealing with
14 crew members and doing something for their
15 interests. But beyond that there's not a lot of
16 definition.

17 CO-CHAIR MR. OSTERBACK: Ken.

18 MR. ROBERTS: Thank you, Mr. Chairman.

19 Jack, just one thing as you and the Fishery
20 Service talk about this, on number 5, it has more
21 implications than originally assigning a share.
22 Basically when you go to an auction like the Forest

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1 Service does to auction off timber you suck out the
2 rent or profit, part of it, right away from the
3 industry and put it in government's hands. And so
4 then when you deal with the idea later on of
5 charging fees to take money out of the fishery to
6 compensate the government from managing, the extra
7 cost of managing the resource, it becomes a bit of
8 a different thing and so I think number 5, one of
9 the things that has to be discussed by the agency
10 and by people in Congress, it's more than just
11 distributing shares, it's taking money out of the
12 fishery that normally wouldn't come out of the
13 fishery under numbers one through four, except on a
14 fee basis to reimburse the government for the
15 marginal cost of doing an IFQ program. So that
16 aspect of it, I think, has to be carefully
17 discussed.

18 MR. DUNNIGAN: Okay.

19 CO-CHAIR MR. OSTERBACK: Okay.

20 MR. DUNNIGAN: The next set of issues
21 relate to transferability, how free should that be.

22 One of the major provisions that was introduced on

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1 the Hill last year would not have allowed to
2 transfer the, you know, you own your shares and
3 that was it. And there are different ways of
4 limiting transferability, if that's what you want
5 to do. You can limit it, you can't lease your
6 share, you can only sell it or you can go the other
7 way around and say you can't sell it, you're going
8 to lease it. You can put restrictions on
9 transferability to local fishermen if your
10 objective is to deal with community issues, for
11 example.

12 These are all different ideas, they
13 came up in transferability interviews and
14 discussions over the last year.

15 Our view, typically, has been that we
16 favor transferability, basically establishing a
17 market to fish, that's always been sort of an
18 underpinning of the position. But there are a lot
19 of other views.

20 CO-CHAIR DR. HOGARTH: That's
21 interesting. I just got back from Iceland from a
22 meeting with the Icelandic government and we talked

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1 a lot about data collection and fishery management.

2 All their fisheries are under IFQs. But every
3 day, every vessel's catch is put on a computer for
4 the public, for the other fishermen to look at.
5 And if you -- and the bycatch is controlled by
6 IFQs, and you're allowed to trade, almost like the
7 stock market, you trade back and forth among the
8 other vessels to keep within your bycatch, and
9 within your catch limits if you go over. And, you
10 know, talking to the fishermen, you know, the
11 fishermen themselves, pretty much helped design
12 that system and they just think it's the greatest
13 thing and, you know, we're just in control, we can
14 control bycatch, we can control some of the market,
15 you know, we know where we are.

16 But I think we have a long way to go in
17 the U.S. of where our industry would say put the
18 data out and let somebody else look at it every
19 day, but it's up to date, it's totally up to date,
20 you can come in the day and by tomorrow you're able
21 to look at it and to transfer it back and forth
22 among those who have permits and it really seems to

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1 be working extremely well there but, again, it's a
2 small fishery compared to the number of vessels
3 that we have in the U.S. fishing of all, you know.

4 CO-CHAIR MR. OSTERBACK: Okay. Rod and
5 then Dick.

6 MR. MOORE: I just want to reemphasize
7 what Pete said earlier, that transferability is
8 something that is going to be part of whatever
9 decision the council makes. And from a national
10 statutory standpoint, we need to give the council
11 as much discretion as possible to design what works
12 for their particular fishery, you know, I mean
13 transferability is -- for an IQ program to work you
14 have to have transferability if you're truly
15 interested in having a market-based fishery. And
16 so, yeah, you have to have it, how that's going to
17 be restricted, how, you know, whether it's going to
18 require irrevocable letters of credit, you know,
19 all of these sorts of things, these are things that
20 the individual councils have to decide on the basis
21 of what works for their particular fishery and it's
22 not something that the federal government should be

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1 coming down and trying to micro-manage within an
2 individual fishery management plan and especially
3 not through a statutory process.

4 MR. DUNNIGAN: Well, if I may just ask
5 maybe the flip side of the question there, do you
6 think that the law should require the councils to
7 allow a maximum or some optimum of the
8 transferability?

9 MR. MOORE: Now, I think the -- and I
10 guess, Jack, what we may all be sort of walking
11 around in this discussion, there's been a lot of
12 talk about some set of national standards for IQs
13 and my presumption, you know, as Maggie presumed
14 earlier that we're going to have to look at
15 something on a referendum or how to start the
16 process thing from the political process, my
17 assumption is that we're going to have some sort of
18 national standards for IQs, whether they are very
19 broad, general or more specific as has been
20 advocated by some people. But regardless of what
21 they are, so therefore FMPs or FMP amendments that
22 contain IFQ or IQ programs are going to have to

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1 meet all of the statutory requirements of the
2 Magnuson Act, the national standards, the ESA, NEPA
3 and so forth and so on and they're also going to
4 have to meet some set of national standards on IQs
5 whatever those may be. So really the issue of
6 transferability is one where you tell the councils,
7 okay, you can restrict transferability but if
8 you're going to do so you have to do it in
9 conjunction with the national IQ standards, with
10 the Magnuson Act, with NEPA, with anti-trust
11 statutes, all of those sorts of things and you can
12 choose not to restrict it, I mean that's up to you,
13 what works best for the fishery, what preserves the
14 maximum benefit for the nation, blah, blah, all
15 those things.

16 CO-CHAIR MR. OSTERBACK: Dick.

17 MR. GUTTING: A couple things. I agree
18 with Rod's general philosophy that this should be
19 dealt with by the councils and there shouldn't be
20 any overarching restrictions with a couple of
21 exceptions. The first is, and I think Bill Hogarth
22 mentioned Iceland, I think there's an obligation to

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1 have a certain transparency, a certain monitoring,
2 a certain level of information about who actually
3 owns these shares and what the condition of the
4 fishery is just as the agency has an obligation to
5 report on the status of stocks, I think the agency
6 needs to understand and tell the public about the
7 condition of the fishery. Because fishery
8 management plans are not something that you just do
9 and then forget about, they can be amended and
10 adjusted, and if it's moving in the wrong
11 direction, whatever that might be, if you're
12 getting away from your goals and how you perceive
13 maximum benefits, you need to know that. And one
14 of the aspects of this particular issue in surf
15 clams, in particular, is that the agency has no
16 idea who owns those quotas. Who really controls
17 those quotas. And I think that's wrong. I think
18 there's an obligation, if you're going to allow
19 transferability to know who actually controls the
20 thing that you've created, which is the share.

21 The second, and I know this must sound
22 strange to Alaska because Alaska does it completely

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1 differently, but on the East Coast we do have some
2 different ways of doing things. The second thing
3 is, and Rod alluded to anti-trust, we do have in
4 the Magnuson Act some notion of excessive share.
5 And if that's going to remain as a national
6 standard then I think there's got to be brought
7 into the transferability discussion some process
8 and mechanism by which, not only at the outset of a
9 plan we avoid excessive share, but as the plan
10 evolves, with transfers that we don't reach
11 whatever that threshold is. If we retain, for
12 example, the foreign ownership standard, then I
13 think there has to be a mechanism in the
14 transferability system so that the agency can
15 continue to comply with those standards. But
16 absent those very few, if you will, national
17 policies, you know, transferability is something
18 that really should be a complete option and not
19 constrained.

20 I am concerned, Jack, and you know I've
21 met with you on several occasions, that the
22 excessive share policy which has been dealt with in

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1 detail and quite effectively here in the North
2 Pacific was really not addressed specifically in
3 the surf clam fishery which is one of the very
4 first fisheries that came out of the box. And it
5 seems to be having once done it almost impossible
6 to get people to go back and revisit the issue and
7 say something intelligent about what it is they
8 meant as being excessive in this fishery. And
9 there are people outside of the fishery, the
10 buyers, the consumers, the communities that can be
11 harmed if too much control goes into a single
12 person's hands and I think the agency has an
13 obligation to proactively manage that issue so long
14 as it's a national policy.

15 MR. DUNNIGAN: If I could comment on
16 that. If you'll notice, the excessive shares issue
17 is listed on the sheet that we handed out. I
18 didn't put it in the slides here. We do have an
19 effort underway, the agency right now, to further
20 look at the provision of national standard says
21 that no fishery management plan can allow anybody
22 to gain excessive shares. The activities in

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1 response to a report said that we needed to provide
2 better values than we had. We've had an internal
3 working group that is putting together some ideas
4 and at the moment we're now translating that into a
5 draft set of guidance to go to the regional fishery
6 management councils. Dr. Lee Anderson from the
7 University of Delaware, is doing this and he's done
8 a lot of great stuff for us, but this is one of the
9 projects that he's working on and we think we'll
10 have that out for discussion shortly, they're at
11 about draft three right now.

12 Anyway, so Dick's right, we do probably
13 owe the system a better review of what the policy
14 for making the excessive shares limitation and
15 national standard work.

16 CO-CHAIR MR. OSTERBACK: Okay, Scott.

17 MR. BURNS: I think as a practical
18 matter it's very difficult to develop intelligent
19 generic national standards on transferability
20 because the situations vary so much from fishery to
21 fishery and place to place, and I think it would be
22 a mistake to do so for the most part.

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1 At the same time, I think that in just
2 about every case councils will adopt limits on
3 transferability to try to accomplish whatever aims
4 and objectives they establish with respect to some
5 of the issues we've talked about. The one that
6 Dick mentioned is probably the one that folks talk
7 about most, the idea of an excessive share, but
8 other objectives that councils have talked about
9 and tried to reflect in their thinking in that IFQ
10 programs include the desire to allow new entrance
11 in the fisheries, to preserve the economic
12 viability of specific fishing communities, et
13 cetera. So I think that rather than trying to
14 establish a generic national restriction on
15 transferability, it would be better to establish
16 some process requirements for the councils that
17 require formal consideration of some of these key
18 issues like excess shares and the adoption of
19 whatever limits on transferability makes sense once
20 they've adopted a set of objectives with respect to
21 those issues.

22 CO-CHAIR MR. OSTERBACK: Rod, did you

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1 have one.

2 MR. MOORE: Well, actually I just
3 wanted to ask Jack, you said something about the
4 excessive share paper you're doing is going to be
5 out for review shortly, you said, it will be out
6 for public review or what.....

7 MR. DUNNIGAN: I'm not sure yet. Yeah,
8 it will ultimately -- before it becomes council
9 guidance be out for public review.

10 MR. MOORE: Okay.

11 MR. DUNNIGAN: The question is how do
12 we do that, do we make it a part of the operational
13 guidelines, do we make it a technical memorandum,
14 or do we incorporate it in the national standard
15 guideline prints and those are different options.

16 MR. MOORE: Okay. I mean I'm just
17 trying to figure out how the public can comment on
18 that, that was all.

19 CO-CHAIR MR. OSTERBACK: Ken and then
20 Ralph.

21 MR. ROBERTS: Thanks, Mr. Chairman.
22 Very briefly, no transferability, I think alarms

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1 people from my experience, and there really is
2 transferability related to no transferability, give
3 me a minute to explain that.

4 If no transferability is implemented in
5 a fishery for some good reason, as people die and
6 companies move out the shares go somewhere. They
7 go back into the possession of the federal
8 government or into the council system, I mean the
9 legislation could be worked that way. So no
10 transferability could actually mean shares revert
11 to the council for reissuing and I don't see that
12 up here. So I want to make sure that when you and
13 the Service speak about this with people on the
14 Hill, that maybe no transferability, you find
15 another term there because the shares -- you have
16 to address the shares under a no transferability
17 program, they either come back to the government,
18 to the council, with a requirement to reissue
19 perhaps in the legislation or retirement, there
20 could be standards written for that. And I could
21 see where you may want to take some of those shares
22 out, I know this is heresy for the commercial

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1 people and keep them idle or keep them in the
2 recreational fishery. I think it allows you a lot
3 more flexibility if you go into the transferability
4 situation realizing that it's, under some
5 circumstances, some of the shares may have to go
6 back to the council or to the public sector. They
7 can go back into the commercial fishery if that's
8 an issue, but they could go elsewhere.

9 CO-CHAIR MR. OSTERBACK: Okay. We've
10 got Ralph, and I think after Ralph we'll see if we
11 have any comments from the public before we break
12 for lunch.

13 MR. RAYBURN: Jack, maybe this is an
14 old argument, but the case of windfall profits when
15 you get into these kinds of limited access programs
16 and it seems like in the transferability, you know,
17 the more work that the council does, the more
18 success that the government has in managing the
19 fishery, then you're creating a profit for those
20 who originally got in, and that profit, I guess, is
21 realized in this transferability process, where
22 they can sell or lease the shares that they've

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1 gained at basically minimal investment. Is there
2 still attention out there when you get into the
3 transferability, I guess what used to be windfall
4 profits to the people that originally got into the
5 fishery or has that pretty well passed with all the
6 activity that's gone on?

7 MR. DUNNIGAN: I don't think that any
8 of the bills that have been out there so far,
9 somebody who knows I'm wrong please tell me, have
10 tried to capture what we might characterize as
11 windfall. But I know it's an issue. It's an issue
12 whenever councils talk about the plan and it gets
13 to be an issue for us when fishermen who didn't get
14 the share they wanted or didn't get a share at all
15 are trying to get into a fishery and are amazed at
16 how much they have to pay. We've had a lot of
17 issues develop in the Gulf of Mexico over that
18 program where, you know, people are finding that to
19 get a permit to cover the vessel they have to pay a
20 lot of money and to them, they would characterize
21 that as windfall, you know, to a fishermen who'd
22 been in a fishery for 15 years and, you know,

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1 suffered through declining stocks, they might just
2 view it as a return on their investment for having
3 stayed in.

4 So I don't know if any of the bills
5 have actually tried to capture what some might
6 characterize as a windfall. But it's clearly an
7 issue that gets talked about.

8 CO-CHAIR MR. OSTERBACK: Okay. How
9 about from the public, do we have any -- would you
10 state your name, sir?

11 MR. FISK: Yeah, my name's Greg Fisk.
12 My question relates somewhat to the question that
13 was just asked about windfall profit, it goes back
14 to the previous slide on option issue. My
15 understanding is that all of these transferrable
16 quotas are subject to capital gains tax, so isn't
17 that an appropriate way of addressing the issue of
18 whether there's a windfall profit and also a way of
19 the government capturing a value in these shares
20 when they're sold? I guess my concern is that if
21 you go to an auction system, you end up with a
22 situation where the deep pockets, the people who

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1 can really risk a lot are preferred, and it doesn't
2 reflect ultimate true value of the shares, it
3 reflects an initial risk taking position, not a
4 market value.

5 I just wanted to raise that issue.

6 MR. DUNNIGAN: Okay, that's a good
7 point.

8 CO-CHAIR MR. OSTERBACK: Any others --
9 yes, go ahead.

10 MR. BREMNER: Thank you. My name is
11 Don Bremner, I'm the executive director of the
12 Southeast Alaska Intertribal Fish and Wildlife
13 Commission, I'll speaking tomorrow. But I agree,
14 and I think the general public in Alaska will
15 probably agree that giving the regional management
16 councils a little bit of flexibility for our region
17 is probably going to be the best route to go. Just
18 listening to your conversations here today I could
19 see that your role should be a broad brush package,
20 I believe the co-chair said, a tool box of items to
21 work with, because I think like any state that
22 you're familiar with, you all work with fishermen,

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1 there's a lot of groups, stakeholder groups up
2 here, every one of them come up with strong
3 justification for some of their positions, so I
4 think the broad brush flexibility is probably the
5 best route to go.

6 But one of the things that I see that's
7 part of the problem with Alaska, rural Alaska
8 especially, is more of the process that you put out
9 there, not so much these items here, we could sit
10 down and talk until we're blue in the face on each
11 of these items, but the process of participation is
12 lacking. We went through a nightmare of an
13 experience with the halibut IFQ program here in
14 Alaska because the communities are so spread out
15 and some of them are small and the process of
16 participation is probably more important than what
17 you have here. Notifying the public, management
18 councils, I think need a lot more wiggle room than
19 what they've had and the timeframes, you know, we
20 rushed to get the communities to participate in
21 that halibut IFQ program and we're still now, after
22 the fact, trying to catch up to educate them on

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1 what the opportunity even is, you know, what the
2 benefit is. Phil Smith is still just now going
3 around to educate the towns to say, hey, look, this
4 is the opportunity, this is what we're talking
5 about.

6 So the process is important and if you
7 give us a tool box to work with, we'll work it out
8 up here, but, you know, I think if you start to
9 check some things off here then we'll be back to
10 Washington adding things back, really unproductive.

11 CO-CHAIR MR. OSTERBACK: Thank you.
12 Any others?

13 (No discussion)

14 CO-CHAIR MR. OSTERBACK: Okay, if
15 not.....

16 MR. DUNNIGAN: I have one more slide,
17 we can get done before lunch.

18 CO-CHAIR MR. OSTERBACK: Do you want
19 to?

20 MR. DUNNIGAN: Yes.

21 CO-CHAIR MR. OSTERBACK: Is that going
22 to be.....

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1 CO-CHAIR DR. HOGARTH: Your whole
2 presentation, not, though, is it?

3 MR. DUNNIGAN: On IQs.

4 CO-CHAIR DR. HOGARTH: But on Magnuson?

5 MS. BRYANT: No.

6 MR. DUNNIGAN: We talked about that,
7 the process that we're going through on Magnuson
8 while you were out, at the beginning.

9 CO-CHAIR DR. HOGARTH: Okay.

10 CO-CHAIR MR. OSTERBACK: Okay. Because
11 you have this afternoon, too, that portion.

12 MS. BRYANT: I think we can finish.

13 MR. DUNNIGAN: Yeah, what I'm telling
14 you is I can save you some time.

15 CO-CHAIR MR. OSTERBACK: Okay.

16 MR. DUNNIGAN: The last issue here is
17 cost recovery that's come up. The current law says
18 that we are supposed to recover through fees in an
19 IQ fishery all of the cost of management up to
20 three percent, I believe, of the gross revenues in
21 a fishery. I'm not sure that we do that very well,
22 and I'm going to let that stop right there.

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1 But that's one way of dealing with cost
2 recovery issues. There have been some of the
3 provisions that have been up on the Hill that have
4 limited that only to the incremental costs that are
5 associated with running an IQ program, and then
6 there's been the other thought that, you know, we
7 shouldn't be doing cost recovery in these programs,
8 that the cost of the government doing its business
9 ought to be paid for by Congress anyway. We do
10 have a fund that we can put these costs in so that
11 it gets us over maybe the concern that, you know,
12 have people pay money to the government but it just
13 goes off on miscellaneous receipts and it doesn't
14 really get used for the things that it was intended
15 to use for.

16 But again, these are issues that are
17 out there, options are one way of, perhaps of doing
18 cost recovery is that you get an option to include
19 that under this system as well, and the gentleman's
20 comment here too I think is well on point.

21 CO-CHAIR MR. OSTERBACK: Okay. Larry.

22 MR. SIMPSON: Yeah. A couple of

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1 general comments. I think this is important.
2 Jack, it's the first I've heard that you have a
3 fund that you can put monies in and hold them and
4 still use them in fisheries; is that what you said?

5 MR. DUNNIGAN: Gary would know better.

6 MR. RIZNER: Subject to appropriation.

7 MR. SIMPSON: Oh, okay.

8 (Laughter)

9 MR. SIMPSON: My comments then are
10 still about it. I think the agency needs and
11 should have worked very diligently to try to get
12 such a fund, us country boys use simple terms, a
13 no-touch-em fund, my own bank account kind of fund
14 that you can extract rents or whatever and use that
15 money. You have, I think support in the Oceans
16 Policy Commission Report about establishing such a
17 fund. I think it should be region specific. Our
18 friends here in Alaska don't want to be funding red
19 snapper work in the Gulf of Mexico and we certainly
20 don't red snapper and if and when shrimp ever comes
21 around, shrimp funding for whatever in the
22 Northeast that they're doing, I think it needs to

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1 be within a region.

2 I also think very strongly, not all,
3 but some of these fund dollars should be in a
4 partnership, not a giveaway, but a designed
5 equation to involve the states, because if you have
6 a shrimp you've got probably every bit as much take
7 in state waters as you do in federal, those kinds
8 of issues need to be addressed.

9 I think this is important. I think you
10 need to establish a fund. Work to try to establish
11 a fund and make sure that you can take this and use
12 it for better management, better enforcement,
13 better data, whatever, administration, I think this
14 is a good idea, but it needs to happen before the
15 process.

16 CO-CHAIR MR. OSTERBACK: Rod, would you
17 happen to have anything you want to add to this?

18 MR. MOORE: I might have something I
19 want to say. First of all, in relation to Larry's
20 comments, I mean I agree and long been an advocate
21 of no-touch-em funds, whatever you call them down
22 there that keeps out -- but, you know, having

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1 worked for a particular branch of government for
2 several years I recognize that the appropriations
3 process is going to be relevant. So to the extent
4 that you can firewall off as much as possible a
5 separate fund where these fees or other fees that
6 are related to fisheries management are going to go
7 into and can be used as offsets for fisheries
8 programs, whatever, that's something that really
9 underlies where I think people will come from in
10 supporting fees.

11 I'm not sure that there is a grand
12 justification for having additional fees, but I
13 think the overwhelming public opinion is that if we
14 are going to have exclusive privileges granted to
15 people that they got to pay something for it. And
16 that being the case, I would suggest looking at
17 number 2 only because I have seen in the past
18 attempts to include as costs of a program
19 everything that's related to fisheries science and
20 management, including operating NOAA research
21 vessels, observer programs, looking at bycatch
22 generally, enforcement of regular Magnuson Act

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1 stuff, a whole lot of things that have nothing to
2 do with a particular IFQ program. If you feel it's
3 appropriate, socially or economically, to charge
4 fees for having this special privilege, then charge
5 fees to cover the cost of having that privilege,
6 not trying to pay for the entire NMFS or NOAA
7 budget.

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

9 MR. RAYBURN: I think mine kind of goes
10 along with what Rod said, but I relate it to the
11 conversations that we'll have tomorrow relative to
12 offshore aquaculture where you are setting up an
13 exclusive area, and in there it seems that, you
14 know, in the draft legislation there's been some
15 boldness about requiring permit fees and royalty
16 fees and several different kinds of fees when
17 you're setting up -- and I think the justification
18 has been because of the exclusive area that you're
19 providing for a business person to go out there and
20 put his risk or capital on the line. It seems to
21 me when you create -- you know, there ought to be
22 some similarity in the concepts that you have in a

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1 cost recovery where you're setting up an exclusive
2 right to harvest wild, and you have an exclusive
3 right of harvesting aquaculture in the same
4 environment basically, so you may -- I mean I would
5 think you could at least argue the case that there
6 should be similarity between what you're doing
7 here, cost recovery, and exclusive right to fish in
8 the wild and what you do in offshore aquaculture as
9 far as recovering cost, whatever it may be, if it's
10 a royalty or not, or fees or full costs or only
11 marginal costs for doing the program, it still
12 ought to be common.

13 CO-CHAIR MR. OSTERBACK: Dick.

14 MR. GUTTING: I've always had a lot of
15 trouble with this, Jack, because when we get into
16 these discussions we get -- two ideas often get
17 mixed up together. One is kind of recovery of your
18 costs. A fee to kind of pay you back for the
19 expense that you incur because you're going to have
20 to do more. And the other concept is somehow
21 you're giving away the resource and the resource
22 belongs to all the people so there ought to be a

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1 royalty or a payment for the resource. And they're
2 two completely different concepts. And I think
3 when we try to wrestle with whatever policy, you
4 know, is best, we ought to try to, to the extent we
5 can, think clearly.

6 Now, having said that cost recover, you
7 incur all kind of costs, management costs,
8 enforcement costs, monitoring, on and on and on, to
9 come up with these plans and make sure they work.
10 I don't see within cost recovery a reason for
11 separating out certain of your costs from other of
12 your costs. I don't see what an IFQ system versus
13 a limited entry system versus a cooperative system,
14 looking at Jim, I don't see the distinctions there,
15 I don't see the bright line. So if you were to say
16 I'm going to start recovering my costs, I'd come
17 back at you and say well why here and not here and
18 here and here and here?

19 So if there's a rationale for somehow
20 treating these IFQ plans as being special, it's got
21 to be on the other side, that somehow you're giving
22 away the resource, you're giving wealth to some

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1 individuals and therefore it's only fair that they
2 pay us back something. There's some exclusivity
3 here that makes it different. But even there,
4 Jack, the rationale kind of gets muddied because,
5 you know, a limited entry permit can be a pretty
6 powerful economic value, I mean look at the value
7 of some of these permits. So I'm having trouble
8 drawing a bright line that would be fair to
9 everyone, and that's kind of -- I don't have an
10 answer, it's just that I can't wrap my mind around
11 something other than political expediency which is
12 certainly a good reason, say, to take number 2, but
13 beyond that this is not very satisfying discussion.

14 What I'm suggesting is if you want to
15 have a national policy of royalties for resources
16 then think that through and come forward with an
17 amendment that's consistent based on that premise.

18 If you want to have a policy based on it's only
19 fair to pay the government certain expenses then
20 apply that consistent. I just don't see the
21 rationale for hooking IFQs as being different.

22 CO-CHAIR MR. OSTERBACK: Jim.

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1 MR. GILMORE: I agree with Dick. I
2 think he's hit on a very important issue to
3 highlight. And I think that the fees on IFQs have
4 been driven a little bit by those who want to have
5 a chilling effect on IFQs. And I think to the
6 extent that we're being sensitive to those
7 criticisms, we want to be sure people don't -- end
8 up getting what they ask for and that would be
9 industry paying for science, because up here in the
10 North Pacific, we've already struggled with the
11 observer program, which I think is one of the most
12 progressive fishery management programs you're
13 going to find, but the mere fact that we haven't
14 found a way to avoid having industry contracting
15 with accredited NMFS observers has been something
16 that people have pinged on us about and I think if
17 you start taking it to the next step of paying for
18 the Alaska Fisheries Science Center we're going to
19 lose a whole lot more in the credibility than we're
20 going to gain in terms of dollars and cents.

21 CO-CHAIR MR. OSTERBACK: Vince.

22 MR. O'SHEA: Thank you, Mr. Chairman.

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1 When I've looked at this, Jack, one of the things
2 that I've sort of noticed is that certainly in the
3 surf clam fishery we don't hear too much about the
4 status of the stock from management standpoint,
5 stock seems pretty stable. In the halibut fishery,
6 that stock is more than stable, it's been growing
7 since the program went into effect, although it
8 wasn't designed or intended necessarily to address
9 a conservation issue, it was other issues. So you
10 end up with sort of a perverse outcome that we want
11 to tax and tax IFQ systems, and yet we have other
12 open access fisheries that have just fished the
13 resources right into the ground and generated all
14 sorts of other social costs, you know, subsidies
15 and other problems and we're not -- nobody's
16 talking about trying to recover those costs out of
17 those fisheries, yet we're zeroing in on fisheries
18 that appear to have a healthy outcome.

19 So you know I end up with the same
20 conclusion that you do, Dick, but for a slightly
21 different reason and I think we ought to look at
22 the costs across the board for everything and I bet

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1 you in some cases, the open access fisheries we
2 have that are sort of running out of control would
3 end up paying a lot more than what they're paying
4 right now.

5 Thank you.

6 CO-CHAIR MR. OSTERBACK: Okay. Maybe
7 I'd like to add something to it. One of the things
8 that I think needs to be remembered, too, on all
9 fisheries is that, you know, it's not just how much
10 you can tax them to pay for all the programs that
11 are out there because all the programs are being
12 paid for now before you invented the IFQ system or
13 a CDQ or what have you, so as the fisheries -- you
14 know, the biggest thing is the fisheries stay
15 healthy, the payback to the communities in tax
16 dollars to boroughs, cities, state, those type of
17 issues, I think outweigh some of the, you know,
18 well, let's nickel and dime them. I think healthy
19 fisheries provide a lot for the states and
20 communities that they're in and I think that's
21 where it should be. As these type of actions need
22 to take place, I think that's what it should be

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1 driven to, is that we need to keep stocks healthy
2 and if these are the things we need to do to do it,
3 that's fine, but don't look at it in the long run
4 as, well, once we can privatize all these
5 fisheries, you know, let's just tax them to the
6 max; I don't want to see that happen.

7 So do we have any more committee member
8 questions, any from the public -- okay.

9 MS. CHILDERS: My name is Dorothy
10 Childers. I think there's two things missing from
11 these four categories that the agency has laid out.

12 It seems like there should be a community category
13 that creates -- that agencies would be supporting
14 some kind of standardized way to ensure that IFQ
15 programs benefit communities and there's a lot of
16 different ways to do that, but it doesn't seem that
17 these four categories necessarily get them done.
18 Although there are things in these four categories
19 that partly address it.

20 And the second thing is that I think
21 the agency should be getting behind a conservation
22 standard for IFQ programs because the promise of

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1 quota programs is that many conservation problems
2 are going to be solved by definition and we feel
3 that conservation problems are going to be solved
4 by quota programs by design, not by coincidence.
5 And so if the agency could get behind something
6 that says that new IFQ programs shall achieve
7 conservation of -- particular or define
8 conservation objections and then the councils have
9 the discretion they need to define what those
10 objectives should be and that any kind of
11 evaluation program then evaluates the IFQ on
12 whether or not they achieved those conservation
13 goals just like the other goals that are being
14 discussed here.

15 So I guess if this is supposed to be a
16 Q and A, I'm wondering is agency planning on
17 expanding this list or is this kind of what you've
18 narrowed it down to what the agency should only pay
19 attention to?

20 MR. DUNNIGAN: No, there's nothing
21 narrow about this. One of the things I said at the
22 beginning was, you know, if this list needs to be

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1 bigger, you know, asking MAFAC to tell us where
2 they think it ought to go so as I said we're at
3 ground level right now on all of the issues
4 relating to MSA reauthorization. Today we're
5 talking about IQs and we'll talk about these other
6 issues as we develop them through our process.

7 But, no, we can and should be adding
8 other things to deal with and other perspectives.

9 CO-CHAIR MR. OSTERBACK: Any other
10 public -- yeah.

11 MR. REISNER: Yeah, being the money
12 guy, I just wanted to throw out for you folks when
13 you look at these issues of the cost recovery
14 issues, I don't disagree with what you said, Dick,
15 in many ways IFQs are a little more expensive to
16 manage than one single tack and fishery, you've got
17 hundreds of them. And in some cases, at least,
18 what I've seen happen, as councils put new regimes
19 in place, new management regimes the additional
20 appropriations that we would need to operate that
21 aren't always included. And I just would like cost
22 recovery and all cost issues to be in the dialogue

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1 and debate as we go forward with different regimes
2 on how we're going to operate.

3 CO-CHAIR MR. OSTERBACK: Any other
4 public.

5 (No discussion)

6 CO-CHAIR MR. OSTERBACK: Scott, and
7 then Dick.

8 MR. BURNS: Thanks, Mr. Chairman. Just
9 to build on Dorothy's point. I think you've done a
10 nice job of taking a cut across the issue with the
11 points that you've raised today but as she points
12 out there are lots of other important issues too.
13 I think a lot of them are acknowledged even if
14 they're not dealt with necessarily in a way that
15 everybody would find satisfactory in a draft bill.

16 It might be useful for members of MAFAC to share
17 within some period of time their comments on the
18 draft bill itself with the agency.

19 CO-CHAIR MR. OSTERBACK: Dick.

20 MR. GUTTING: Just prompted by that
21 last comment, Jack, the whole idea of the
22 appropriation process and how you put your budgets

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1 together and think about your funding needs for the
2 future. I know that when, I think it was the
3 halibut IFQ, there was like a million and a half
4 dollars and there was quite a furor of how much it
5 was going to cost and Senator Stevens, as usual,
6 came through with the dough at the end of the day,
7 but have you thought about a more programmatic or
8 consistent approach of bringing forward the budget
9 implications along with the plans in the approval
10 process and vetting those numbers through the
11 process so that the hype and often times
12 exaggeration gets kind of worked out in dialogues
13 and so that as we approve these systems we have a
14 better idea of what the budget implications are for
15 the agency. Have you thought about that or worked
16 on that? I'm kind of responding to his concern.

17 MR. DUNNIGAN: Right.

18 MR. GUTTING: Which is there for IFQs
19 but it's there across the board. And certainly,
20 you know, we have a lot of unfunded mandates as it
21 were.

22 MR. DUNNIGAN: I think the answer to

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1 your question is not really, haven't really sort of
2 thought ahead in this context to say, now, what --
3 if we have 10 IQ systems that are brought forward
4 by the councils in the next three years, what is it
5 going to cost us incrementally to be able to step
6 up and do that. I can tell you that we're learning
7 a lot about what it takes to do that in dealing
8 with the Bering Sea program, the crab program, and
9 that one is about as -- I hope as complex as they
10 can get. But they're hard to do. They're very
11 expensive. I know the Southeast region is just
12 starting to plan now, in this area in between the
13 two referendums for what it's going to take them
14 assuming that the council develops it and the
15 second referendum actually follows through and do
16 all of the detailed work and we're going to learn a
17 lot from what is going on up here.

18 MR. GUTTING: What I'm really
19 suggesting is you have a generic issue with all
20 plans and all plan amendments, they all have budget
21 implications.

22 MR. DUNNIGAN: Yes.

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1 MR. GUTTING: They all need to get fed
2 into your budgeting process in your request to OMB
3 and by dealing with that up front through the
4 council process you build a credibility in your
5 numbers, a constituency for the numbers that you
6 otherwise wouldn't get. In other words, better
7 integrating your budgeting appropriation process
8 with your fishery management plan process.

9 CO-CHAIR DR. HOGARTH: Let me respond
10 to that, Dick, just a minute, Al, if you don't
11 mind.

12 CO-CHAIR MR. OSTERBACK: Okay.

13 CO-CHAIR DR. HOGARTH: I tried to do
14 that. I put together a five year plan that went
15 through, I had a fishery management plan to do, a
16 program, it got killed by the budget people. They
17 said we are second-guessing the budget process, we
18 are tying the President's hands and we can't do
19 that. We have to just go through, what I feel like
20 is a very closed system of budget. You know, we do
21 have budgeting internally and then we go through
22 the process and it goes through everybody and then

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1 they'll cut it and then they'll come back and say
2 -- talk about pass backs and also, you end up
3 getting what you get and then you have to decide
4 what to do with it. And then, you know, to me it's
5 not the best system. So I still have a five year
6 plan that's got all sorts of nice pretty numbers
7 but just this weekend sat down and tried to cut all
8 the numbers up to see if I could get a five year
9 plan that makes sense to the public that doesn't
10 have a number in but you could take it to mean, you
11 know, we could say we are 50 percent towards the
12 completion this issue or something.

13 But we've got to figure out a way to do
14 that because if we don't, I mean we just do what we
15 can do with the money we do and it's not really --
16 and now that we're trying to do programs, by
17 programs internally, I think if you get it through
18 the system we'll have a better figure. We are now
19 sitting down and doing, you know, exactly program
20 by program but it is, you know, it is a difficult
21 thing. And, yeah, I agree with you a hundred
22 percent but it's just the way the system is set up

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1 now you're not allowed to really do any of that
2 stuff, that says that you're asking for money than
3 -- or lobbying for money that -- you know, to get,
4 so if we said it cost, you know, a million dollars
5 to do 42 fishery management plans and we only got
6 37 then the big cry will be, well, hey, you're not
7 doing the other five, what are you doing, but other
8 than that, we just sort of do what we have to and
9 we set priorities once we get the money.

10 CO-CHAIR MR. OSTERBACK: Dick.

11 CO-CHAIR DR. HOGARTH: Well, let me
12 just say one last thing on this cost recovery. You
13 know, last week at leadership we spent a lot of
14 time talking about things like this and
15 particularly permits. We have some inconsistencies
16 in this agency which really bother me. One of them
17 is permits, the cost of even permits, you know.
18 Some regions we charge for them, some regions we
19 don't, which is interesting. Observer programs,
20 some places we pay for them, some places we don't.
21 The MS, some places we pay for them, some places
22 we don't. So, again, this is because the programs

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1 are necessary and some people come forward and say
2 well we want to operate so we'll pay for them but
3 really there's no consistency even in that. If I
4 could find money when it comes up to do a program,
5 I'll buy VMSU, in fact, enforcement just told me
6 they had some year-end money left, I said, well,
7 I'll spend it all on VMSU so if the next fishery
8 comes we can, you know, use them for that.

9 It's a bad way to do business but I
10 don't have -- we're still trying to find a way to
11 remedy it. But that is one issue that I think we
12 have to address as the agency is some of the
13 inconsistencies in, you know, how much it charges
14 to one region and how much it doesn't.

15 And I think the cost recovery here,
16 too, I think that to single out an IFQ program and
17 say, okay, you know, it costs this and we're going
18 to make that program pay, I don't like that, I
19 really don't. I think, you know, in a different
20 industry, either recreational or commercial or NGOs
21 paying for the science, I want the science to
22 always stay independent as science and I don't want

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1 anybody, you know, contributing towards the cost of
2 the science except the government. I think the
3 government has to pay for the science, personally.
4

5 So I think cost recovery is a bigger
6 issue than just IFQs, and I think, you know, if we
7 charge for permits then as far as I'm concerned
8 this would be part of a permit system, maybe even
9 just toward the amount it costs to give a permit,
10 but we have to address that whole issue. And that
11 may be something that MAFAC will be asked to look
12 at in January if we are further advanced than we
13 are now, that system.

14 CO-CHAIR MR. OSTERBACK: Okay. Jack,
15 do you have anything else on it?

16 MR. DUNNIGAN: No, I think that takes
17 me through the sets of issues. Again, they weren't
18 intended to be fully comprehensive, this was just
19 one way of organizing a lot of the things that have
20 been talked. So I'd like to be able to take you up
21 on Scott's suggestion and we'll have other ideas or
22 things that need to maybe be on this list of IQ

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1 issues as we look at them, you know, be sure to let
2 us know. Anybody in the public at all, you know,
3 Jack.Dunnigan@NOAA.gov., you know, get us your
4 views and we can continue to flesh this out and
5 then I look forward to continuing work with MAFAC
6 on all the other issues related to MSA as well.

7 CO-CHAIR DR. HOGARTH: One last item
8 that you didn't comment on. I think it's important
9 for us to look at how to protect communities,
10 community structure and infrastructure in
11 communities. We made some mistakes in some buy-
12 back programs, I think, that we haven't looked at
13 communities which have had some tremendous impacts
14 on communities and I think even looking at -- I'll
15 say the dirty word, processor's shares, I think we
16 should look at processor's shares from the
17 standpoint of communities. I mean I think that's
18 tied into the community structure in maintaining
19 communities, a strong community is infrastructure.
20 So, yeah, I think the community is a big issue in
21 these type things. It's how you manage this and
22 how you maintain a fishery that's been historical

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1 in an area.

2 CO-CHAIR MR. OSTERBACK: Okay. Okay,
3 thank you, Jack, that was.....

4 MR. DUNNIGAN: It was good discussion,
5 thank you very much. The record's going to be a
6 real help.

7 CO-CHAIR MR. OSTERBACK: And before we
8 break for lunch, Laurel, did you want to say
9 something?

10 MS. BRYANT: No. Now, that we've got
11 the FedEx, there are some handouts that are
12 available there on the table. And what time do you
13 want to get back?

14 CO-CHAIR MR. OSTERBACK: 2:00 o'clock.

15 MS. BRYANT: We're going to do it until
16 2:00, okay.

17 CO-CHAIR DR. HOGARTH: That's correct,
18 2:00.

19 MS. BRYANT: Okay. And then we'll go
20 into the recreational fishing and then on into
21 bycatch.

22 CO-CHAIR MR. OSTERBACK: Okay.

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1 MS. BRYANT: Thanks, Mr. Chair.

2 CO-CHAIR DR. HOGARTH: Just one last
3 thing. I was talking to litigation this morning and
4 we just got a decision that I don't know that -- I
5 did not expect to get the decision, but the final
6 decision from the district court on the tuna
7 dolphin issue on the West Coast and we lost.

8 MS. BRYANT: Lost.

9 CO-CHAIR DR. HOGARTH: Big. And one
10 thing that's very unnerving to me in this, so to
11 speak, is the use of emails. We use emails, it
12 gets out to the public and then they end up back in
13 the record and a lot of the things here were the
14 judge making decisions on internal emails, he made
15 some various harsh statements, so I guess that's an
16 issue we have to address is using emails or phone
17 calls, but I mean I'm just concerned that we can't
18 have discussions among your staff when you're way
19 across all over the country working on stuff and,
20 you know, you send an emails and they end up in the
21 record and it might not have any bearing whatsoever
22 on what you finally decide to do but you did ask

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1 questions and I guess if you ask questions, you
2 need to do exactly what the answer you got, but the
3 judge says we disregarded this, and so we have, I
4 think a major -- based on this decision, a major
5 issue internally as to how we communicate, so to
6 speak.

7 CO-CHAIR MR. OSTERBACK: Do you have an
8 announcement?

9 MR. RAYBURN: I have a question on the
10 logistics for this evening.

11 MS. BRYANT: Yes.

12 MR. RAYBURN: Some of us that have
13 wives and stuff, is there transportation, are we
14 going to the glacier.....

15 MS. BRYANT: Yes, we do.

16 MR. RAYBURN:and there's
17 transportation, can they come along or is
18 there.....

19 MS. BRYANT: Yes.

20 MR. RAYBURN:enough room?

21 MS. BRYANT: I've got a phone call in
22 to make certain what time the bus gets here but we

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1 have a bus, it holds 50 people so I made
2 accommodations to make certain that those of you
3 who have your family and spouses, they're included.

4 MR. RAYBURN: Okay.

5 MS. BRYANT: And we'll probably be
6 meeting right in front, and exactly what time and
7 right in front that's what I need to check out, and
8 I'll announce that later, Ralph, but thank you.

9 (Off record - 12:25 p.m.)

10 (On record - 2:02 p.m.)

11 CO-CHAIR DR. HOGARTH: If I could have
12 your attention a minute. Just as sort of an
13 introduction to this while they get things
14 straight, we have been working to try to do a draft
15 contingent plan, process for the recreational
16 fishery. A lot of people came to me and felt like
17 that we had not really addressed some of the
18 recreational concerns regionally. That we had an
19 old contingent plan so Michael Kelly who is doing
20 the recreational fisheries went out across the
21 country and had a series of, he'll tell you how
22 many meetings, and we started out with a plan that

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1 I think people weren't real happy and it has
2 evolved into something I think people are pretty
3 much happy with now, and so I think I'm going to
4 turn it over to Michael and let him move forward.

5 So Michael, the floor is yours.

6 MR. KELLY: Thank you, Bill. Thank
7 you, Mr. Chair for giving me the opportunity to
8 comment and talk about this. It's my pleasure to
9 really report on what I think is an important
10 accomplishment that in many ways started with this
11 group here in response to, in part, the inertia
12 that was developed with the recreational fisheries
13 subcommittee here and the emphasis on really being
14 responsive to the needs of our recreational
15 constituents. We've been working hard to develop a
16 plan that, I think, really meets the needs of
17 recreational fishing groups and anglers around the
18 country.

19 First of all I want to talk about kind
20 of why we decided to do this and what the original
21 emphasis was. And of course, the most important
22 thing has to do with getting back to some of the

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1 very important parts of our mission which deals
2 with improving the management of fisheries,
3 promoting stewardship, you know, over ocean
4 resources. This was also about really promoting
5 recreational fishing opportunities and action. And
6 we didn't want to be shy about saying that. This
7 was a way to promote the recreational fishing
8 industry and promote access to those resources for
9 anglers and to improve recreational constituent
10 service. I mean really addressing the needs and
11 issues that have been raised by this important part
12 of the community for a long time.

13 I think in a lot of ways, and some of
14 you might know better than me about this, but I
15 would venture to guess that the recreational
16 fishing constituency is probably the largest
17 organized constituency that we know of deals with.

18 Outside of seafood consumers, I can't think of any
19 single group that really brings more issues, more
20 needs and more concerns to the agency than
21 recreational fishing does. So this is, I think, a
22 very important group to work with.

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1 As Bill said, this also updates the
2 recreational fisheries strategic plan that was
3 created in 1996. That came about after the 1995
4 Executive Order on recreational fishing that set
5 up, among other things, the Sportfishing and
6 Boating Partnership Council, which is the FACA
7 committee in Fish and Wildlife Service. And a
8 number of activities within various agencies that
9 were meant to address the recreational fishing.
10 But we started out real good with that process back
11 in the late 1990s and this effort really
12 reinvigorates and reinvents, in some ways, what
13 that effort should be appropriate to what today's
14 needs are.

15 This is just some quick background on
16 what we set out to do. Back in March of this year,
17 Dr. Hogarth gave me the order to pursue this and we
18 put together a working group of folks within the
19 agency. On the very back page of the draft
20 strategic plan that you have there's a list of
21 everybody within the agency who took part in this,
22 who had a meaningful part of this NOAA working

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1 group. It was important that they put their name,
2 emails and phone numbers so folks could see so that
3 they knew that this was kind of their point of
4 contact for this issue in the plan. That working
5 group met and developed a plan that we developed
6 and we delivered to a meeting that Dr. Hogarth had
7 in Washington. That meeting included folks who
8 were members of MAFAC and the commission, that plan
9 was really kind of received by that community and
10 the message we got was this isn't going to work,
11 you need to change it, you need to be really much
12 more responsive to the things that we've been
13 saying, here's what we think ought to go into a
14 plan like this. So we took those ideas back to
15 NOAA, back to the science team, back to the
16 management teams within the agency to develop what
17 we thought would be more appropriate and more
18 responsive to what we were hearing from the
19 communities.

20 We then took this plan out to the road.

21 We had a series of nine regional constituent
22 meetings and I can talk a little bit about the

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1 input that we got at those meetings. We're on
2 track still to have a final plan sometime in early
3 October of this year, but that's going to be based
4 on a couple things and some of those will be things
5 that we talk about today. I also want to say that
6 in this kind of planning the plan part, an awful
7 lot of you took part in helping make either the
8 original meeting back in March happen or some of
9 the regional constituent meetings and I certainly
10 appreciate the input of a lot of folks in this room
11 making all that happen.

12 It was important when we put this
13 together that this link right back to the NOAA
14 strategic plan. As you know within the agency
15 there's been a lot of movement that really, oh,
16 kind of enriching the way we manage ourselves as an
17 agency and we've used some models from business,
18 and taken some models from different parts of the
19 government and we have this new matrix management
20 and these new programming offices within the agency
21 to do work. If recreational fishing wasn't kind of
22 organized as a part of that, then we would lose out

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1 in those processes so it would be important that
2 this plan and our activities really match up well
3 with what these new and emerging offices and the
4 way of working within NOAA are, these two
5 processes. It was also important that we had
6 interagency perspective so I worked closely with
7 contacts at Fish and Wildlife Service to get their
8 ideas on what the plan should look like and also
9 what their ideas and an appropriate process were.

10 From the very start it was important
11 that this plan be much bigger than just a NOAA
12 strategic plan. From the onset we wanted this
13 thing to be owned by the community that we're
14 trying to work with and that there'd be a lot of
15 shared accountability within this. At each one of
16 the regional constituent meetings that we did, one
17 of the last questions we asked was, okay, this is
18 what you think the, kind of the federal effort in
19 recreational fishing ought to be, what's your part
20 in it? What can you do to help make this happen?
21 The idea that recreational fishing is something
22 that belongs to all of us and the accountability

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1 rests equally, in equal parts between the agency
2 and with the myriad of partners that we work with
3 when we come here. So shared accountability and
4 community ownership are important.

5 These are the places that we had the
6 meetings. We had nine of them. The attendance of
7 these meetings ranged from kind of a low in New
8 England of probably I think a little over a dozen
9 or so to I think -- Hawaii Fishing News just said
10 200 in their write up on the meeting that we had,
11 200 attendees at the meeting in Honolulu, I don't
12 know, but it was standing room only in a room a lot
13 bigger than this.

14 The plan as you know, you can see it in
15 front of you, I'm not going to belabor some of
16 these points, but we kind of broke down the
17 activities that NOAA is involved in recreational
18 fishing, it's three distinct areas. And one of the
19 things that makes this plan very different from the
20 previous plans in recreational fishing that the
21 agency has endeavored, this really incorporates all
22 the sectors. We looked very closely at all the

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1 different segments and programs and parts of
2 programs and offices around NOAA, and not just in
3 NOAA Fisheries but also in Sea Grant, in the Coral
4 Reef program, the National Marine Sanctuary
5 program, the MPA office to make sure that there was
6 representation from all of these different NOAA
7 components, all these different discreet programs,
8 developing this in a coordinated way so that we had
9 kind of the voice of NOAA in a very, very big way
10 reflected in this plan. And, again, we broke it
11 out into science, into management, and to outreach
12 as the primary sets of activities and then we
13 developed these various objectives and then there's
14 a number of outcomes that you can kind of see in
15 the plan before you, for science, for management,
16 and for outreach. Again, I don't want to go
17 through all of these, you have all these in the
18 plan in front of you.

19 I do want to talk specifically about
20 some of the comments that we received and we've
21 been getting comments essentially in two different
22 batches. One has been an internal set of comments

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1 that's emerging just from folks within NOAA, so
2 people in the regional office, people in the
3 science centers, work labs, who have come back and
4 said, hey, this is how the plan ought to be changed
5 or improved. And one of the important things is in
6 the science goals there's an outcome that has to do
7 with this part and I want to clarify that, and
8 there was also an outcome that had to do with the
9 reduction of the percentage error value in the data
10 collection. The comments that we've heard were
11 that these, both of these need to be either kind of
12 amended or removed altogether.

13 And the first one is under objective
14 one in the science goal, is the very first item
15 there, that says that we'll collect more accurate
16 data through sample size increases and survey
17 improvements to achieve a 25 percent PSE reduction
18 and the comments that we've been hearing is that,
19 well, that's really not appropriate for across the
20 board, there's an awful lot of fisheries, where our
21 percent standard value is actually very low. Other
22 ones, that by doing this outcome we'd have to

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1 really invest an awful lot of money and there's
2 even an algorithm that some of the folks have
3 developed that said, look, to get a sample size
4 increase of, and you have to increase the
5 investment, you know, X and essentially to increase
6 the sample size of 20 percent you have to increase
7 the investment 100 percent, so there's a real kind
8 of reduced return on further investments and
9 reduction of percent standard error.

10 And then the other one is in that same
11 set of bullets and it has to do with responding to
12 management needs for better discard data by
13 doubling the amount of recreational at sea
14 sampling. At sea sampling is a term that's
15 probably better known in the recreational community
16 as an observer. So what we want to do is increase
17 the observer program, the various observer programs
18 to get a better idea of what we were doing in this
19 part of recreational fishing and get that
20 information to management.

21 And how are we doing this, I mean the
22 work that we're doing with different organizations

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1 in tournaments and I know Randy and some of the
2 folks in California are using observers on boats,
3 we're using observers in other parts of the
4 country, it's a good method, I think, of data
5 improvement. I'm not exactly sure what's going to
6 happen to that bullet. I'd definitely like to hear
7 your comments on that.

8 The other comments that we heard kind
9 of around NOAA was to be careful of promising too
10 much, and we certainly do want to be careful about
11 that. A lot of folks said, you don't want to put
12 in this plan a lot of what they were calling
13 unfunded mandates, I think, Dick, you mentioned
14 that earlier today, and that was something that
15 resinated with some folks. We've gone back through
16 this plan very carefully and in a very
17 uncoordinated way, in various isolated pockets
18 around the agency we've determined that we're
19 already doing a very, very good part of this,
20 either we're doing it already or it's already part
21 of the plans to do. So here is a significant, you
22 know, number of the items that were listed in this

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1 plan are already either happening in -- as I said,
2 very unmanaged ways or they're on the plans to
3 happen. So we don't feel we're really promising
4 too much. However, we feel that it's important to
5 put in this plan things that we can show as to
6 deficiencies to folks around the community. So if
7 there are things in this plan that are going to be
8 unattainable there's going to be difficulties
9 because there are gaps in funding, there are gaps
10 in resources, we want to make sure that they're
11 articulated in this plan so that people from around
12 the recreational community understand what they are
13 and will know up front where we're having
14 difficulties kind of attaining our goals.

15 Finally, a thing that we heard really
16 across NOAA was implementation will be key, and
17 obviously it's easy to make plans to write all this
18 kind of stuff down, but we've also put together an
19 implementation strategy for this that I'd like to
20 get your ideas on.

21 The comments that we got from around
22 the field, the first one and the one that was the

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1 most surprising to me was that I think at every one
2 of these meetings there was a real resonance of the
3 idea that there's been a loss of trust between the
4 community of recreational fishermen, between
5 anglers and the agency, and that that's happened
6 because of a lot of things, it has happened over
7 time, and in each region there was some specific
8 issues that have come up that have diminished that.

9 But that really across the board there's been a
10 real lack of trust, particularly by community.

11 A very, very important issue that we
12 heard at each one of these meetings dealt with data
13 collection, that we needed to do a better job at
14 getting our hands around various sets of data and
15 that data included catch data, effort data, and
16 then it also included economic data, getting a
17 better idea of valuation, of expenditures and other
18 things that were relevant to the economic benefit
19 and cost of recreational fishing.

20 There was also a pretty across the
21 board interest in MPA and access. Some of that, I
22 think, had to do with the legislation that we're

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1 seeing in the states and also in U.S. legislation
2 now on Freedom to Fish Act and other things that
3 are seen as ways that would kind of limit access or
4 opportunities to recreational fishing.

5 More and better outreach. All of the
6 constituent meetings revealed the need that we
7 needed to do more to reach out, that we had to
8 listen better and that we had to include the input
9 from the recreational community in a more
10 meaningful way.

11 We also saw a real willingness. I mean
12 at each one of these meetings individuals or groups
13 came forward and said, what can we do? Help us to
14 identify what our role is and there was a real
15 willingness on the part of individuals, on the part
16 of the groups to really be a part of reinvigorating
17 this effort.

18 And finally they, too, said, it's a lot
19 of great stuff to talk about, but what's your next
20 step, how are you going to implement this?

21 So here's where we are. I'll ask this
22 group to look at the plan and to give me your ideas

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1 on it. I'd also like to hear your ideas and
2 recommendations on the implementation strategy that
3 I'll present next. We'll have a number of NOAA
4 working group meetings later this month and at
5 those meetings, we'll take the input from this
6 group, we'll take the NOAA input and we'll take the
7 input from all of these constituent meetings that
8 we've had out in the field, and each one of those
9 meetings, by the way, was facilitated, we've gotten
10 data back in a very organized way. Each one of the
11 comments that were made were actually -- well, all
12 had kind of equal weight against each other, but we
13 got some good analysis on what the comments were
14 and what we were hearing in terms of priorities in
15 this region and things like that.

16 We'd like to have a final plan comment
17 deadline so we'd have everything back and ready to
18 go to the printer in early September and then have
19 the report published in early October. We haven't
20 really discussed or finalized any plans for the
21 rollout of this, but I see this as kind of a
22 tremendous opportunity to kind of get back to the

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1 community and say, hey, look, you told us to put
2 this thing together and here it is.

3 Implementation.....

4 MR. SIMPSON: Michael.

5 MR. KELLY: Yes.

6 MR. SIMPSON: Rollout comments, just a
7 thought came to my mind, I don't know if it's
8 appropriate for the -- maybe not, for the eight
9 council meetings, that will be in the early part of
10 October, maybe that wouldn't be appropriate, but
11 that just struck me as a possible opportunity.

12 MR. KELLY: Yeah.

13 MR. SIMPSON: If not, March, next year.

14 MR. KELLY: Okay, definitely something
15 to talk about.

16 The implementation of this. Some of
17 this has already been underway. In NOAA Fisheries
18 when Dr. Hogarth started this effort I was brought
19 on board in constituent services. We've actually
20 just hired a new team lead for recreational
21 fishing, that's Forest Darby, Forest will be
22 starting September 7th in the office. We have

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1 regional coordinators in some other regions, one in
2 Southeast and one in the Southwest. And what this
3 plan, I think, does is help us to really better
4 define what the role of the recreational
5 coordinators will be. And then we proposed a new
6 regional coordinator in the Pacific region. One of
7 the things that came out of the meeting and
8 subsequent meetings with folks, hey, if we're a
9 region now we really need this, start stepping up
10 and being able to offer constituents things that
11 some of the other regions have, and I'd like to
12 talk about that a little bit.

13 Now, here's the idea for implementation
14 that I see, the proposal that we put together and
15 by, we, I mean mostly me out of the ideas that I've
16 heard from folks around the country and within the
17 agency, I kind of floated this idea by some of the
18 leadership in the agency and some of the people on
19 the working group, is that we try a two tiered
20 strategy of implementation. That there would be,
21 first of all, smaller kind of national group of
22 people at headquarters that would work to make sure

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1 that the items that are proposed in a strategic
2 plan will now be found in the annual operating
3 budget in a variety of different programs around
4 the agency. So that the articles that are proposed
5 here find themselves in the actual kind of budgets
6 and up here kind of annual plan of a variety of
7 different -- probably 12 to 13 different programs
8 in NOAA, that those working group members would
9 also work with the program offices in NOAA to make
10 sure that the recreational issues that are defined
11 in this strategic plan become part of the next year
12 budgeting development exercise so that we don't get
13 loss in these new programs and departments that the
14 agency is implementing and that we can participate
15 fully in that.

16 We want to make sure that headquarter's
17 office also reports the accomplishments of the
18 recreational fishing strategic plan in an orderly
19 way consistent with the other program offices in
20 NOAA. That we program, as I said, for recreational
21 issues and that we could probably do a good job in
22 headquarters to coordinate recreational outreach,

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1 particularly with all these various kind of program
2 offices that are involved in this activity.

3 The next step is putting together
4 regional implementation teams and this is, I think,
5 where the rubber would hit the road and I would
6 imagine that these regional implementation teams
7 would be a lot larger and that there'd probably be
8 a lot more work done actually in the regions than
9 what's happening in headquarters. Now, each one of
10 these implementation teams would be led by a
11 regional recreational fisheries coordinator. And
12 as I said, we've already got a couple of them on
13 board and potentially one more. That they'd be
14 integrated with the work of the Fisheries
15 Management Councils so that each one of the
16 councils would represent, you know, themselves on
17 this recreational fishing implementation team, but
18 we'd also have representation from the commissions
19 and the commissions would appoint someone from
20 their offices, particularly working with data to
21 come and sit on this regional implementation team.

22 It's vital that industry be a part of the

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1 implementation of this. So in different regions,
2 where it's appropriate, we'd invite recreational
3 fishing groups, tackle manufactures, boat folks,
4 charter associations, whatever the appropriate
5 people in that region would be into this
6 implementation team so that they can be a part of
7 the actual work of putting this stuff together.
8 And so that they'll help really understand where
9 our deficiencies are and see them kind of coming
10 down the road instead of all of a sudden just being
11 kind of confronted with maybe not getting what they
12 thought they were going to get. Where there were
13 difficulties, they'd know about them much sooner.

14 That we work closely with Sea Grant,
15 with the sanctuary, with MPAs and Coral Reef and
16 other programs, we work with our state partners on
17 these regional implementation teams and also with
18 academia.

19 And that's it, those are my big ideas
20 for the recreational fishing. I've got to say that
21 the process all and all of doing this, I think, has
22 been a very, very beneficial one for the agency.

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1 One of the consequences of having these regional
2 meetings was spending a lot of time out in the
3 field with these folks and getting their ideas and
4 making sure that their voice was a part of this has
5 meant that we now have a product that represents
6 the, kind of the concerns and the ideas and the
7 voice of the folks from, you know, all around the
8 country. Each one of the meetings has had kind of
9 a two page summary. That summary included all of
10 the individual ideas that we got in those
11 facilitated sessions so that people can go to the
12 recreational fishing page, click on their meeting
13 and see exactly where their input is kind of going
14 and how that then will be rolled into the
15 development of the new draft of the plan.

16 In closing, the discussion that I'd
17 really like to hear from you are, first of all your
18 recommendations on the plan. We'd like to pursue
19 the kind of early October final product and we
20 think that we're on a good track to do so and we're
21 particularly interested in hearing your ideas on
22 the appropriate implementation of this and maybe

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1 ways that we could either kind of recreate what
2 we're thinking nationally and with these regional
3 implementation teams or pursuing some other
4 strategy. And I'll turn it back to you, Mr.
5 Chairman.

6 CO-CHAIR MR. OSTERBACK: Bill.

7 CO-CHAIR DR. HOGARTH: Yeah, just real
8 quick. I think if you'll look at these, the
9 details of this plan you could probably take the
10 name recreational out and just talk about fisheries
11 because most everyone of them crosses the paths of
12 data collection, accuracy, you know, this type of
13 thing. So, really, I think if we do an
14 implementation plan here that's good you'll see,
15 you know, a lot of benefit across the fishery, you
16 know, all fisheries. And I think that's a key to
17 this as you look at it, is just take the name
18 recreational out and it pertains to everything we
19 do in every body, and I think that's important to
20 look at that, that we need to implement it
21 properly.

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

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1 MR. KRAMER: Yeah, first I'd like to
2 thank Michael and, you, Bill, for giving this the
3 needed attention. I know there was a lot of hard
4 work involved and I've talked to Michael on
5 numerous occasions. I just want to say, thanks
6 again for that.

7 Next, I have a couple of specific
8 questions, I guess they may be more directed to
9 you, Bill, than Michael. Is when I was with the
10 state of Florida, there was -- on our research
11 branch, in the Florida Marine Research Institute
12 there was a strategic plan developed for outreach
13 and education, I think that was the name given at
14 the time, and each of the science projects and
15 management projects that were going on were
16 required to meet this objective and one of the
17 things I saw that happened, unfortunately, was a
18 plan was laid out, there was specifics outlined
19 that needed to be accomplished and the entities
20 receiving money for science and management said,
21 okay, which one of these things can I do for the
22 least amount of money and get those beans checked

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1 off. So in effect you had the tail wagging the dog
2 there as opposed to some good ideas and those ideas
3 deriving how money was spent. Is there a dedicated
4 resource pool set aside to implement this or are
5 you going to be asking each of these RAs and the
6 science center directors to come up with their own
7 budget or is it going to be both?

8 CO-CHAIR DR. HOGARTH: It's both.

9 MR. KRAMER: Okay.

10 CO-CHAIR DR. HOGARTH: It's a
11 combination of both. We are putting money into the
12 recreational side, you know, as we go in this, but
13 we will be looking at the science centers meeting
14 with this group, like we do with HMS and all of
15 them have an input into the science that was done,
16 they are -- we talked to the leadership last week,
17 they will be required to look at this plan and tell
18 us how they're implementing -- being an
19 implementation plan also, so they won't be able to
20 choose among the different -- I've already set them
21 under these, but they'll have to look at the
22 implementation plan and be part of it but there

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1 will be a process where when we do the science
2 program each year, that as we sit down with the HMS
3 and, you know, the recreational and others, you
4 know, and the councils, this will be part of the
5 agenda, so, yes.

6 MR. KRAMER: Okay.

7 CO-CHAIR DR. HOGARTH: So it's a
8 combination of how it'd be funded.

9 MR. KRAMER: Okay. Another point I have
10 noticed -- I have some other minor notes, Michael,
11 that I've made that I'll email you, but on a bigger
12 scale I noticed in the vision statement and the
13 mission statement you refer to the American people
14 and Americans and I just want to make a reminder
15 that we need to include non-Americans, too, because
16 they account for a huge economic impact to some of
17 these fisheries in different parts of the countries
18 through tourism and that type of activity. So I'm
19 not sure if you modify something in those
20 statements or make sure you include it somewhere
21 else in there but economically speaking it's a big
22 part, too.

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1 I guess my final comment would be this
2 is the beginning and the next step is the
3 implementation plan and going forward with that.
4 But I can't underscore enough the importance of
5 involving the public in the implementation of this.

6 I mean this is their fishery and I think anybody
7 at this table, whether you're environmental,
8 commercial, or recreational, I think we all want
9 the same thing, more fish, bigger fish and
10 healthier eco-system, so the more opportunities you
11 have to involve the public, I think the better, not
12 only providing transparency to the system and an
13 understanding of how it works and what their role
14 is, but it's also a source of revenue, I think
15 you'll find.

16 Thanks.

17 CO-CHAIR MR. OSTERBACK: Okay. We got
18 Bob and then Tony.

19 MR. FLETCHER: Mike, I really want to
20 appreciate all the hard work you were involved in
21 to develop this where it is. And I think it's in
22 great nature responding to a lot of concerns that

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1 recreational people put on the table both at that
2 first meeting and at the regional meetings.

3 There's still a concern that I have on
4 the science goal, and it goes back to the
5 implementation of the Sustainable Fisheries Act.
6 When we were suddenly told that if there wasn't a
7 stock assessment done on the species, that the
8 policy was to cut the catches in half and set that
9 as the new quota. Well, that's great if you're
10 worried about the resource, but in many cases, the
11 stocks that we were catching weren't really in any
12 kind of trouble. They hadn't had stock
13 assessments, we suddenly got half of them taken
14 away. And so in a strategic plan somewhere I think
15 this needs to be addressed and I don't know how you
16 address it other than to put a higher priority on
17 doing stock assessments on these species so that
18 the real abundance can be identified through these
19 stock assessments because in more than one case I
20 think the stocks were in better shape than these
21 quotas would indicate. And you don't really talk
22 about that in here, you talk about science goal and

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1 you talk about credible and accurate and timely
2 science, but that's an issue that's a big concern
3 to us, so I'd just put that on the table.

4 In terms of this at sea sampling, Randy
5 has implemented a program in California where we've
6 increased the observers on the -- they don't
7 necessarily do much in the way of observing at sea
8 in the private boats, but they are looking at us a
9 lot more and, well, a few of the boats are not
10 overly pleased with it. I think most of the fleet
11 has been going along with it and so I don't
12 necessarily think if you want to change that would
13 be any problem, if you said, I don't know about
14 doubling, but substantial increase in the amount of
15 recreational at sea observers or something like
16 that.

17 And then one comment that Randy pointed
18 out to me that I just had to chuckle at, it's on
19 Page 11 under the outreach goals statement, it's
20 about five bullets down on objective one, and it
21 says to educate anglers on the benefits of the
22 Marine Mammal Protection Act.

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1 (Laughter)

2 Well, let me tell you something we got
3 marine mammals in spades, and I don't think there's
4 any way you can do any education that would make us
5 feel good about that Act.

6 (Laughter)

7 Unless you give us guns.

8 (Laughter)

9 So I don't know what you want to do
10 about that one, but that's a big flashing red neon
11 sign in California, so -- I've said enough.

12 CO-CHAIR MR. OSTERBACK: Okay. Tony.

13 MR. DiLERNIA: Thank you, Mr. Chairman.

14 Frankly, I also think that a lot of work's gone
15 into this and I appreciate it and it's very good.
16 I do have some comments, though, on Page 9,
17 objective three, it says make fisheries management
18 process more open and accessible to the public. I
19 think that's a wonderful idea. I think that's
20 exactly what we should be doing. And then your
21 bullets state, facilitate angler participation in
22 management from fair and appropriate marine angler

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1 representation; next bullet is says for marine
2 anglers and their organizations of opportunities to
3 participate; three, schedule meetings to fit
4 better; four, promote early consultation, I
5 couldn't agree more. There's a problem, though,
6 and I've experienced the problem both in New
7 England in the mid-Atlantic region. And that for
8 the Mid-Atlantic Council, specifically, to create
9 the advisory panels. And there's nothing more
10 frustrating than for an angler to be appointed to
11 an advisory panel and have it go year after year
12 after year and not meet and have the council --
13 well, the committee of the council make decisions
14 without the advisory panel meeting. It's very,
15 very frustrating and it's actually
16 counterproductive. At that point once a -- don't
17 have the advisory panel in the first place, because
18 to have someone go through the hoops, jump through
19 the hoops and do what they have to do to get
20 appointed to the advisory panel and then not have
21 that panel meet, it's -- everything that you do
22 here destroys it. It just destroys the confidence

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1 the angler has in the management system. And I
2 must say that I've experienced it both in the Mid
3 and in New England. The New England Recreational
4 Fishing Committee or advisory panel hasn't met in a
5 couple of years. So while it's -- I would say
6 mandate, if you're going to have this advisory
7 panel, mandate that the advisory panel meet,
8 otherwise don't create the panel.

9 CO-CHAIR DR. HOGARTH: I agree. That's
10 something I have to work on and I will.

11 MR. KELLY: That was a specific
12 recommendation that was raised at the New England
13 meeting as well. There was a number of people
14 there that said, hey, you need to -- we need to
15 start this advisory panel back up and not only
16 start it up but let it do something that's
17 important, I mean let it somehow participate in the
18 process in a meaningful way.

19 CO-CHAIR MR. OSTERBACK: Okay. Dick.

20 MR. GUTTING: Two comments. First, I
21 noticed the title of this is NOAA, and certainly
22 there's a lot of money in NOAA that's not in the

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1 fishery portion of NOAA and I know you've been
2 coordinating at a kind of a worker bee level. But
3 if you really want to torque funding, and, Bill,
4 just a suggestion here, you may need to do some
5 more work within NOAA to get buy-in from the other
6 offices. If they're really going to start cashing
7 in chips for this, I'm not sure the process has
8 been completed of getting them on board as a NOAA
9 plan as opposed to a fishery plan. And I'd
10 encourage you to do that because I think there are
11 tremendous resources in the other parts of NOAA
12 that could be brought to bear here.

13 My second suggestion is that, and this
14 is only to that aspect of the plan that has to do
15 with its attempt to influence budgeting. There are
16 two great motivators I've found in budgeting
17 process and one is fear and the other is greed.

18 (Laughter)

19 And that probably applies outside of
20 budgeting. Of the two great motivators, greed, I
21 found is much more effective. And one way, I'm
22 encouraging you to think through how you could use

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1 greed in the budgeting process to actually
2 implement this plan, which I'm telling you as a
3 former budget guy for the agency, I tell you has
4 all of the warning flags of being one of those
5 planning documents that's just going to die without
6 a strong implementation element to it. But if Bill
7 could put a bag of gold on the table and tell
8 everybody it's here for as a reward for proper
9 behavior against this plan, then you have something
10 that gets people going. You invoke the greed
11 aspect. Unless you really come up with something
12 to grab people's attention, I think this exercise
13 has all of the elements of being one of those
14 tremendously wonderful things that gets filed and
15 forgotten, particularly as we go through the
16 political process and people come and go so I'm
17 echoing, in my own way, the incredible importance
18 of implementation and I haven't heard yet anything
19 that convinces me that you've figured it out and
20 it's really going to happen.

21 So I encourage you to think through
22 both politically within NOAA and perhaps

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1 financially how you're going to really get people
2 to do something after putting in all this
3 tremendous work.

4 CO-CHAIR DR. HOGARTH: I'll respond to
5 Dick real quick. We will take this plan next
6 through what the Admiral set up, all the deputies
7 meet and all plans for implementation that will go
8 through the executive council, which is all the
9 system administrators and with the Admiral and Jack
10 Kelly and we will take it to there so we could get
11 the blessing and get everybody on board. Because
12 we know we need Sea Grant, we know we need OAR and
13 some of their research efforts, so, you know, we
14 need the buy in of others. And we also are trying
15 to get buy in there, too, with the ocean observing
16 system to make sure we get additional information
17 on the observing systems so we have a better idea
18 of models and stuff and the climate group and
19 climate changes, and so we're trying to play in all
20 those arenas and we want to take this forward so
21 that -- implementation, I also didn't tell you is
22 what bothers me. We've got to really get that plan

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1 together and take it back to our leadership and get
2 it done.

3 MR. GUTTING: Just remember greed,
4 Bill.

5 CO-CHAIR DR. HOGARTH: Okay. I wrote
6 that down in big letters under Dick Gutting's name,
7 GREED.

8 (Laughter)

9 CO-CHAIR MR. OSTERBACK: Okay, Randy.

10 MR. FISHER: Okay, thank you, Mr.
11 Chairman. I only have a couple comments. One of
12 them, and it's been mentioned, it's kind of along
13 the lines of what Dick says, some of this stuff in
14 here, if you try to implement, you are going to run
15 directly into a problem with people like us.
16 Because it calls for national standards on data and
17 all this great detail and you're not going to do it
18 in four years. You're not spending enough money on
19 what you're doing now and we would do everything we
20 could to try and stop this from happening.

21 Dr. Sissenwine, when we were in D.C.,
22 and testified, he said at that particular time that

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1 you were still going to try and regionalize as much
2 as you can, a lot of the data systems, and that's
3 not what this says at all. So when you go into
4 implementation, I mean there's a huge amount of
5 stuff in here that you're going to do, a lot of it
6 has to do with stuff that the states are doing now
7 and yet you're going to try and nationalize that
8 and we've had this debate many many times. So that
9 concerns me.

10 The other thing that looks more of a
11 general issue is a number of years ago a number of
12 us were involved in something called how you
13 measure success, and when I read this thing I don't
14 get a big picture feeling about how we're measuring
15 success for recreational fisheries. This is more
16 of a real short-term look and maybe that's what
17 it's designed to do. But I'd be curious to know
18 what was said prior, when we went through that
19 exercise, Fletcher was involved with and a bunch of
20 us came back to D.C., and sat down and said here's
21 what we think should happen, and I think there was
22 some good stuff that came out of that.

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1 CO-CHAIR DR. HOGARTH: Really, we're
2 still struggling with performance measures and how
3 we measure performance in fisheries, period. I
4 think we still haven't gotten to that stage where
5 we feel comfortable. We continue to work with it,
6 we continue on a quarterly basis to meet and go
7 over progress in the budget and reporting stuff
8 based on performance measures, it's just -- we just
9 find it, I'm not making excuses because I'm still
10 looking for the answer, but we just find it very
11 difficult in fisheries to get good strong
12 performance measures that you can really measure up
13 against. And I think we're not giving up, I think
14 you see in, you know, five budget votes, six budget
15 votes we have in the strategic plans we have
16 performance measures that are in there, but, still
17 some of them I think really don't reflect what goes
18 on in fisheries and so certainly it's something we
19 deal with, but, you know, we continue to deal with
20 and still looking.

21 MR. FISHER: Well, the thing that
22 worries me about this thing is is that you're

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1 saying, you know, this is the direction you're
2 going in and some of these are very specific and I
3 truly don't believe you're going to be able to pull
4 them off and I think you're setting yourself up for
5 failure if you're not real careful, and that's one
6 of the concerns that we talked to Michael about way
7 back when, was, you know, don't set yourself up. I
8 mean make more general statements, but don't say
9 these things that I don't believe can happen
10 because you don't have the support for them, number
11 1, even amongst your own family.

12 CO-CHAIR MR. OSTERBACK: Rod.

13 MR. MOORE: Michael, reflecting on some
14 of the stuff that's in here and some of the stuff
15 that's been said, first of all I got to agree with
16 Bob, if you can explain what the benefits are of
17 the MMPA, i.e., in the era of eco-system based
18 management taking out one set of the eco-system and
19 putting it on a pedestal and saying you can't touch
20 it, I'd sure like to know what the benefits are of
21 doing that in eco-system based management. But
22 that's more of a generic question for NMFS than

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1 just for you.

2 Some of the things, and I think Randy
3 makes the point, you're potentially setting
4 yourself up for failure here. For example,
5 schedule meetings to better fit times when marine
6 anglers are available to attend, it's a great idea.

7 But what if you have people fishing on the same
8 stock, both commercial and recreational or
9 different -- you know, you've got charter boat,
10 you've got private board boat, you've got
11 commercial, and, you know, this is almost talking
12 about, again, getting away from the eco-system
13 concept and taking one constituent group and
14 saying, we're going to do this for you, well, if
15 your counterpart in the commercial side says we're
16 going to do this for you to the commercial guys,
17 you got to mesh the two somehow, and somehow that's
18 got to be clearly brought out and understood.

19 This thing on Page 9 about reduce
20 bycatch by working with the councils on designated
21 recreational species in each region. I don't know
22 what a designated recreational species is except in

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1 some cases where councils have said this is a game
2 fish only, but there's a whole hell of a lot of
3 fish out there that are caught by both commercial
4 and recreational fishermen, and this kind of throws
5 the flag out there telling people, hey, we're going
6 to designate things as commercial or designate them
7 as recreational, which is not the kind of signal
8 you want to send when we're going to talk about
9 people working together on these things. So you
10 may want to think about that a little bit.

11 And then finally there's the whole
12 issue of an implementation, how you're going to get
13 to the private angler. You know, I'm a marine
14 recreational fisherman, if I want marine
15 recreational information I go to the states because
16 NMFS is certainly not going to supply me with the
17 information I need. The state of Washington, on
18 the Columbia River prints brochures on fisheries
19 management regulations in something like five
20 different languages and they still don't reach the
21 entire fishing population out there. And I know
22 you've got a thing in here about developing about

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1 new, multi-lingual educational stuff, that's good,
2 but, you know, there's a whole lot of languages
3 you're going to have to deal with and so forth. So
4 I'm not sure how you get to the individual private
5 angler as opposed to someone who belongs to a
6 fishing club, someone who runs a charter business
7 and is more up to speed on these sorts of things,
8 that's the kind of thing that worries me about how
9 we're going to carry this stuff out and not set
10 yourself up for failure.

11 CO-CHAIR MR. OSTERBACK: Okay. Any
12 other questions.

13 MR. ROBERTS: Mr. Chairman.

14 CO-CHAIR MR. OSTERBACK: Go ahead.

15 MR. ROBERTS: Thank you, Mr. Chairman.

16 Michael, this touches home because I have both my
17 brother and my nephew are charter guides so I read
18 this from their viewpoint, from actually speaking
19 to them and one of the things, when I asked my
20 brother about, on Page 5, it said respond to
21 management needs for better discard data by
22 doubling the amount of recreational at sea

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1 sampling. You have a goal, and a very narrow, I
2 think, approach to resolving that goal almost to
3 the fact you read that and it's like there's no
4 other thing you're going to focus in on. And one
5 of the issues that he brought up with me, which I'm
6 relaying is that the discarding is good to know but
7 the mortality related to that discarding, and as
8 long as you are intending to say better discard
9 data, to include the mortality related to that
10 discarding, I think that would be the broader
11 interpretation and would give you more benefit in
12 the long run.

13 The only reason I bring it up is
14 because when you said by doubling the amount of
15 recreational at sea sampling, to us that read, I'm
16 going to focus in on how many fish are discarded
17 and I'm not sure from discussing things with him
18 and my own experience, that that's the pay off
19 place, I mean you might have a better chance of
20 getting more valuable information by spending more
21 money on mortality of discards not exclusively to
22 doubling.

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1 The other thing knowing that budgets
2 are tight, one of the questions I had when I read
3 this on the science aspect was you say you're going
4 to collect angler expenditure data nationwide every
5 four years. I looked up on my shelf and there's a
6 national survey of hunting, fishing and outdoor
7 related activities and the question I had is, were
8 you going to interact with them and why isn't that
9 data good enough, has this come up in the process
10 of developing a plan because that is an expensive
11 thing to do, is to be very comprehensive with all
12 the kind of fisheries we have with the hirer and
13 independents and tournaments, all these kind of
14 things that go on that can affect your values. Has
15 somebody in the Fisheries Service taken a look at
16 that national survey of hunting, fishing and
17 outdoor related activities and said, oops, it's not
18 enough for us, it's not specific enough for
19 management activities or could you pile into that
20 one and get more out of it for a smaller amount of
21 money? I don't want an answer, but I just hope,
22 you know, you all are thinking along those lines.

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1 MR. KELLY: Just to respond, yes, we
2 have and we already do and we feel that the numbers
3 that we come up with are actually better than the
4 Fish and Wildlife census numbers because our
5 participation is a much higher ratio because we're
6 just dealing with saltwater anglers. And so the
7 expenditure data that we actually come up with and
8 the committee feels it's probably much better, is
9 about twice of what that expenditure value for the
10 Fish and Wildlife survey.

11 MR. ROBERTS: Okay. So you will go off
12 on your own then.....

13 MR. KELLY: Yeah, and do our own.

14 MR. ROBERTS: and do your own
15 surveys?

16 MR. KELLY: Yes, we already do.

17 MR. ROBERTS: Okay.

18 CO-CHAIR MR. OSTERBACK: Okay, we got
19 Ralph.

20 MR. RAYBURN: He was going to go to
21 that question, go ahead.

22 CO-CHAIR MR. OSTERBACK: Pardon?

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1 MR. RAYBURN: If he was going to that
2 question, I was going to go another way, so
3 whichever.

4 CO-CHAIR MR. OSTERBACK: Larry.

5 MR. SIMPSON: To that point.....

6 CO-CHAIR MR. OSTERBACK: Larry.

7 MR. SIMPSON: if I could. Ken
8 brings up an excellent point, I didn't mention it
9 to you when you were in Orange Beach. That Fish
10 and Wildlife survey is done with the census. I
11 mean that's trend data at its best. But it's big
12 bucks. Why can't the government do things more
13 efficiently, take that money that's spent for that
14 and put it in something that's going to give you a
15 better answer? And I mean I know the answer, you
16 know, it's my program and you're not going to get
17 my money, but still, you know, if it satisfies your
18 finer needs and it will satisfy their broader
19 needs, but that debate goes on. But nonetheless
20 you ought to try to explain to them that you've got
21 a better way and you will supply that data to them
22 if they'll give you the money.

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1 I know it's not going anywhere,
2 but.....

3 UNIDENTIFIED VOICE: Is that greed of
4 fear?

5 MR. SIMPSON: That's a good point.

6 CO-CHAIR MR. OSTERBACK: Okay, Ralph,
7 we're ready to go in another direction.

8 MR. RAYBURN: Thank you, Mr. Chair.

9 (Laughter)

10 MR. RAYBURN: It seems to me, Michael,
11 and you have a deadline you want to get this done
12 in but it seems like you almost have a lot more to
13 gain by the process than you do by the product. I
14 mean I went to the Houston meeting and there was --
15 and it's not a fault deal, I don't know, I'm not
16 trying -- but the state wasn't aware of the
17 meeting. And there was some concern there that
18 they were not engaged in this process, because I
19 think this was mentioned earlier, there's a great
20 resource there at the state level, obviously in
21 recreational fisheries, perhaps more than
22 commercial in a lot of cases, so you may consider

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1 -- I don't know why, if you mentioned, I'm sorry I
2 didn't hear, but, you know, why the emphasis to get
3 it done in October, you might find that taking the
4 product after you've gone through the facilitating
5 sessions that you had, which I think were very
6 effective in bringing the recreational fishermen
7 out, you know, the way it -- it starts out like
8 those things do, kind of simple at first but then
9 you realize there's a lot of meat to be gained if
10 you go through that process so it's very effective,
11 but I think in this case, the process may be more
12 effective and more important than your product.
13 And if you consider what your deadline is and take
14 the time to engage the regional compacts, to engage
15 the states and engage the NGOs that are involved in
16 this and really, unless there is a deadline, really
17 use that process to start bringing folks together
18 and talking about data collection, and what you
19 find here, talk about use of funds, either through
20 wallet roe or SK or whatever may be some sources to
21 get the greed factor in, you know, where people
22 will want to work with you. And look at outreach.

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1 You know, I mean at the state level, it seems to
2 me when I was there, the states have a real
3 interest in getting recreational fisheries, keeping
4 that in the forefront because those are the folks
5 through their licenses, at least where there's a
6 marine license, paying for a lot of their fisheries
7 work, whether it's hatcheries or data collection of
8 whatever, so they have a great interest in seeing
9 recreational fisheries prosper, even more so than
10 commercial because they get that feedback in
11 running their own program.

12 So you may want to look at that, you
13 may want to think about this with the comments made
14 here expand the process a little bit more to
15 reengage some of these folks maybe that didn't get
16 engaged and really use that process to build these
17 relationships up that is the only way that, you
18 know, the product itself is going to have much
19 bearing on what comes down the pike five years from
20 now, you know.

21 You know, maybe, if I could continue,
22 you know, if you put out a product that has the

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1 concerns that you certainly hear from Randy and
2 from Larry and others, Ken, too, you're going to do
3 more damage than if you just extend the deadlines
4 and use that process to try to build a more robust
5 plan. So if that makes sense.

6 And I don't know, Rod, I don't know,
7 you know, looking if there is a need to get this
8 out so you can say, hey, we've got a recreational
9 strategic plan but then if you've got folks that
10 should be engaged that are going to take shots at
11 it, you're going to have to go back through and not
12 only fix what may have been a fall out from it but
13 still continue to develop it in a more robust plan,
14 just as a thought process. I've gone through it
15 several times and I went to the meeting in Houston,
16 and gosh I just -- I tried to find something that
17 would hook me into it, you know, and it was just
18 kind of hard to get, maybe I just didn't focus
19 right. But I think the process may be your most
20 important aspect of doing this rather than the
21 product, just as a thought process.

22 MR. KELLY: Do you think that the

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1 regional implementation teams would help us get
2 there?

3 MR. RAYBURN: I would think that that
4 would be a good venue, certainly, to bring folks in
5 to make them aware of it, just to create more, you
6 know, communications or dialogue on this plan and
7 continue to flesh it out unless there is a date
8 certain that you need to have something produced,
9 then I would look as much as I could in a process
10 of bringing a more robust plan forward, regional,
11 whatever it may be. Certainly your regional
12 coordinators where they could start engaging the
13 states, the regional compacts and stuff like that.

14 Maybe something to consider, especially with a new
15 guy coming in, too, give him an opportunity to --
16 that may be another reason to extend the process a
17 little bit longer, just to make sure he can use it
18 to get engaged with the constituent groups out
19 there, states, NGOs and others.

20 CO-CHAIR MR. OSTERBACK: Okay. I think
21 we'll take Chris and then we'll get on to the
22 second half of the recreational presentation, so

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1 Chris you want to go ahead.

2 MR. DORSETT: Thanks. A question for
3 you on Page 8, objective to, the fifth bullet, you
4 have make eco-system based management a reality by
5 adapting management techniques to include new data
6 as it becomes available. I'm curious what you're
7 getting at with that bullet. Are you talking
8 about, for example, if there's a total allowable
9 catch on the recreational side, that once you get
10 to that amount at some point during the year you
11 close that fishery or, and how is that making eco-
12 system based management a reality?

13 MR. KELLY: Well, the data that we were
14 talking about there wasn't necessarily catch data,
15 or catching a target species at least. One of the
16 things that we've heard at a number of these
17 meetings was that we needed to concentrate much
18 more on kind of broader habitat, forage fish,
19 predator/prey, that we needed to look much more
20 closely at a lot of the dynamics that were
21 happening kind of systemwide instead of just
22 concentrating on the species. And that as we kind

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1 of emerge in our capacity to do system management,
2 we are going to need new data that should kind of
3 fill that demand. The eco-systems research groups,
4 the observation groups are all kind of gearing up
5 to do that and we wanted to make sure that the
6 recreational fishing activities were in step with
7 what those emerging capacities were. So that's
8 what we were trying to do in that goal.

9 CO-CHAIR MR. OSTERBACK: Okay, thank
10 you.

11 MR. KELLY: Thank you.

12 CO-CHAIR MR. OSTERBACK: Appreciate the
13 presentation. I think you're probably going to get
14 lots of questions, emails. Ed. Are you going
15 to.....

16 MR. EBISUI: With your permission, Mr.
17 Chairman, I'd like to sit here.

18 CO-CHAIR MR. OSTERBACK: Sure.

19 MR. EBISUI: I have no power-point
20 presentation or anything.

21 CO-CHAIR MR. OSTERBACK: Okay, go
22 ahead.

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1 CO-CHAIR DR. HOGARTH: Let me just tell
2 you real quick, Ed Ebisui is a member of the
3 Western Pacific Fishery Management Council and has
4 been there for, what, a second go around, I think.

5 MR. EBISUI: Yes, thank you, Mr.
6 Chairman and committee members. I'm a member of
7 the Western Pacific Fishery Management Council.
8 I'm a lawyer by training and a fisherman by choice.
9 The council and I want to thank you for this
10 opportunity to talk to you today about a couple of
11 matters concerning recreational fishing in our
12 area.

13 In terms of geography, or region
14 includes the exclusive economic zone surrounding
15 Hawaii, the territory of Guam, the territory of
16 America Soma, the Commonwealth of the Northern
17 Mariana Islands and the U.S. Pacific Possessions.
18 The combined area of these EEZs is about one and a
19 half million square miles. With respect to
20 consumption of fish, the average per capita of
21 consumption of micronesia and polynesia is about
22 eight times that of the national average. Even in

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1 culturally diverse Hawaii, our food consumption is
2 about three times higher per capita than the
3 national average.

4 In our region the lines of distinction
5 between commercial and recreational fishing are at
6 best blurred. Even within the so-called
7 recreational sector there are many subcategories
8 such as sustenance fishing, subsistence fishing,
9 pure recreational fishing, and part-time commercial
10 fishing to defray fishing expenses. These are the
11 so-called expense fishermen. The histories,
12 cultures and traditions, social structures within
13 the region also are very diverse and probably
14 unlike any other region in the country. Indeed, in
15 some parts of the region a practice such as catch
16 and release is not acceptable. Fish are caught to
17 be kept for food and distribution within the
18 community is part of fulfilling certain social
19 obligations. Releasing fish in these communities
20 would be considered a total failure to meet these
21 obligations.

22 These diversities and circumstances

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1 present elite challenges for fishery managers.

2 In our area recreational fishing
3 continues to be an extremely important activity.
4 Presently in Hawaii there are upwards of 12,000
5 pleasure craft registrations. Annually there are
6 about 150 to 200 boat-based fishing tournaments per
7 year of which about 30 are considered major
8 tournaments. The best known and the grandfather of
9 all tournaments is the Hawaiian International
10 Billfish Tournament which began in 1958 and is held
11 every year in Kiula-Kona on the Big Island. As we
12 speak right now the tournament is in the second of
13 its five days. Another tournament worth mentioning
14 is the IE Fever Tournament which began about four
15 years ago on the leeward side of Oahu out of the
16 boat harbor. The number of boats in this year's
17 tournament was limited to 200 because part of the
18 harbor was not available. In past years the number
19 of entrants was capped at 260 boats. The
20 tournament organizers have asked for permission to
21 increase the cap to 300 boats.

22 Elsewhere in the region American Samoa,

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1 Guam and the CNMI also holds their offshore fishing
2 tournaments.

3 In terms of catch, the estimated
4 recreational catch in Hawaii is about 13 million
5 pounds of the estimated 38.3 million pounds of
6 total catch, which is about one-third of the total
7 catch. Ninety-five percent of the recreational
8 catch was caught on boats. In Guam, it's estimated
9 that recreational fish catch is about 44 percent of
10 the total annual catch.

11 Now, we are aware that opposition to
12 the Marine Recreational Fisheries Statistical
13 survey, MRFSS caused the funding of the program to
14 be cut very recently. Apparently the use of MRFSS
15 data in certain forms of recreational fishing
16 management regimes and especially with respect to
17 quota management was behind much of the
18 dissatisfaction with the program. Although not
19 perfect, the program did offer us an opportunity to
20 gather much needed basic data from the recreational
21 sector in Hawaii.

22 In our region the management of

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1 recreational fishing is handled to a large extent
2 by local governments. The management tools
3 currently employed consist primarily of the
4 traditional variety, such as size limits, bag
5 limits, seasonal closures, area closures, method
6 and gear restrictions and the like, but nowhere in
7 the region is the reporting of recreational catch
8 or effort data mandated by any local government.
9 In this regard, the intercept krill survey in
10 Hawaii set up by MRFSS was the only means for us to
11 acquire information on the universe of recreational
12 fishers, their effort and their catch. The program
13 in Hawaii was well managed and staffed with
14 qualified and good field personnel. The field
15 personnel were well versed and personally
16 participated in fishing. They knew how to approach
17 and converse with fishers to get accurate
18 information from the fishers without seeming
19 intrusive or causing suspicion or alarm. In
20 addition to getting information by engaging the
21 fishers in dialogue the field personnel were
22 effective in informing and educating recreational

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1 fishers about the need for information to better
2 manage the fisheries.

3 So despite the flaws, shortcomings and
4 inconsistencies cited by the programs detractors,
5 from our perspective the program was far better
6 than what we are left with now which simply is
7 nothing.

8 Although the program was not designed
9 to be an adjunct of any quota system, it does help
10 us to better understand the extent, size,
11 characteristics and effects of the recreational
12 fishery, all of which is helpful if not necessary
13 in future considerations.

14 In this regard, we're asking you in
15 that in your deliberations and recommendations on
16 recreational fishing this committee consider and
17 recommend that the funding for the MRFSS program in
18 our region be restored.

19 Now, turning to the NOAA recreational
20 fisheries strategic plan, in June of this year, Dr.
21 Hogarth and Mike Kelly presented the plan in
22 Hawaii. As was reported by Mike, the program was

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1 very well attended, I think 200 people is probably
2 conservative. I think the room was close to double
3 this size and was standing room only. Some of the
4 more common sentiments expressed during that
5 meeting, were, one, that marine recreational
6 fishing licenses should not be required to fish on
7 a public resource. The second sentiment was that
8 licensing program, as being proposed, appears to be
9 meant to generate revenues and not necessarily to
10 improve the recreational fishing. The third
11 comment, and most common comment was that if
12 licensing does in fact become mandatory, the
13 revenues should be directed to the science of the
14 fishery, stock enhancement and other efforts to
15 improve recreational fishing.

16 Now, similarly in a recently conducted
17 survey of subscribers to Hawaii Fishing News, which
18 is a monthly sportfishing publication in Hawaii,
19 respondents were asked certain survey questions,
20 the responses were about 11-2 against any
21 requirement for anyone to submit non-commercial
22 fish catch reports, and about 7-2 against being

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1 required to purchase a saltwater license. Several
2 years ago our council established its recreational
3 data collection task force, distrust over the
4 government's intentions and motivations was
5 probably the greatest single obstacle to consensus
6 for any plan to collect recreational fishery data.

7 Also a few years back, the state of Hawaii,
8 through the Division of Aquatic Resources, tried to
9 implement saltwater fishing licensing through the
10 administrative rulemaking process. Although we've
11 had a freshwater licensing system for decades, the
12 division's efforts were met with public outcry. So
13 much so that the State Legislature felt obligated
14 to intervene and passed legislation which limited
15 the administrative rulemaking process so that
16 licensing could only be mandated by the State
17 Legislature.

18 In Guam, recreational and subsistence
19 fishing data are being collected by a third party
20 called the Guam's Fishermen's Co-op. They're in a
21 unique position because along with providing
22 marketing opportunities for their members, the Co-

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1 op also provides fuel and ice at a discounted
2 price. The Co-op, in turn, makes it a condition of
3 membership, that its members report catch and
4 effort data.

5 Now, our council has long contemplated
6 the involvement on an NGO, such as the Pacific
7 Ocean Research Foundation, which is a private non-
8 profit association which is dedicated to
9 sportfishing science. The organization's
10 involvement would be along the lines of a data
11 collection point and repository for recreational
12 catch and effort data. We think that such an
13 arrangement could significantly ease concerns over
14 the government's intentions and motivations and the
15 fear of big brother. Also it could be protections
16 for individual confidentiality could be built into
17 the system, thereby allaying fears of many of the
18 fishermen. Now, under such an arrangement,
19 membership in the program could constitute the
20 license or permit to take or possess offshore
21 species. Any monies derived from membership could
22 be earmarked for the administration of data

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1 collection and the science of recreational fishing.

2 We think that this proposed arrangement has
3 benefits for the recreational fishers, the
4 government and fishery managers and is worthy of
5 further discussion, deliberation and possible
6 recommendation.

7 Now, we don't think that our region is
8 unique in terms of the opposition, attitudes, and
9 concerns expressed by our respective publics when
10 it comes to the management of fisheries, be it
11 recreational or commercial. However, in addition
12 to being a challenge we also think that
13 opportunities are being presented.

14 First, it'll be an opportunity to place
15 the responsibility of providing the necessary
16 information directly on the shoulders of the user
17 group, and secondly an opportunity to assure the
18 public that utilization of generated funds will be
19 applied for the benefit of the fishery. The
20 recreational fishers in our region will soon be
21 faced with resource allocation issues that many of
22 you have already faced. Specific to our

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1 circumstances, the recently established Western
2 Central Pacific Fisheries Commission, of which the
3 United States is a member has already discussed
4 capping fishing effort at the November 1999 level.

5 Now, for the commercial sector there are already
6 in existence, substantial quantities of data and
7 mechanisms and advocates to argue its points. On
8 the other hand, there's absolutely nothing for the
9 recreational sector.

10 In closing, our council has long
11 recognized the need for recreational fishing data
12 and we are pleased by the formation of your
13 recreational fisheries data working group. We ask
14 that in your deliberations and recommendations
15 relating to the agencies strategic plan, due
16 consideration be given to the merits of including
17 NGO third parties as collection points and
18 repositories for recreational fishing data.

19 Thank you very much for your kind
20 attention.

21 CO-CHAIR MR. OSTERBACK: Thank you for
22 the presentation.

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1 MR. EBISUI: Thank you.

2 CO-CHAIR MR. OSTERBACK: On the
3 committee, does anybody have questions?

4 CO-CHAIR DR. HOGARTH: Just real quick.

5 It was probably the most well attended meeting we
6 had. It didn't hurt that the day before that I did
7 an interview for the newspaper and the headline
8 was, you know, required fishing license, you got a
9 lot of people out.

10 What we have said, talking to the
11 Secretary of the Administration is, you know, MRFSS
12 was under a lot of attack and we used it for quota
13 management which it was never intended to be used
14 for but we had no other, you know, mechanism in
15 there and it's under a lot of attack. And we do
16 feel like that if you had a recreational license
17 you'd have a better data base on which you do your
18 random calls rather than going to the phone book
19 and getting names, you'd have a much better data
20 bank. But we would rather not have a federal
21 recreational license, we'd rather see the states
22 have it. So that's the position, we would like to

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1 see the states implement some recreational license.

2 But it was -- and we recognize, I think
3 we've talked quite a bit, Ed, there is a difference
4 in -- cultural differences and all that you have to
5 take into account. You're right, I don't think
6 I've ever seen a fish to come to shore in Hawaii
7 that wasn't utilized and utilized well, so it does
8 present some unique.

9 As far as MRFSS, you know, I'm still
10 working on MRFSS. I think I'm working on it
11 because I think it is good long-term data base plus
12 I don't think we should be cutting that area and we
13 had some problems this week, I found out that there
14 was a contract that we've stopped them -- I mean
15 not a problem with the contract, but funding, and I
16 told them to continue the contract and I'll have to
17 find money to make sure that program stays alive
18 and well so I'll take under advisement, too,
19 Hawaii, we don't need to be cutting programs, we
20 need the data.

21 It's a big issue for us. It's probably
22 the -- there's one issue out there that's went for

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1 10 years since I've been with this agency and I
2 dealt with it when I was state director in North
3 Carolina has been the MRFSS program, I mean nobody
4 likes it for what it's being utilized for but
5 everybody likes the data if you're looking at the
6 long-term trends. But absolutely when you try to
7 do state by state in-season quota monitoring we
8 have a problem, and we're trying to -- I'm
9 determined that's one thing that I'll get addressed
10 before I get out of this job.

11 CO-CHAIR MR. OSTERBACK: Elizabeth.

12 MS. SHEEHAN: Bill, I was just
13 wondering, is there a precedent for third party
14 collection of data that he raised as an important
15 issue?

16 CO-CHAIR DR. HOGARTH: I don't know
17 exactly third party, we've contracted with the
18 commissions, too, to do it, I mean, yeah, there are
19 ways to do that, yeah.

20 MS. SHEEHAN: So it's not a.....

21 CO-CHAIR DR. HOGARTH: No.

22 MS. SHEEHAN:particularly

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1 problematic quest?

2 CO-CHAIR DR. HOGARTH: And we use
3 contracts, what everyone calls them, it's a
4 combination, you know, contract with others, you
5 know.

6 MS. SHEEHAN: Uh-huh.

7 CO-CHAIR MR. OSTERBACK: Okay. Tony.

8 MR. DiLERNIA: Yeah, on the East Coast,
9 we have ACCSP, I don't know where that's going,
10 what the status of that is, but I thought that was
11 going to be replacing or supplementing our data
12 collection process, the ACCSP program.

13 CO-CHAIR MR. OSTERBACK: Vince.

14 MR. O'SHEA: Mr. Chairman, to respond
15 to that, I mean that's a good point, but ACCSP,
16 it's fisheries dependent data across the board so
17 it's commercial landings and to be the data
18 repository, we're going to be meeting actually next
19 week with Dr. Hogarth and the state directors to
20 look at what the states feel they need in terms of
21 data to manage fisheries and what the current
22 system is, compare the difference and then see how

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1 much it's going to cost to fix it. And I think one
2 of the things we're going to try to propose is to
3 do a pilot program with summer flounder, scup and
4 black sea bass and those are the fisheries that
5 we're having the biggest problem.

6 But in terms of -- to answer your
7 question, Tony, in terms of ACCSP going in and
8 either taking over MRFSS, that was never the intent
9 of ACCSP, it's on the table for discussion but I
10 don't know if we're going to end up going that way
11 or not, because the issue is money and where's the
12 money going to come to run it and that hasn't been
13 identified yet.

14 CO-CHAIR MR. OSTERBACK: Dick.

15 MR. GUTTING: Yes. Help me understand
16 a little bit, what is the thinking or the basis for
17 the concern in the Islands over having to get a
18 permit?

19 MR. EBISUI: I don't understand it
20 because, you know -- I don't know. Some of the
21 other recreational council members and I feel like
22 we're trying to swim up a waterfall and we don't

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1 quite understand it because everybody knows if you
2 come to Alaska to fish you got to buy a license,
3 that's not a problem, they accept that. But for
4 them to fish in their home waters for a fish
5 they've caught before, I guess, that's a problem.

6 MR. GUTTING: Okay. I'm glad you're
7 confused because I don't understand from the
8 outside. I'll make a suggestion, I mean a pretty
9 stupid suggestion but there are anthropologists,
10 there are experts out there who are trained to find
11 out and maybe -- we don't use them often enough,
12 but maybe if we could figure out the answer to the
13 question we might find a pathway to getting where
14 we want to be. And I'm not sure, you know, I'm not
15 sure a trained professional and maybe an
16 anthropologist isn't the right kind of person but
17 someone with that training who knows how to hear
18 and see and absorb might really help the council
19 and all of us understand, you know, what the
20 problem is and address it. Because it seems to me
21 that we've got to get past this.

22 You know, as the pressure on the

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1 fisheries builds, as more and more people are out
2 there, we've got to have an understanding of what
3 we're doing to the fish. And I don't see that
4 there's ever going to be enough money to do it
5 voluntarily and even if there were we'd be wasting
6 it. So I'd make a suggestion that maybe we try to
7 get inside the head of some of these folks and see
8 if there's a different vocabulary we could use or a
9 different approach we could use to get past the
10 politics of it.

11 MR. EBISUI: If I could take a wild
12 guess, it's probably a fair guess, the residents of
13 Hawaii are probably one of the most taxed in the
14 country, I think we're number 1 or number 2, I'm
15 not sure, but the prevailing view is that federal
16 licensing program is a means to generate revenues,
17 it has nothing to do with fisheries, it's strictly
18 about revenues.

19 CO-CHAIR DR. HOGARTH: And that's what
20 we heard, almost every speaker there. I believe
21 you'd see a difference if you could use the returns
22 to dedicated funds but that's very difficult to do.

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1 MR. GUTTING: Well, is there a way to
2 say that you're just not going to charge them? For
3 an example, and this is just in another area, since
4 the founding of our nation you've been able to open
5 up a processing plant and produce food, ketchup,
6 whatever, you never needed a permit to do that.
7 You never had to tell the government in advance
8 that you were going to go into the food processing
9 business. You could wind up on the shelves of
10 supermarkets, you didn't have to tell anybody. The
11 government had to kind of find out where you were,
12 you might be subject to questions and inspections
13 but they had to go hunt you out, you never had to
14 get a permit. It seems kind of strange, but that's
15 where we were until last year. And now you've got
16 to get a permit. And if you're shipping to the
17 United States, you have to get a permit. And so
18 it's, you know, I guess what I'm trying to say in
19 that system what unlocked it was no fee, there will
20 never be a fee with this, we want the information,
21 and now we've got electronics, you've got the web,
22 you can register on line, so it's not as if you've

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1 got a huge amount of bureaucratic cost that you've
2 got to recover through the fees anymore. You can
3 set up a permit system and a data base relatively
4 inexpensively.

5 It just seems to me that if you
6 guarantee -- if you give people a simple way of
7 doing it on line or some other, you know,
8 relatively painless way of doing it and guarantee
9 you're not going to charge them, you might be able
10 to get past this.

11 Maybe I'm -- I know, you're going to
12 tell me fishermen are different than food
13 processors, I doubt it.

14 CO-CHAIR MR. OSTERBACK: Okay. Rob.

15 MR. KRAMER: Ed, correct me if I'm
16 wrong here, but I had the opportunity to spend the
17 last week in Hawaii talking to some of the
18 recreational fishermen down there and to me it
19 sounded as if some of the same reservations that
20 are in other states without licenses were realized
21 down there too, just like Bill said there was this
22 distrust that whatever money was collected would

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1 not go back into the recreational fishing,
2 therefore, what I'm hearing is that is it the
3 council's recommendation or is it the recreational
4 community's recommendation that if this third
5 party, the Pacific Ocean Research Foundation were
6 the collectors, administrators and investors of
7 this money, that it'd be more palatable to the
8 community and therefore accepting. Is that what
9 you're bringing -- the message you're bringing to
10 us?

11 MR. EBISUI: Yes.

12 MR. KRAMER: Okay.

13 MR. EBISUI: And that message is on
14 behalf of the council.

15 CO-CHAIR MR. OSTERBACK: Chris, and
16 then Larry.

17 MR. DORSETT: Ed, the other issue you
18 had was restoring fundings for MRFSS, and is the
19 reason funding was cut because of some budgetary
20 constraint or is it people not -- I thought I heard
21 you saying people were not participating in it
22 effectively, what happened?

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1 MR. EBISUI: What we understand or at
2 least it was my impression that because of national
3 opposition to the MRFSS program funding was
4 terminated.

5 CO-CHAIR DR. HOGARTH: The funding has
6 been cut to MRFSS and Hawaii was added on and it
7 was one of the ones that had been recommended since
8 it had less data, which I'm not sure I agree with
9 totally, but it had less data, and the state of
10 Hawaii didn't want to put money into it, most
11 states matched it a little bit but Hawaii did say
12 they didn't have money to match it. But, you know,
13 we have used MRFSS money, for example, in several
14 instances to give to states to do things through
15 the commissions, we're going to go back and look --
16 the whole MRFSS program, Doug DeMaster is supposed
17 to be putting together a discussion for me as soon
18 as I get back in the office for us to look at on
19 MRFSS for long-term.

20 CO-CHAIR MR. OSTERBACK: Okay. Larry.

21 MR. SIMPSON: Thank you, Mr. Chairman.
22 Several diverse comments that all fit together in

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1 my mind and I don't know if you can -- with my
2 rambling they'll fit with yours.

3 But you can't get there -- you can't
4 get to management of recreational fisheries without
5 a license, without a count, a license, permit,
6 piece of paper, free, charged, whatever, you can't
7 get there unless you got that.

8 Second, you're not unique in this
9 country. The Gulf of Mexico has five states, five
10 of them have licenses. Those battles were fought
11 early in my career and I heard all the arguments
12 that you can hear, but we have them now and we're
13 not going to look back and we're not going to turn
14 back. We know it's the right way to go.

15 I, recently, in the last two or three
16 months testified before the House subcommittee on
17 recreational data, and I told them about things
18 that we would like to do, that being the licensed
19 frame would be the universe for the call so that
20 would increase the precision instead of a shotgun
21 approach, you'd be using a rifle and honing in on
22 the people who are more than likely fishing,

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1 increasing your percent standard or decreasing your
2 percent standard. I was amazed that there are
3 several states on the East Coast that not only, no,
4 but hell no they ain't going to have a license and
5 I was equally appalled and amazed at the Federal
6 Legislators sitting there that we were testifying
7 to supporting that. But one of them did say, Dick,
8 can we do it free, and I thought that was kind of
9 interesting.

10 Before I leave you with everything's
11 rosy in the Gulf, to get the licenses passed and I
12 testified before the Governor then Graham, now
13 Senator Graham about this issue back in the early
14 '80s, I don't know, they didn't have a license at
15 the time and it was a hard fought battle to get it
16 but they do now, but some of the concessions that
17 had to be made to get the licenses, if you're a
18 Florida resident and you walk out on the beach then
19 you can throw a line out and fish, now that's just
20 one of the things politically that you had to give
21 up; it's haunting us now in the data collection
22 aspect of it, it's haunting us now but I mean

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1 that's just one of the things that you had to do.

2 In the freshwater world, under 16, over
3 65, over 70 over whatever, they're exempt. Now, I
4 say give it to them free, but make them get a piece
5 of paper, that's haunting us now. Some of the
6 states that we're dealing with do not collect
7 telephone numbers, that's haunting us now. But,
8 you know, those are things that can be things,
9 those are things that we can do, but you got to
10 have that instrument, you got to have that license.

11 Don't ever back up, don't ever give in, don't ever
12 agree that you don't have to have one because you
13 got to have one and then when you get it you still
14 got to improve it.

15 CO-CHAIR DR. HOGARTH: Larry, one of
16 the hardest nuts to crack on the East Coast was
17 North Carolina and they just passed it.

18 MR. SIMPSON: Did they just do it?

19 CO-CHAIR DR. HOGARTH: They just passed
20 it, but the bottom line hadn't they got it through
21 was that we lost the enforcement agreement, that's
22 going to be next year, that was a concession from

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1 the group, but they set up a special committee to
2 spend the money. The money goes into a special
3 fund and there's a special committee.....

4 MR. SIMPSON: I heard them all.

5 CO-CHAIR DR. HOGARTH:that gets
6 to spend that money and not the commission.

7 MR. SIMPSON: One other exemption
8 that's unique and I thought was odd, if you use a
9 cane pole you have to have a license.

10 (Laughter)

11 MR. SIMPSON: I don't know where that
12 came from.

13 MR. ROBERTS: Don't speak poorly about
14 Louisiana.

15 (Laughter)

16 MR. SIMPSON: That was in Louisiana,
17 wasn't it.

18 (Laughter)

19 CO-CHAIR MR. OSTERBACK: Ed, do you
20 want to make another comment?

21 MR. EBISUI: A very quick one. I don't
22 know that the State Legislature has a political

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1 will to go counter to the public sentiment at this
2 point and force a license. I think that's the
3 primary problem.

4 The other problem, I think, is that the
5 opposition to a license is an emotional issue, it's
6 not a rationale issue.

7 MR. SIMPSON: Right.

8 MR. EBISUI: So even if you take away
9 the money thing, and we talked about this, we said,
10 okay, fine, let's not charge, would that fly, then
11 it becomes, oh, no, then the government's checking
12 up on me, why should the government know what I'm
13 taking and I've always taken so, you know, you're
14 facing an emotional obstacle.

15 CO-CHAIR MR. OSTERBACK: Okay. Did you
16 come over just for this or are you here like
17 sportsfishing or something?

18 MR. EBISUI: Well, after Thursday I'll
19 be fishing.

20 CO-CHAIR MR. OSTERBACK: Oh, there you
21 go. But I totally -- I'm an Alaska Native so I
22 understand -- last year was the first year I got a

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1 king salmon tag, I didn't even know they existed or
2 I was supposed to get one.

3 (Laughter)

4 CO-CHAIR MR. OSTERBACK: But I'm the
5 same as you, I know why you're not supposed to.

6 CO-CHAIR DR. HOGARTH: Okay, this is on
7 the record.

8 (Laughter)

9 CO-CHAIR MR. OSTERBACK: But anyway, we
10 need to -- I really want to thank you for coming up
11 and testifying to us but we really need to move on.
12 We've got a couple other issues to get through
13 before everybody takes off so I really appreciate
14 it.

15 MR. EBISUI: Thank you.

16 MR. BREMNER: Mr. Chairman.

17 CO-CHAIR MR. OSTERBACK: Yeah.

18 MR. BREMNER: I have a question for
19 Michael Kelly, on your regional team pool of
20 resources, you didn't have tribes or communities
21 listed. I mean I sat here almost all day now and I
22 keep watching on your radar screen here for tribes

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1 to show up on the radar screen here. If you're
2 from Washington, Oregon or the state of Alaska, you
3 know, there's tons and tons of tribes living in
4 these three states on the coastal oceans and we use
5 the resources. But we're here today to say, hey,
6 we're here, and if you don't include us in your
7 recreational fisheries planning, I guarantee you
8 when you come to Alaska, the subsistence fish is
9 going to be the top predator in the ocean, legally,
10 politically, socially, economically to the coastal
11 communities.

12 I understand what Ed is talking about
13 when his folks don't want to have to pay for
14 licenses and permits. If you had tribes at your
15 table in the first place, you'd understand our
16 cultures, you'd already be culturally responsive,
17 there'd be no discussion of anthropologists or
18 anything, we're here, we're a living culture, we'd
19 share this knowledge of exactly why around your
20 table and you'd be moving forward with commercial
21 fish, subsistence and recreational fish programs in
22 the state of Alaska like you wouldn't believe. But

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1 Natives aren't invited to the table for
2 recreational fishing so there's internal
3 differences and conflict that are always there.

4 So in your planning you need to put
5 tribes or tribal organizations on your pool of
6 resources or we're forever going to show up with
7 the folks that say, hey, why weren't we included.

8 MR. KELLY: I wanted to just address
9 that, in the strategic plan we specifically do call
10 out the need to involve the tribes in the work of
11 planning and implementing those plans, so we're
12 very specific about making sure that that kind of
13 basic knowledge was there and that participation
14 was there.

15 MR. BREMNER: I think it's a good idea,
16 again, being culturally responsive we wouldn't even
17 have a question about why the folks in Hawaii don't
18 feel they don't feel they have to pay of that
19 permit. We're going through this with the
20 migratory bird issue up north in Western Alaska.
21 You go up there and tell those folks they have to
22 pay for a bird hunting license and they'll run you

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1 out of town. That's the truth.

2 CO-CHAIR MR. OSTERBACK: Okay. We
3 really need to get moving on this next one so I
4 believe, Ralph, I think this is yours.

5 MR. RAYBURN: Yeah.

6 CO-CHAIR MR. OSTERBACK: You got the
7 floor.

8 MR. RAYBURN: Thank you, Mr. Chairman.
9 You may recall at our last meeting in New York
10 that Professor DiLernia and myself held a session
11 on Wednesday where we discussed from the outreach
12 perspective of his subcommittee and bycatch, the
13 committee that I chair. The bycatch issue is
14 primarily dealing with the standardized reporting
15 and the regional implementation plans that the
16 regions had recently put forward back in that
17 December timeframe. So you recall from that
18 meeting the motion that was made subsequent to the
19 completion of our discussion on that Wednesday was
20 that MAFAC requested that the National Marine
21 Fishery Service work closer with Sea Grant
22 Extension to implement from a regional perspective

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1 these bycatch implementation plans. Jim Murray was
2 there from the Sea Grant office and gave the
3 presentation for Sea Grant at that time and it
4 looked to be a good situation and MAFAC approved
5 that motion and sent it forward and it was
6 subsequently included in the letter to the NOAA
7 administrator at the completion of the meeting.

8 Also as a part of the subsequent
9 discussion to the motion was the request that MAFAC
10 be periodically updated on the status of that
11 motion and the process of implementing the regional
12 bycatch plans. So that's what we propose to do
13 this afternoon, for the rest of the afternoon as a
14 follow up to our joint subcommittee of the whole
15 meeting in New York in December. I've been in
16 contact with Laurel, of course, Lee Benica at there
17 at the NOAA Fisheries office talking about the
18 bycatch issues, of how they're playing out since
19 our December meeting and then in the preparation of
20 this discussion Laurel has established Jack to come
21 up and talk from the national perspective, what's
22 happening on bycatch implementation and we'll have

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1 regional reports, hear from the Alaska region on
2 particular case studies, if you will, of activities
3 that are going on there reflecting on the motion
4 and the actions of MAFAC last December and then Jim
5 Murray is here again from the National Sea Grant
6 office to reflect on how Sea Grant is playing out
7 the motion that MAFAC made last December.

8 So that's kind of the process that we
9 have set up for you in the next hour or so, so Jack
10 if you would come up and discuss with us from a
11 national perspective the bycatch issues and the
12 implementation at the regional levels.

13 MR. DUNNIGAN: Thank you, Ralph. I'm
14 going to be really very quick here. I've got.....

15 MS. BRYANT: And Jack's presentation, I
16 think is the second one behind Tab 9. We've got
17 them divided with green paper if you want, if
18 that's helpful.

19 MR. DUNNIGAN: So they all have the
20 slides, Laurel?

21 MS. BRYANT: Yes.

22 MR. DUNNIGAN: Okay. Well, all I'm

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1 going to do get up and out of here as quickly as
2 possible so somebody can talk about something
3 really interesting, that's a local issues in
4 Alaska. This is just a quick update on where we
5 are with the national program.

6 You remember we started with the 1998
7 report on managing the nation's bycatch and
8 responded last year, two years ago to a petition
9 from Oceana having to do with asking us to do
10 certain things and we decided not to follow the
11 course of action they suggested to us and instead
12 we committed to a national strategy that revolved
13 around developing a standardized bycatch reporting
14 methodology, developing regional implementation
15 plans, focusing more on education and outreach,
16 emphasizing international approaches for dealing
17 with other countries and making sure that we knew
18 what our funding requirements for the program were.

19 Evaluating bycatch report is otherwise
20 known as the Powers Report after Dr. Joe Powers
21 from the Southeast Regional Science Center who led
22 a national effort beginning with a need to address

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1 the requirement for a standardized bycatch
2 reporting methodology that had actually ended up
3 dealing with a lot of other issues as well and the
4 SBRA, we call it, is really a part of that now. It
5 was reviewed by our leadership council in April,
6 it's already been through the front office, Rebecca
7 Lind spent a lot of time of her own on it and it's
8 now in the process of going through its final draft
9 and is going to be published as a technical
10 memorandum at our Scientific Publications Office
11 and that ought to happen in the next, probably six
12 weeks.

13 In that standardized reporting
14 methodology they talk about a number of precision
15 goals for bycatch, for protected species, for
16 example, protected species of a bycatch in a
17 fishery, a 20 to 30 percent CB for estimates that
18 are taken, for fishery resources also at 20 to 30
19 percent CB, for instance of total discards or if
20 the catch can't be divided into discards and
21 retained catch, then there's a 20 to 30 percent CB
22 for the estimates of the total catch.

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1 There's some caveats to the precision
2 goals that are included in the report that in some
3 instances they may exceed minimum statutory
4 requirements, this is very important the second
5 one, that there are intermediate steps along the
6 way and should recognize that if you're improving
7 from where you are today you're not going to do it
8 all in one jump so let's at least begin to starting
9 the progress. And in some instances, depending on
10 your management prerogatives, you may want to hire
11 a level precision, then what is the standard for
12 the rule of thumb, it's included in the report.
13 There are some circumstances when meeting your
14 precision goal that you're simply not efficient,
15 you know, and every new increment of precision in
16 your data cost you a lot more than the last
17 identical increment did and at some point you get
18 diminishing returns, so you need to be able to look
19 at those is all the report is saying. It talks
20 about some potential logistical restraints and
21 indicates that if you've got a numeric limit set
22 for bycatch, that the uncertainty associated with

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1 that limit and methods used for addressing
2 uncertainty are two of the factors that the
3 councils need to consider in deciding the
4 appropriate coefficient of variation for the
5 bycatch estimate for those species.

6 Definition of bycatch is an issue that
7 we've had some discussions with, particularly at
8 the meeting of the council chairs that was in
9 Hawaii in April. The 1998 report, Managing the
10 Nation's Bycatch included this concept of retained
11 incidental catch as a part of bycatch. Bycatch is,
12 in a more traditional scientific and assessment
13 sense, they think of a fisherman as going out with
14 an idea of what they're trying to catch and if they
15 catch other stuff along the way, even if they keep
16 it, that was always considered a bycatch. Well,
17 here comes the Sustainable Fisheries Act in 1996
18 and it says that bycatch does not include retained
19 incidental catch, it only talks about discarded
20 fish. So we had this sort of difference.

21 And some of the management programs
22 that we have across the country, and I think it's

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1 particularly true in the North Pacific actually
2 used this older, more technical and scientific
3 approach, and they called retained incidental catch
4 bycatch. And what we were able to find through
5 this discussion we had in Hawaii was that there was
6 this confusion that was being brought about by the
7 differential use of the term. So we've gone
8 through and we've edited the report to try to
9 resolve that and avoid the confusion that was
10 there, I think we're actually trying to make sure
11 that we can allow for things that are -- that were
12 considered retained incidental catch to be
13 included.

14 And another thought that just keeps
15 coming out in the report is that full retention is
16 not always the solution, it may be the solution,
17 it's for the appropriate for the councils to
18 consider that, but in any event it's the accounting
19 for all of the harvest and all of the fishing
20 mortality that's important for our conservation
21 purposes.

22 So in the standardized bycatch

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1 reporting methodology, our objectives are to
2 develop and document an effective and efficient
3 methodology for each federally-managed fishery.
4 Section 3.03.A.11 of the Magnuson-Stevens Act
5 requires each fishery management plan has a
6 mandatory element to establish, is the verb that
7 they use, establish a standardized reporting --
8 bycatch reporting methodology. It always struck me
9 is, if you have to have it on a plan by plan basis,
10 what's standardized about that, but.....

11 (Laughter)

12 So the councils need to develop a
13 document effective and efficient SBRMs for each of
14 their fisheries. They need to be periodically
15 reviewed which is a part of the ongoing fishery
16 management process and it was also noted that we
17 need to develop more effective and efficient
18 methods including electronic monitoring for
19 estimating bycatch and total catch.

20 This protocol is now a part of the
21 larger report that we're trying to get published by
22 September, it's Appendix 5. It indicates that sort

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1 of your default approach, best approach towards
2 getting data on bycatch is going to be through at
3 sea observers. Other observation technology as
4 appropriate on the use. Sampling designs are very
5 important, you got to make sure that you're
6 covering the fishery in a scientific way so that
7 you're getting valid results that actually
8 represent what's going on. You need to use
9 appropriate models, and that is once you get the
10 data from your observers what do you do with it,
11 the analytical tools that you use to go through
12 that data need to be specific and appropriate to
13 the particular fishery and the use that you're
14 making of the information. And also you need to
15 recognize the fact that in all data systems there's
16 going to be some level of bias and you have to
17 understand what that is and how it affects the
18 results.

19 Four more items that were in the
20 report. It addresses the goal of achieving
21 recommended levels of precision. It requires
22 adhering to standards established to ensure

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1 integrity. This is interesting, where appropriate,
2 use monitoring methods for estimating bycatch
3 instead of at sea observers. We're not sure what
4 those are going to be, but in a particular fishery
5 it may be more appropriate and more efficient,
6 remember we used the word efficient and effective,
7 to use something other than at sea observers. But
8 the agency does basically feel that as a basic
9 approach towards getting data on bycatch, your best
10 data is going to come from having observers at sea.

11 And then I think we understood and we've talked
12 about this in MAFAC's report, about the need to
13 emphasize how each industry and other constituents,
14 you know, the big one that we like to talk about
15 these days is the bycatch research that we ended up
16 doing with regards to longline fisheries in the
17 Central Atlantic where we've now not only
18 documented but developed techniques that greatly
19 decreased the numbers of turtles that end being
20 caught and killed in those fisheries, in that sword
21 fish fishery.

22 Another part of this was the elements

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1 of a plan that we -- our overall strategy that we
2 heard at the beginning was we need to look at
3 spending issues and fiscal -- '04, we had a total
4 budget line item of \$3.6 million, that's this years
5 money, and 2.3 million of it is being used for
6 bycatch related observers, dictated, in some
7 instances by court order and then there is 1.3
8 million which is available to be used for doing
9 outreach and the projects that are listed here are
10 -- I think it's a total listing of all of the ones
11 that we were able to fund with that 1.3 million so
12 you can see what those are, halibut and salmon in
13 Alaska, the National Seabird program, fish behavior
14 and bottom trawl. The Pacific Islands, marlin
15 project, protected species observed in the Pacific
16 Islands, reducing the turtle takes in the
17 southeast, northeast, a couple of projects there
18 and then Atlantic count of migratory species
19 fishery so that's how we spent the 1.3 million.

20 I'm going really fast because I assume
21 you got this?

22 MS. BRYANT: Yes.

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1 MR. DUNNIGAN: Okay. Establishing a
2 better sense of outreach and communication as part
3 of our national strategy, we've got some bycatch
4 web sites that are very active, this gets updated
5 at least once a week with new information. Lee
6 Benica and Ralph referred to him on our staff, does
7 a really great job with it. So there's always a
8 lot of up to date bycatch information on that site.

9 On the international side, there is a
10 new law, just signed into law by the President
11 within the last month, it's the Marine Turtle
12 Conservation Act, and it's an international
13 outreach thing that makes certain turtle activities
14 eligible for funding under a number of other
15 programs. We've held longline technology
16 workshops, which again is a fall out or a follow up
17 to the research that we did in the Northeast
18 swordfish fishery, trying to take that technology
19 of emphasizing the use of circle hooks in pelagic
20 longline fisheries to other countries recognizing
21 that the United States is really only a small part
22 of the mortality that occurs world wide on so many

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1 of these species. The ITBC bycatch working group
2 has met in Cold Bay, the fisheries bilaterals with
3 Mexico, from Canada and Chile, we now don't go to a
4 bilateral negotiation with another country unless
5 we put bycatch on the list. And Bill Hogarth is
6 fun to go to these things with because, you know,
7 all he wants to talk about are the circle hooks and
8 he really gives a good presentation about effective
9 research could be when it's done cooperatively with
10 industry and if you make a commitment, for us it
11 was a major three year, many, many million dollar,
12 you can get information that's actually going to
13 work in fisheries management. There will be a
14 consultation of sea turtles in Thailand and an
15 international fishery observer conference also
16 later in this year.

17 And then funding requirements was
18 listed as one of the things that we could do in our
19 strategy, and as I said there was \$3.6 million that
20 was in our budget of fiscal '04, if you look at the
21 President's budget for fiscal '05, there's 2.3
22 million, I don't know, Gary, what happened to the

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1 House Bill, did it fund any of this, do you know?

2 MR. REISNER: Well, the House Bill
3 changed a number of lines, it doesn't have that
4 line, but the overall mark is about 100 million
5 less than our request.

6 MR. DUNNIGAN: Okay. All right. But
7 the point is we are following through here in our
8 budget planning system looking at the bycatch
9 requirements and trying to strengthen our bycatch
10 programs. Again, how successful we'll be will
11 depend on how the politics and the budget process
12 work out.

13 And reducing bycatch, this whole energy
14 we're putting into this is now a part of the eco-
15 system observing program. You've heard us talk
16 about PPBES, we had Bonnie Moorehouse from NOAA
17 come to your meeting in December and explain how
18 that system works. We had some restructuring
19 within the program, it used to be one big research
20 program and they've split the research program in
21 half and the half that is now called Eco-Systems
22 Observing is where we're focusing our future budget

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1 planning to address bycatch issues.

2 Now, there are opportunities for
3 collaboration. There are a lot of projects that we
4 weren't able to fund as a part of our \$1.3 million
5 that we would suggest would be opportunities for
6 partners who have got the opportunity to step
7 forward and help us with. In Alaska developing
8 industry contact agents in Dutch Harbor and Kodiak,
9 that's been a really good strategy, we're working
10 with the industry. So, you know, if there are
11 other resources we can find from other partners to
12 help make that work that would be helpful. EFPs
13 are a huge issue all over the country and being
14 able to provide practical assistance and use them
15 to exempt, usually fishermen doing cooperative
16 research from various regulations. So sometimes
17 they can be hard to get, helping people to do that,
18 is good for developing research which is related to
19 bycatch.

20 The Northeast had a very successful
21 bycatch workshop in June and the Southeast is
22 looking towards being able to put on something

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1 similar and there are some costs that associated in
2 getting experts to be there and meeting
3 organization. Southeast Sea Grant assistance with
4 Ted in regard to the decline of the shrimp
5 industry, and, you know, we're still looking at the
6 possibility of putting together teams at both the
7 regional and national levels. But all of our
8 regions have got the bycatch plans and Rebecca
9 Lind, who's my boss, you know, gets us together,
10 the office directors, the regional administrators
11 in connection with all of our leadership council
12 meetings, it's a standing agenda item, how are we
13 doing on implementing our bycatch plans in the
14 regions and, you know, what are we doing to make
15 sure that we continue the plan so that, you know,
16 we have some sense of what we're going to try to do
17 in '05 and in '06 rather than just sticking with
18 something that was written a year ago and hoping
19 that it's going to give good results.

20 So that's what I was referring to just
21 now, we need to revise our regional bycatch plans
22 and once we have this final report, if it gets

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1 published in September, we'll have to then start
2 working with the councils to implement these
3 protocols.

4 That's about it. A quick run through,
5 I hope you all had a chance to see those slides and
6 I'll try and answer any questions.

7 CO-CHAIR MR. OSTERBACK: Okay. Maggie.

8 MS. RAYMOND: Jack, that bycatch
9 workshop that you had in New England, I wasn't able
10 to attend mostly because it was three days and I
11 just could not possibly figure out a way to attend
12 all three days, so, first of all I think that's a
13 lot of time to ask people to put in to something
14 like that, so if there's a way that if you're going
15 to continue doing that, you might want to try to
16 consider getting it in a shorter timeframe.

17 And you said that you thought it was
18 very successful and that's not the feedback that
19 I've heard from some of the participants, so I just
20 wanted to know if you had received some formal
21 feedback from people in writing or in some kind of
22 other, some kind of post-session comments that you

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1 received that people felt it was successful?

2 MR. DUNNIGAN: I'm not aware of
3 anything formal, Maggie, I just meant in talking to
4 the regional staff and some of the council staff,
5 my impression that it was pretty well received. So
6 I don't -- Jim Murray is raising his hand.

7 MR. MURRAY: Yeah, is this the meeting
8 in Wakefield the end of June?

9 MS. RAYMOND: Yes.

10 MR. MURRAY: I've had several letters
11 from various Sea Grant folks, there's about 17 Sea
12 Grant Extension people from Virginia through Maine
13 that attended that thought it was an excellent
14 meeting. The only negative I heard was that
15 industry was under represented, there was some -- I
16 know Rhode Island Sea Grant paid the travel to get
17 at least seven industry members there, I don't know
18 how many were there, but they felt in particular
19 that the recreational fishing was under
20 represented.

21 MR. DUNNIGAN: I think it would be
22 helpful for us to know what your hearing about what

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1 might not have worked very well because then we can
2 take that back into the Southeast.

3 MS. RAYMOND: Yeah. I.....

4 MR. DUNNIGAN: So, time, if there are
5 issues as well, if you can maybe get those to me.

6 MS. RAYMOND: I'd be happy to try to
7 summarize that in an email to you.

8 MR. DUNNIGAN: Get them to me or to Lee
9 Benica or something like that then it can help us
10 out for each region.

11 CO-CHAIR MR. OSTERBACK: Chris.

12 MR. DORSETT: A couple questions for
13 you. First on bycatch reduction, I assume those
14 are covered under the regional implementation plans
15 and you list a number of things under the FY'04
16 spending plans.

17 MR. DUNNIGAN: Yep.

18 MR. DORSETT: Did these come out of the
19 regional implementation plans and were those
20 prioritized in those plans, where you take these
21 items first, how does -- and it -- I'll give you my
22 second question which leads into this, I think.

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1 You have under the definition of
2 bycatch an interesting statement here that NOAA
3 Fisheries will address bycatch wherever it is a
4 problem and I'm interested in who defines what's a
5 problem and therefore how things are prioritized.

6 MR. DUNNIGAN: The whole emphasis that
7 we've had in developing this program over the last
8 year and a half has been to focus on regional
9 efforts. So we have the regional implementation
10 plans, so if there's a priority issue in the
11 Northeast, it's going to be the regional
12 administrator of the Northeast who's going to have
13 the call on what that's going to be. I'm certainly
14 not going to try to second-guess her, and I think
15 that would be true all over the country.

16 I suppose we could probably say that
17 bycatch is a problem anywhere it occurs, you know,
18 given the dictate in the law to minimize where
19 possible. So maybe that's not the most artful
20 wording to state in there. But in terms of who
21 sets the priorities, we still want to keep as much
22 of that effort focused at the regional level. Now,

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1 once it comes -- once each of the regional efforts,
2 you know, six of them now come into headquarters
3 and we've only got \$1.3 million and you've probably
4 got \$5 million worth of need, then somebody's got
5 to make a decision of pulling that together, and
6 that's us in headquarters.

7 CO-CHAIR MR. OSTERBACK: Okay. Scott.

8 MR. BURNS: Jack, could you provide a
9 quick description of your initiative with the
10 industry contact agents, how that works?

11 MR. DUNNIGAN: I can't. I'm not
12 familiar enough with that. I know it was one of
13 the priorities that was given to us in the Alaska
14 region that we weren't able to include in funding
15 so let me get back to the committee on that and
16 I'll get that to Laurel. I can get you some more
17 information, I'm not familiar with it.

18 MR. BURNS: Thanks.

19 CO-CHAIR MR. OSTERBACK: Rob.

20 MR. KRAMER: Yeah, Jack, just a point
21 of clarification, on your second to the last slide
22 there you said development of a regional bycatch

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1 workshop at least partly modeled after the
2 Northeast bycatch workshop in 6/04, so the
3 Northeast workshop was in June of '04.....

4 MR. DUNNIGAN: Right.

5 MR. KRAMER:do we have a date yet
6 for the Southeast?

7 MR. DUNNIGAN: No.

8 MR. KRAMER: A tentative time?

9 MR. DUNNIGAN: No, they haven't picked
10 a date yet because they were looking for some
11 funding to support that effort to happen and it
12 didn't get funded as a part of the national -- the
13 '04 National Bycatch Spending Plan.

14 MR. KRAMER: Okay.

15 MR. DUNNIGAN: So, you know, they --
16 Rory Crabtree either has to find that money
17 someplace else or wait for '05 or see whether
18 there's a partner someplace that can help fund
19 that. I don't think it's a lot of money to get
20 that put together, but until they get some support
21 to make it happen, they haven't picked a date yet.

22 MR. KRAMER: Okay, thanks.

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1 MR. DUNNIGAN: But Jenny Faye has got
2 the lead on that one.

3 CO-CHAIR MR. OSTERBACK: Okay. I think
4 that's all the questions at this point. Jim.

5 MR. MURRAY: Me?

6 CO-CHAIR MR. OSTERBACK: Yes.

7 MR. MURRAY: Up next, okay.

8 MS. BRYANT: No, no, I think we thought
9 you.....

10 CO-CHAIR MR. OSTERBACK: Oh, no, no.

11 MR. RAYBURN: No, not you Jim, not yet,
12 we have the region first and then Jim, is that
13 okay.

14 CO-CHAIR MR. OSTERBACK: Yes.

15 MR. RAYBURN: Jim Balsiger was
16 introduced earlier this morning as the regional
17 administrator for this Alaska region and he has
18 some staff folks here to address, from the regional
19 perspective, what activities their region is
20 undergoing on bycatch issues, so Jim if you want to
21 begin.

22 MR. BALSIGER: Thank you. I'll just

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1 introduce three people from the region here then
2 who each have a little piece to give to you, in
3 this order, Ms. Salveson who is the director of our
4 Sustainable Fisheries office here will be first,
5 followed by, I believe Bridgett Mansfield who's
6 going to talk about the marine mammal observer
7 programs that are required under the Marine Mammal
8 Protection Act, and then following them finally Kim
9 Rivera who is our National Seabird coordinator,
10 even though nationally, she works here in the
11 region for us half-time, but she does the national
12 program.

13 So thank you.

14 MS. SALVESON: Thank you, Jim. My name
15 is Sue Salveson and I'm head of Sustainable
16 Fisheries. And I'm going to hand to you our
17 regional bycatch plan, this is sort of an example
18 of a regional plan that all of the regions have
19 developed in response to the National Bycatch
20 Strategy and it's just to give you sort of an
21 insight. And all these plans are available on the
22 NMFS bycatch web site. I've got handouts of this

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1 presentation on the back desk over here and
2 hopefully you all have them. We were given 20
3 minutes for three very verbal women.....

4 (Laughter)

5to give this presentation so I'm
6 going to kind of rush through this quickly and I
7 apologize and we can circle back if we need to.
8 I'm going to talk about fish, Bridgett's going to
9 talk about the marine mammal program and Kim Rivera
10 is going to get into seabirds.

11 And as I mentioned we did complete the
12 draft bycatch reports, they're all on the NMFS web
13 site. And this is a working document, it's not
14 static, we intend to work with the council and
15 various stakeholders in updating this plan, this
16 written document, going back to it, assessing it
17 and enhancing it. And this plan has five
18 objectives. These objectives go directly from the
19 national program, this is nothing new, so as I go
20 through this we'll keep circling back to the five
21 objectives listed in the national plan so from
22 which all the regional plans flow. And one of the

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1 prime objectives is to work cooperatively with
2 respect to the Alaska Bycatch Plan, certainly with
3 the North Pacific Council, other management
4 agencies like ADF&G, Alaska Department of Fish and
5 Game, the Halibut Commission, private research
6 groups, Sea Grant, universities, and certainly
7 stakeholders and the fishing industry.

8 Our plan in Alaska focuses on living
9 marine resources in the Bering Sea and Alaska --
10 Bering Sea and ground fish -- Bering Sea and Gulf
11 of Alaska groundfish fisheries and in the salmon
12 fisheries. And with respect to the groundfish
13 fisheries, these are the fisheries we directly
14 manage and we have ability to actually implement
15 measures in coordination with the council in
16 controlling bycatch and the marine mammal program
17 that Alaska's going to speak to focuses directly on
18 the salmon fisheries of Alaska.

19 Just sort of a backdrop real quickly,
20 in the groundfish fisheries we've actually done a
21 fairly good job in the past 10 years of reducing
22 bycatch by almost 50 percent and that's due to

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1 primarily to traditional bycatch reduction measures
2 within the North Pacific including bycatch limits,
3 gear restrictions, mandatory full retention of
4 major species, pollock and cod and a number of
5 voluntary industry programs, data sharing programs
6 to avoid industry hot spots. And I want to
7 highlight the mandatory full retention, bycatch is
8 basically defined in this context as discard, so if
9 we reduce discard through increased utilization
10 that's where we gain a lot of our benefit here
11 reduced discard or bycatch in the past 10 years.

12 One of the objectives of our plan
13 consistent with the national plan is to improve
14 standardized bycatch reporting methodology and I've
15 got a list of about 18 different items that I'm not
16 going to go through but what I want to highlight is
17 that our program is very, very dependent on an
18 observer program and we are very fortunate to have
19 an industry funded observer program, I think, it is
20 probably -- we might be smaller than the Northwest
21 but we're the only fully industry funded observer
22 program and the coverage requirements are

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1 substantial relative to other programs. We rely on
2 this data to monitor total catch, not just retained
3 catch but total catch, and that flows into an
4 overall monitoring of quotas and an overall
5 assessment of bycatch. While we're very fortunate
6 in having that program in place there are
7 improvements that we can make and so a lot of these
8 reporting methodologies, the improvements that we
9 want to make over time are focused on the observer
10 program for that reason, in terms of enhancing
11 sampling environments, sampling protocol, how we
12 deploy observers. We're also beginning to look at
13 alternate technology to help aid in the monitoring
14 of overall catch.

15 I'm going to go through this pretty
16 quickly. You've got them in your notebook for you.

17 Another objective in the national
18 strategy which is reflected in our plan is to
19 improve our ability to estimate the effects of
20 bycatch through research and there's ongoing
21 research at our Alaska Fisheries Science Center
22 looking at stock assessment for non-target for

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1 groundfish species and seabirds and eco-system
2 research on the effects of bycatch. What is the
3 effect of having a bunch of discard enter the eco-
4 system, economic and social science data collection
5 and research.

6 There's more information on each one of
7 these, again, in our plan which is on the web site,
8 if you're interested you can take a look at and
9 look at it a little more in depth than I'm going
10 over here.

11 Another objective from the national
12 strategy is to encourage development of gear
13 technology to reduce the bycatch. And this is
14 where we work a great deal with industry through
15 exempted fishing permits, in developing, I think
16 Jack alluded to halibut and salmon devices in trawl
17 nets, ways to -- where salmon and halibut is
18 unavoidably caught, develop the gear technology to
19 allow them to escape.

20 Research on effect of environmental and
21 social factors. I guess the take home point here
22 is this is an active facet within the North Pacific

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1 in terms of working with industry and other
2 stakeholders in reducing bycatch through
3 experimental gear technology.

4 Overall, another objective, actions to
5 develop efficient management measures to reduce
6 bycatch. I think historically we've developed and
7 implemented managers to deal with the symptoms of
8 bycatch but only recently, very recently have we
9 begun to address management measures to address the
10 underlying cause of bycatch. And that's primarily
11 through, within the prospectus of our plan anyway,
12 rationalization of the fisheries. Giving people an
13 opportunity to work in the environment, to work
14 together, to optimize their harvest relative to
15 different objectives including reducing bycatch,
16 slow down fishery rates, reduce the race for fish
17 and a lot of benefits come from that, we've seen
18 that, including reduced bycatch.

19 There's other more short-term measures
20 that we've implemented and we continue to implement
21 to reduce bycatch that would reduce regulatory
22 discard, economic discards and as I mentioned

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1 require retention of these groundfish that we do
2 see discarded that probably does not necessarily
3 address the bycatch problem primarily through the
4 observer program and more recently we're getting a
5 lot of effort and focus on non-target species
6 management. These are species that are caught
7 incidentally in the groundfish fisheries, that may
8 be prey species, they may be species that have eco-
9 system interest and importance, but they're not
10 commercial fisheries and we're trying to get a
11 better handle on the magnitude of the catch and the
12 bycatch through the observer program on them.

13 Outreach is a big component and is
14 also, again, an objective of the plan that we have
15 and we need to -- we believe we can collect better
16 information and we can dispense better information
17 with respect to bycatch. And we rely a lot on
18 industry to take information that we collect and
19 feed that back out to the various groups. Again,
20 we've got a very sophisticated communication system
21 within the industry, that they work among
22 themselves to actually avoid areas of high bycatch.

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1 And I think generally what we intend to
2 do is, again, work with the council and
3 stakeholders to groom this plan, it's not static in
4 any way and to continue to address the bycatch
5 issue. It is a priority issue with the council as
6 with the agency, and so it's an alive and active
7 subject in many council meetings.

8 So with that I'm going to quit and
9 Bridgett then is going to be coming up and give you
10 a sense of the marine mammal program.

11 MR. BALSIGER: I'll just tell you then,
12 they're not so verbal, they just all know a lot and
13 there's lots of information on this so you'll need
14 to go over it in some depth.

15 MS. MANSFIELD: Hi. I'm Bridgett
16 Mansfield. I'm with the Protected Resources
17 Division in the Alaska region and I deal primarily
18 with the marine mammal impact with commercial
19 fisheries.

20 Primarily we are trying to estimate and
21 monitor marine mammal incidental take and the
22 Marine Mammal Protection Act, as many of you are

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1 probably familiar, requires a lot of things. With
2 regard to the commercial fisheries, we have a
3 couple of specific requirements. Two are for
4 reporting. One is the general stock assessment
5 reports on marine mammal stocks, the annual list of
6 fisheries, which is published every year or we try
7 to get it done every year, which lists the
8 commercial fisheries and the relative or associated
9 marine mammal stocks that are taken in those
10 fisheries. And then we have a goal, this no draw
11 goal is a very idealistic goal, it's a bigger goal,
12 but we are required to require fisheries to
13 approach a zero mortality rate goal.

14 In terms of the stock assessment
15 reports, the requirements relative to commercial
16 fisheries are that we have to estimate the rate of
17 serious injury and mortality from commercial
18 fisheries for each marine mammal stock. We are
19 required to include the results in an analysis,
20 some of these take levels are insignificant and
21 approaching a zero mortality and serious injury
22 rate. And we also must include a determination

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1 whether the human caused mortality exceeds the
2 potential biological grouping of rate for each of
3 the male stock. I'm assuming that many of you are
4 familiar with PBR, but for those of you that are
5 not, that's the maximum number of animals we can
6 safely take from a stock other than natural
7 mortality to allow the marine mammal stock to reach
8 or sustain an optimal sustainable population.

9 We're required to publish the annual
10 list of fisheries. This is a categorization of
11 each commercial fishery, it's based on the
12 associated levels of marine mammals of serious
13 injury and mortality for incidental take, that's a
14 sub -- incidental take, the categories one through
15 three are loosely defined as Category I frequent
16 marine mammal take; Category II occasional; and
17 Category III is rare or no marine mammal take.
18 Currently in Alaska, in the 2004 list of fisheries
19 we have no Category I fisheries, Category II we
20 have 11 of our state salmon fisheries are in
21 Category II, and Category III has 16 state and
22 federal fisheries combined. Also in this last,

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1 2004 list of fisheries we broke out six of our
2 federal fisheries and separated them by target
3 species into 24 individual fisheries. The purpose
4 for doing this was to align the list of fisheries
5 under the MMPA more correctly with how our region
6 and the North Pacific Fishery Management Council
7 manages the fisheries and, in fact, I guess there
8 was a comment by the executive director of the
9 council that we could have gone to something like
10 83 fisheries but it was important to do that.

11 These fisheries are preliminary listed
12 as Category III until we complete an analysis of
13 the take level. We expect that to be done, hope it
14 to be done for 2005.

15 So where does our information come
16 from, Sue alluded to our observer program as did
17 Jack -- well, first we also require vessel owners
18 and operators to report any incidental takes of
19 marine mammals within 48 hours to the agency and
20 they're required to record it in their log books as
21 well. But we found this is, at best, a minimum,
22 and fairly unreliable information in terms of being

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1 really able to assess the impact on the
2 populations. So we have two observer programs in
3 this region. The Alaska Marine Mammal Observer
4 Program is focused on the Alaska state managed
5 fisheries, salmon fisheries and they are drift net
6 and set net and purse seine fisheries. The North
7 Pacific Groundfish Program is focused on the Alaska
8 federally managed fisheries and as Sue mentioned
9 that's, it's a tandem fish management and protected
10 species monitoring goal that they have. Under the
11 Marine Mammal Observer Program we have observed
12 fisheries in three pulses, from 1990 to '91 we
13 looked at fisheries in Prince William Sound and the
14 Alaska Peninsula. In '99 and 2000 we looked at
15 Cook Inlet, and in 2002 we looked at Kodiak. The
16 Kodiak study is not completed yet, although we did
17 complete one year.

18 In this program our coverage levels
19 range from 0.5 percent to 5 percent of the fishing
20 effort and that turns out that we have about one
21 fishery observed approximately every three years.
22 Unfortunately given the number of Category II

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1 fisheries we have, this turns out to be around a
2 relatively long cycle for looking at these
3 fisheries. In terms of the CB goal that Jack
4 mentioned, many of these fisheries have not ever
5 been observed so we can't calculate a CB. We do
6 have alternative methods and we're doing an
7 analysis right now to look at what appropriate
8 coverage levels would be for those fisheries.

9 So we do have some goals that the MMPA
10 gives us and requirements. The observer program
11 goals are to meet the MMPA requirements. We'd like
12 to achieve with one cycle of observing all of our
13 Category II and if we ever did have a Category I
14 fishery, once every 10 years. And we would like to
15 maintain appropriate coverage levels to provide
16 accurate, precise estimates of marine mammal
17 incidental take. Unfortunately, this is probably
18 the most expensive place to run an observer program
19 in the country. And that has been a big stumbling
20 block for getting these Category II fisheries in
21 Alaska observed. On the other hand the North
22 Pacific Groundfish Observer Program, by regulation

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1 requires a fair amount of observer coverage. In
2 vessels 125 feet and over we require 100 and in
3 some cases 200 percent observer coverage. Most
4 vessels, not all, but most vessels 60 feet to 124
5 have 30 percent coverage and we do not put
6 observers on vessels less than 60 feet. We also
7 don't put observers on the halibut boats unless
8 they are fishing IFQ.

9 So we feel from a marine mammal
10 incidental take monitoring and estimation
11 perspective, this program does give us adequate
12 coverage and we feel we would be able to detect a
13 trend, any changes in trends in take levels to any
14 of the stocks affected.

15 The Alaska Marine Mammal Program
16 actually has a pretty good history of working with
17 Sea Grant and I think -- is Kate Wynn on this
18 committee?

19 CO-CHAIR DR. HOGARTH: Yes.

20 MS. BRYANT: Yes.

21 CO-CHAIR MR. OSTERBACK: Yes.

22 MS. MANSFIELD: Well, Kate, has

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1 actually worked with us to a large degree. In the
2 past she has helped us with program development to
3 a great extent. She currently helps us with
4 observer training and teaches the observers how to
5 do marine mammal necropsies. And she also, over
6 the many years, has done a tremendous amount of
7 industry outreach. And we go into a new fishery
8 every time -- I mean almost -- well, let me see how
9 to say this. We are constantly going into new
10 fisheries and there's a really big hurdle, as you
11 can imagine educating fishermen trying to
12 understand the vagaries of the fisheries, getting
13 them to accept our observers and so outreach is a
14 huge component of our program. And that is, I
15 think, where in the future that's the biggest area
16 that, I think, but not just with our program,
17 probably with the groundfish program we can
18 cooperate with this industry.

19 So that's all I have for now. Thank
20 you.

21 MR. RAYBURN: Thank you, Bridgett. Kim
22 Rivera is the next to talk about the Seabird

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1 Program.

2 MR. RIVERA: Okay. Well, what I'd like
3 to do for you today, as Jim mentioned I'm the
4 national seabird coordinator for the agency, I work
5 on national and international issues for the
6 agency, I also work on regional issues and it's in
7 that capacity that I'll be sharing information with
8 you today about what the Alaska region is doing in
9 its bycatch plan on seabirds. I'll also then be
10 providing you with very specific examples of how we
11 have collaborated with the Washington Sea Grant
12 program in terms of implementing some elements of
13 our bycatch plan.

14 The seabird bycatch issue itself. The
15 issue is you have birds attracted to these
16 commercial fishing vessels, they, in essence, see
17 it as a food source. They are drawn in, attracted
18 to discarded processing waste, and the problem
19 arises when with the demersive type gear that's set
20 in the Alaska longline fisheries, if the birds
21 access the bait and hooks because it's being set
22 before the gear sinks deep enough they could become

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1 hooked or entangled on that line and take them and
2 drown in the water. Based on observer program data
3 from 1993 to 2002, on average, there were 13,000
4 seabirds killed annually. Now, roughly 80 percent
5 of those birds were northern fulmars, gull species.

6 Birds that were not seen as species at risk or
7 noted by Fish and Wildlife Service as species of
8 concern. Some of the other species though that
9 were taken were albatross species, some that tend
10 to get a little more recognition and attention, if
11 you will, some national attention and international
12 attention. The albatross species in the North
13 Pacific, we have three, the black-footed albatross,
14 the laysan albatross, these are two species that
15 nest primarily in the Northwestern Hawaiian Islands
16 and then the short-tailed albatross which is listed
17 under the Endangered Species Act, and that's off of
18 Japan.

19 The short-tail albatross really
20 provided a key impetus for a lot of the action that
21 has occurred in Alaska to reduce bycatch in
22 seabirds. In 1995 the Alaska longline fleet caught

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1 two of these birds, and I should back up and tell
2 you there's less than 2,000 of these albatross in
3 the world today, in 1995 the fleet caught two of
4 them, in 1996 they caught another short-tail
5 albatross, it was the fleet with their concerns
6 that came to the North Pacific Fishery Management
7 Council and said regulate us, we want regulations
8 in our fishery. They were aware from stipulations
9 in a biological opinion issued by Fish and Wildlife
10 Service that if they took too many of these
11 endangered birds it could mean drastic things to
12 their fishery. So the council, NMFS, obliged,
13 regulations were put into place in 1997 for the
14 groundfish fleet and in 1998 for the halibut fleet.

15 At that time we knew those were, in essence,
16 interim measures, they were, in essence, borrowed
17 from the southern ocean fisheries, Camlar fishery
18 and we knew that we needed some work and to fine
19 tune them and make them more effective for our own
20 fisheries.

21 In 1999, the Fish and Wildlife Service
22 issued another biological opinion, and it's that

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1 middle bullet item, and basically they said NMFS,
2 you need to go and test the effectiveness of the
3 measures that you've required in regulation and if
4 based on that work there are more effective ways to
5 manage this bycatch then you need to implement new
6 measures. Fortunately for NOAA Fisheries,
7 Washington Sea Grant program had had extensive
8 experience and expertise with the seabird bycatch
9 issue in the Puget Sound salmon gillnet fisheries.

10 They, in essence, transferred some of that concept
11 and process that they used there to the Alaska
12 scene. In 1999, Ed Melvin, the principal
13 investigator from the University of Washington Sea
14 Grant program initiated a study that is to this day
15 the worlds largest study of its kind in terms of
16 looking at seabird avoidance measures. It was a
17 two year study. It looked multiple seabird
18 avoidance measures, multiple areas, multiple target
19 fisheries, they set over seven million hooks in
20 this study. It was very much a collaborative
21 funding effort as well. Salt and Stahl Kennedy
22 provided a grant for this work, U.S. Fish and

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1 Wildlife Service, NOAA Fisheries and the North
2 Pacific Longline Association and several other
3 longline industry groups provided in-kind support
4 for this work as well. Results. The key finding
5 from this work was that streamer lines used on
6 these vessels, particularly the larger vessels
7 could reduce seabird bycatch by some 88 to 100
8 percent. And one of the key pieces of the work
9 done by Ed Melvin and his colleagues was to
10 identify performance and material standards for
11 these streamer lines, not every streamer line is
12 created equal. Unless you construct it properly,
13 deploy it carefully and correctly it will not work
14 at keeping birds away from your boat. So this was
15 a very key and critical piece to the work done by
16 Sea Grant. A final report was prepared, they
17 presented this information to the North Pacific
18 Fishery Management Council, and then early this
19 year NMFS promulgated final regulations that went
20 into place.

21 A lot of effort was done to get the
22 work out to the fishermen. We have a web site in

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1 the Alaska region just for bird information, and in
2 short larger vessels were required to use these
3 streamer lines of a specified performance standard.

4 Smaller vessels are also required to use measures,
5 single streamer line, buoy bag line, a few other
6 items as well. Does it work? We think so.
7 There's a lot of factors, as you can guess, that
8 may impact whether or not the birds are going to be
9 taken behind a longline vessel. But overall what
10 we have seen is a decline and trend in a number of
11 birds that are taken and also in the bycatch rate
12 of birds that are taken.

13 A very key piece to the work done by
14 Sea Grant was involvement of the industry. It
15 would not have happened -- I do not believe,
16 successfully, if it had not been for the early buy
17 in and empowerment of the industry to be involved
18 with this work.

19 Now, my sense from looking at some
20 other Sea Grant projects is that this one was a bit
21 unique in that a very big component in it was the
22 research component. Along with that, though, the

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1 research itself provided an opportunity for
2 outreach and education. It was ongoing as the
3 researchers were on these vessels.

4 Sea Grant also has assisted NOAA
5 Fisheries greatly in terms of education and
6 outreach. Numerous presentations to our council at
7 various meetings, seminars at Fish Expo. They went
8 to various ports in Alaska demonstrating the
9 techniques we use. As well as industry advisory
10 sessions. This was a key piece in developing the
11 research and the experimental plan that was used to
12 test these measures.

13 Quite a few outreach tools and products
14 from this all produced in collaboration with
15 Washington Sea Grant program, there's quite a bit
16 of material on the back table that I brought in for
17 you to share so feel free to take copies. One of
18 the most recent pieces to share is the video, Off
19 the Hook, this was a video produced by Sea Grant
20 with the University of Alaska-Fairbanks. This was
21 distributed to over a thousand Alaska longline
22 fishermen, and just recently Sea Grant has been

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1 involved with working with Chilean scientists to
2 get the video translated into Spanish and for
3 distribution of this video to South America.

4 That takes me to another element of
5 this work from Sea Grant. Not only are they doing
6 work here in Alaska, they've recently received a
7 five year grant from the National Sea Grant Program
8 for a fisheries enhancement extension program and
9 what they, in essence, will be doing is taking some
10 of the work, the process that they used in terms of
11 collaborating with industry and agency to work in
12 other regions in the United States and to also take
13 this work internationally. I think Jack mentioned
14 in terms of dealing with some of these bycatch
15 species, it's a global problem. Just because we
16 can do something here in Alaska or Hawaii, we need
17 to also transfer that technology to other areas of
18 the world because these species occur there as
19 well.

20 So Sea Grant has been involved in this,
21 it's second International Fishers Forum, this was a
22 very successful forum sponsored by NOAA Fisheries

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1 and many others. Later this month there's an
2 international albatross conference in Uruguay and
3 Sea Grant folks will be there leading a session on
4 mitigation. And we also have Sea Grant staff that
5 are now on the U.S. Delegation that goes to Camlar
6 to address bird issues in southern ocean fisheries.

7 So in summary, in closing, what are the
8 ingredients for a collaboration on a bycatch issue?

9 It's very key to define very precisely what your
10 need and objective is. Resources and incentives.
11 Jack mentioned the resources that we have just been
12 generated in our FY'04 budget for a bycatch
13 spending plan. This is a key piece. Also
14 incentives to provide the industry, what's in it
15 for them, why are they going to get involved and be
16 a part of this process. We found with the Alaska
17 project with birds that research coupled very well
18 with outreach and education. This was happening
19 even as the research was being conducted.
20 Partnership is an extremely important part of this
21 in terms of within NMFS how our region works with
22 our center, how our agency works with Fish and

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1 Wildlife Service, how we are all working with the
2 Sea Grant programs, industry, environmental, non-
3 governmental groups and the whole group there.

4 Thank you.

5 CO-CHAIR DR. HOGARTH: Kim, in Hawaii
6 they're looking, I guess, real strongly at the
7 underwater line chute and I didn't see you mention
8 that, is that just something that wasn't looked at
9 in Alaska waters or is it -- because that seemed to
10 be one of the things they liked, I thought it was
11 sort of cumbersome but they thought it worked well
12 there?

13 MS. RIVERA: Ed did. Ed Melvin did
14 test an underwater line -- it was called a lining
15 tube in the Alaska dimersal fleet, it's a bit of a
16 different piece of equipment, if you will, on these
17 larger dimersal vessels. And one of the
18 prohibitive things with the gear to use in Alaska
19 was the cost, it cost 40 to \$50,000 per vessel. I
20 think what was being looked at in Hawaii was a much
21 more cost effective.

22 The other piece that's happening in

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1 Hawaii, too, is this use of side setting, and
2 that's another very promising tool that I think
3 actually the Western Pacific Council will be taking
4 up or did take up in June and then again in
5 October.

6 So sometimes these things will
7 transfer. One of the things between Hawaii and
8 Alaska, we have demersal fisheries, Hawaii you're
9 looking at pelagic longline so some similarities in
10 theory but some of the practical issues are
11 different.

12 CO-CHAIR DR. HOGARTH: And I just want
13 to thank you for taking the triple role of
14 international, national and regional, thank you.

15 MR. RAYBURN: Any questions then of
16 Kim, Bridgett or Sue?

17 (No discussion)

18 MR. RAYBURN: Thank you all for being
19 here and appreciate your report. Jim Murray, we
20 asked to come -- remember Jim from our December
21 meeting, Jim reviewed Sea Grant's potential in
22 dealing with the bycatch issues and I think in the

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1 discussion in preparing for this meeting we asked
2 Jim to come and address what Sea Grant has done
3 since the December discussion he had with us and
4 other information you want to put out, Jim.

5 MR. MURRAY: Thank you very much,
6 Ralph. It's a pleasure to be back, thank you very
7 much for the invite. As Ralph mentioned, I gave an
8 update on Sea Grant and our activities in bycatch
9 and at the last MAFAC meeting in New York City, the
10 MAFAC requested Sea Grant to continue those
11 efforts, encouraged us to work with National Marine
12 Fishery Service, partner with them on implementing
13 the bycatch plan, particularly the outreach
14 component, and I have a progress report today, I'm
15 happy to report, I think there's been some very
16 good progress, and a great set up by Kim for my
17 talk.

18 You can see we've got some 50 or so
19 fisheries extension agents in Sea Grant and that
20 work, Ed Melvin is one of those, granted he's one
21 of our best, but you could see the kinds of
22 activities that are happening around the company by

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1 individuals or by our state Sea Grant programs.

2 Just by way of context, I know I'm
3 supposed to be talking about bycatch, but I wanted
4 to just mention a couple of other issues to set the
5 stage here. The U.S. Ocean Commission Report was
6 mentioned this morning and I'd just like to
7 emphasize to you how the U.S. Ocean Report focused
8 on the importance of outreach and importance of
9 marine literate public to be able to achieve, in
10 the long run, the vision of the Ocean Commission
11 Report. The report also specifically mentioned
12 that NOAA needed to enhance its outreach
13 capabilities and it called on NOAA to look to Sea
14 Grant Extension in part to help NOAA achieve those
15 ends. Bill Hogarth and Ron Baird, my boss, I think
16 were out ahead of that. In the past three or four
17 years since Bill's been director, and I think part
18 of that with Ron coming to NOAA about seven years
19 ago, Ron has, in a nutshell, we say that the Sea
20 Grant mission is to help NOAA -- is to mobilize and
21 engage the nation's universities to help NOAA
22 achieve its mission, and I think Ron's been working

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1 hard to show NOAA that Sea Grant is a committed
2 partner to helping NOAA achieve its ends and Bill,
3 since he's been made director, has an appreciation
4 -- Bill and I worked together for eight or nine
5 years when he was state director in North Carolina,
6 was state extension program leader, Bill very much
7 understands the Sea Grant concept and we had a very
8 effective work relationship in North Carolina and I
9 think through his leadership, Ron Baird's
10 leadership, we've made some real good progress on
11 this partnership that we've been trying to achieve.

12 Just a couple of examples before I talk
13 about bycatch. We have, I believe it's probably
14 somewhat unique within NOAA, the National Marine
15 Fishery Service has made available to Sea Grant, a
16 position, Emery Anderson, many of you know, that's
17 been in our office for the past several years, his
18 responsibility, even though he's paid for by the
19 National Marine Fishery Service is to be the Sea
20 Grant liaison and Emery has organized and led and
21 established a number of new partnership programs.
22 For example, we, with the National Marine Fishery

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1 Service organized and fund what we call a NMFS
2 fellowship program, in a nutshell the issue was
3 there's a shortage of stock assessment folks and
4 fisheries economists. We fund eight graduate
5 fellowships with NMFS on an annual basis, those
6 folks now have got Ph.D's, there's been two year
7 classes, if you will, that have graduated, and most
8 of those folks right now are employed with the
9 National Marine Fishery Service.

10 We funded a couple of years ago now, I
11 think we're in our fourth year, we only have about
12 \$3 million annually that we set aside for
13 discretionary national competitions. For the past
14 four years we spent half of that amount, about a
15 million and a half a year over a four year period
16 on fish habitat issues and that's because four
17 years ago when we put this program together fish
18 habitat issues were a major priority to the
19 National Marine Fishery Service.

20 Also we're making progress at the
21 program level. We now have in our 30 Sea Grant
22 programs, actually 23 in the marine area, 17 of the

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1 23 Sea Grant programs have a National Marine
2 Fishery Service representative on their state
3 advisory councils, so we're building that
4 relationship. I think it's similar, NOAA Fisheries
5 has Sea Grant involved in a number of activities.
6 And I'd like to just point out that that's largely
7 been because of the leadership of Bill and Ron
8 Baird.

9 I'm going to do three things really, I
10 want to talk, just a very quick review of what this
11 is about, breeze through these very quickly. I
12 want to talk about progress and I want to finish
13 with a couple of final thoughts as to where we
14 might go from here.

15 A quick comment about this, in the
16 handout that you have, Sea Grant Extension is in
17 the information and education business and what we
18 try to do is to create some change on -- you have
19 an individual, a group of individuals or an
20 institution through an educational process, there's
21 outcomes we had in mind to use educational
22 techniques to achieve those outcomes. And it might

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1 be, you know, we want a group of fishermen in such
2 and such a state to put in a certain type of fish
3 eye in their trawl net and that might be an
4 objective, it might take you four years to get,
5 there's applied research and a whole fleet of
6 educational activities that are typically necessary
7 to get you there. That's in essence what we do.

8 We have about 300 agent specialists
9 nationally, about 50 of those do fisheries work.
10 We're adding, and I'll show you in a bit some of
11 our capabilities that we're adding based on a new
12 competition, we're adding about 17 or 18 new staff
13 to work specifically on activities that are
14 important to the fisheries management community,
15 notably, NOAA Fisheries. Just one point I wanted
16 to make here.

17 One of the keys is that -- and this was
18 reported to me by Ralph and a few others in our
19 network, the project money is often easy to come
20 by, you know, there's grants and there's projects
21 and there's soft money that folks can go after and
22 if you've got some capabilities you can be quite

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1 successful. The difficult monies are sort of the
2 sustained monies for FTEs and I would say that one
3 of the things that we bring to the table is a
4 sustained long-term commitment. In this new
5 program you see that right now we've got a five
6 year commitment to new staff to work with NOAA
7 Fisheries and other management agencies, because we
8 have folks in other places as well, we're working
9 with Fish and Wildlife Service, to achieve priority
10 outreach needs.

11 Related to bycatch there's a number of
12 us, including myself that go back to probably 1983
13 working with NOAA Fisheries on bycatch issues, so
14 we have a long capacity, there's a lot of history,
15 we're adding capacity. I think the key is we're
16 trained in extension education and that can be both
17 an art and a science, I would say the art part is
18 probably more important and we generally got folks
19 that know what they're doing when they're dealing
20 with diverse public audiences. And I think as I
21 mentioned earlier that commitment from leadership
22 is very important. We had a meeting of NOAA

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1 Fisheries and Sea Grant leadership, I think all of
2 our 30 Sea Grant directors were there in November,
3 they sort of laid the groundwork for this
4 relationship that we're trying to achieve over the
5 long haul and bycatch is one part of that.

6 Very quick, to recap, it was
7 interesting, Congress, in having Sea Grant help
8 NOAA Fisheries with its outreach needs, going back
9 about four years, we got a \$3 million unfunded
10 mandate, and in '02 it went in three ways, there
11 was reallocation of existing program money for
12 about a million bucks, we funded six regional
13 projects for another million and we had a national
14 competition where we funded 11 competitive projects
15 at the national level. I should add that NOAA
16 Fisheries is involved on the review panel and
17 helping us make decisions as we went along
18 throughout this whole process. '03 no money. '04
19 we got a \$2 million unfunded mandate. And the
20 problem with '02 was we had to look at it as a one
21 year mandate and that did not enable our programs
22 to hire new people and you cannot hire an extension

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1 person for one year and let them go because
2 basically it's about building a trust and rapport
3 with the groups that you're trying to work with and
4 you would be wasting your money to let them go
5 after a year. So our office, despite an unfunded
6 mandate, we're serious about this, we made a five
7 year commitment, I'll show you in a minute, we
8 funded 18 projects, think of those as 18 new FTEs,
9 a couple of cases that are part-time. We also have
10 regional coordinators and those coordinators are
11 working with NOAA Fisheries at the regional level
12 to implement bycatch and other related programs.
13 And importantly is right in the RFP, remember that
14 we had a representative from MAFAC on a review
15 panel, the representative is from NOAA Fisheries
16 and those projects, in order to be funded over the
17 five year period, they needed to address a
18 fisheries management priority and there needed to
19 be evidence in writing, support of others, from
20 folks that that is going to happen.

21 The model that we've been using is, and
22 I think it's consistent, I saw, you had a -- Ralph,

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1 a report at I think it was in your subcommittee --
2 the model that we've been using is national
3 leadership and coordination. That's been Laurel,
4 Emery Anderson, myself, Jack Dunnigan and others at
5 the national level with help by Bill and the heavy
6 hitters who support us. I think MAFAC would be a
7 very important player. I finish with this in a
8 minute. So you have national leadership
9 coordination, regional planning and priority
10 setting -- I'll show you an example of how we feel
11 at the regional level we're beginning to make some
12 progress and then flexible local implementation at
13 the state level. At the national level, a couple
14 of things that have happened, since December
15 really, has been NOAA Fisheries has assigned
16 someone from the regional science center and the
17 regional office to be the liaison with Sea Grant,
18 and we're asking those folks to meet to develop
19 plans and set priorities at the regional level.
20 There's been at least two meetings to date, I'll
21 report on one in just a second. We've had Ralph
22 and, Gary Graham from Texas Sea Grant came in, and

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1 we had several seminars within NOAA and a whole
2 number of meetings trying to get -- and it was
3 related to birds, trying to get NOAA in general to
4 get a better appreciation for what it is we do in
5 the field, extension does in the field. Jack had
6 one of his folks come down to our annual extension
7 leaders meeting in Georgia and we spent quite a bit
8 of time sort of organizing how we're going to move
9 forward to tackle this bycatch issue from an
10 internal Sea Grant standpoint. We're working next
11 year on a major AFS symposium with NOAA Fisheries
12 on fisheries cooperative research and bycatch will
13 be a major part of that as will extension.

14 What I would like to kind of remind you
15 is that even though we're working on bycatch,
16 there's been a number of spin-off activities, such
17 as Bill mentioned earlier, the shrimp, the roll out
18 of the shrimp business plan, which Ralph is really
19 involved in helping NOAA Fisheries, South Carolina
20 Sea Grant's doing it over in the south Atlantic,
21 North Carolina worked with Jack to write an article
22 on highly migratory species reporting, focused at

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1 trying to get better reporting by the recreational
2 fishing industry.

3 Let me talk a little bit about the
4 regional level. This is the Wakefield meeting, and
5 although I was not there, I would say the Northeast
6 region is ahead of some of the other regions,
7 although the Southeast is going to be meeting next,
8 they have a meeting to plan sort of a major event
9 and I actually sent someone to this Northeast
10 meeting to videotape it so they could get some
11 ideas for running their meeting. But in the
12 Northeast, and I'll show you a fairly wide variety
13 of projects, there are only three and a quarter
14 FTEs in Sea Grant Extension that do these projects.

15 Now, that's understated because typically it's
16 about -- it might be 10 or 20 percent of one
17 individual's time, they've had graduate students
18 and so on working for them, but this new program
19 where we're adding a number of new FTEs I think is
20 going to be a great help as we implement this
21 partnership and the activities of it.

22 You see a variety of funding sources

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1 that support Sea Grant. The meeting in Wakefield
2 had a number of sponsors, I mentioned last time
3 they work with the councils, both in New England
4 and the Atlantic Councils were co-sponsors, the
5 regional science center and regional office, you
6 see the others, about 150 attendees. I felt, from
7 my standpoint, that it was important that we had 17
8 Sea Grant Extension agents attended from,
9 representing every state from Virginia to Maine.
10 The purpose was to develop actions and I'll show
11 you some examples. There were four concurrent
12 sessions, each of those sessions were led by a Sea
13 Grant Extension agent or specialist. They
14 developed 37 action items, this just gives you an
15 example of some -- where they are with this, we're
16 in the process now of going through these 37 action
17 items, these are some related to outreach, and
18 they're prioritizing those and assigning sort of a
19 to do, responsibilities, to various people in the
20 region. Kathy Castro is working with the regional
21 office and her getting the name of the regional
22 directors who are going to develop the plan next

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1 year.

2 MS. BRYANT: Pat.

3 MR. MURRAY: Pat, thank you. Now, at
4 the local level, we've heard, for example, kind of
5 in depth again one agent in Washington -- let me
6 just show you there's a variety of projects, many
7 of which are applied research and the frustration
8 often, for those of us in extension, was getting
9 university research faculty to focus on very
10 applied projects, that does not always happen.
11 They often are interested in more basic projects.
12 And I think you will find if you look around the
13 Sea Grant network that most of our programs are
14 extensions, they just do applied research, so these
15 projects are being done by extension. They relate
16 to behavior studies, some characterization studies
17 in this mix, some comparative trawling studies and
18 mesh size studies and so on, but you can see, and
19 this just goes from the Northeast region, our
20 definition of Northeast stops at New York, Mid-
21 Atlantic has a similar list and I didn't, in the
22 interest of time, show those. But as you see here,

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1 these are some of the applied research projects
2 from Maine, and number 9 is a Rhode Island project
3 also, this year projects New Hampshire, Rhode
4 Island, and some outreach projects.

5 I think one of the beauties of the
6 Northeast region was that if you think about
7 getting buy in for something, what the Northeast
8 region did, is they asked our regional coordinator,
9 Kathy Castro, from Rhode Island Sea Grant Extension
10 to participate in the development, she was on the
11 regional bycatch assessment team, so she was
12 involved representing Sea Grant in the development
13 of the bycatch implementation plan. Kathy then, in
14 developing that plan suggested that NOAA Fisheries
15 and the region needed to hear from the
16 stakeholders, organized a stakeholders meeting in
17 '03 so the stakeholders input was added in the
18 implementation plan and part of the plan then had
19 annual workshops involving stakeholders. And so
20 this meeting at Wakefield was the first in what
21 they see as a series of annual workshops.

22 Some of the outreach projects. I

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1 mentioned the plan, this is using bycatch in a
2 community project. Senator Reed was interested in
3 this project. You have these in your handout, and
4 in the interest of time I won't go through each,
5 it's got the chair of each working group region and
6 the web site. This is to remind me that we also do
7 recreational fisheries work in the mid-Atlantic,
8 for example, Virginia Sea Grant has been working in
9 this area for at least 20 years. Some of the
10 projects, new projects that we're about to fund and
11 I have not been able to -- and those of you who
12 work in NOAA will appreciate this, some of these
13 are still hung up in the grants office and there's
14 four that have not been awarded, so for the past
15 six months I've been unable to send out a public
16 announcement but I will make a commitment to let
17 MAFAC know as soon as we have the public releases
18 to which projects were funded. This gives you sort
19 of the sense there were two extension agents
20 covered in Alaska and some areas where they did not
21 have extension. This was already mentioned. This
22 is a new person that will be working with Ed Melvin

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1 on seabird bycatch.

2 This one is California, a statewide
3 fisheries economist, California also got two new
4 agents in the under served area in the southern and
5 south central parts of the coast, the county level,
6 these folks will have, as part of their work plan
7 bycatch, typically, as you look at these new sort
8 of generally.

9 This is a project in Oregon. This is
10 the only one that was funded that has more of the
11 seafood technology based but it was related to
12 fisheries management issues.

13 Gulf and Caribbean, fishery socio-
14 economic assessment and outreach, that was in
15 Louisiana.

16 Puerto Rico project on several
17 fisheries important to Puerto Rico and a couple of
18 Florida county lateral extension positions.

19 In the South Atlantic there's a new
20 recreational fisheries extension specialist for
21 Florida. South Carolina Sea Grant has been out of
22 the fisheries extension business for a good number

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1 of years, the program has allowed them to partner
2 with their state agency to get back into fisheries
3 extension and they've become quite active in recent
4 months.

5 North Carolina has a one million dollar
6 a year fisheries enhancement grant program which is
7 largely designed, that money goes to fishermen to
8 test new ideas. And what North Carolina is getting
9 is someone to work more specifically with fishermen
10 to help them develop proposals and to partner with
11 academics so that we get better results from that
12 work. So that's really putting that state money to
13 work and bycatch is a major part of that.

14 Mid-Atlantic, fisheries anthropologist,
15 Dick and Marilyn, that's a part-time position by
16 part of the faculty members time.

17 And increase fishery bycatch then is
18 Virginia.

19 (Pause - Technical Difficulties)

20 Just very quick, I'm almost done,
21 technology transfer from cooperative research
22 projects, that's a New Hampshire project using some

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1 of that Northeast Consortium money and other monies
2 in the Northeast on bycatch related projects.

3 MPA related project involving, that's
4 Maine Sea Grant and Rhode Island Sea Grant got a
5 project to enhance some of their work.

6 Thoughts for the future. One of the
7 things that I feel is important is national
8 coordination and leadership, you've gotten it from
9 Bill. We've gotten it from Ron Baird, it's the day
10 to day sort of care and feeding of the program that
11 I'm concerned about in the future. I'm pretty much
12 a one person office, I have lots of other
13 responsibilities. Emery Anderson is retiring in
14 November, we're hoping to refill Emery's position
15 and if and when we do, I'm hoping that a major part
16 of that individual's job will be working with
17 Laurel and Jack and others and Bill to provide kind
18 of the day to day care and feeding of this program
19 that it deserves.

20 I would suggest and this is something
21 that I think we can implement is that NOAA
22 Fisheries ask Sea Grant to designate one person in

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1 each of our 30 programs to be the bycatch liaison.

2 And I go back to the Ted model in 1983 the
3 Southeast Regional office developed with us and I
4 thought that was very efficient, NOAA Fisheries
5 knew exactly if there was a Ted related issue,
6 Chuck Orovitz and those folks knew exactly who to
7 call in the state and we need to do that for
8 bycatch.

9 One of the, and this would be very
10 helpful, we still have an unfunded mandate and I
11 might suggest and I don't know the legal authority
12 of MAFAC, but an outside group, such as MAFAC or a
13 subcommittee of MAFAC doing an evaluation of this
14 outreach partnership to Sea Grant NOAA fisheries,
15 kind of an assessment of where we are today and
16 then look towards where we might go in the future
17 could be very useful, could help us on the Hill.

18 So in summary, Sea Grant is dedicated,
19 I think, we're just really beginning in many ways
20 to work with NOAA Fisheries on implementing the
21 bycatch plan. I can tell you that throughout our
22 network, our folks are committed and serious about

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1 this. I think we've made some pretty significant
2 progress. If we're going to need to sustain the
3 effort, that's going to require a lot of us, Ralph,
4 myself and others in this room to keep the pressure
5 on and I would urge MAFAC to keep the pressure on
6 as well.

7 MR. RAYBURN: Thanks, Jim. Any
8 questions for Jim.

9 (No discussion)

10 MR. RAYBURN: Comments. Yes, sir.

11 CO-CHAIR DR. HOGARTH: Well, I, too,
12 think that the independent review will help the
13 extension partnership and all, for MAFAC is legal,
14 I think it's part of what this group was set up to
15 do. I think it's just a matter of whether MAFAC
16 would want to do it, and I would hope that it would
17 want to because I do think it is something that
18 MAFAC was set up to do.

19 And so I need to say this again, in my
20 opinion, you know, the partnership between NOAA
21 Fisheries and Sea Grant has only got to get better.

22 I mean I think it's working well and everything

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1 but the key to it is to have Sea Grant as part of
2 this. They're in the field every day, they're in
3 the fishing villages, communities, and have a lot
4 more, I think, trust, if that's the word you want
5 to use, they've been dealing with them, they've
6 been very important to us in dealing with the Ted
7 issue, and we had another difficult Ted issue this
8 year but we worked through it with Sea Grant and
9 the people and came through with a very good
10 acceptance.

11 So, you know, I think it's a
12 partnership that in my opinion only has to get
13 stronger, but I do think MAFAC could help in the
14 role that Jim has talked about but I think it's up
15 to you all for discussion.

16 MR. RAYBURN: You're responding to
17 that?

18 MR. MURRAY: Yeah, that's what I said,
19 but one point that I forgot to mention, and it's
20 something that Laurel and I talked about and I
21 talked with Ralph about it as well, and that is as
22 we do competitions, particularly related to, for

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1 example, fisheries extension enhancement, I think
2 we need to formalize or systematize MAFAC's role in
3 being involved in some of the decision-making.
4 We've had a MAFAC member on the review panel last
5 time but that was really a sense of happenstance,
6 it wasn't designed. And I think as a matter of
7 procedure, particular since this group represents
8 the industry, we need to think about having --
9 working with Bill to appoint a couple of MAFAC
10 people that might help serve on a review panel for
11 these type competitions.

12 MR. RAYBURN: Liz, did you have a
13 comment.

14 MR. SHEEHAN: Yeah, thanks, Jim for
15 your presentation. And I realize you've done a lot
16 of outreach, you've talked to us about the outreach
17 you've done and I guess my worry is in your summary
18 here I'm not sure you've communicated what progress
19 that outreach has generated and I don't know
20 whether that's something you can respond to now or
21 if that's part of your outreach to MAFAC to review
22 where you're going and what the next steps are.

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1 MR. MURRAY: One way to answer that
2 question is to tell you that we have, as Bill
3 mentioned, performance measures, that we have a
4 difficulty -- our office does, I can tell you, in
5 aggregating up and making a nice national succinct
6 story on progress related bycatch outreach, for
7 example. But I can also tell you, I could give
8 you, for example, just like the seabirds, you know,
9 that's a major success story. I've got the
10 progress report which is powerful and impressive.
11 And there's a similar, for example, story for some
12 of Bill DePaul's work at Virginia Sea Grant with
13 the Northeast Council and the Science Center on the
14 scallop fishery, and that's been about a 10 year
15 program and process, it's changed the way that the
16 councils are managing scallops in the Northeast, et
17 cetera, et cetera.

18 We have a number of those individual
19 stories and we don't have a very good way
20 collecting that, organizing it, and that gets back
21 to the national leadership thing, what I'm really
22 hoping, and I'm just being very honest with you, I

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1 was telling someone at lunch that probably, because
2 I have a number of other responsibilities, probably
3 maybe five percent of my time is spent on fisheries
4 extension and we're not doing it justice and
5 there's a great story there, I know it, but it's
6 not collected, organized, written about and
7 presented in a coherent fashion. That's our
8 challenge. That's what we need to do this next
9 year.

10 MR. RAYBURN: Bonnie, did you have a
11 question.

12 MS. BROWN: Yeah, and it's not really
13 for Jim, although one came up, you said you got a
14 number of success stories, great stories, are there
15 any failure stories? I'm not -- I wouldn't want
16 them to be accused of -- and I'm leading to
17 something here, I mean why would you ask for
18 that.....

19 MR. MURRAY: I'm sure that.....

20 MS. BROWN:you don't want just us
21 to help you promote yourself, what you want is to
22 find the areas that could be made better and then

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1 how could you do it.....

2 MR. MURRAY: Well, I'm sure -- go
3 ahead.

4 MS. BROWN:so are there
5 places.....

6 MR. MURRAY: I mean I'm out of date.
7 I've been in the national office six years, so I'd
8 say it's been six years since I've done real honest
9 to goodness work so I'm out of date with the
10 bycatch work but I could tell you back in the '80s
11 and early '90s when I was involved in a number of
12 bycatch projects, there were some that didn't work
13 very well.

14 MS. BROWN: Uh-huh.

15 MR. MURRAY: But that's all part of
16 research.

17 MS. BROWN: Right.

18 MR. MURRAY: We were, in many ways
19 learning as we went along.....

20 MS. BROWN: Right.

21 MR. MURRAY:and evolving as we
22 went along. I could tell you -- I've got other

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1 success stories.

2 MS. BROWN: No, that's okay, I didn't
3 really.....

4 CO-CHAIR DR. HOGARTH: Bonnie, let me
5 respond real quick to that, too.

6 MS. BROWN: Yeah.

7 CO-CHAIR DR. HOGARTH: I think if I
8 understand correctly what you're trying to do, too,
9 is that, you know, they set up areas for spending
10 money and for the extension services, they have a
11 call for proposals, and so he's looking for someone
12 from MAFAC who is thought nationwide to look at
13 what the issues are and then there would be people
14 here that would serve on the review panel for some
15 of these proposals as they come in, so it's sort of
16 setting priorities, reviewing what comes in from
17 others to look at reviewing proposals for funding.

18 MS. BROWN: Okay, that part came
19 through loud and clear.

20 CO-CHAIR DR. HOGARTH: Yeah.

21 MS. BROWN: But the bullet on the next
22 to the last slide and the note I made, I wasn't

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1 sure and what I'm trying to get at is are we asking
2 Tony's committee, I looked over there and you
3 weren't there and then I found you over there,

4 MR. DiLERNIA: I'm back.

5 MS. BROWN: Are we in essence asking
6 them to take this good look and do this analysis of
7 successes and maybe places where it could be done
8 better or differently?

9 MR. MURRAY: What I was getting at here
10 and in my model is our committee, National Sea
11 Grant Review Panel, we rely on that panel for
12 reviews of a number of internal things as well as
13 our individual Sea Grant programs. They have lead
14 responsibility. If we need a review done, we
15 typically go to our panel, task them to do it and
16 they'll put together maybe a subcommittee, Mike
17 will bring in some outside experts and tackle the
18 question that we.....

19 MS. BROWN: But that's a program
20 review, right?

21 MR. MURRAY: A program review.

22 MS. BROWN: Right.

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1 MR. MURRAY: So what I'm suggesting
2 here is, this really a thought, but I think it
3 could be very useful.

4 MS. BROWN: This is progress, he says,
5 maybe what you're asking is a progress review.

6 MR. MURRAY: Progress report with
7 recommendations for the future.

8 MS. BROWN: Right, uh-huh.

9 MR. MURRAY: What's working, what
10 isn't. I just gave you something that's not
11 working very well, our ability to aggregate up and
12 -- but if we had had a coherent report, the present
13 program we have is two million dollar unfunded
14 mandate, is two million enough, is it too much, is
15 it not enough, and so on and so forth.

16 I think that what we've done and we've
17 been -- we put this program together, and I
18 mentioned this at the last meeting, but for those
19 of you who weren't there, literally this program
20 was put together in three days about four years
21 ago. We got called from.....

22 MR. RAYBURN: Jim, excuse me, wrap it

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1 up a little bit if you could, we're going to have
2 some time tomorrow morning but the bus is waiting
3 on us. I don't mean, and I apologize for cutting
4 you off but I was trying to get your attention.

5 MR. MURRAY: Okay.

6 MR. RAYBURN: Maybe we could continue
7 the discussion in the morning.

8 MR. MURRAY: Very quickly, I think
9 we've put together a great program but it was kind
10 of done on the fly and we've been implementing it
11 since as it's evolved, and I don't think we've ever
12 had a conscious look at, you know, where we really
13 want to go, how we're going to get there, what's it
14 going to cost to get there, what are we doing
15 wrong, what are we doing right, that kind of thing;
16 kind of a big picture look for the future.

17 That needs to be done and MAFAC could
18 be a place to do that.

19 MR. RAYBURN: I think Alvin wants to --
20 we need to cut it off, but he's going to give us
21 some time in the morning, we have a few others, I
22 have Dick and Vince anyway that had raised their

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1 hands to talk and, Bonnie, maybe we can continue
2 this tomorrow then.

3 CO-CHAIR MR. OSTERBACK: And Tony, too.

4 MS. BROWN: Yes, sir.

5 CO-CHAIR MR. OSTERBACK: And I hate to
6 cut it off but the rest of your evening program has
7 already been going around and around the block for
8 15 minutes.

9 MS. BRYANT: We've got a bus waiting
10 for you. We are not going to be able to go to Lena
11 Point because we found out the facility does close
12 at 5:30 so we're not going to be able to.....

13 CO-CHAIR DR. HOGARTH: They're blasting
14 rock, that's all they're doing right now.

15 MS. BRYANT: It's a new.....

16 CO-CHAIR DR. HOGARTH: It is a new site
17 but they're just blasting.

18 MS. BRYANT: And it was a Federal
19 destination which was important, but beyond that,
20 Mendenhall is going to be beautiful this time of
21 night, nice quiet, peaceful, shouldn't be a lot of
22 crowds, please bring family and friends, it's a

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1 bus, it holds 50. And also I wanted to introduce
2 you to Sheila McLean, she's our public affairs
3 officer from the regional office, she's going to be
4 going along, Judy will be going along, and then
5 also the bus driver has got notes about the history
6 and what's going on with the glacier, it's changing
7 rapidly since I was here just a couple of years ago
8 I think it's already lost 10 or more feet and
9 should be a hanging glacier in another couple of
10 years. So enjoy and then we will see you at the
11 Hanger, the bus is going to bring you directly to
12 the Hanger Restaurant so you don't have to worry
13 about that.

14 MS. BROWN: Where is that, please?

15 MS. BRYANT: The Hanger Restaurant is
16 down along the waterfront where the cruise ships
17 are. It is walking distance but the bus will take
18 you.

19 CO-CHAIR DR. HOGARTH: How soon before
20 we leave, get out front?

21 MS. BRYANT: I would get out there as
22 soon as you could, we're going to go tell the bus

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1 driver.

2 CO-CHAIR MR. OSTERBACK: You can leave
3 your stuff here, too.

4 MS. BRYANT: Everybody can leave their
5 stuff here, we'll be locking it up.

6 (PROCEEDINGS TO BE CONTINUED)

7

8

9

10

11

12