

U.S. DEPARTMENT OF COMMERCE

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NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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MARINE FISHERIES ADVISORY COMMITTEE (MAFAC)

+ + + + +

COMMERCE SUBCOMMITTEE AND RECREATIONAL
FISHERIES SUBCOMMITTEE

+ + + + +

WEDNESDAY
MAY 23, 2012

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The Joint Subcommittee met in the
Ravenna Room, Sheraton Seattle Hotel, Seattle,
Washington, at 3:30 p.m., Ken Franke,
Subcommittee Chair, presiding.

MEMBERS PRESENT

- KEN FRANKE, Co-Chair
- GEORGE C. NARDI, Co-Chair
- TERRY ALEXANDER
- DICK M. BRAME
- PHIL DYSKO
- ELIZABETH HAMILTON
- MICHEL LONGO EDER, JD
- ROBERT RHEAULT, Ph.D.
- DAVID WALLACE

STAFF PRESENT

- MARK HOLLIDAY, Ph.D., Designated Federal
Official

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JIM McCALLUM

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

2 (3:35 p.m.)

3 MEMBER NARDI: So I think a little
4 background because there seems to be a little
5 confusion in earlier -- in some respects, you
6 know, why are we having this discussion.

7 I think it's a broad subject and
8 based on where you are in your respective area
9 geographically, whether you are in a rural
10 community or a more developed community, the
11 issues may be significantly different.

12 But speaking to provide some
13 background from -- to cover a couple of those
14 and then ask Ken to kick in because I know
15 he's dealing with some significant issues in
16 his area, the Working Waterfront, from our
17 perspective in New England for example, runs
18 the gamut from the city to the rural area and
19 there's a number of areas, for example in
20 Maine, where there isn't good infrastructure
21 for offloading vessels, be it commercial, for

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1 servicing vessels, be it commercial,
2 recreational or aquaculture production.

3 So in some cases, a farm we
4 started, we had to go many miles away to find
5 the right infrastructure, spend lots of money
6 hiring cranes because there wasn't a wharf,
7 and we got together with some commercial
8 fishermen, and we tried to find avenues where,
9 if we shared the expenses and put in a wharf
10 facility, a commercial wharf, then it would be
11 -- those expenses would be shared but the
12 benefits of the wharf would also be shared.

13 In other cases, the Working
14 Waterfront is risks disappearing through
15 development pressures, and I think we all
16 know, once that happens you don't go back to a
17 Working Waterfront.

18 So I think that's a little bit of
19 the background why we're talking jointly in
20 this committee, because we feel that the
21 Working Waterfront is going to benefit the
22 development and the maintenance of

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1 aquaculture, the commercial fisheries
2 interests and commercial and recreational
3 fishing operations.

4 It's a shared need that we have.
5 The issues are different for us, and so I'll,
6 you know, for us, from my perspective it's
7 trying to find the resources money, to
8 leverage money through programs that could
9 assist.

10 There was a program in Maine, for
11 example, but it had a limited pot of money,
12 and if you could essentially put up some
13 waterfront property as capital or collateral,
14 I mean, you could leverage that to get some
15 money, if it sufficed to cover the cost of a
16 commercial wharf.

17 In our case the land that was
18 available was too small a sliver and the wharf
19 we needed to put in was too expensive a wharf
20 to be functionally a commercial wharf, so we
21 didn't qualify.

22 And I think knowing the current

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1 budget situation, you know, I think there was
2 a bill I saw that -- was that a bill that was
3 put in and was shot down or is still in -- or
4 active, the Pingree Bill?

5 DR. HOLLIDAY: I think it's been
6 introduced but it's not likely to go --

7 MEMBER RHEAULT: It hasn't come out
8 of Committee and it asked for new money.

9 MEMBER NARDI: It's asking for
10 \$250-\$50 million and so that's probably not
11 going to happen. So you know, that's what we
12 are handed with and Ken's dealing with some
13 more advanced issues in San Diego or
14 California.

15 MEMBER DYSKOW: I'm still confused.
16 Why is rec fishing involved in this
17 discussion?

18 MEMBER FRANKE: Why don't I take it
19 from there. Because we had a -- that's what
20 we were discussing right at the beginning of
21 this.

22 Digressing a little, I didn't

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1 understand an hour and a half ago why we were
2 doing this either. In California we have a
3 battle over land use, something concerns,
4 environmental groups wanting to put bike paths
5 in the middle of National Steel Shipbuilding
6 Company, competing concerns over marshland
7 versus freeways and all that kind of stuff.

8 And so we created a Working
9 Waterfront group a year and a half ago that
10 has all of the big companies and the little
11 companies in the vicinity of the county region
12 and I know they've got similar all up and down
13 our coast.

14 And the issue was exactly what this
15 is about, is who's going to have access, how
16 do you coordinate the infrastructure
17 development to do those kind of negotiations
18 or committees or exchanges of ideas, to solve
19 some of the problems of access.

20 So what we were talking about right
21 before here was what's the important product
22 out of our group today? And as I understand,

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1 and keep me honest Doc Holliday, as I
2 understand it is, we need to come back with a
3 recommendation or at least a discussion with a
4 future idea of development of a recommendation
5 that is focused on seeking out opportunities,
6 funding opportunities, to help those areas
7 that need resourced and don't have the
8 resource, so that organizations can be
9 developed so that a proper and fair forum can
10 be created and funded to identify solutions to
11 share those accessible areas of the
12 waterfront. Would that be about right Doc
13 Holliday?

14 DR. HOLLIDAY: Thanks. It is --
15 what you both said is accurate. I'd like to
16 take it a little further to put it in some
17 context. You know, when the Chair discussed
18 the proposed addition of this item to this
19 agenda, the intent was to use this meeting as
20 a starting point, so if I were to correct
21 anything that's been said I don't necessarily
22 think that there's an action that has to be

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1 concluded at this meeting on the topic of
2 Working Waterfronts in terms of a final
3 recommendation.

4 But the topic of Working
5 Waterfronts has sort of this thread among a
6 lot of different conversations that we've been
7 having about commercial fisheries communities
8 and recreational fishing access.

9 And so there seemed to be an
10 affinity to try to look at what NOAA is doing
11 in this area of providing access to the
12 waterfront for commercial and recreational
13 purposes, is it a shrinking environment where
14 people cannot get access to the water because
15 of competing interests for other uses, as well
16 as the provision of goods and services that
17 support commercial fisheries and recreational
18 fisheries.

19 And so keep marinas for
20 recreational vessels, goods and services,
21 fuel, support, you know, things that are
22 important to the sustainability of

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1 recreational fishing and important aspects of
2 that are being threatened by condominium-
3 ization if that's the word, or the public
4 access to waterfront sites and public access
5 to the infrastructure to support recreational
6 angling is being threatened, as development
7 decisions for other potential uses are
8 marching forward.

9 Similarly, on the commercial side,
10 traditional wharfage, support services that
11 are important to whether it's an aquaculture
12 facility, whether it's a processor or
13 somebody's offloading or ship chandlery, a
14 fuel ice plant, whatever, again, the
15 competition between waterfront usages for
16 supporting fisheries that are of interest to
17 MAFAC is a challenge.

18 And so NOAA has had some efforts to
19 try to look at this question of providing a
20 policy perspective and a funding perspective
21 to help communities plan for and preserve
22 essential services, goods and services, and

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1 essential access for these kinds of endeavors,
2 both commercial and recreational.

3 Hence we thought there was
4 sufficient affinity to have these two
5 committees meet together and look at are there
6 common challenges, are there common concerns,
7 and tee up, perhaps for the summer or for some
8 future meetings, additional people we could
9 bring in to talk about the issue, who -- the
10 Sea Grant people here who are at UW, who are
11 local, and they had a perspective on some of
12 the national workshops that -- we were talking
13 about that.

14 But if wanted to -- I guess the
15 question in front of the committee is, this is
16 singularly an area of concern that we've had
17 some discussion of at past meetings and it has
18 an implication for some of the goals and
19 objectives.

20 We would use this meeting to have
21 this discussion and to flesh out what would we
22 like to be doing over a period of two or three

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1 meetings to try to come up with, perhaps, a
2 definitive, final recommendation.

3 So I don't -- I guess I'm being too
4 long-winded but I would say you don't have to
5 come up with the final answer today or present
6 it tomorrow, but is there a work plan, things
7 that you'd like MAFAC to get involved with,
8 that would cross the budget, that would cross
9 the grant program arena, that would cross
10 policy arenas, that would cross policy arenas,
11 that would talk about what NOAA is doing, the
12 National Ocean Service is doing, the National
13 Marine Fisheries Service is doing or could be
14 or should be doing, in the area of Working
15 Waterfronts. So I'm trying to provide some
16 context to the reason why it's on the agenda.

17 Are you raising your hand or just saying hi?

18 MR. McCALLUM: No, I'm waiting for
19 the next comment.

20 DR. HOLLIDAY: Okay, so Ken and
21 George, did that help? And Phil, does that
22 get to a little bit of your question or no?

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1 I mean you seem --

2 MEMBER DYSKOW: My concern is we
3 have a lot of new members on the rec
4 committee. They obviously have ideas and they
5 have issues that they want to discuss, and I
6 hoped we wouldn't want burn up all of our time
7 on this.

8 I don't even know that this is
9 something that a fisheries service should be
10 dealing with. I mean there's other entities
11 that are probably more in tune with coastal
12 development than the National Marine Fishery
13 Service.

14 DR. HOLLIDAY: Fair enough. Terry
15 and then -- I'm sorry, I shouldn't be doing
16 the chair.

17 MR. McCALLUM: I did not hear your
18 full exchange about the Working Waterfront
19 legislation, and it's still pending, right.
20 And the Congressional session is pretty short,
21 but I know a little about the content, I know
22 very little about the content of the bill.

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1 You might want to -- either subcommittee might
2 want to at least glance at it and see if it's
3 of enough interest to encourage reintroduction
4 early in the next Congress.

5 DR. HOLLIDAY: Terry. Terry had
6 his hand up. I don't know if you saw.

7 MEMBER ALEXANDER: So, are we going
8 to discuss this or --

9 DR. HOLLIDAY: Yes.

10 MEMBER ALEXANDER: We are, okay.
11 So, a little experience we had at home with
12 Working Waterfronts. The state, there was a
13 bond bill and the voters decided to help out
14 with Working Waterfront properties because you
15 know, some of the properties they had to buy
16 and they're worth a couple of million dollars
17 and the working people can't afford to buy the
18 properties.

19 So they're matching the funds of
20 people. People get together, groups of --
21 non-profit groups get together and get all
22 kinds of money together and then the state

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1 matches it with this money.

2 And the -- at home, once -- their
3 one walk that they get by is kind of a -- it's
4 not really a Working Waterfront wharf now,
5 it's got a restaurant on it, which I guess
6 isn't what my definition of what Working
7 Waterfront it. My definition of Working
8 Waterfront is there's actually fish coming
9 over it, or there's boats being used at it.

10 So basically it buys tuna sometimes
11 in the summer, and it has a restaurant on it.

12 So if you wrap up the federal bureaucracy in
13 it too, I'm afraid that it will even get
14 diluted even more so it's not really a Working
15 Waterfront. It's a place to look at, that
16 we're calling a Working Waterfront. So that's
17 my concern with it.

18 MEMBER NARDI: That it gets abused.

19 MEMBER ALEXANDER: Yes.

20 MEMBER RHEAULT: Just to Jim's
21 point, the bill asks for \$25 million in 2012,
22 \$50 million in 2013, \$75 million in 2014 and

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1 15. It's being proposed by a liberal democrat
2 from Maine in the Congress. It's not going
3 anywhere this year.

4 It has 17 co-sponsors in 2011, and
5 several more in 2012. It's dead on arrival.
6 It does provide money to purchase some of
7 these commercial docks and waterfronts,
8 Working Waterfronts, to prevent them from
9 being developed as condos, and it also
10 provides money for planning.

11 And with this Congress, it's not
12 going anywhere. It was supported by our
13 association as well as 25 other marine trades
14 organizations.

15 MEMBER FRANKE: So some of the
16 money is actually dedicated to purchasing
17 property to keep that accessibility open for
18 the commercial fishing?

19 MEMBER RHEAULT: If passed.

20 MEMBER LONGO: I should have
21 mentioned, this report calls -- it's Working
22 Waterfronts. I realize the important of --

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1 it's Working Waterfront access to ice places,
2 transportation, et cetera, in terms of what
3 makes a commercial community, and in terms of
4 what makes a commercial community, and in the
5 fishing communities that I come from, it's a
6 huge tourism issue that we actually have a
7 Working Waterfront like that. It's got
8 enormous economic add-on to it.

9 The bill itself, taking a look at
10 the language, I would have a real hard time
11 with it, because one of the things it provides
12 for us, not just rec or somebody else, I don't
13 like the language of it because it refers to
14 how things are getting, you know, wealthy
15 people are buying property for God's sakes,
16 you know, I really don't like that language.

17 But it also provides that other
18 organizations besides rec groups or commercial
19 groups or whatever can purchase the property -
20 - NGOs -- and it doesn't necessarily say what
21 then that property needs to be used, can be
22 used for.

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1 And so what is then access to --
2 and so, it just opens up another window and I
3 just showed the photo as a cautionary tale to
4 the commercial fishing community because with
5 a great individual quota program on the west
6 coast and the trawl industry, but one of the
7 other things that's happened is that one of
8 the NGO groups has purchased up to the maximum
9 amount of legally -- shares that they are able
10 to legally hold under the program.

11 And so you give access to, whether
12 it's waterfront, quota share, whatever, to
13 people who aren't actually fishing it or using
14 it for those purposes.

15 So a cautionary tale, I throw it
16 out there, support Working Waterfronts, don't
17 know if it's appropriate for this committee.
18 But just some open comments on that.

19 MEMBER NARDI: Thank you. Terry
20 and then Liz.

21 MEMBER ALEXANDER: Another benefit
22 to Working Waterfronts are that the people can

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1 get out and walk on the dock and see what's
2 happening and everything, but like, with our
3 dock, our insurance company will not allow
4 people to walk down on the dock that don't
5 work on the dock.

6 So you know the general public
7 doesn't get a chance to walk down on our dock.
8 We have no trespassing signs everywhere
9 because of our insurance, our liability.

10 So you know, I think it's important
11 that we support Working Waterfronts, whether
12 it's through NMFS or through Congress or
13 whoever, but you know, they don't generally
14 end up to be what I envision as a Working
15 Waterfront or what you probably envision as a
16 Working Waterfront.

17 They tend to end up as a picnic
18 place or, you know, and that some guys might
19 tie their skip at to go out to their boats or
20 whatever. So --

21 MEMBER NARDI: Liz.

22 MEMBER HAMILTON: I think the fact

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1 that there's this political assessment that
2 the bills is not going anywhere, maybe it
3 would be wise to table it for a different
4 time.

5 I think also just listening to
6 folks, I think there's different viewpoints in
7 the room, and it might be expanded different
8 viewpoints if the whole group were here about
9 what is a Working Waterfront.

10 Because what I'm hearing, just so -
11 - I'm a new person from the outside, I'm
12 hearing I want to lock it up for what I want
13 to lock it up but I don't want someone else
14 who can afford to buy, willing seller, willing
15 buyer property, I don't want them to do it,
16 but I want -- excuse me but I'm just going to
17 say it -- government money so I can do it, and
18 I'm not -- I'm just, it's not about what the
19 use, it's just sort of this overall principle
20 I'm hearing in my head.

21 And the other thing is, is that I'm
22 thinking of Newport, and I think it's great

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1 that people ride their bikes around and stop
2 at a fish shop and stop at Local Ocean, and so
3 bike paths to me aren't a bad thing.

4 So I see our -- the kind of -- I
5 see mixed use and how it works, kite shops and
6 commercial fish sales and docks for sport
7 fishermen to launch from, as we're all here to
8 get along rather than I want to close it up
9 for condos or I want to -- the steel people
10 who don't want the bike path through, that
11 wouldn't be very good for Newport, because you
12 know, we want people who ride bikes to go to
13 the coast, to ride their bike and then stop
14 and buy something, or see what commercial
15 fishermen live like, or go I'm going to book
16 that charter boat, that looks like kind of
17 neat, those people are coming off with fish
18 and they're smiling.

19 So I'm hearing stuff and thinking,
20 I don't know, I'm just sort of uncomfortable
21 with what I'm hearing, honestly.

22 MEMBER RHEAULT: I just to want to

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1 point out my experience and that was where I
2 was forced to leave a marina because
3 recreational boaters were able to pay more for
4 their slips, they went to Dockominium and they
5 said we don't want any smelly commercial
6 vessels in this --

7 MEMBER HAMILTON: Dockominium,
8 that's a new one.

9 MEMBER RHEAULT: Dockominium, yes.

10 MEMBER HAMILTON: I'll remember
11 that.

12 MEMBER RHEAULT: So, you know, if
13 you can't come up with \$250,000 to buy your
14 slip, you're out of here, and you take that
15 and you do that to 15 marinas, and suddenly
16 there's no place to land your fish. So no
17 docks, no fish. You've heard no farmers, no
18 food, no docks, no fish.

19 So that's what -- that's why I'm
20 supporting the bill. That's why I think this
21 is a critically important issue. We've seen
22 it happen in Portland. The fish pier got

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1 bought up and built into a condo. That can be
2 devastating.

3 Is it ripe for this time, this
4 committee? Maybe not. I just think it's a
5 huge issue.

6 MEMBER NARDI: Mark, go ahead.

7 DR. HOLLIDAY: So I think the -- I
8 hope we're not losing context again of why
9 this is on the agenda. This is not a
10 referendum on the referendum on the Pingree
11 Bill.

12 It's not you know, a particular
13 decision that has to be made. It's -- this is
14 an area that the Committee has expressed
15 interest and concern about in the past. NOAA
16 is investing money and time, or attempting to
17 invest money and time. We heard yesterday
18 from the Coastal Zone Management Program,
19 they're expending 10s of millions of dollars
20 in support of Working Waterfronts. So there
21 are different points of view on this topic,
22 obviously.

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1 The question in front of these two
2 committees is, is this something that MAFAC
3 wants to advise NOAA on in terms of direction
4 and policy for the future?

5 Should NOAA not be involved in
6 this? Should the efforts that NOAA is doing
7 continue? It's not, again, not a particular
8 referendum on this bill or on a particular
9 issue. It's teeing up and looking ahead to
10 the future on future agendas.

11 Do we want to find out more about
12 what's going on, or we don't think it's worth
13 our time? That's fine too. But I don't want
14 it to be misconstrued as the reason it's in
15 front of us because of this bill. That's not
16 the case at all.

17 MEMBER NARDI: No, I don't think I
18 was taking it that way. I think maybe we need
19 the benefit of the full Committee, we need to
20 learn more and maybe we can have the Working
21 Waterfront and try to invite experts or people
22 that can present the various opinions --

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1 DR. HOLLIDAY: That's the question
2 in front of the committee. Do you want to
3 pursue that or it's not a good idea to pursue
4 that?

5 MEMBER NARDI: Because I think our
6 issues where we're coming from, are different
7 than Newport and that's different than other
8 places in the country, and I think we need to
9 see how we can address this logically for the
10 benefit of all of us, instead of, you know, a
11 myopic view on just Maine or California, you
12 know, there's -- I think we need the benefit
13 of learning how we can take advantage of what
14 the resources are out there, you know, I don't
15 even know what programs we could go after, and
16 that's something that maybe staff could talk
17 to us at a future meeting of what kind of
18 funding is available and what kind of Working
19 Waterfront directions the whole Committee
20 feels is appropriate for MAFAC. Ken?

21 MEMBER FRANKE: I agree with you.
22 I think maybe on a go-forward basis, as a

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1 group I'd recommend we seek to understand and
2 see if there are opportunities that, run it
3 through our Committee, where we can make a
4 recommendation to the Secretary that could
5 have some impact. But I have to be honest
6 with you, my knowledge is so minimal with the
7 information I have so far that I think that
8 kind of education would really help me
9 personally.

10 MEMBER DYSKOW: Ken. So we don't
11 burn up a lot of time here, I think a good
12 recommendation might be if staff is willing to
13 undertake the challenge to ask for a report at
14 an upcoming meeting on Working Waterfronts,
15 what resources are available, what other
16 associations, whatever, are doing, and give us
17 some information. We obviously don't have the
18 information, but it certainly could be a topic
19 that staff could research and present to us on
20 at an upcoming meeting.

21 MEMBER FRANKE: I agree. Any
22 further discussion? Well at that point then

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1 you'll have that for your recommendation from
2 our group and we'll go ahead and split into
3 sections and then continue with our
4 subcommittee meetings.

5 (Whereupon, the foregoing matter went off the
6 record at 4:01 p.m. and resumed at
7 4:04 p.m.)

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