

U.S. DEPARTMENT OF COMMERCE

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NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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MARINE FISHERIES ADVISORY COMMITTEE (MAFAC)

+ + + + +

THURSDAY
MAY 24, 2012

The MAFAC met in the Ravenna Room,
Sheraton Seattle Hotel, Seattle, Washington,
at 8:32 a.m., Keith Rizzardi, Chair,
presiding.

MEMBERS PRESENT

KEITH RIZZARDI, Chair
MARTIN FISHER, Vice Chair
TERRY ALEXANDER
JULIE BONNEY
DICK M. BRAME
RANDY CATES
ANTHONY CHATWIN, Ph.D.
PAUL CLAMPITT
PATRICIA DOERR
PHILIP J. DYSKOW
EDWIN EBISUI
MICHELE LONGO EDER, JD
KEN FRANKE
ELIZABETH HAMILTON
JULIE MORRIS, Ph.D.
GEORGE C. NARDI
ROBERT RHEAULT, Ph.D.
KEITH RIZZARDI, MA, JD
HENRY SESEPASARA
DAVID H. WALLACE

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MEMBERS PRESENT (cont)
PAMELA YOCHER, DVM, Ph.D.

CONSULTANT TO MAFAC
RANDY FISHER

STAFF PRESENT
MARK HOLLIDAY, Ph.D., Designated Federal
Official
HEIDI LOVETT
JIM McCALLUM
ALAN RISENHOOVER

ALSO PRESENT
MANNY DUENAS
STEVEN JONER

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

8:32 a.m.

CHAIR RIZZARDI: Good morning.

On the agenda we have 8:30 as the time for public comment. So, I will open it up for public comment to see if there is anybody here who has public comment.

But I am not seeing anybody in the room. All right. Nobody signed up for public comment this morning.

So, we will close the public comment period, and we are in recess until nine o'clock.

(Whereupon, the foregoing matter went off the record at 8:32 a.m. and resumed at 9:07 a.m.)

CHAIR RIZZARDI: Good morning, everybody.

So, we opened up for public comment at 8:30. There were no public comments taken.

So, we are going to move on to the Committee reports at this point. This is

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1 where MAFAC has its chance to show what we
2 have spent our time doing for the last few
3 days, our chance to try to make some policy
4 recommendations to NOAA.

5 I would encourage the members to
6 remember that there has already been a
7 subcommittee that walked through this document
8 and that vetted the document to some degree.
9 If you have got really small-scale comments
10 that can happen offline, that is great because
11 these things can get tweaked. If you got a
12 minor edit, that is fine. We don't need to
13 take up everybody's time doing that stuff.

14 But the idea here is to focus on the
15 big issues and, of course, to remember that
16 the members who engaged in this, they have the
17 perspective of people who are interested in
18 that particular issue; whereas, everybody here
19 is bringing a bigger perspective.

20 So, I am looking forward to hearing
21 the discussion today. I am also sorry the
22 Chairman is not here to give him a big thank

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1 you for last night because that was quite an
2 event and I had a lot of really good
3 discussions with you folks last night. I
4 thought it was a super event. I came here
5 charged up even more so by the amount of
6 expertise in this room. So, I am feeling like
7 we are going to get a lot of stuff done, and I
8 am looking forward to hearing what everybody
9 has got to say today.

10 So, the first report is the strategic
11 planning report, and that is Tony Chatwin. I
12 am going to turn it over to Tony.

13 MEMBER CHATWIN: All right. Well,
14 thank you, Mr. Chairman.

15 So, yesterday we discussed two main
16 topics. One was the GAO study that Mark
17 Holliday had described to us in plenary and
18 whether we wanted to provide input. And the
19 other one was a discussion about how we are
20 going to approach setting or making
21 recommendations for budget priorities for
22 MAFAC. I will address them in that order.

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1 On the GAO feasibility study, we
2 actually have the document that we circulated
3 a little earlier. The document, what you
4 have, the piece that you have is identical to
5 what is on the screen, and I have just added a
6 couple of other bullets, based on input from
7 Subcommittee members, which we will see were
8 added to the end.

9 But, basically, Mark described what
10 the study is. This is a request for an
11 analysis of whether moving NMFS into Fish and
12 Wildlife Service would be a good thing,
13 broadly defined. And so, we discussed that.
14 Overall, that is what the MAFAC recommendation
15 is.

16 The Subcommittee would like to
17 present to the full Committee that we didn't
18 think it was a good idea for a number of
19 reasons. And so, the recommendation would be
20 to the Secretary of Commerce to support our
21 finding -- and we have to do some grammar here
22 -- but opposing the move, as input into that

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1 study.

2 The main reason for it is that NOAA
3 is the nation's lead civilian ocean agency.
4 The U.S. Commission on Ocean Policy that
5 undertook a comprehensive review of ocean
6 governance in this country, the first one in
7 35 years, when we did that review, came out
8 with a recommendation to actually strengthen
9 NOAA as the ocean agency. Removing the
10 National Marine Fisheries Service from it
11 would go against that. It would weaken NOAA's
12 role as an ocean agency. And there is text
13 there to that effect.

14 The other one is removing, No. 2 is,
15 if you remove NMFS from NOAA, you are
16 distancing the agency from critical
17 infrastructure that it needs to accomplish its
18 mission. And we listed a number of key
19 infrastructure within NOAA that NMFS needs
20 access to.

21 No. 3 is that the Department of
22 Commerce is already the agency within the

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1 Cabinet or the Department within the Executive
2 Cabinet that has the smallest budget. If the
3 idea is to do this move to achieve cost
4 savings, that is starting with the least-
5 significant part of the overall federal
6 budget, and a small fraction thereof. So, it
7 is not going to be a cost-effective effort as
8 far as cost-savings go.

9 And then, on procedural issues where
10 there is overlap, for example, with the
11 implementation of the Endangered Species Act,
12 there are already well-coordinated efforts
13 between the National Marine Fisheries Service
14 and the Department of Interior. A merger
15 would not add efficiencies there necessarily.

16 And then, finally, there is an issue
17 of focus. NOAA is the primary ocean agency,
18 and the Department of the Interior is
19 primarily focused on land conservation and
20 natural resources management on land. And so,
21 there is a lack of ocean capacity and ocean
22 ethic in the Department of the Interior. And

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1 so, moving NMFS into Interior would put it in
2 a very strange culture.

3 And if you take a look at the
4 organizational structure of Interior and of
5 Fish and Wildlife Service, which is where this
6 study is looking to move it, there doesn't
7 seem to be a natural place to fit National
8 Marine Fisheries Service.

9 And so, based on those five main
10 issues, the Subcommittee did not think it was
11 a good idea and wanted to provide this input
12 into the GAO study.

13 CHAIR RIZZARDI: Dave?

14 MEMBER WALLACE: Yes, I would like to
15 make a motion that MAFAC accept the
16 Subcommittee recommendation on moving the
17 National Marine Fisheries Service to Fish and
18 Wildlife Service.

19 CHAIR RIZZARDI: Second by Terry.

20 Okay. Discussion?

21 Unanimous agreement on this one? Or
22 it is just too early in the morning?

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1 Julie, was that a hand up? Please.
2 Okay, Julie.

3 MEMBER MORRIS: A couple of things we
4 talked about yesterday didn't make it into the
5 list. It is not important that they do. I
6 just want to make sure that you talked about
7 them.

8 One was NOAA General Counsel and
9 those support services. Another was law
10 enforcement. So, did you just decide it
11 wasn't important to focus on those?

12 MEMBER CHATWIN: No, it wasn't an
13 active decision to exclude them. I just
14 didn't have time to do everything.

15 MEMBER MORRIS: Okay.

16 MEMBER CHATWIN: We focused on those
17 bullets that I had greater confidence in. And
18 so, I am happy for bullets to be added if that
19 is what --

20 MEMBER WALLACE: Terry, do you go
21 along with that?

22 CHAIR RIZZARDI: Okay. So,

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1 supplement the document with reference to the
2 boating assets and law enforcement and --

3 MEMBER CHATWIN: Well, that is in
4 there.

5 MEMBER MORRIS: It is in there.
6 General Counsel.

7 CHAIR RIZZARDI: General Counsel.
8 General Counsel.

9 Yes, Tony?

10 MEMBER CHATWIN: If folks could
11 provide the language, that would be very
12 helpful.

13 CHAIR RIZZARDI: Mark?

14 DR. HOLLIDAY: Yesterday, as part of
15 my presentation, I discussed that the process
16 GAO is using is a series of interviews. While
17 NOAA had identified MAFAC as a possible
18 interviewee, I don't know whether, as a group,
19 you wanted to include in your recommendation
20 to the Secretary that he reinforce the fact
21 that you would like to be interviewed by the
22 GAO as part of the process beyond the letter.

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1 That would be consistent with their process
2 and consistent with we felt this was our
3 national advisory policy on living marine
4 resources, and to reiterate that MAFAC is
5 requesting the Secretary to highlight is
6 something you might want to consider.

7 CHAIR RIZZARDI: Bob?

8 MEMBER RHEAULT: Bob, I don't know if
9 it is appropriate, but should we ask the
10 Secretary to pass these comments to the GAO?

11 DR. HOLLIDAY: Well, that is part of
12 the motion.

13 CHAIR RIZZARDI: That is the idea,
14 yes.

15 Randy?

16 MEMBER CATES: I think moving NMFS
17 out of NOAA is a mistake, but for point of
18 discussion, some of the reasons that are
19 listed here, I don't know that if I were in
20 GAO's position, that asking these questions
21 would be a strong enough message. I will give
22 you an example.

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1 Why would fisheries not have access
2 to NOAA's data and information just because it
3 was under a different agency? I mean, it
4 doesn't make sense to me, just because you are
5 moving out of NOAA, that all of a sudden there
6 is a wall put in and you can't get that
7 access. So, in their minds, having gone
8 through a GAO process, they are going to be,
9 "Tell me why more specifically that this is
10 not going to work." And just stating these
11 reasons, I don't think it is really getting
12 the message there. Or why would Fisheries not
13 get satellite data from NOAA? Why would they
14 not get certain things? I think that needs to
15 be thought out a little bit more maybe.

16 CHAIR RIZZARDI: So, to the extent
17 that this document talks about access, that
18 may be an overstatement. So, we will go
19 through and make sure. But to the extent it
20 is talking about the complexity of
21 coordination, I think that is the point. If
22 the resources are no longer within NOAA, and

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1 you have got to go to a whole different
2 department to get the resources, it increases
3 the interagency coordination as opposed to
4 decreasing, which was supposedly the point of
5 the move.

6 MEMBER CATES: Any one of our
7 businesses, sometimes you can have a bean-
8 counter come in there and say, "All right, if
9 you do this, you are going to save 5 percent,"
10 but, in practicality, you have to explain to
11 them that it may look like that on paper, but
12 this is why it won't work that way. And
13 there, they are going to be the bean-counter.

14 CHAIR RIZZARDI: Okay.

15 MEMBER CATES: And this is not going
16 to really stand out, that you are going to
17 save money or you are going to do it this way.
18 Well, you have got to explain kind of a
19 compelling reason why that you are not going
20 to have that same access to the information.

21 CHAIR RIZZARDI: Mark?

22 DR. HOLLIDAY: Yes, I appreciate the

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1 points, and I think it is difficult for this
2 large group to get into the details of the
3 why, just because of the learning curve and
4 the capacity. But I could just highlight for
5 you part of the explanation behind these
6 observations has to do with sort of deference
7 and cost.

8 With the example of the satellites,
9 as part of NOAA, National Marine Fisheries
10 Service sits on an internal board that looks
11 at the design and specification of what
12 sensors go onto satellites. The Department of
13 Interior doesn't sit on that board. They
14 don't participate in that.

15 And so, in terms of prioritizing what
16 kinds of data are available on what satellites
17 and what future timeframe, being part of the
18 NOAA family allows us that deference to the
19 priorities that are needed for our mission.
20 Fish and Wildlife Service and other federal
21 agencies have an opportunity, but in a second
22 chair.

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1 The complementary part of that is the
2 reason we get deference is part of the common-
3 services cost of providing data, archiving,
4 and providing these data centers for satellite
5 data comes from NOAA-derived budgets, from the
6 line offices. And so, we get special
7 treatment because we are paying for it.

8 We could duplicate that, if we go to
9 the Department of Interior, but we would have
10 to pay for it out of -- there would be
11 additional costs that would have to be
12 incurred to duplicate those services that are
13 provided now.

14 MEMBER CATES: So, the question I
15 would have for you, then, is, if we are the
16 ones that possibly will be interviewed, is
17 there any way for us to get that type of
18 information in bullet points? Because that
19 right there is very important, that if we were
20 interviewed, we would lay out these points and
21 say, "An example is" boom.

22 DR. HOLLIDAY: Yes. I mean, if the

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1 Chair or members were to be interviewed, staff
2 from the agency would be happy to have pre-
3 briefings to discuss some of the issues and
4 the background and context, that you would
5 feel comfortable responding to the request. I
6 don't think we would want to be putting words
7 in your mouths, but these points that are
8 being raised, there is factual basis behind
9 them that would be provided to the Committee
10 to ensure that the argument has a basis in
11 fact.

12 MEMBER CATES: Let me share something
13 real quick. When the GAO was doing their
14 report on aquaculture, and they came out to
15 Hawaii and they were interviewing me, the
16 discussion was the media or the environmental
17 typing, the conflict between wild-caught and
18 aquaculture, and we sat and had this
19 discussion on all the issues.

20 Finally, I asked her, the woman who
21 was interviewing me, I said, "Give me a half-
22 hour. Let's go for a ride." We went in my

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1 car, went to a supermarket, walked through the
2 seafood department, and I showed her "That is
3 aquaculture-raised and that is wild-caught.
4 How does it appear to you?"

5 And she wrote back to me later and
6 said that one experience right there totally
7 changed her opinion about how seafood is
8 produced and that what appeared as a conflict
9 between wild-caught and farm-raised and
10 quality.

11 That is the kind of thing that I am
12 trying to share. If we can somehow really hit
13 them hard on a real-world experience why NOAA
14 shouldn't move out or should stay -- what is a
15 real good example? And that is what they are
16 going to be looking for. They want examples.

17 CHAIR RIZZARDI: Can we add you to
18 the list of interviewee candidates?

19 (Laughter.)

20 MEMBER CATES: I don't care. Be
21 careful what you ask for.

22 (Laughter.)

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1 MEMBER RHEAULT: I might be opening a
2 can of worms here, but from a practical
3 standpoint, this is being driven by politics,
4 which is being driven by stakeholder outrage.

5 Should we be suggesting that perhaps there is
6 a way to fix NMFS that is better than moving
7 it to Interior?

8 CHAIR RIZZARDI: Do you have specific
9 thoughts on that?

10 (Laughter.)

11 Tony?

12 MEMBER RHEAULT: As I said, it might
13 be opening a can of worms.

14 MEMBER CHATWIN: Well, on that point,
15 ocean policy could lead to strengthening NOAA
16 as a first step in a phased approach in
17 enhancing governance in this country. I think
18 that might be a good topic to explore as a
19 Committee for the Vision 2020, if we have
20 recommendations of this body for improving how
21 the Service does its work from our
22 perspective.

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1 I think if we add it to this
2 particular document, we will be discussing it
3 for a while. I think whatever the pleasure of
4 the Committee is, but if we don't go into that
5 now, we still have an opportunity to do that
6 in the 2020 document.

7 MEMBER RHEAULT: In one sense, all
8 what we are doing is trying to improve them.
9 So, you could say that we would suggest that
10 you refer to our recommendations in the larger
11 2020 document about how we think we can
12 improve the function of NMFS rather than
13 moving it as a way to placate outraged
14 stakeholders.

15 CHAIR RIZZARDI: So, Martin, how
16 would you feel about including a cross-
17 reference in this letter to the forthcoming
18 2020 document?

19 VICE CHAIR FISHER: I was just going
20 to invite Tony to send me a paragraph on it in
21 his letter sometime in the next week.

22 CHAIR RIZZARDI: Because, then, this

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1 concept would be in the 2020 document as well,
2 enhancing the stature and NMFS and NOAA.

3 MEMBER CHATWIN: So, the idea
4 technically is good. I am reluctant to add a
5 link to a document that --

6 CHAIR RIZZARDI: Doesn't yet exist.

7 MEMBER CHATWIN: -- doesn't yet exist
8 in this letter.

9 VICE CHAIR FISHER: I was thinking
10 more of the concept, if you could just send
11 me --

12 MEMBER CHATWIN: Yes.

13 VICE CHAIR FISHER: Thanks.

14 MEMBER CHATWIN: So, it is just in
15 terms of this letter, but that is just my
16 feeling.

17 CHAIR RIZZARDI: More discussion?
18 Dave, was that a hand up before? No?

19 Okay. So, what we have got is a
20 series of points here, and what we are asking
21 for is MAFAC to approve conceptually what is
22 on the screen supplemented with references to

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1 the role of, the importance of General Counsel
2 in OLE, with the suggestion that MAFAC members
3 be interviewed and that we clarify Randy's
4 point and make sure that we are not talking
5 about access, but, rather, the complexity of
6 coordination. And see if we can get a few
7 extra materials out of Mark to supplement the
8 letter.

9 So, I guess I would be writing a
10 letter to the Secretary with comments, and we
11 would clean this document up to look like
12 comments that would, then, get transmitted to
13 the Secretary.

14 Is that correct?

15 All in favor?

16 (Chorus of ayes.)

17 Any opposition?

18 (No response.)

19 Okay.

20 MEMBER CHATWIN: Great.

21 CHAIR RIZZARDI: Tony, thank you.

22 MEMBER CHATWIN: Thank you. Thank

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1 you, everybody.

2 The second item on our agenda was
3 budget priorities. So, we discussed how we
4 would go about setting budget priorities or
5 representing collective budget priorities for
6 this body that has such diverse interests.

7 So, with help from Mark, and informed
8 by an exercise that they did with NOAA
9 leadership, we came up with a structured
10 approach to collect everybody's individual
11 budget priority over a specific time horizon
12 by completing a simple exercise on an Excel
13 table.

14 The idea is that we would send this
15 table out by a specific date. I forget right
16 now what the specific dates were, but we have
17 specific dates. Everybody would fill out this
18 and provide comments explaining their
19 reasoning. We would tabulate. The most
20 important thing is tabulating everybody's
21 comment because that is where your values are
22 going to be expressed.

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1 That we would, then, look for
2 commonalities amongst everybody's comments and
3 areas where there aren't commonalities, and
4 then bring those back for discussion within
5 the Subcommittee. When we feel it is in a
6 format that can communicate well, we would
7 send it out for the full Committee.

8 DR. HOLLIDAY: Tony, do we have this
9 email for people?

10 MEMBER CHATWIN: No, not yet, because
11 this is not the one that we --

12 DR. HOLLIDAY: No, just in terms of
13 being able to see what you are talking about
14 for discussion.

15 MEMBER CHATWIN: Okay. We could send
16 it out.

17 DR. HOLLIDAY: I can't see it from
18 here.

19 MEMBER CHATWIN: But it is
20 conceptual.

21 DR. HOLLIDAY: I know it is
22 conceptual, but --

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1 MEMBER CHATWIN: So, what everybody
2 has -- and I am happy to send this. I will
3 just send it. Because what everybody has
4 already, as part of the information materials
5 for this meeting, is the table without the
6 three last columns.

7 DR. HOLLIDAY: Okay. Well, then,
8 that is helpful.

9 CHAIR RIZZARDI: So, on the annotated
10 agendas, under the report that was listed as
11 Alan's, there was the budget, and this is the
12 summary table on the budget tab.

13 MS. LOVETT: So, should I do a split
14 screen?

15 CHAIR RIZZARDI: No, you don't need
16 to because what is on the screen is correct.

17 What Tony has suggested is three
18 columns be added where we get the members to
19 do an evaluation. So you can look at that
20 summary table, you can see how the budget has
21 been programmed in the past, and then we would
22 go through an exercise within our membership

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1 of recharacterizing that budget.

2 MEMBER CHATWIN: All right. So, I
3 didn't dive into the details of the table
4 because I just wanted to give you the
5 conceptual framework here.

6 We are trying to come up with an
7 approach that we can collect everybody's
8 opinions, tabulate those, and send them out
9 for people to review what all of our opinions
10 are. That is one way to help structure a
11 discussion, what really is a discussion about
12 values, and where the common values are and
13 where there might be differences. So, it is
14 complicated.

15 We are recommending that we align
16 this exercise with the time horizons
17 associated with the 2020 Vision. So, when you
18 are talking about how you want to see -- in
19 the 2020 Vision document, you are going to
20 have your priority areas for focus for MAFAC.

21 Through this exercise, we are hoping
22 to capture how the Committee would like to see

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1 the budget structure -- and by structured, I
2 mean relative allocations -- in the same time
3 horizon as the 2020 document. So, by 2020, in
4 order to be successful, how do you think the
5 budget should break out?

6 If you look at the table, you can see
7 that for a number of years, fiscal years --
8 and, Heidi, if you could go back to the left?

9 Since 2008, you have the enacted fiscal year
10 budgets and a column right next to it that
11 describes what is the relative percentage of
12 the overall budget that each line item
13 represents. And you can see how that changes
14 from year to year.

15 And so, the exercise really is, by
16 2020, how would you like to see that
17 breakdown? If it is different to the 2013
18 President's request, why? Why would you like
19 to see it different?

20 In some areas, you will want to see
21 an increase from 20 percent to 25 percent of
22 the overall budget. In others, you might want

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1 to see a decrease.

2 So, the idea is the most important
3 thing is not exactly the percentage, but the
4 reason why you want to see an increase or a
5 decrease. So, that's it.

6 Heidi, if you now go back to our
7 columns?

8 If you look at the level-funding
9 column, that is -- each of those three columns
10 represents a different budget scenario,
11 because, right now, 2013 is a President's
12 request, and we don't know what it is going to
13 end up looking like, the enacted level. But
14 we need a baseline from which to compare.

15 And so, we are working with three
16 different scenarios. Level budget is let's
17 say the President's request gets fully
18 appropriated. So, in relation to that level,
19 how do you want to see that breakdown by 2020?

20 The second column is, if there is a
21 separate sequestration and there is a 20
22 percent cut over the 2013 level, how would you

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1 like to see the breakdown when there is a lot
2 less money available?

3 And if there is an increase, for some
4 reason, there is an increase in the 2013
5 budget, relative to that increase, how do you
6 want to see the distribution of the budget and
7 why? The most important thing here is the why
8 because, again, there is where we are going to
9 be able to articulate our collective vetts.

10 Now, in order to do this exercise, we
11 are going to send out this table. We are
12 going to provide definition of what programs
13 fall under each line item. Like protected
14 resources, what does that mean? So that we
15 are all working from the same basis when
16 making our judgments.

17 Okay. So, right now, protected
18 resources could mean different things for
19 different people. If you are thinking, oh, I
20 would like to cut unprotected resources, you
21 may be thinking of a certain program, but it
22 doesn't necessarily mean -- that program is

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1 not necessarily within that. So, science, for
2 example, you may not want science to be cut.
3 You may want some other program with
4 unprotected resources to be cut. It may be
5 that the science actually is somewhere else.

6 So, we just need to have some common
7 ground from which to make these judgments. We
8 are going to work with Mark and his staff to
9 define what we mean by each of those line
10 items.

11 So, we will be sending out the table
12 with the definitions, and we will be sending
13 out a timeline by which we expect that we
14 would hope people will respond and provide
15 input.

16 We discussed whether we should do
17 this as a Subcommittee exercise or an exercise
18 involving the full Committee. We felt that it
19 would be best if we get input from everybody.

20 At least make it available for everybody to
21 give input.

22 We will have a deadline, and those

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1 who want to participate will have the option
2 to do so, provide input. After the deadline,
3 we will just have to tabulate what came in.
4 But, then, everybody will have had an
5 opportunity to provide input.

6 Then, within the Subcommittee, we are
7 going to try to make sense of what comes in.
8 Once we are satisfied within the Subcommittee
9 that we have got to the point where we can
10 talk about it, communicate it, have the
11 results, we will, then, send that out again
12 for the full Committee to review. And then,
13 we can take it up either on a call, if there
14 is a call from the full Committee, or at the
15 next meeting. That is to be determined.

16 So, I guess what we would like to
17 hear is reactions and thoughts, comments,
18 about the process to identifying the common
19 budget priorities.

20 CHAIR RIZZARDI: Julie and Pam?

21 MEMBER BONNEY: I think it is a
22 really premium approach, honestly. I like it.

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1 The only thing, I am looking at the
2 full tab versus the summary for summary of
3 topic. I am hoping that -- I mean, a key
4 element for me to make some kind of a judgment
5 is going to be definitions of the categories.

6 And so, hopefully, there is going to be --
7 like I don't understand why American Fisheries
8 Act gets a line item and fisheries
9 management's program -- I mean, I am from
10 Alaska. So, hopefully, there is going to be
11 enough information in the definitions that we
12 could understand some of the nuances within
13 the line items within the programs. That
14 would be my only comment.

15 MR. RISENHOOVER: You are absolutely
16 right, Julie, that is going to be key, so you
17 understand what you are doing.

18 As Tony mentioned, I see two parts to
19 this. One is your personal what are the
20 priorities. Where do you think the agency
21 needs to invest under a level budget? What is
22 your priority for investing or continuing

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1 investments under a declining budget? And if
2 we have an increasing budget over this time
3 period, where do you see the agency needing to
4 grow?

5 So, again, as Tony mentioned, a lot
6 of this, the important part is the why. And
7 then, the mix of the dollar values, that kind
8 of shows how you would implement that. So, I
9 think both of them are important. Having that
10 dollar value, you can see that, if you reduce
11 a program, when does it get to the point where
12 it is no longer viable? Or how do you
13 increase a program relative to the others?

14 So, you're right, it is an exercise
15 in both what are your priorities at the
16 outset, at the beginning of the exercise, and
17 then, how would you actually attribute funding
18 to those? But understanding what those
19 funding categories are is very important.

20 CHAIR RIZZARDI: Pam?

21 MS. YOCHER: I have a question and
22 then a comment. In terms of the timing of

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1 this document, you mentioned setting
2 priorities as we are working on the 2020 and
3 2040, what direction we think NMFS should move
4 in the future versus just specifically
5 focusing on FY 2013, '14, and that this could,
6 then, potentially be something that is parr of
7 that transition communication.

8 So, it sounds like what you are
9 asking is more for this upcoming year. Given
10 this scenario, this is what we would like to
11 see? Or do you really want us to step back
12 and say, jumping ahead to 2020, this is what
13 we think the agency should look like?

14 MEMBER CHATWIN: It is more the
15 latter. I mean, we did have a discussion
16 about that issue: what timeline are we
17 talking about? And it became clear that the
18 opportunities to influence 2013 through this
19 process are very, very limited. And the
20 timeline that we have to produce this document
21 also means that there will be relatively
22 little opportunity to influence '14. So,

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1 really, it is 2015 and beyond that we could
2 inform with this. And I stand to be corrected
3 if I am not portraying that discussion
4 accurately.

5 But that is when we thought, well,
6 you know, we are here articulating a vision
7 through the Vision document, and it would be
8 good for us to articulate how we are able to
9 see the budget matching up with that vision.

10 I think the nice thing about it, too,
11 for those of us who like to have something to
12 measure it against, is if you have a long-term
13 budget scenario, you can look at how the
14 budget is progressing on a year-to-year basis
15 in relation to that goal and then ask
16 questions: well, why is it so different?
17 What is it? And then, we can dive in deeper
18 to the specific line items where the big
19 disparities are, and getting from the agency
20 why those decisions were made.

21 So, it gives us a tool to track
22 progress over time. That is why we went to

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1 the longer timeframe.

2 MS. YOCHER: And then, my comment
3 would be, in addition to making comments about
4 why various levels might be higher or lower
5 priority, I think there is something else to
6 consider. That would be along the lines of
7 what we talked about with the SK funding, kind
8 of the internal versus external.

9 You know, there was a discussion of
10 stakeholder fury. And I know from groups like
11 the National Association of Marine Labs and
12 the Consortium for Ocean Leadership, one of
13 their biggest concerns, you know, among the
14 academic and the science community, is that
15 the first programs to be cut are these
16 partnership-related programs, competitive
17 grants where the agency is tapping the
18 expertise of the external community as well as
19 the expertise of its own scientists.

20 So, if you are talking about
21 increasing funding for science, perhaps some
22 of us might also want to make a comment that

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1 this should include these partnerships that
2 have been the strength really of the agency's
3 operations.

4 And so, I guess what I am saying is I
5 appreciate the fact that there is an
6 opportunity to provide comment like that, not
7 just simply give some member rankings.

8 CHAIR RIZZARDI: Randy, is that a
9 hand up?

10 MEMBER CATES: No.

11 MEMBER CHATWIN: So, in terms of the
12 timeline, I don't have the specific dates on
13 me, and I apologize. But we are thinking of
14 sending this out before, I think, if I am not
15 mistaken, sending this out with all these
16 explanations that we have to develop to
17 everybody by June 15th. And we are asking you
18 all to provide it back by the end of June. So
19 that we would have, then, August, part of
20 August to interpret the results and send it
21 back out. And then, have it available for
22 discussion at the next time that the Committee

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1 as a Whole will meet, either on the phone or
2 in person.

3 Is that correct?

4 MEMBER WALLACE: So, you can provide
5 the background information fast enough?

6 Then, I move that this idea be moved
7 forward because I think that it could be
8 helpful to the Administration to get our
9 opinion.

10 CHAIR RIZZARDI: Okay. Is there a
11 second? Henry? Okay. Thank you.

12 Any further discussion?

13 (No response.)

14 All right. So, the motion is a
15 budget exercise. It is going to go to all
16 members in June, and you will have about two
17 weeks' turnaround to fill in the data and
18 provide your comments.

19 All in favor?

20 (Chorus of ayes.)

21 Any opposition?

22 (No response.)

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1 Okay. It unanimously passes.

2 All right.

3 MEMBER CHATWIN: And unless I am
4 forgetting anything, if Subcommittee members
5 could remind me, I think we are done.

6 CHAIR RIZZARDI: I think that was the
7 strategic planning.

8 All right. Thank you, Tony, for your
9 report. Good job.

10 Next up is ecosystems. So, Dave,
11 your turn.

12 MEMBER WALLACE: I don't know how my
13 voice carries versus turning. So, if you at
14 the end of the table can't hear me, then wave
15 or something, so that I can yell at you.

16 I actually don't have a report. I
17 sent all of you the notes from yesterday. We
18 got all the way through the National Ocean
19 Policy yesterday, but we did not complete
20 recommendations to the whole FAC for National
21 Standard 1 guidelines. And so, I am going to
22 go quickly through this, and you can go into

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1 any amount of detail that you want.

2 The interesting thing was that we had
3 more than half of the FAC in the National
4 Ocean Policy discussion yesterday in the other
5 room. And so, many of you already have heard
6 all of this.

7 In the National Ocean Policy, I
8 started off by going through what MAFAC has
9 done already in commenting on that subject.
10 The first iteration, we had an overarching
11 group of comments which were to take care of
12 the big issues that we thought should be
13 addressed in the National Ocean Policy as far
14 as fisheries were concerned. That was sent to
15 the Secretary. It went on to the White House.

16 When the White House next group came
17 out, if our comments were incorporated in
18 them, we couldn't discern them. So, they may
19 have been there, but we were not sure that
20 they were there.

21 And then, they asked for comments
22 again. And at that point, then, we made a

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1 very general comment, and it was the
2 Chairman's idea to say that, instead of having
3 nine priorities, that there should be a tenth
4 one, and that be specific to fisheries because
5 fisheries is going to be the thing that could
6 conceivably be the most negatively-impacted.

7 And so, in our discussions yesterday,
8 we had this wide-ranging discussion. I will
9 just say my management style is to let the
10 members of the Committee express their
11 opinions and not have me try to drive the
12 discussion, but let the members drive the
13 discussion, and then, ultimately, try to focus
14 it.

15 So, we had a wide-ranging discussion
16 on what we should do, and it ranged from,
17 well, we could just send the Secretary a
18 letter saying, "These are the things that we
19 recommended in the past, and we don't think
20 that they are being considered. And so, we
21 just want to re-emphasize them." And we had a
22 lot of discussion about that concept.

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1 And then, ultimately, we had a motion
2 to take no action because we have already
3 commented. In the final analysis, the
4 Subcommittee recommends to you that on the
5 National Ocean Policy we at this time do
6 nothing. And so, that was the motion that was
7 passed.

8 In the notes that I sent out, it said
9 it was 11-to-1. It was 11 in favor and 1
10 abstaining. So, no one voted against that
11 motion.

12 To take an hour's worth of discussion
13 and condense it into five minutes, that is
14 what happened. Since it, then, complies with
15 the rules of the Chair, we made a
16 recommendation, and we have a timeframe. So,
17 that is our recommendation to you. We will
18 all be happy to discuss it at any level that
19 you want to.

20 So, for National Ocean Policy, then
21 -- and I hope that we just deal with them one
22 at a time -- that is the Subcommittee's

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1 recommendation then.

2 CHAIR RIZZARDI: Patty?

3 MEMBER DOERR: If I could just add a
4 little bit to the conversation yesterday, this
5 wasn't part of the motion, but there was some
6 discussion about whether or not to provide
7 comment to the Regional Planning Bodies who
8 are going to be engaging in marine spatial
9 planning to make recommendations about our
10 concerns about how they could potentially be
11 implementing marine spatial planning. And so,
12 that is still out there as a possibility, but
13 we didn't really formalize a timeline on that
14 or and "if and a when".

15 But there was a lot of discussion
16 about concerns that the Regional Planning
17 Bodies could be top-down, not have a clear
18 vision and clear goals. And so, it could be
19 worthwhile at some point to provide comment
20 specifically on marine spatial planning and
21 the Regional Planning Bodies.

22 MEMBER WALLACE: Yes, and along those

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1 lines, you know, Mark gave a presentation
2 yesterday about the fisheries, a state
3 official on each Fisheries Management Council
4 being a member of the Regional Planning Body,
5 which was not necessarily MAFAC's
6 recommendation originally, but every Council
7 was very concerned about that. And so, the
8 Councils collectively said to the White House,
9 "We need to be part of the Regional Planning
10 Bodies."

11 And so, ultimately, as a state
12 representative -- and most of you know the
13 Council process -- every state has a seat on,
14 their fisheries person usually, in these cases
15 it is always the fisheries administrator or
16 his designee is a full-time voting member of
17 the Regional Fisheries Management Council.
18 And so, it would be one of those because this
19 is a government function and not a bottom-up
20 function like the Council system. And that is
21 what Patty was referring to.

22 And so, this is a top-down. This is

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1 the government coming up with great ideas on
2 how to manage the oceans better. And so, that
3 is how that came about.

4 Again, my only comment was the
5 Regional Planning Body is going to have a lot
6 of members. They are going to have the
7 states, and then they are going to have all
8 the federal agencies are going to participate,
9 and some will be interested in certain aspects
10 and some won't. And so, essentially, it can
11 be for government, if it is fully executed,
12 and the federal governments wants it to be, it
13 can be a federal government exercise.

14 CHAIR RIZZARDI: Randy? And Julie?

15 MEMBER CATES: I just want to be on
16 record that I am not comfortable having a
17 state representative being on that position.

18 MEMBER WALLACE: That is done.

19 MEMBER CATES: I know that.

20 (Laughter.)

21 I am just telling you that, the way
22 it was presented, like that shouldn't bring

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1 any comfort to us, at least not for me.

2 CHAIR RIZZARDI: All right. Julie?

3 MEMBER MORRIS: Another comment that
4 I thought was pretty striking in our
5 discussion yesterday I think was Bob. The
6 point was that there is a concern that the
7 Regional Planning Bodies are going to be
8 dominated by energy interests who want to make
9 sure that energy uses of the oceans take
10 priority over fisheries and other living
11 resource issues.

12 And I support the Committee motion to
13 not take any action at this point, but I think
14 we should take another look at our ocean
15 energy part of our action plan, action items,
16 and kind of pay attention to how we can get
17 the living resource be an important part of
18 those energy ocean discussions as they go
19 forward.

20 CHAIR RIZZARDI: I just want to make
21 one followup on that, and then Mark.

22 I encourage all of the Subcommittees,

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1 as you discuss issues, if you identify things
2 that you want to turn into agenda items for
3 our next meeting, that is exactly the point of
4 the process. So, if you think that this
5 should evolve into something where we discuss
6 ocean energy to a greater degree, that is
7 fine, and that is what the Executive
8 Subcommittee meetings are for, so that we can
9 get together and, then, shape the next agenda.

10 So, keep in mind the nature of your
11 discussions and help me get things planned for
12 the next agenda.

13 Mark?

14 DR. HOLLIDAY: I had a question for
15 Patty on her comment on the discussion. And
16 that has to do with, was there any direction
17 on the role that MAFAC could play or should be
18 playing? I mean, what was sort of the
19 conclusion with respect to these Regional
20 Planning Bodies?

21 I heard you say something about
22 providing comment, but in the long-run,

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1 looking ahead, assuming some of these Regional
2 Planning Bodies take shape, was there any
3 discussion about is there a niche for a
4 federal advisory committee to support any of
5 these regional activities or to support and
6 provide, for example, to Micah, who sits on
7 the Governing Coordinating Council of the
8 National Ocean Policy national advice? I
9 mean, was there any discussion about forward-
10 looking of continuing participation to
11 influence that activity?

12 MEMBER DOERR: Not really, no. It
13 was just sort of recognizing that there are
14 nine implementation plans for the National
15 Ocean Policy, and one of them is marine
16 spatial planning. That seems to really be
17 hitting the ground in some regions right now
18 in New England and the Mid-Atlantic, and that
19 all of the Regional Planning Bodies are
20 getting funding from the RFP from FY11 and,
21 then, there is potential funding for FY12.

22 And so, the opportunity exists out

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1 there to provide comment, and perhaps
2 recommendations, on principles that these
3 Regional Planning Bodies could govern
4 themselves by. But it was sort of out there
5 as a possibility, but there wasn't any in-
6 depth discussion on exactly how we could move
7 forward.

8 I would be interested in figuring out
9 if there are specific ways we can move
10 forward, but we ran out of time.

11 CHAIR RIZZARDI: Any comment on that
12 idea? What we have learned about now is the
13 Councils have a place at the table in
14 discussions on National Ocean Policy
15 implementation at a regional level. Is there
16 the potential for a place at the table for
17 this body or some other similar entity to
18 engage at the national level? And that seems
19 to be the question that Mark brings to the
20 table, and I think it is a good one.

21 Dave?

22 MEMBER WALLACE: Well, you are a

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1 perfect person to answer this question.

2 The objective is to have government
3 employees participate in the Regional Planning
4 Bodies. Now, as a member of a FAC, in theory,
5 we become federal employees while we are
6 acting as members of a federal advisory
7 committee.

8 CHAIR RIZZARDI: Special government
9 employees, yes.

10 MEMBER WALLACE: Right. Okay. So,
11 that question, then, does that overcome the
12 prohibition of a civilian serving a Regional
13 Planning Body? Since you are an attorney,
14 then you are the perfect person to answer that
15 question.

16 CHAIR RIZZARDI: I would have to go
17 do further research, and I will get back to
18 you.

19 (Laughter.)

20 MEMBER WALLACE: Mark is nodding his
21 head now.

22 CHAIR RIZZARDI: Mark, do you want to

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1 address that?

2 DR. HOLLIDAY: Well, I am not an
3 attorney and I don't pretend to be one. But
4 the idea of special government employee status
5 does not overcome the issue about
6 representation on a Regional Planning Body.

7 This was part of the discussion with
8 Regional Council members participating on RPBs
9 and their status as special government
10 employees during the participation on these
11 FACA-approved Councils.

12 But I do want to come back, circle
13 back again. Where the effort is best spent,
14 in the structure of the National Ocean Policy,
15 as Patty says, there are a number of different
16 areas of emphasis, and we are focusing on the
17 Coastal Marine Spatial Planning element and
18 the Regional Planning Bodies. But the broader
19 policy advice from their own FACA committee,
20 the GCC, the Governing Coordinating Council
21 that Micah serves on, that, to me, would seem
22 to be a logical place for national policy

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1 advice from the fisheries sector to be input
2 or ingested by that RPB.

3 If you are talking about principles
4 or standards or guidance that crosses not just
5 CMSP and Regional Planning Bodies, but all of
6 the different elements, what about building
7 your bridge or trying to develop the process
8 that links MAFAC to the GCC, just like we
9 tried building a bridge to link to the
10 Regional Councils and the CCC? That might be
11 an area where there would be some space for
12 discussion and fruitful moving forward.

13 I don't think trying to deliberate on
14 whether a MAFAC member could be seated as a
15 member of RPB without having bona fide
16 employment that is a government employee is
17 kind of a non-starter.

18 MEMBER DOERR: And I think my vision
19 isn't so much of having somebody on MAFAC on
20 the RPBs or involved in the process, but NOAA
21 sits on the Regional Planning Bodies and
22 Department of Commerce sits on the Regional

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1 Planning Bodies. So, are there
2 recommendations we can provide to NOAA and
3 Department of Commerce that they can, then,
4 take to their Regional Planning Bodies as they
5 are standing up and engaging with the State
6 Regional Planning Bodies? Or the GCC, things
7 like that, in terms of how what is our vision
8 for these Regional Planning Bodies.

9 DR. HOLLIDAY: To that point, Keith,
10 if I may? That is an excellent point. So,
11 NOAA's representation on these Regional
12 Planning Bodies, we know who the NOAA
13 representatives are. We have a structure in
14 place that we have NOAA Regional Coordinators.

15 So, in terms of building a bridge, I
16 think not only to the National Ocean Policy
17 GCC, but building a bridge to these NOAA
18 regional members to be the recipients of a
19 dialog between an advisory group like MAFAC,
20 and they are the conduits through the NOAA
21 process and representation, that is an
22 excellent idea.

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1 CHAIR RIZZARDI: Okay. Just for
2 clarity, and then I will call on Julie, the
3 National Ocean Council has these distinct
4 entities. The Regional Planning Bodes are
5 different from the GCC. The Governance
6 Coordinating Committee has got 18 different
7 members, people from all across the country.
8 Micah, one of our MAFAC members, happens to be
9 a member of that body.

10 So, the one concept that has been
11 tossed about here is, how could MAFAC provide
12 feedback to participate in whatever, the GCC.

13 The other concept, which is distinct, is the
14 discussion between and ideas from MAFAC
15 getting disseminated to the RPBes. So, two
16 different entities under the umbrella of
17 National Ocean Policy.

18 Julie?

19 MEMBER MORRIS: On that second idea,
20 it is my sense from just listening to
21 conversations that New England and Mid-
22 Atlantic have already formed their Regional

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1 Planning Bodies and are a little ahead of the
2 rest of the country. I don't know if that is
3 true or not. But we could choose one of those
4 Regional Planning Bodies as a kind of pilot
5 and at a future MAFAC meeting be briefed on
6 how they are organized, what they are doing,
7 and provide some input to them regarding
8 living resources in their processes.

9 CHAIR RIZZARDI: Other comment? Pam?

10 MS. YOCHER: I would just say, if
11 Mark has any ideas about other areas where
12 MAFAC might be involved, let us know. We have
13 identified two that seem like a natural fit
14 for us to provide input. If you have got any
15 other ideas on any of the other implementation
16 aspects of the plan, let us know.

17 CHAIR RIZZARDI: One thing to keep in
18 mind is, with Micah already being a member of
19 the GCC, there is obviously an opportunity for
20 MAFAC to liaison with Micah and he can be a
21 voice for considerations that this body might
22 identify.

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1 Randy?

2 MR. FISHER: Well, I don't think you
3 should undersell the potential power -- or I
4 don't know if "power" is the right word -- but
5 the influence that --

6 MR. RISENHOOVER: Can you speak up a
7 little bit, Randy?

8 MR. FISHER: I don't think you should
9 undersell the influence that this Committee
10 may have. I mean, Micah is going to carry his
11 own water on behalf of the tribes. I am not
12 sure he will carry the water on behalf of
13 MAFAC. So, that is something we have got to
14 think about.

15 I think it is also important to
16 realize that those bodies, that there has been
17 a lot of stuff over the years that has been
18 done by this group that probably would be of
19 value to some of those Regional Bodies
20 understanding that we actually think fisheries
21 is fairly important and those sorts of things.

22 So, I think you should really think

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1 about a way of getting your foot in the door.

2 CHAIR RIZZARDI: Asking for a seat at
3 the table?

4 MR. FISHER: Yes, absolutely. Or not
5 necessarily a foot at the table, or a seat at
6 the table, but if there are already formed,
7 they need to understand what this Committee
8 has done over the years and what you are
9 concerned about, and what your vision is.

10 Because your vision is just as
11 important, if not more important, than theirs.

12 They don't have a direct line into the
13 Department of Commerce like you guys do.

14 CHAIR RIZZARDI: Heidi?

15 MS. LOVETT: I was just going to
16 share that, as the RPBs get organized, they
17 have as a part of their framework the
18 flexibility to establish scientific committees
19 and FACA committees or advisory committees to
20 their own regional purposes. So, that is just
21 another -- you know, they are not set up yet
22 exactly all over the country. But, as they

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1 do, they have those flexibilities.

2 DR. HOLLIDAY: Just a point of fact.

3 There are no actual RPBs in place. So, there
4 are regional governance organizations that are
5 working to establish Regional Planning Bodies.

6 So, in New England and in the Mid-Atlantic,
7 there are entities, regional governing
8 associations that have existed for several
9 years, but the actual RPBs have not yet been
10 stood up. So, they are in the process of
11 organizing. So, there is not an entity
12 created yet. They are a work-in-progress.

13 MEMBER DOERR: A question for you
14 Mark. From your perspective, when would be an
15 appropriate time for us to weigh-in on how the
16 Regional Planning Bodies should function or
17 principles they should follow? Before they
18 are stood up or after? Like would now be a
19 good time to be looking at this and putting
20 together some recommendations?

21 DR. HOLLIDAY: So, the National Ocean
22 Council has tasked staff, as part of the

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1 implementation strategy -- recall that there
2 were these nine separate implementation
3 strategies that were going forward separately.

4 They, then, decided to merge them into one
5 document. But they spun off from that a best
6 practices guidance document for the creation
7 of the RPBs.

8 So, the answer to your question is
9 right now they are taking the comments that
10 had been solicited through the public process
11 about how RPBs should be organized and run and
12 trying to turn that into a handbook per se of
13 principles and guidance of how these should,
14 what their scope is and what their best
15 practices might be in organizing themselves.

16 So, you could comment now, if the
17 Committee had a list of additional principles
18 from our comments of the prior iterations, to
19 send that to make sure that that might be an
20 immediate opportunity to ensure that that
21 shows, that those principles show up in the
22 handbook.

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1 In addition, I think a logical next
2 step would be to work with NOAA and to engage
3 that link between the NOAA reps who are going
4 to be at the table and helping MARCO and NROC
5 set up their RPBs at this point in time. So,
6 establishing that conduit right now would be a
7 logical next step for I think the Advisory
8 Committee.

9 So, we would work with the Committee
10 through our staff and, then, to the NOAA
11 representatives on these Planning Bodies to
12 establish that communication line. I think
13 that could take place. That is not immediate.

14 That is near-term, though, in the next weeks
15 and months.

16 The first observation I made you
17 could do immediately if there was ready
18 information that you wanted to reiterate and
19 move forward.

20 MEMBER DOERR: Okay.

21 CHAIR RIZZARDI: All right. So, what
22 we have got right now is a Subcommittee

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1 recommendation that said to take no action.
2 But what this discussion has led to is, I
3 think, three ideas that have been tossed out
4 there.

5 One of them is to take our past
6 comments on the National Ocean Policy and
7 redirect that and recharacterize it and send
8 it to the GCC or the appropriate body.

9 A second idea is we have got the
10 Vision document that is emerging. That
11 document, once it is done, could also be
12 transmitted to these appropriate places.

13 And then, this third concept is how
14 else might MAFAC participate or have its voice
15 heard in the process, either at the regional
16 level or at the national level with the GCC.

17 So, what we are talking about is a
18 shift from the Subcommittee recommendation,
19 which was take no action, to take some modest
20 action or take some greater action.

21 Have I fairly characterized the
22 discussion?

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1 All right. Paul?

2 MEMBER CLAMPITT: Legislation, aren't
3 they blocking appropriations for this in
4 Congress right now? I mean, they are actually
5 trying to pass legislation that prohibits NOAA
6 from spending any money at all on this? I
7 mean, is there an update on that? Do you have
8 any information?

9 DR. HOLLIDAY: So, there is not any
10 funding being requested in the NOAA budget for
11 the RPBs, the Regional Planning Bodies.

12 MEMBER CLAMPITT: I have read this in
13 the paper. So, this is just that Congress is
14 trying to limit funding in any way, shape, or
15 form?

16 My point being that one of the
17 reasons why I would vote in favor of taking no
18 action is because, until this actually looks
19 like it is going to go forward, I thought we
20 were kind of spinning our wheels. And I
21 didn't really say that at the Subcommittee
22 meeting, but that was going through my head.

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1 So, now we are back talking about
2 going forward. But this is an election year,
3 and apparently, from what I understood,
4 Congress is trying to put a complete stop to
5 this. But you are telling me that it is going
6 forward?

7 DR. HOLLIDAY: Well, I am just
8 reporting on the fact that organized
9 organizations like the Mid-Atlantic Ocean --
10 whatever MARCO stands for; I always forget.
11 These entities are continuing to plan to try
12 to establish an entity and a venue for
13 continuing joint planning with states and the
14 federal government on ocean uses. They are
15 not reliant on, these existing organizations
16 are not reliant on new federal appropriations.

17 This is something that the governors and
18 other members have agreed to do. The
19 participation of NOAA could be prohibited.

20 Some Members of Congress don't want
21 any money spent on -- fill in the blank. And
22 so, they could pass an appropriation that has

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1 a rider that says no funds at all could be
2 spent on travel or paperclips or anything in
3 association with the Regional Planning Bodies
4 under the President's Executive Order blah,
5 blah, blah.

6 MEMBER CLAMPITT: Okay. Thank you.

7 DR. HOLLIDAY: But, until that
8 happens, there is an Executive Order and there
9 is an implementation strategy that the
10 President and the Cabinet-level departments
11 have been instructed out with existing funds,
12 I mean Eric Schwaab's salary to attend these
13 meetings, my staff's salary to work on
14 workshops or something like that.

15 So, it is not that there is a
16 groundswell of millions of dollars of new
17 investments. It is that these are things that
18 are ongoing that could be stopped in its
19 tracks by specific appropriation language, but
20 that is not currently the case.

21 I am just trying to characterize it
22 in the right perspective, Paul. People are

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1 not trying to rush to do this, but they are
2 not stopping in anticipation of some future
3 appropriation language. They are moving along
4 at a pace that is consistent with what the
5 Executive Order's intent was, which was to try
6 to organize and stand up these venues that
7 people have voluntarily identified as things
8 they want to do.

9 Nobody is forcing them to do it.
10 Nobody is requiring them to do it. And there
11 is no new money being given for them to do it.

12 If they still choose to carry out this
13 activity in that environment, then that is
14 what the governors and the states and the
15 other partners of the RPBs are basing their
16 decisions on.

17 CHAIR RIZZARDI: It seems to me,
18 Paul, that given what we have heard, there is
19 work going forward, right? And then, the
20 question becomes this body has already
21 invested some effort into two documents on the
22 National Ocean Policy. Do we want to make

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1 sure that those documents get put in the hands
2 of the people who are doing the work right
3 now? That just seems like it is an
4 opportunity for us to take the work that we
5 have done and retransmit it to the right
6 people and follow up on it.

7 MEMBER CLAMPITT: Okay. Thanks.

8 MEMBER DOERR: I move that we do
9 that.

10 CHAIR RIZZARDI: Okay.

11 MEMBER DOERR: I mean, sorry. And
12 yesterday I voted to take no action as well,
13 but if it is easy enough to get the two
14 letters into the Regional Planning Bodies'
15 hands --

16 MEMBER WALLACE: They don't exist.

17 MEMBER DOERR: The NOAA folks who are
18 working on establishing them.

19 MEMBER WALLACE: So, that is
20 different. The NOAA work on establishing
21 communications, using their people, to all the
22 bodies as they materialize.

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1 MEMBER DOERR: Can you repeat that?

2 MEMBER WALLACE: Well, you know, NOAA
3 already has, Eric Schwaab is now NOAA's
4 representative on the --

5 DR. HOLLIDAY: One of the Deputies'
6 Councils.

7 MEMBER WALLACE: Yes, the Deputies'
8 Council, which is one of the overarching
9 groups. And then, the next level down is
10 another group. And then, all the way down at
11 the bottom is the Planning Bodes that have not
12 been created because some of the Regional
13 Bodies have been created, and they are trying
14 to organize themselves.

15 I think that fairly describes what is
16 going on in New England and in the Mid-
17 Atlantic. New England is ahead of the Mid-
18 Atlantic, the way I see it.

19 And so, they are just trying to
20 figure out who is going to be the members.

21 MEMBER DOERR: So, it sounds like
22 Eric is the person you would reiterate --

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1 MEMBER WALLACE: Well, no.

2 CHAIR RIZZARDI: Mark?

3 DR. HOLLIDAY: So, what I hear people
4 saying is that they think it would make sense
5 to take the material that we have submitted at
6 the very highest level, to CEQ, and our
7 previous comments, and to assume that it
8 didn't filter down to the NOAA reps that are
9 working in the field, to these Regional
10 Planning Body precursors, and to inform them
11 that MAFAC exists; MAFAC is providing policy
12 advice, and here's some of the policy advice
13 that we previously gave to the CEQ leadership
14 of the National Ocean Policy entity. And so,
15 the intent was to try to build that bridge to
16 a more operational level and to use that as a
17 communication.

18 And the second part of that is we
19 never sent those comments or we never cc'ed
20 those comments to the GCC of the National
21 Ocean Policy. So, the letter transmitting
22 MAFAC's previous interest in this to the GCC,

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1 again, is an attempt to build this
2 communication bridge, that there is another
3 federal advisory committee out there that is
4 all about ocean policy, and we want you to be
5 aware of it. And by the way, here are
6 previous comments that we had submitted to the
7 larger superstructure of the NOP.

8 I mean, I think the intent is --

9 MEMBER DOERR: Yes.

10 DR. HOLLIDAY: -- to build a bridge
11 as much as it is to convey the comments. It
12 is that in the future we would like to be more
13 active and more in the loop with respect to
14 activities of the GCC and be sought out as a
15 source of information by both the RPBs and the
16 GCC.

17 So, that is how I see what the intent
18 is behind the discussion here, nothing more,
19 nothing less. We are not trying to
20 necessarily create a seat for anybody, but to
21 build those communication bridges.

22 MEMBER DOERR: Yes.

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1 CHAIR RIZZARDI: So, for everybody's
2 benefit, Heidi has graciously attempted to
3 characterize the motion.

4 Patty, does that reflect your
5 thoughts on this?

6 MEMBER DOERR: Yes.

7 CHAIR RIZZARDI: Terry, you had your
8 hand up?

9 MR. ALEXANDER: I was going to say,
10 so we are looking for a motion. I hadn't seen
11 the motion that she was writing. So, okay.
12 Is that a substitute motion?

13 CHAIR RIZZARDI: Well, yes, I guess
14 it would --

15 MEMBER WALLACE: No, there was no --

16 CHAIR RIZZARDI: There hasn't been a
17 motion yet on the do nothing? Okay.

18 MEMBER WALLACE: No, no. We had a
19 recommendation.

20 CHAIR RIZZARDI: Which never became a
21 motion. Okay.

22 MEMBER WALLACE: I did not make a

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1 motion.

2 CHAIR RIZZARDI: All right. So, this
3 is the first motion on the floor. Is there a
4 second?

5 MEMBER LONGO EDER: Second.

6 CHAIR RIZZARDI: All right. We have
7 a motion and a second that we transmit our
8 past comments to identified NOAA staff and the
9 GCC, as appropriate.

10 Discussion?

11 DR. HOLLIDAY: It is more than just
12 transmit the comments. I think, as part of
13 it, you are trying to establish this
14 relationship, right? I am not trying to
15 wordsmith it, but I want to make sure, when we
16 go back and try to write this letter, that we
17 don't overstep our bounds.

18 And so, if it is truly just transmit
19 past comments, that is one thing. If it is
20 transmit comments in the context of trying to
21 establish a working relationship, that is
22 another type of letter. I want to be clear

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1 from the staff's perspective what you want us
2 to do. So, I am seeking clarification of the
3 scope of the motion.

4 CHAIR RIZZARDI: Michele?

5 MEMBER LONGO EDER: I would think
6 that we would definitely want to convey the
7 message that we want to be actively involved
8 and have an opportunity to communicate/engage
9 in the process with them and be an active
10 participant in their agenda, literally and
11 figuratively.

12 CHAIR RIZZARDI: All right. So, I
13 can put this task on myself. I would be
14 drafting a letter and sending it to NOAA
15 staff, GCC, and offering to build that
16 relationship between MAFAC and these entities.

17 Julie?

18 MEMBER MORRIS: I support all that,
19 and I think the language that Mark used that
20 we are an existing federal advisory committee
21 that is deeply engaged in ocean policy should
22 be part of the letter.

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1 CHAIR RIZZARDI: Noted.

2 All right. We had a motion and a
3 second. Any further discussion?

4 (No response.)

5 All right. I will move to a vote.

6 All in favor?

7 (Chorus of ayes.)

8 Any opposition?

9 (No response.)

10 Okay. Three unanimous efforts so
11 far.

12 Dave?

13 MEMBER WALLACE: Okay. So, National
14 Standard 1 Guidelines, this is a very
15 interesting one, as you all know. So, let me
16 fill in just the details.

17 We had a presentation by Deborah
18 Tuesday regarding the National Standard
19 Guidelines, and in your briefing book you had
20 some information. And she provided us with
21 The Federal Register notice and, then, some
22 background information on that, and had asked

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1 us for comments on whether we wish to address
2 any or all of these as far as how the
3 guidelines have been interpreted or have
4 created confusion with Councils in developing
5 the ABCs, the ACLs, and the AMs. And there
6 are 11 of them.

7 My computer now is frozen, and so it
8 won't tell me. But I have a copy right here.

9 And so, if you remember, there is
10 stocks in a fishery, overfishing, then multi-
11 year impacts, ACLs, and Optimum Yield, mixed-
12 stock fisheries, and OYs, scientific and
13 management uncertainty, data-poor stocks, ABC
14 control rules, capture counting,
15 accountability measures, ACL extensions, and
16 rebuilding.

17 Now I had flagged six of those. We
18 had a significant discussion yesterday, and we
19 ran out of time before we completed that. So,
20 today we reconvened at 7:30 this morning.
21 Though we are not as many people as we had
22 yesterday, but the Subcommittee wishes to

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1 recommend that all the guidelines be
2 considered, but that three of them be brought
3 to the floor.

4 And these are in no particular order,
5 but the order that they just happened, which
6 would be, No. 4, the mixed-stocks; No. 3, ACLs
7 and their relationship to OY, and then, No. 6,
8 which is the data-poor stocks.

9 So, we had a consensus that these
10 should be moved forward. We also had a
11 suggestion that the Recreational Fisheries
12 Management be added to the 11. So, that would
13 make 12. And so, that was the recommendation
14 of our abbreviated group this morning to this
15 Committee.

16 CHAIR RIZZARDI: So, is there a
17 specific --

18 MEMBER WALLACE: And I am not
19 couching it in the terms of a motion; I am
20 just using recommendations. Because there are
21 two ways to do that --

22 CHAIR RIZZARDI: Right.

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1 MEMBER WALLACE: -- and I prefer not
2 to make --

3 CHAIR RIZZARDI: Not to have a motion
4 yet? Okay.

5 So, the Committee has suggested
6 focusing on these three aspects of National
7 Standard 1.

8 MEMBER WALLACE: Right.

9 CHAIR RIZZARDI: The comment deadline
10 is when?

11 MEMBER WALLACE: The comment deadline
12 is August 1.

13 CHAIR RIZZARDI: August 1?

14 MEMBER WALLACE: And we are
15 suggesting that we have our comments complete
16 by July 15th.

17 CHAIR RIZZARDI: All right. So, are
18 we talking about a Subcommittee meeting that
19 needs to take place, followed by a MAFAC
20 Committee meeting that needs to take place?
21 And have you thought through the work plan for
22 how we get from where we are now, which is

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1 recommendation to focus on these three items,
2 to actual transmission of specific comments on
3 these three items?

4 MEMBER WALLACE: Well, you know, it
5 is going to take at least a number of
6 teleconferences to work through this because
7 there is just not enough time to do it now.

8 CHAIR RIZZARDI: Uh-hum.

9 MEMBER WALLACE: And so, I looked at
10 it as a Committee of the Whole --

11 CHAIR RIZZARDI: Uh-hum.

12 MEMBER WALLACE: -- which then
13 shortcircuits having to go through the same
14 process twice. Using the Committee of the
15 Whole, then you can work through it and have
16 it complete in one call or two calls, but not
17 multiple calls, as few calls as necessary.

18 But I actually, Mr. Chairman, haven't
19 sat down and thought all that out since this
20 morning.

21 CHAIR RIZZARDI: Okay. Dick?

22 MR. BRAME: As Alan and Mark told us

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1 repeatedly, this is not call for final
2 comments. It is just a whether or not we
3 ought -- this is essentially scoping.

4 CHAIR RIZZARDI: Okay.

5 MR. BRAME: So, the comments don't
6 have to be detailed. We don't have to provide
7 an answer to anything.

8 CHAIR RIZZARDI: Okay.

9 MR. BRAME: It is simply that, I
10 mean, the major thing is that we think they
11 ought to look at it, reexamine National
12 Standard 1. And then, secondarily, just that
13 we think these three are a priority, while all
14 are important, these three are a priority to
15 us. And really, we don't have to provide how
16 they should fix it at this point.

17 CHAIR RIZZARDI: So, would it be
18 possible for the Subcommittee to draw up the
19 letter explaining why it picked these three
20 items? That way, that could be put before
21 MAFAC and endorsed.

22 MEMBER WALLACE: We could talk to our

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1 Subcommittee members who made the suggestions
2 and then extract out of them their reasons for
3 that.

4 CHAIR RIZZARDI: Can I suggest
5 tabling this item and coming back to it later
6 this afternoon, after we have had a chance to
7 do that?

8 MEMBER WALLACE: That's fine.

9 CHAIR RIZZARDI: All right. What is
10 the next one?

11 MEMBER WALLACE: That's it.

12 CHAIR RIZZARDI: That's it for your
13 report? Okay.

14 Julie?

15 MEMBER MORRIS: I guess we have
16 tabled it, so we can get back to it later.
17 But I don't know what the Committee means by
18 Recreational Fisheries Management be added to
19 the list because recreational fisheries are
20 addressed in many of the 11 items that are
21 already in National Standard 1. So, when we
22 get back to it, I need to understand more

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1 about what the intention is there and what
2 that would mean.

3 CHAIR RIZZARDI: Okay. All right.
4 So, the next report is going to be Rec
5 Fishery.

6 Dick, I will just ask you to sidebar
7 with Julie. I saw your hand go up. Maybe you
8 can answer that question and help shape the
9 document as you guys go back.

10 We will take a break for 15 minutes,
11 well, 20, I guess. It is 10:30. So, we can
12 reconvene at 10:50 and start with the Rec
13 Fisheries report.

14 Thanks, everybody.

15 (Whereupon, the foregoing matter went
16 off the record at 10:30 a.m. and resumed
17 at 10:54 a.m.)

18 CHAIR RIZZARDI: All right. So, Ken
19 Franke is going to do the Rec Fish Committee
20 report.

21 It is at this point 10:54. So, if we
22 can get this done in less than an hour, we

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1 will do part of Commerce. If not, we will
2 break for lunch, and we will come back and do
3 Commerce and Protected Resources.

4 All right. So, Ken, you're in
5 charge.

6 MEMBER FRANKE: The Recreational
7 Fisheries Subcommittee met, and the following
8 is a synopsis of the meeting. A number of
9 these are just discussion items because we had
10 a lot of new members. We had one
11 recommendation in there that I will get to
12 that is pretty straightforward.

13 The Recreational Fisheries
14 Subcommittee met and discussed strategic
15 planning and planning integration with NOAA
16 Recreational Fishing Action Plans. Those are
17 those plans that we passed out two meetings
18 ago with the Regional Coordinators ramrodding
19 those plans.

20 A component of the discussion was a
21 briefing by Russ Dunn, NOAA National Policy
22 Advisor for Recreational Fisheries, regarding

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1 the activities of his team during the past six
2 months.

3 Key was the appointment of NOAA
4 Regional Recreational Fishing Coordinators.
5 These Coordinators have been connecting on a
6 local level with constituency groups in order
7 to set up communications infrastructure for
8 future activities. That was one of our
9 recommendations, also, two meetings ago, that
10 they connect with all the user groups and
11 start networking.

12 Moving forward, the Subcommittee
13 outlined protocols for preparation for future
14 MAFAC meetings, as well as agenda development
15 and pre-MAFAC meeting proposal review. So, as
16 a group, we are going to start talking
17 internally well before the meeting and set up
18 our agenda items as well as issues that we
19 want to talk about informally prior to the
20 meeting.

21 One noteworthy action sponsored by
22 NOAA during the past six months, and this is

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1 the component that is a recommendation, were
2 barotrauma workshops held on the East and West
3 Coast. This topic is important to
4 recreational fishermen nationwide, as it
5 provides an option to release protected or
6 out-of-season fish.

7 The most recent workshop in Portland,
8 Oregon, was well attended by NGOs, fishing
9 organizations, scientists, fisheries
10 regulators, and interested members of the
11 public. I was there. It was really
12 surprising to see the volume of people that
13 were there from a pretty diverse background.

14 At this meeting, it was announced
15 NOAA was in the process of testing barotrauma
16 devices with the intent to study post-release
17 behavior at depth for extended periods of
18 time. This included tracking the movements of
19 fish for months after release.

20 So, in the first barotrauma
21 conference that we went to, this work hadn't
22 been done. In this conference, as I

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1 understand it from NOAA's Dr. Hyde, he has six
2 receivers on the sea floor that are now
3 tracking cowcod, which is a big deal to the
4 West Coast. We would like to see something
5 like that expand to canary as well.

6 But, anyway, so real important work.

7 Based on the progress of this important work,
8 the Recreational Fisheries Subcommittee
9 submits the following recommendations for the
10 MAFAC to consider:

11 The MAFAC applauds the efforts of
12 NOAA to involve the public in addressing the
13 issue of barotrauma in groundfish species. In
14 light of the progress by NOAA's scientists in
15 tagging, releasing, and tracking fish that
16 have suffered from barotrauma, the MAFAC
17 recommends continued priority effort be made
18 to determine what the mortality rate is of the
19 various species after release as well as what
20 the methods of release are. This will be
21 valuable to the Management Councils in making
22 decisions relating to interaction with species

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1 of concern.

2 Speaking to the West Coast right now,
3 our Council, at the next meeting they are
4 going to discuss whether or not to close a
5 huge area of California based on cowcod
6 because they said that it is 100 percent
7 mortality rate. Using these barotrauma
8 devices and the work that NOAA did at that
9 last barotrauma conference, we will be doing a
10 presentation at the Council that may change
11 that. So, there is good work on the NOAA
12 science side there.

13 With regard to the Recreational
14 Fishing Working Group, the Subcommittee
15 recommends they be re-empaneled. Their
16 expiration is this next month as a group. It
17 is recommended that the Regional Recreational
18 Coordinators be assigned in an advisory role
19 to that group for the purposes of networking
20 on local issues and identifying trends that
21 can be targeted for evaluation and
22 recommendations by MAFAC. So, have them work

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1 with their local folks, bring back ideas and
2 such for you all to consider at a later date.

3 Looking to the future, the
4 Recreational Fisheries Subcommittee would like
5 to receive a progress report on the
6 socioeconomic studies currently being
7 completed by NOAA staff and would like to add
8 this as an agenda item for the next MAFAC
9 meeting for the full Committee.

10 The Recreational Subcommittee would
11 also like a report prior to the next MAFAC
12 meeting, and this is for internal for our
13 Committee only, on the status of the following
14 items which were recommended during previous
15 MAFAC meetings:

16 No. 1, establishment of a line-item
17 budget for Recreational Fishing Coordinator
18 within the NOAA budget process.

19 And, No. 2, establishment of a
20 communications network at the Regional
21 Coordinator level with constituency groups.
22 So, we just want to check on the status. We

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1 know it is a work-in-progress, but we want to
2 see exactly where we are at.

3 And then, finally, from a policy
4 standpoint, the Recreational Fisheries
5 Subcommittee supports NOAA's efforts to revise
6 the National Standard 1 Guidelines.

7 With that, I would like to turn it
8 over for comment from anybody else within our
9 group, if they would have anything they would
10 like to add.

11 Yes, Liz?

12 MEMBER HAMILTON: Just to add maybe
13 some comfort to folks, there are states
14 looking at promulgating rules for barotrauma
15 release, and the State of Alaska already has.

16 MEMBER FRANKE: George?

17 MEMBER NARDI: I would just like to
18 get a little more information about your
19 Regional Coordinators -- because, as with rec
20 fishing, also aquaculture has new Regional
21 Coordinators. I would like just to get a take
22 on how you see them, how you see using them,

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1 and benefits they would play, because I would
2 like to sort of think how maybe we could
3 follow some of your lead with the aquaculture
4 side and see if we can get more out of the
5 Coordinators.

6 MEMBER FRANKE: Yes, a great
7 question. They empaneled the Coordinators,
8 and the play-by-play is this: I can use as an
9 example the Southwest Coast.

10 We worked with NOAA. We hired some
11 interns and said, "Hey, we want every
12 constituency group you can data mine." We
13 came up with 384 of them, provided that
14 information to the Regional Coordinators.
15 They sent out invitations and actually hosted
16 a townhall meeting to network with the people
17 and such.

18 And that is actually the conduit as
19 we move forward with this barotrauma work.
20 Right now, our staff is working with them to
21 disseminate through that network barotrauma
22 devices to all the commercial passenger

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1 vessels in the State.

2 So, it is an opportunity for us to
3 communicate better and a little bit more
4 organized going through one focal point, which
5 is our NOAA Regional Coordinator. And I give
6 them credit; they are actually calling us when
7 new things are coming up on a legislative
8 level to alert us to that.

9 So, it is in its infancy, but I think
10 our recommendation in here is we want to see
11 how the rest of the country is doing as well.

12 Any other comments from our
13 Subcommittee members?

14 (No response.)

15 Good. With that, I would like to
16 make -- oh, go ahead. Phil?

17 MEMBER DYSKOW: I think you might
18 want to underscore a few things that we
19 discussed that are important.

20 The reason we want an established
21 line item for rec fishing and the Rec Fishing
22 Coordinator is we want to establish some

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1 permanence in funding for rec fishing issues.

2 And right now, the funding comes from a
3 number of buckets that aren't specifically
4 identified as rec fishing, not that that is
5 bad, other than we want to establish some
6 permanence.

7 We want a permanent seat at the
8 table, so to speak. That has been discussed
9 in the past. It has just not been acted on.
10 We would like to see that.

11 And I think the other issue we talked
12 about, we understand that this socioeconomic
13 study isn't going to be done by the next
14 meeting. But our concern is, if we wait until
15 it is done, then we have no opportunity to
16 comment on the final product if it is a done
17 deal. We would like a status report at the
18 next MAFAC meeting as to where they are with
19 it, how it is being shaped, so that there is
20 an opportunity for the full MAFAC Committee to
21 comment on it and to understand where that is
22 going.

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1 I don't know what state they are
2 going to be at. I guess that meeting is going
3 to be when, November? Is that when it is
4 targeted, the next full Committee meeting?

5 DR. HOLLIDAY: The 23rd of October.

6 MEMBER DYSKOW: So, we should be far
7 enough along with that to have some
8 conversation of substance on where they are
9 with that and what direction that is going to
10 go prior to its actual completion.

11 MR. RISENHOOVER: Just, I guess, a
12 clarification on the establishment of a line
13 item in the budget, is that just for the
14 Coordinator and the Coordinator's budget?

15 MEMBER FRANKE: Correct.

16 MR. RISENHOOVER: Or are you looking
17 for broader recreational funding?

18 MEMBER FRANKE: It was specific to
19 the Coordinator and his initiatives, because
20 the complaint or concern was, from some of the
21 user groups, that, great, you appointed
22 somebody; he has no funding other than what is

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1 given to him along the way a little bit at a
2 time. There needs to be better organization
3 to it and more permanence to it.

4 CHAIR RIZZARDI: Tony and Liz?

5 MEMBER CHATWIN: My question is also
6 on this idea of a line item. I think what you
7 described make a lots of sense, but we did
8 talk about undertaking a process to come up
9 with the priorities, the budget priorities,
10 from MAFAC's perspective. And I am sure
11 recreational fishing is going to be part of
12 that mix.

13 It is just that I don't know how to
14 reconcile the two. One, we are going to come
15 up with our funding priorities, and the other
16 one is we are going to potentially make a
17 motion on requiring a specific line item for a
18 certain item. I wonder, where in the budget
19 would that go?

20 MEMBER FRANKE: If I may, Tony, we
21 are not making that recommendation. That
22 recommendation has already been made by MAFAC.

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1 We were asking for the status of that
2 recommendation.

3 MEMBER CHATWIN: Oh, okay.

4 MEMBER FRANKE: Yes, that was
5 previous work done.

6 Yes, Julie?

7 MEMBER MORRIS: So, you said you just
8 wanted to hear from the Subcommittee first.

9 MEMBER FRANKE: Yes.

10 MEMBER MORRIS: Is it okay to ask --

11 MEMBER FRANKE: Yes, we opened it up
12 to the floor now.

13 MEMBER MORRIS: Okay. On the
14 recommendation regarding barotrauma, are you
15 thinking that that is just focused on Pacific
16 Coast or all Atlantic and Pacific and Gulf?

17 MEMBER FRANKE: The initiative, as I
18 understand it from NOAA, is nationwide. So,
19 it is actually the Atlantic Council who has
20 put the money forward. And the first
21 conference was on the East Coast. The second
22 one was the West Coast. And I think they have

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1 a third one.

2 Do you know where that is?

3 MEMBER DYSKOW: One planned for the
4 fall, Mid-Atlantic Northeast.

5 MEMBER FRANKE: So, it is a
6 nationwide initiative. The important critical
7 piece of that is the post-release, do they
8 live? And are the techniques being used
9 actually working?

10 We are at that threshold. And so,
11 like in the Gulf, snapper on our coast,
12 cowcod, canary, the same deal.

13 MEMBER MORRIS: Right. Right. So,
14 my only question is about the use of
15 groundfish species because that is not really
16 a term we use in the Gulf of Mexico. So, if
17 you wanted to be inclusive of all the bottom
18 fish, you might want to add reef fish or
19 something like that, not just use the term
20 "groundfish".

21 Am I right? Martin, do you agree
22 with me?

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1 VICE CHAIR FISHER: Totally, I do.

2 MEMBER MORRIS: We do not use the
3 word "groundfish" in the Gulf of Mexico to
4 refer to the snapper grouper complex.

5 MEMBER FRANKE: So, amending it to
6 groundfish and reef fish?

7 VICE CHAIR FISHER: And reef fish.
8 Yes, "reef fish" is the term we use.

9 MEMBER FRANKE: Heidi has got a good
10 idea. How about bottom species?

11 MEMBER CATES: That is the Hawaii
12 term.

13 VICE CHAIR FISHER: Bottom species?
14 That is great. It doesn't describe what you
15 are talking about, but it --

16 MEMBER CLAMPITT: Deepwater species.

17 MEMBER MORRIS: No, deepwater means
18 different things.

19 MEMBER FRANKE: I have a question for
20 you. It is barotrauma in fish species because
21 it is any species of fish that has the trauma.

22 MEMBER MORRIS: Right. That would be

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1 better than just limiting it to groundfish.

2 MEMBER FRANKE: "In all pertinent
3 fish species," would that --

4 VICE CHAIR FISHER: I concur with
5 that.

6 MEMBER FRANKE: Would that work?

7 MEMBER MORRIS: I have another
8 comment as well.

9 MEMBER FRANKE: Yes, go ahead.

10 MEMBER MORRIS: I don't know much
11 about the Recreational Fishing Working Group,
12 and I don't know if we have any other working
13 groups within MAFAC. And so, because I joined
14 MAFAC after this group was established, I just
15 don't know much about it. So, I need to know
16 a little bit more about what it is doing and
17 all of that.

18 MEMBER FRANKE: Now the Rec Fish
19 Working Group is comprised of volunteers from
20 throughout the country and the islands. I
21 want to say the exact numbers are 22 or 23
22 people. It was created as an advisory group,

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1 an information data point for the MAFAC
2 Subcommittee for Recreational Fishing.

3 I am from California. I don't know
4 what is going on in the islands. So, that was
5 the intent behind it.

6 And their term is up this next month.

7 From a matter of protocol, I think we have to
8 be the initiator to go ahead and re-empanel
9 the group.

10 MEMBER MORRIS: And they are not an
11 official federal advisory committee? They
12 just advise our Subcommittee on Recreation?
13 That is how it works?

14 MEMBER FRANKE: Correct.

15 DR. HOLLIDAY: Ken is doing a great
16 job. It is accurate. They are an entity of
17 MAFAC, and they report to Ken, as the Chair of
18 the Recreational Subcommittee. Any federal
19 advisory committee can empanel these work
20 groups, but they don't work independently,
21 they report to, and they can't make
22 recommendations outside of the full Committee.

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1 So, the working group advises Ken's
2 Subcommittee. The Subcommittee then informs
3 MAFAC. MAFAC, then, votes yes or no to take
4 an action, endorse a position, or take the
5 advice or not take the advice. So, it is an
6 entity of MAFAC. It is not independent, and
7 it works in this case under the auspices of
8 the Recreational Subcommittee.

9 MEMBER MORRIS: And do we have any
10 other working groups?

11 DR. HOLLIDAY: Not currently.

12 MEMBER MORRIS: Not currently? Okay.

13 MEMBER FRANKE: Any other questions
14 or discussion before we move forward?

15 VICE CHAIR FISHER: So, just going
16 back to the language, the first sentence of
17 that paragraph where "MAFAC applauds the issue
18 of barotrauma in groundfish species," why
19 don't we just say, "barotrauma in fish"?

20 CHAIR RIZZARDI: He has got
21 "barotrauma in all pertinent fish species".

22 VICE CHAIR FISHER: Okay. I'm sorry.

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1 MEMBER FRANKE: Yes, she reworded it.

2 VICE CHAIR FISHER: Got it. Okay.

3 MEMBER FRANKE: Alan?

4 MR. RISENHOOVER: Just going back to
5 the line item, are you talking about a line
6 item in our formal budget submission?

7 MEMBER FRANKE: Correct.

8 MR. RISENHOOVER: Okay. So, that has
9 the potential of Congress eliminating it,
10 increasing it.

11 MEMBER FRANKE: From our view, there
12 was nothing, and it was just an effort on our
13 part to recommend a sense of permanence within
14 Russ Dunn and his group.

15 MR. RISENHOOVER: So, do you mean
16 line-item budget or are you open to changing
17 of that terminology?

18 MEMBER FRANKE: I can't hear you.
19 I'm sorry.

20 MR. RISENHOOVER: Are you open to
21 changing the phrasing of line-item budget,
22 which implies that it is the --

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1 DR. HOLLIDAY: Point of order. This
2 is something the Committee has already
3 approved. He is asking for a status report on
4 it.

5 MEMBER FRANKE: That is just a status
6 report.

7 DR. HOLLIDAY: So, I am not sure what
8 the rules of order would be. But if you
9 wanted to change MAFAC's position on it, I
10 think that is a separate action from his
11 request on the status of a previous action.

12 CHAIR RIZZARDI: You're right.
13 You're right.

14 VICE CHAIR FISHER: Ken, I have a
15 question, and it may need to go to Alan or
16 Mark. Where does the money come from to
17 reconvene the working group? Does it come out
18 of MAFAC's budget? Where does it come from?

19 MEMBER FRANKE: I have to defer to
20 Mark on that. The funding for the working
21 group?

22 DR. HOLLIDAY: The only funding

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1 associated with the working group is if they
2 travel somewhere. And the first time and the
3 only time that we convened them was for the
4 Rec Fish Summit.

5 MEMBER FRANKE: So far, all of our
6 correspondence with them has been either by
7 telephone or email.

8 VICE CHAIR FISHER: So, reconvene
9 means?

10 DR. HOLLIDAY: The authority for them
11 to continue as a working group under the
12 auspices of the Rec Subcommittee.

13 VICE CHAIR FISHER: Okay. Great.

14 DR. HOLLIDAY: So, there has been no
15 travel cost in FY12 and there has been no
16 travel cost in FY11. The only cost has been
17 to convene teleconferences to allow the group
18 to talk over the phone.

19 MEMBER FRANKE: Any other questions
20 at all? Mark?

21 DR. HOLLIDAY: So, I have a more
22 general question that was spurred by the

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1 second paragraph about protocols for
2 preparation of future agendas. It seems in
3 the last meeting or two that the Subcommittee
4 is getting reports made specifically to the
5 Subcommittee that are not posted to the
6 general membership, and they are not
7 necessarily germane to the general membership.
8 But there is a potential here, though, of
9 making sure that all of the Committee is
10 informed about what is being presented to the
11 Recreational Subcommittee.

12 So, you have gotten updates and you
13 are taking an action on that. I am wondering,
14 from the sentence that you used in paragraph 2
15 there, whether you are proposing that future
16 meetings that we get materials in advance for
17 the entire Committee to read and to look at
18 that. And then, if you have actions on it,
19 like we do for Protected Resources or any of
20 the other subcommittees -- it seems there is a
21 little different mode of operation that we
22 have been seeing in the Recreational

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1 Subcommittee.

2 I wonder if you could comment on
3 that.

4 MEMBER FRANKE: I would like to
5 comment, and then I will turn it over to Phil.

6 Our effort was for us to get better
7 organized. The materials, like the barotrauma
8 materials, we had asked that to get sent to
9 the entire Committee. That was the only
10 actual foundational information we had at this
11 meeting. But that was an effort on our part
12 with our new group of people to just get
13 ourselves a little bit better organized before
14 we come in the door, so that this time is
15 spent, valuable time is spent really getting
16 things done.

17 Phil, do you have a comment?

18 MEMBER DYSKOW: I was just going to
19 say essentially the same thing. We have
20 doubled the size of our team. We have two
21 very qualified, but new members. We burned up
22 all of our session yesterday just getting

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1 everybody up-to-speed as opposed to discussing
2 significant issues.

3 And what we would like to do is get
4 our organizational dialog established before
5 we come here, so we know what we are going to
6 talk about. We come here prepared to talk
7 about those subjects, and we can bring more
8 substance to these reports before the full
9 Committee. That is all we are trying to do.

10 DR. HOLLIDAY: And I applaud and
11 appreciate that fact. I guess I was trying to
12 tie -- you received a briefing from Russ and
13 his staff --

14 MEMBER DYSKOW: Yes.

15 DR. HOLLIDAY: -- that the rest of
16 the Committee didn't receive. So, in terms of
17 keeping the full Committee informed, there is
18 no recommendation or comment about that
19 briefing on the larger actions that are taking
20 place.

21 So, I am wondering, is that part of
22 your process for future meetings, to try to

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1 address that?

2 MEMBER DYSKOW: That is an excellent
3 point. One item we didn't get onto our final
4 report that we discussed was having Russ or
5 the appropriate person make a report at the
6 next meeting to the full Committee on the
7 items that were identified in the Rec Fishing
8 Summit from 2010, that nice, glossy brochure
9 that had all these requests from the rec
10 fishing community and all these commitments
11 from NMFS as to what they were going to do.
12 Give us an update before the full Committee on
13 where all that is going, where all of it is
14 and where all of it is going.

15 Some of those items, from the
16 perspective of the rec community, haven't been
17 done. From the perspective of NMFS, they have
18 been done. It is just that we don't know
19 that.

20 So, I think that that would be the
21 appropriate topic to put before the full
22 Committee, is: where did all this go? Or

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1 where are we with it?

2 I know a lot of stuff, for example,
3 the socioeconomic study, it is a 2013 project.

4 It is not done. We can't show it to anybody.

5 But, yet, all of the things that were listed
6 there are probably important to the full
7 Committee to hear.

8 So, that would be maybe the right
9 subject to add to the full Committee agenda,
10 is an update status on those subjects, that
11 topic, the 2010 Rec Fishing Summit, whatever
12 that document was called. I can't remember
13 it.

14 CHAIR RIZZARDI: Martin?

15 VICE CHAIR FISHER: Thanks for that.

16 That helps.

17 I also don't want to lose sight of
18 where I felt like Mark was going. And that is
19 the transparency and sharing of information.
20 You know, it depends on my mood; I could get a
21 little heartburn over that. So, I don't want
22 to have heartburn over that.

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1 I don't think there was any intent to
2 exclude us, but I don't remember getting the
3 barotrauma information. I am not sure when
4 that was supposed to arrive. But it would be
5 useful for me and other people around the
6 table, I am sure, to get the same updates that
7 you are getting from Russ Dunn and just
8 distribute that to the Committee at large.

9 MEMBER FRANKE: I think there is zero
10 intent to do anything other than --

11 VICE CHAIR FISHER: I know. I am not
12 suggesting otherwise.

13 MEMBER DYSKOW: And that report that
14 Russ gave us has been given to many, many
15 groups. I think that is the third time I have
16 seen it. Maybe it is updated periodically,
17 but that was not exclusive information.

18 MEMBER FRANKE: We will make sure the
19 pre-briefing materials are up-to-date from our
20 group from now on.

21 DR. HOLLIDAY: Just a point of
22 information, if I am correct in identifying

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1 the product, last week I forwarded to the
2 MAFAC mailing list material from Andy Loftis
3 on behalf of the Rec Fish Subcommittee with
4 respect to these workshops.

5 VICE CHAIR FISHER: Oh, okay.

6 DR. HOLLIDAY: So, it came in a
7 mailing at Thursday or sometime late last week
8 that didn't lend itself to posting on the
9 website in advance because we were already
10 kind of in transit out here. So, at the last
11 moment, we were asked to forward materials to
12 the Committee by a third party, which we did.

13 MEMBER FRANKE: Yes, the workshop was
14 two weeks ago. We asked them, as quickly as
15 you get it done, to forward it to MAFAC to
16 distribute.

17 CHAIR RIZZARDI: Patty says it
18 arrived on Monday.

19 MEMBER HAMILTON: I received it.

20 CHAIR RIZZARDI: Great.

21 DR. HOLLIDAY: Anyway, the general
22 point that I was trying to get at, and I guess

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1 we are beating it to death, getting
2 information in front of the full Committee is
3 important, so that we can all together
4 understand what the context is or the
5 background is on the status of something. So
6 that, when bring back a Subcommittee
7 recommendation, we all share that same
8 foundation. So, that would be my final word
9 on that. And I don't think there is any
10 intent to do otherwise, but it is a process
11 question. I think, with the larger
12 Subcommittee now, is even more important to
13 make sure that that sharing of information
14 takes place.

15 MEMBER FRANKE: Phil?

16 MEMBER DYSKOW: Then, why don't we
17 add to our Committee report the desire to have
18 a staff update on the 2010 Rec Fishing Summit
19 deliverables to the full Committee at the next
20 MAFAC meeting?

21 MEMBER FRANKE: So, we will add that.

22 So, with regard to a recommendation,

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1 the only one that we actually have specific to
2 this meeting is a recommendation regarding the
3 barotrauma.

4 Phil, would you like to put that in
5 the form of a motion for the group?

6 MEMBER DYSKOW: Specifically, what am
7 I being asked to move?

8 MEMBER FRANKE: We want to make sure
9 that the work that they are currently doing is
10 going to continue. I will review it again.

11 "MAFAC applauds the efforts of NOAA
12 to involve the public in addressing the issue
13 of barotrauma in all pertinent fish species.
14 In light of the progress by NOAA scientists in
15 tagging, releasing, and tracking fish that had
16 suffered from barotrauma, the MAFAC recommends
17 continued priority effort be made to determine
18 what the mortality rate is of the various
19 species after release, as well as what the
20 best methods of release are. This will be
21 valuable to the Management Councils making
22 decision relating to interaction with species

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1 of concern."

2 MEMBER DYSKOW: So, we are moving as
3 a Subcommittee that the NOAA efforts towards
4 barotrauma continue in the future? Is that
5 enough of a compression?

6 MEMBER FRANKE: That is basically it.
7 Yes, the concern is that the work stops at
8 the tag and release. We need that tracking of
9 those fish after they are released, and it
10 needs to be a nationwide effort.

11 MEMBER DYSKOW: So, if you are asking
12 for a motion, the motion that I am moving on
13 is that we encourage NOAA to continue with the
14 barotrauma workshops and paying particular
15 emphasis to the post-release survival of these
16 species.

17 MEMBER FRANKE: Yes.
18 So, that is the motion. Do we have a
19 second?

20 Wait. Should I turn it over to you,
21 Keith, since it is the full Committee.

22 CHAIR RIZZARDI: That is fine, yes.

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1 MEMBER FRANKE: It's all yours.

2 (Laughter.)

3 CHAIR RIZZARDI: Thank you, Mr.
4 Chair.

5 (Laughter.)

6 MEMBER HAMILTON: Subchair.

7 MEMBER FRANKE: That's me; I'm the
8 Subchair.

9 (Laughter.)

10 CHAIR RIZZARDI: All right. So, the
11 motion with respect to this is solely on -- go
12 ahead. Restate the motion.

13 MEMBER DYSKOW: There are several
14 requests to --

15 CHAIR RIZZARDI: They are update
16 requests?

17 MEMBER DYSKOW: Yes.

18 CHAIR RIZZARDI: Right. And then,
19 this is the only motion. And restate your
20 motion, please, for a vote.

21 MEMBER DYSKOW: The motion is that
22 NOAA be encouraged to continue the efforts on

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1 barotrauma, barotrauma workshops, paying
2 particular attention to the post-release
3 recovery of these species.

4 CHAIR RIZZARDI: Okay. Second?

5 (Motion is seconded.)

6 Okay. Discussion?

7 (No response.)

8 Heidi, can you put that up?

9 MEMBER DYSKOW: Would you like me to
10 try to repeat, if I haven't already forgotten
11 it?

12 CHAIR RIZZARDI: Yes, please.

13 MEMBER DYSKOW: I move that NOAA be
14 encouraged to continue their work on
15 barotrauma and -- let's see, what did I say
16 next? -- barotrauma, paying particular
17 attention to the post-release recovery of the
18 species.

19 CHAIR RIZZARDI: Okay. The motion
20 has been seconded. Any further discussion?

21 (No response.)

22 All in favor?

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1 (Chorus of ayes.)

2 Any opposition?

3 (No response.)

4 Okay. The motion passes.

5 MEMBER FRANKE: Thank you, Mr.

6 Chairman.

7 CHAIR RIZZARDI: Thank you, Ken.

8 Anything else from your Committee?

9 MEMBER FRANKE: No, sir.

10 CHAIR RIZZARDI: Okay. We are ahead
11 of schedule. It is 11:25.

12 George, can we have the Commerce
13 Committee report?

14 MEMBER NARDI: Thank you, Mr.

15 Chairman.

16 I think I sent an email out. I hope
17 you all got it. We had three topics to
18 discuss.

19 The first topic that I would like to
20 address first was a joint Committee topic that
21 was sent to the Recreational Subcommittee and
22 Commerce Subcommittee on working waterfronts.

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1 The report is in the form of a next
2 step. We really don't have specific
3 recommendations to the full Committee other
4 than the Subcommittee, representing both the
5 Subcommittees, requests that MAFAC invite
6 experts to address the full Committee
7 regarding the issues associated with this
8 topic.

9 In our discussion, we found that
10 these were very specific issues, pending
11 geographical location topics, whether you are
12 in a rural area, a more built-up area, what
13 the issues were. Was it a planning issue?

14 So, we really feel that the full
15 Committee needs the benefit of being addressed
16 by experts that maybe could share with us some
17 of the specific issues, so that the Committee
18 as a whole could weigh-in on this issue and
19 better advise NOAA and the Secretary on
20 working waterfronts. We feel it is important.

21 We honestly felt, speaking for
22 myself, that the presentation yesterday really

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1 didn't get down in the weeds enough. It was
2 more of a survey of the ports of Washington,
3 but I didn't hear what some of the nitty-
4 gritty issues were.

5 Were some industry being kicked out?
6 Was there not enough room? Was it a
7 development problem?

8 So, Ken and I felt that this was
9 something we need more information on. So,
10 our recommendation to the Committee would be,
11 for our next meeting, to see if we could
12 invite some experts to address the range of
13 issues on the working waterfront subject.

14 MEMBER FRANKE: I would like to add
15 to what George said. The other thing we are
16 looking at is, you know, we heard the
17 presentation the other day. I am dealing with
18 some things like this down on our coast that
19 are real complicated over land use.

20 And from a recommendation standpoint,
21 we needed more information, but, more
22 importantly, we needed to know what kind of

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1 infrastructure there was for solutions,
2 financing, grants, that type of stuff, that we
3 could make a recommendation on that could
4 actually get something done at the end of the
5 road at the local level.

6 So, that was why we really could use
7 some help from NOAA because we just didn't
8 know enough about it to really formulate an
9 appropriate response.

10 MEMBER DYSKOW: I think we also
11 concluded that we were somewhat baffled as to
12 why we were being asked to act on this. And
13 we thought it better to make a full
14 presentation to the Committee and let the full
15 Committee decide whether we want to get, as
16 MAFAC, involved in working waterfronts and the
17 protection and preservation of such. Is it
18 something that is appropriate for us or not?
19 That is a full Committee issue, not a
20 Subcommittee issue.

21 MEMBER NARDI: Any other comments?

22 (No response.)

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1 CHAIR RIZZARDI: So, it sounds like
2 it is an item for the Executive Committee to
3 discuss --

4 MEMBER NARDI: Exactly. Exactly.

5 CHAIR RIZZARDI: -- when we set up
6 our agenda for the next meeting to see where
7 to take it. Okay.

8 MEMBER NARDI: The next topic, why
9 don't we do the sustainability/certification?

10 On the certification/sustainability, again,
11 regarding next steps for the Committee, I will
12 review this or read this.

13 "We recommend that the MAFAC Commerce
14 Subcommittee work to flesh out the framework
15 for a NOAA certification mark or other
16 acknowledgment for us on or with domestic
17 fishery products, whether commercially wild
18 harvested or produced through aquaculture that
19 are sustainably managed or grown in accordance
20 with U.S. National Standards and/or
21 regulations. Such a standard would certify
22 sustainability, safety, and origin. Origin

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1 also refers to traceability. Further, that
2 NOAA communicates this effort to the public
3 and industry through FishWatch and/or other
4 suitable program and promotes this program and
5 its participants.

6 "Additional time is requested and
7 necessary for the Subcommittee to address
8 issues brought to light in previous MAFAC
9 meetings that prevented this action item from
10 moving forward, including such issues as
11 program cost and how to pay for it; for
12 example, fee for service, certification
13 criteria."

14 Previous efforts in this regard as
15 far back as 2008, while encouraged and got
16 endorsed by MAFAC, have been deferred by NOAA
17 leadership, stating there should be a focus on
18 creating educational efforts, such as through
19 FishWatch at the time.

20 And we have seen the recent makeover
21 that was presented to us yesterday. However,
22 this has been accomplished and, as we have

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1 seen, it is not enough in the current
2 environment, as buyers are often requiring
3 certification for a specific production or
4 harvest regarding sustainability, safety, and
5 origin/traceability.

6 Certification, as it currently exists
7 by the myriad of groups out there, is not
8 available for all producers. Some are limited
9 to wild harvest or just certain farm species,
10 often at prohibitive cost to the small
11 fisherman or farming operations.

12 So, we, as a Subcommittee, would like
13 to spend more time on this subject to be able
14 to report back to the full Committee some
15 solutions and some further information of how
16 we think this can go forward, addressing the
17 concerns from past discussions that stopped it
18 from going forward.

19 DR. HOLLIDAY: George, what you were
20 reading didn't seem to comport entirely with
21 what is up on the screen. In particular, you
22 made reference to traceability in that opening

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1 paragraph. I don't think that is in this
2 written version. Did you editorialize as you
3 were reading this or not? Did I miss --

4 MEMBER NARDI: Yes. Yes, I did.
5 Origin, to me, includes traceability.

6 DR. HOLLIDAY: I see. Because that
7 affects the scope of the task. To me, origin
8 means country of origin; certification -- they
9 all have different meanings. Traceability,
10 you mean back to the vessel?

11 MEMBER NARDI: Right, back to the
12 vessel, back to the farm, back to the tank.

13 DR. HOLLIDAY: So, those are terms
14 that I wanted to be clear on what your intent
15 was.

16 MEMBER NARDI: Right.

17 DR. HOLLIDAY: Thank you.

18 CHAIR RIZZARDI: Okay.

19 MEMBER NARDI: We contend for
20 traceability because that is one of the key
21 factors out there that the buyers are
22 requesting and/or requiring that we are able

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1 to provide them.

2 CHAIR RIZZARDI: So, George, based on
3 the way our conversations have gone with some
4 of the other matters, Vision 2020 and else, I
5 think we are looking at having potentially a
6 MAFAC teleconference in July and then a MAFAC
7 teleconference in September. Can this fit
8 into that schedule? Can we have some sort of
9 item? Can we get a work plan together, and
10 can we agree on that? All right. So, there
11 needs to be followup. The Subcommittee is
12 going to engage in some sort of effort.

13 Where do we go from here? What
14 happens with certification?

15 MEMBER NARDI: Right. I think we
16 could link up with that schedule, working as a
17 Subcommittee and through email and phone, and
18 be able to be efficient in terms of that
19 schedule.

20 CHAIR RIZZARDI: And is the idea to
21 go back to the 2008 policy and try to edit
22 that? Are we developing a new document? What

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1 is the plan?

2 MEMBER NARDI: I think we are
3 developing a new document. I think we are
4 looking at that, making sure we address the
5 concerns that may or may not still be
6 relevant, and pushing something forward.

7 CHAIR RIZZARDI: Okay. Bob, Terry,
8 and Martin?

9 MEMBER RHEAULT: To that end, I mean,
10 mostly though, we were trying to do is get a
11 better handle on the implementation challenges
12 that prevented this from moving forward in
13 2008.

14 MR. ALEXANDER: So, NOAA already has
15 -- what would you call it? -- program in place
16 to ship fish to the European Union. And the
17 lady who was here yesterday, what was her
18 name?

19 CHAIR RIZZARDI: Linda.

20 MR. ALEXANDER: Okay. She said that
21 she could work with us to understand that.
22 And maybe we could use that as kind of a model

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1 for traceability, not that that is the perfect
2 idea, but that was kind of the general
3 consensus of what we were talking about.

4 CHAIR RIZZARDI: Julie, Randy?

5 MEMBER MORRIS: My sense at the end
6 of the discussion earlier in the meeting was
7 that NOAA was doing FishWatch and trying to
8 get better information out about how we
9 determine whether something is sustainable or
10 not.

11 But it sounds like what you are
12 proposing from the Committee is going further
13 than that and creating a new federal
14 government/NOAA certification/traceability
15 protocol that would compete with or trump or
16 replace everybody else's certification. Is
17 that what you are thinking about doing?

18 MEMBER NARDI: Yes and no. I am not
19 looking to trump anyone. It is a base
20 certification that puts NOAA to task in terms
21 of standing up and, if we are permitted and we
22 meet the standards and regulations of what we

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1 do, then we are permitted to put a mark on our
2 product and say that it is produced in
3 accordance with these laws which convey
4 sustainability, and so forth.

5 We are not looking to replace
6 anything. It is just that what is out there
7 is not often available to everyone, and it is
8 a little bit of a free-for-all, what is out
9 there right now.

10 CHAIR RIZZARDI: Julie, did you have
11 a followup?

12 MEMBER MORRIS: No. I am absorbing
13 that.

14 CHAIR RIZZARDI: Randy?

15 MEMBER CATES: Two things to that
16 point. I think, in my mind, what started this
17 out is certain fisheries wanted to be able to
18 state that they are sustainable under the NOAA
19 standards, pure and simple. Why not? If you
20 are in a fishery and you are doing all the
21 right things, then why wouldn't you be able to
22 advertise that? That is what with your

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1 origin.

2 The traceability issue, I am not sure
3 why that is so difficult. Under HACCP rules,
4 it is already in place. Every fisherman has
5 to follow HACCP rules. So, that shouldn't be
6 a difficult thing. It shouldn't stop this.

7 CHAIR RIZZARDI: Terry?

8 MR. RISENHOOVER: I couldn't
9 understand that yesterday when people were
10 talking about traceability. Because, I mean,
11 each one of our boxes are marked with our
12 boat's name when it is shipped out the door.
13 Our tag is on most things. Especially with
14 shrimp, because they go into the European
15 Union, the person that we deal with is like
16 quality, quality, quality. In fact, we have
17 replaced all our land dock with concrete to
18 eliminate any problems.

19 So, the traceability I think is
20 already there. It is the certification that I
21 am looking for, that I think that we are kind
22 of looking for more than anything, because it

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1 has to already pass the traceability.

2 CHAIR RIZZARDI: Martin?

3 VICE CHAIR FISHER: I am going to go
4 out on a limb here and say that I believe that
5 most of the commercially-harvested fish and
6 other seafood products already have fishery
7 management plans in place that are very
8 specific about where those fishermen fish.
9 There is traceability via the VMS. There is
10 traceability via the logbook program.
11 Traceability is all that there is.

12 I do have heartburn over the fact
13 that traceability or the need for traceability
14 is being forced on us as an industry value-
15 added addition to the costs that we have to
16 incur as producers, especially at the
17 distribution level or at a wholesale level,
18 not so much the fishermen, but the middle man.

19 Certification doesn't even get you to
20 quality or to even the food safety.
21 Certification could do those things, but it
22 doesn't necessarily do those things.

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1 But the whole idea of interjecting a
2 whole new industry traceability into our
3 fisheries I think is extraneous and
4 unnecessary.

5 Certification would be a really good
6 thing to pursue. And again, as I said the
7 first day, I think it is incumbent upon NOAA
8 to do that because it is NOAA who is giving us
9 the regulations under which we fish. They are
10 the ones that can certify whether or not we
11 are complying with those regulations. And it
12 only makes sense. It is just so apparent to
13 me that that is the source. That is where we
14 need to go for certification that fishermen
15 are complying with the rules and complying
16 with sustainability and all those different
17 things.

18 Traceability doesn't really get us
19 there. Traceability, we already have. We
20 already know where the fish are coming from.
21 They are not coming from foreign ports.

22 I guess that covers it.

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1 CHAIR RIZZARDI: Okay. Randy?

2 MEMBER RHEULT: Trace-back is a
3 fundamental part of all the certification
4 schemes. If we had good trace-back, we
5 wouldn't have as much fraud in the marketplace
6 as we see on a regular basis with people
7 mislabeling, misbranding, misrepresenting
8 product.

9 And it becomes a real challenge when
10 you ship out a pallet or a 100-pound block and
11 it gets broken up, processed, mishandled, or
12 redistributed. So, trace-back is a
13 fundamental part of this, and it is designed
14 to eliminate fraud and misuse of the brand.

15 So, if we create a brand and we don't
16 have adequate trace-back, then everybody will
17 use it, whether or not they are producing a
18 fish properly or an American fish. They will
19 just, "Oh, I can use that brand, too." So,
20 you need to have trace-back for a viable
21 certification.

22 CHAIR RIZZARDI: Randy?

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1 MEMBER CATES: I agree with what
2 Martin said. We already have it in place. It
3 seems to me it has been used as a reason not
4 to implement this, in my opinion, and I think
5 that reason is not valid.

6 If you are a U.S. fishery producing
7 your products, sustainability, I don't
8 understand why NOAA wouldn't stand by you, put
9 that label on it, period.

10 CHAIR RIZZARDI: Martin?

11 VICE CHAIR FISHER: Thank you, Mr.
12 Chair.

13 Bob, just for the sake of
14 counterpoint and discussion, there aren't
15 checks and balances in the traceability
16 industry. In other words, Trace Register or
17 other companies that have taken it upon
18 themselves to be the expert or the standard-
19 bearer of what traceability is, they are no,
20 that I have seen -- and I have been approached
21 by these companies -- there is nothing within
22 their program that prevents me, as a producer,

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1 to alter/change the product as I receive it
2 and redistribute it, just like what you said.

3 And once again, just because it is
4 stamped by -- just because the producer pays a
5 whole bunch of money to be able to prove to
6 Whole Foods that this product is traceable, it
7 already is traceable. We are already
8 complying with all these rules and regulations
9 that prevent us from catching that fish
10 anywhere else.

11 There is going to be cheating at
12 every level all the time. Even in the Trace
13 Registry program, there is already cheating.
14 So, it just seems like an additional
15 bureaucracy, an additional cost, and it
16 doesn't really get us where we need to go at
17 the end of the day. Certification would.

18 CHAIR RIZZARDI: Okay. Let me see if
19 I can summarize some discussion to this point.

20 The Subcommittee is interested in
21 exploring a baseline NOAA certification
22 process. I think we need to further

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1 investigate the distinct concepts of
2 traceability and sustainability and,
3 relatedly, enforcement or auditing.

4 All right. So, we have got these
5 three concepts that we probably need some sort
6 of presentation to be given to MAFAC on. We
7 have got telephone conference calls likely for
8 July and September and the next meeting in
9 October. So, I think the Executive
10 Subcommittee should be working on a plan and
11 getting some speakers together to talk about
12 those subjects and getting this teed-up,
13 hopefully, with some sort of draft document
14 that goes well beyond the 2008 document that
15 can be discussed by the body as a whole at the
16 October meeting.

17 Does that sound reasonable?

18 George?

19 MEMBER NARDI: Would the staff
20 recommend a point of contact that we should
21 bounce these questions off of to get input
22 from regarding experts on traceability, and so

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1 forth, if we don't have that within the
2 Committee?

3 CHAIR RIZZARDI: Mark?

4 DR. HOLLIDAY: To George's question,
5 I think any contact through appropriate people
6 in the Fisheries Service comes back through
7 the MAFAC staff. So, if setting up briefings
8 or further support, work groups, or whatever,
9 to further the Subcommittee's, we would be the
10 point for organizing that activity.

11 The motion or the report here, you
12 know, really has expanded the scope and the
13 scale of the task by the addition of things
14 regarding safety, origin. I mean, the
15 original policy statement was much more
16 targeted.

17 And so, as part of the evolution of
18 what MAFAC's objective is, I am hearing still
19 differences among members around the table
20 about what the goal is. And so, clarity of
21 goal, maybe that in itself requires further
22 discussion at the Subcommittee level. But, as

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1 it stands now, there seems to be various
2 opinions about where we should be targeting
3 our energy.

4 It is an observation that I think,
5 from trying to support that staff, I want to
6 make sure that we are giving the right,
7 investing the right amount of time and energy
8 to the right questions. And so, at the end of
9 the day, Keith, if we could have that clarity,
10 it would be helpful.

11 CHAIR RIZZARDI: We will strive to
12 get it.

13 Randy, Michele, Terry? Yes, Randy.

14 MR. FISHER: I am sitting here
15 thinking, if you think outside of the box a
16 little bit, I think we should ask NOAA
17 attorneys whether or not we could sue like
18 Monterey Aquarium or whoever is claiming they
19 are unsustainable. Because if you are
20 concerned about the fact that you are not
21 going to be able to buy your fish because
22 somebody is thinking that it is unsustainable,

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1 then let's go after them.

2 (Applause.)

3 CHAIR RIZZARDI: Michele?

4 MEMBER CATES: We have enough
5 attorneys in the room.

6 (Laughter.)

7 MEMBER LONGO EDER: Not after what
8 you hear I am going to say next.

9 I think, Keith -- excuse me -- Mr.
10 Chairman, as you were mentioning developing
11 potentially agenda for the Executive
12 Subcommittee about what topics would be
13 addressed on this issue, I had an opinion that
14 was in the minority --

15 CHAIR RIZZARDI: Okay.

16 MEMBER LONGO EDER: -- in the
17 Committee. And that would also be addressed
18 when you are looking at certification, the
19 difference between wild-caught and aquaculture
20 in terms of a certification program by NOAA.

21 CHAIR RIZZARDI: Okay.

22 MEMBER CATES: Well, I would like to

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1 comment on that.

2 (Laughter.)

3 I am not going to change my comment
4 because I am different. I am in a different
5 thing than she is.

6 I like George being able to put his
7 codfish on the market when I can't deliver a
8 fresh product that day, so that people are
9 eating the fish. And so, I am in a different
10 camp than she is that way.

11 But what I was going to suggest is,
12 maybe to make everybody happy, that
13 aquaculture part of it, they seem to tend to
14 want to have the traceability part. So, maybe
15 the aquaculture part could have not a
16 different seal, but another layer of
17 something; whereas, we already have it in our
18 business, the HACCP rules. I mean, I would
19 hate to waste money on that when the
20 traceability is already there.

21 But I think that they are more
22 scrutinized. They do a little, like all these

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1 oysters all over the place are from Wellfleet
2 and Narragansett. You know, there is all
3 these different little niche markets. So,
4 maybe they are in a different camp, you know,
5 as far as that goes.

6 CHAIR RIZZARDI: Randy and George?

7 MEMBER CATES: To that point, I think
8 aquaculture is in the same camp. It has to
9 follow HACCP rules.

10 Traceability, it doesn't matter
11 whether I go out and catch it in the ocean or
12 on the farm, it is still there.

13 For many years now, MAFAC, the tone
14 and position has been pretty simple and
15 straightforward. And that is we have a
16 problem in the U.S. with not enough
17 domesticated production, period. And the
18 question has always been, how are we going to
19 increase domestic production, both from wild
20 and aquaculture? It has never been one or the
21 other.

22 And the real problem is not enough

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1 seafood for the American people that are
2 produced in America. We are importing too
3 much.

4 So, in my mind, the certification, it
5 doesn't matter whether you are a wild-caught
6 or domesticated, and I would hate to see the
7 split. We are one industry, and we have to
8 solve these problems and act like one
9 industry.

10 I advocated for certification based
11 purely on the problems for the wild-caught
12 sector, and I didn't really care about
13 certification for my aquaculture product, and
14 I still don't. I probably wouldn't even apply
15 for a NOAA certification because I don't think
16 I would need it for my aquaculture product.

17 But I think it is really wrong, as I
18 see what happens with the longline industry in
19 Hawaii where they are basically getting
20 blackmailed by some of these groups, and they
21 want to be able to say -- you know, they work
22 so hard to meet the standards of the Magnuson-

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1 Stevens Act, and want to be able to say, "We
2 are sustainable under these guidelines." And
3 I think they have a right to do so.

4 CHAIR RIZZARDI: George?

5 MEMBER NARDI: Just to take some of
6 that heartburn out, I would recommend we
7 strike the word "safety" and we just focus it
8 on sustainability. I would like to do some
9 work, though, regarding traceability or
10 origin, but strike the word "safety" from the
11 recommendation.

12 CHAIR RIZZARDI: Liz?

13 MEMBER HAMILTON: I just had a
14 question. Is there anything preventing a
15 Hawaiian longliner from saying that our
16 fishery is conducted under the Magnuson-
17 Stevens Act and we meet all the requirements
18 of sustainability as defined in that Act? Is
19 there anything that stops them from doing that
20 currently? When they sell their products,
21 they can't tell their buyers that?

22 MEMBER NARDI: It is not enough. You

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1 can't just say it. You need a third-party
2 verification. That is what the buyers are --

3 MEMBER HAMILTON: Okay. So, then,
4 may I ask a followup question? How does the
5 government agency that is promulgating these
6 rules then become the same third-party
7 certifier? They are not a third-party
8 certifier.

9 I am sorry. I just really --

10 MEMBER NARDI: They do it for
11 seafood.

12 MEMBER HAMILTON: Okay. That's
13 enough.

14 CHAIR RIZZARDI: Pam? Randy?

15 MS. YOCHER: I mean, as a
16 veterinarian, the general public is used to
17 trusting USDA for its certification of various
18 products and regulating what you can and can't
19 say when you say a product is "light", L-I-T-E
20 or L-I-G-H-T, and things like that.

21 We have discussed this before. For
22 some reason, it seems people trust the

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1 Department of Agriculture and they don't trust
2 the Department of Commerce. But I think that
3 type of a federal stamp of approval is what is
4 being looked for, something where the fees are
5 thought to be a little bit more fair, more
6 standard, more in line with other food
7 products, and not the hodge-podge of NGOs or
8 private groups that are competing with each
9 other and trying to do it.

10 CHAIR RIZZARDI: And as I mentioned
11 yesterday, in the backup materials, just in
12 that one report that was identified in
13 FishWatch there were 24 different entities
14 that were out there doing the certifying and
15 they all have different standards. And that
16 is one of the challenges.

17 Randy?

18 MEMBER CATES: In the New York
19 meeting, I remember that that question came
20 up. The longline fishermen can say, "My fish
21 is produced under the standards." When he
22 puts it in writing, then NOAA had heartburn

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1 and suggested that it may not be legal.

2 And that is what the industry was
3 asking, was --

4 MR. RISENHOOVER: Could you say that
5 again, Randy?

6 MEMBER CATES: A fisherman can stand
7 up and say, "I am in the Hawaiian longline
8 fishery and I meet all the standards." But
9 when he put it in writing as an advertisement,
10 it had to have permission from NMFS;
11 otherwise, it could get legal action. And
12 that was where Kitty -- and that got
13 contentious.

14 And so, the question was at the time
15 -- the response was, well, you can apply and
16 maybe we will create our own label. We were
17 looking to use the NOAA label, and that needed
18 more permission. But, then, it got down to,
19 well, what if we had our own label and stated
20 "Sustainable under National Marine Fisheries'
21 standards"? And that is where the issue was
22 at: can we get permission to do that?

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1 DR. HOLLIDAY: Not to revisit
2 history, but the issue at the New York meeting
3 wasn't that there was an objection to the
4 industry self-certifying that it met these
5 standards. The issue became what is the use
6 of a NOAA seal on a final product and what the
7 legal implication of that meant.

8 I think the notion of third-party
9 versus first-party, I mean, many people are
10 looking for, and the FAO guidelines on
11 certification call for, a third-party
12 approach, which is not the United States
13 Government certifying its products. We, as a
14 nation, have signed onto a number of these
15 documents with respect to certification. So,
16 it is not as straightforward and as simple as
17 one would like it to be.

18 At the New York meeting, that was the
19 point where the agency agreed that, if the
20 Hawaii Longline Association wanted NMFS to
21 write a letter, im Balsiger said, "I will sign
22 a letter that says the fish that are caught

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1 from the Hawaii Longline Association under
2 this Fishery Management Plan are compliant
3 with the National Standards for the Fisheries
4 Conservation and Management Act." That was
5 something that was an objection to anybody.

6 The idea of what constitutes a
7 sustainable fishery, because the word itself
8 "sustainable" is not defined in the Magnuson
9 Act -- I mean, we have National Standards. We
10 talk about what Optimum Yield is, which is
11 maximum sustainable yield, but we don't define
12 what sustainable fishery is.

13 It was the crux of what happened in
14 2008. That was the dilemma of coming up with
15 and defending the meaning of what we say when
16 it is sustainable, because it has a broad
17 potential range of interpretation. And there
18 is an FAO definition of what a sustainably-
19 managed fishery is. That is not a U.S. -- and
20 so, the conflict, then, was where in U.S. law
21 do we use that as the basis for our reference
22 point? It is not a statutory definition. It

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1 is a policy definition. Are we going to be
2 creating a dilemma of defending this statement
3 of what constitutes a sustainably-managed
4 fishery versus this just plain certification
5 of it is incontrovertible?

6 If, indeed, the Secretary of Commerce
7 has signed off on an FMP or an amendment and
8 issued/promulgated regulations, on its face it
9 is consistent with those 10 National
10 Standards. Otherwise, it would have been
11 disapproved.

12 And putting that in writing, no one
13 has ever had any problem within the agency of
14 attesting to that. And if, then, the industry
15 sector or association wants to take that and
16 turn that into some marketing information or
17 advertising or statement on their web page or
18 providing that for their buyers, that is on
19 them to do, versus we are going to be
20 beginning to issue stickers with the FishWatch
21 logo or the NOAA logo and start trying to
22 produce a mark.

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1 That is a second issue, right? That
2 is a separate issue. And the cost and the
3 enforcement and the administration of a mark
4 program was something that the agency was
5 incapable of agreeing to at that point in
6 time, for those very reasons.

7 MR. RISENHOOVER: And that is where
8 you are trying to address those with some of
9 the items the Subcommittee was going to work
10 on.

11 MEMBER CATES: The idea is you buy a
12 piece of steak; it says USDA Choice. If you
13 produce a fishery from a U.S. fishery, why
14 can't it say "domesticated-caught" with a NOAA
15 label on it, "sustainable"?

16 MR. RISENHOOVER: All right, but I
17 think that there is probably a regulatory
18 definition --

19 MEMBER CATES: Again, that is what
20 your goal is, getting to that.

21 MR. RISENHOOVER: -- of USDA Prime.
22 That has some sort of statutory --

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1 MEMBER CATES: Exactly.

2 MR. RISENHOOVER: -- or regulatory
3 meaning. We don't have that for sustainable.

4 VICE CHAIR FISHER: And that is the
5 task that is before us.

6 MR. RISENHOOVER: And then, there is
7 the administration of how do you get to that,
8 to ensure that that is true, that what is
9 under that cellophane is what is represented.

10 MEMBER CATES: So, that is the goal.

11 CHAIR RIZZARDI: Right. It sounds
12 like there is general consensus right now that
13 there needs to be some sort of program. Today
14 is The New York Times editorial criticizing
15 Whole Foods for following the Monterey Bay
16 Aquarium and Blue Ocean Institute standards.
17 And what we are talking about today is some
18 alternative kind of standard.

19 What I have heard us identify is four
20 issues now. We have identified
21 sustainability, traceability, enforcement
22 auditing, and wild-caught versus aquaculture.

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1 All right. So, we have got these four big
2 issues, and I don't think we are going to
3 resolve any of these questions, even if we had
4 a couple more hours of discussion.

5 And we will have some more
6 discussion. That is fine. But I think we
7 need to figure out how do we get from where we
8 are today to some sort of MAFAC recommendation
9 that leads to here is our proposal, here is
10 what we would like to see NOAA do, here is the
11 brand that we would like to see us establish.

12 I would just try to keep everybody's
13 eye on the ball and keep us focused on let's
14 see if we can come up with a work plan that
15 gets us there.

16 So, I saw, George, your hand went up
17 and, Paul, your hand and, Liz, your hand went
18 up.

19 MEMBER NARDI: Right, and I think
20 that is what we are trying to do. I just want
21 to state, though, that for many years NOAA has
22 put their mark on seafood products through the

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1 Seafood Inspection Program. They are the body
2 that stamps the fish at many processing
3 plants. So, there is experience with this.
4 There is a model. Seafood, oh, yes, many,
5 many, many, many years.

6 So, they have experience putting
7 their label and their full faith and
8 confidence behind U.S. seafood products, and
9 they were the ones doing that.

10 This is a little different, looking
11 at sustainability. But I think that is what
12 we are trying to do. We are trying to gather
13 information and be able to report to the
14 Committee, so we can see if it is something we
15 can move forward on.

16 CHAIR RIZZARDI: Paul?

17 MEMBER CLAMPITT: I have two
18 questions. One is, so as it stands right now,
19 NMFS in their policy directive states that
20 they are not going to assist an applicant in
21 the certification application. So, we need to
22 change that and have an application. I mean,

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1 that is the idea.

2 Then, the next question is, who gets
3 to have input in that? I mean, the Pew
4 Charitable Trusts, all the NGOs out there,
5 they are all going to have a different take on
6 whether or not Pacific redfin is sustainably
7 raised or not. And so, that is a reality,
8 right?

9 CHAIR RIZZARDI: At the end of the
10 day, you are probably talking about sort of
11 Federal Register policy or maybe even rules,
12 and that goes through the public process.

13 MEMBER CLAMPITT: Right.

14 CHAIR RIZZARDI: And it comes with
15 the Administrative Procedures Act --

16 MEMBER CLAMPITT: So, that would be
17 whole other --

18 CHAIR RIZZARDI: Yes.

19 MEMBER CLAMPITT: And you may not
20 like what you end up with.

21 CHAIR RIZZARDI: Liz? All right.
22 Well, how about suggestions on next steps?

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1 Pam?

2 MS. YOICHEM: Well, I understand the
3 sustainable, using that particular term is one
4 of the things that is making people
5 uncomfortable. If you see the example that is
6 given about beef, Choice, what does that mean?

7 I mean, you would have to look it up on the
8 USDA website, or whatever, to figure out what
9 exactly Choice means. And yet, they don't
10 have any problem doing that. They just
11 saying, basically, for the purposes of the
12 U.S. beef industry, or whatever, when steak is
13 Choice, this is what it means.

14 And so, we are saying, what would be
15 needed for NMFS to be able to do something
16 like that where they say, for the purposes of
17 this labeling, sustainable means this? And
18 then, people could argue back and forth about
19 other things that need to come into the
20 definition. That is what you are talking
21 about; that would be part of the rulemaking
22 process? Is that the level of activity that

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1 would be needed to be able to do something
2 like that?

3 MR. RISENHOOVER: You have got to
4 establish your standard somehow, right.

5 MS. YOCHER: But, I mean, NMFS would
6 say this is our standard, Magnuson-Stevens?
7 You guys can call it sustainable or
8 "potato"/"patato," but for the purposes of
9 this label with the NOAA symbol, or whatever
10 it is, or FishWatch, or whatever, sustainable
11 equals Magnuson-Stevens, period.

12 Just like with food, there are all
13 sorts of other labels that people can put on
14 things and call them different things. And
15 sometimes the government has heartburn with
16 those and sometimes they don't. And so, that
17 would still be an option for people who wanted
18 to pursue some other labeling. But you could
19 just define what your label is; here it is,
20 boom.

21 And I am just wondering what would be
22 required to be able to do that.

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1 MR. RISENHOOVER: And I think that is
2 some of the sort of things this Subcommittee
3 can tease out.

4 MEMBER RHEAULT: We look at the
5 implementation challenges. We bring some
6 information back to this Committee.

7 CHAIR RIZZARDI: It strikes me that
8 maybe we could invite USDA and the folks who
9 worked on the organic process. How did they
10 get to the point that they are at? What
11 debates did they face? And what lessons can
12 we learn? I mean, that is what we are
13 wrestling with here in the context of seafood.

14 Randy?

15 MEMBER CATES: I have a question if
16 we get to that point. And that is, how are a
17 lot of the environmental groups allowed to use
18 the NOAA label in their marketing? When you
19 go to Monterey Bay Aquarium, for example, they
20 have a NOAA label somewhere, and they are
21 getting their message out. If you go to Vegas
22 to -- I forget what hotel it was -- they had a

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1 big aquarium, and you see the NOAA label
2 standing there with a message. And then,
3 right next to it is a picture that I took of
4 my farm, and then the next picture is a turtle
5 stuck in a net, and that is from somewhere in
6 South America.

7 But how does NOAA authorize the use
8 of their label now? And I would question
9 that.

10 MS. NAUGHTEN: I can address that.
11 When people ask us if they can use it, which
12 most people do, we are pretty specific asking
13 them, how are you going to use, you know, in
14 what circumstance? A lot of people don't ask
15 us and they just use it. So, you know, once a
16 logo is out there, it is out there. So, I am
17 not sure what particular circumstance you are
18 talking about, Randy, but most people ask,
19 most legitimate people.

20 In terms of FishWatch, what we have
21 done is gone to all the NGOs that do use some
22 sort of certification in their own realm and

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1 asked them to link to FishWatch as part of
2 additional information for people. So, we are
3 trying to reach out to them to make sure they
4 are acknowledging FishWatch. And I believe
5 Monterey is. Again, I will have to look to
6 see how they are using our logo, because that
7 wouldn't be appropriate, if they are misusing
8 it.

9 Hopefully, that is helpful.

10 DR. HOLLIDAY: So, there are rules
11 and regulations with regard to the use of the
12 NOAA mark for commercial purposes and
13 governing its use. As Kate points out,
14 sometimes people don't abide by the rules and
15 the regulations. And so, NOAA should go after
16 those people to --

17 MEMBER CATES: That would be great
18 for us. If you have that, send it to us, what
19 the rules are.

20 CHAIR RIZZARDI: But just for
21 clarity, Randy, like I did just now pull up
22 Monterey Bay Aquarium Seafood Watch. The card

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1 that they distribute on Hawaii fishery, it
2 does not have a NOAA label on it.

3 MEMBER CATES: Oh, I know that.

4 CHAIR RIZZARDI: It has got an EDF
5 label on it. It has got a Monterey Bay logo
6 on it. It has got other logos, but it doesn't
7 have a NOAA label.

8 So, I just want to make sure that we
9 are all clear as to what is and is not being
10 done.

11 And, yes, I very much understand the
12 question here is, when can you use a NOAA
13 label and what processes would we want in
14 place and want to recommend in order for
15 somebody to be able to use a NOAA label?

16 MEMBER CATES: My point was, when we
17 went to Monterey Bay, there is the logo. I
18 think it is useful information for us to have
19 what is NOAA's policy on use of that.

20 DR. HOLLIDAY: So, as a way forward,
21 I think that is what you have been trying to
22 look at. I envision that the Subcommittee, or

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1 some group of the subcommittee members, could
2 work with NOAA and we could form sort of a
3 working group together to explore these
4 questions, and perhaps even set up a face-to-
5 face meeting and bring people together in the
6 course of trying to flesh out what are the
7 things that we are trying to accomplish, what
8 our objective is, what are these different
9 impediments that need to be addressed.

10 I don't think we are asking the
11 Subcommittee to come up with the answer to
12 that, because that is our job to prepare the
13 final product. But we need to understand what
14 the recommendation is. And I think, in
15 return, you need to understand what some of
16 the challenges are in responding to what your
17 advice is.

18 And so, the issues of the legality of
19 the activity, how it is going to get paid for,
20 the practicality, these are the real-world
21 implications of the policy advice that you are
22 giving. And so, working together in a working

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1 group between the Subcommittee and relevant
2 members of the NOAA community, Seafood
3 Inspection and others who are working both
4 domestically and internationally in
5 traceability and certification, I think would
6 be a fruitful investment of our time and
7 money.

8 MR. RISENHOOVER: Because our goal
9 here is to work toward this. It has been a
10 four-year discussion here, and we need to keep
11 that discussion going to make sure, if such a
12 program is launched, it is effective; it meets
13 the needs of the community, the industry, the
14 folks, as well as something that is
15 implementable by the agency, so it would be a
16 success.

17 MEMBER NARDI: I have a
18 recommendation, Keith, to move that forward
19 and close out the discussion.

20 CHAIR RIZZARDI: Yes, I don't even
21 think we need a motion. I think the Executive
22 Committee has got some clarity as to what we

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1 need to do to start setting up an agenda for
2 the next couple of meetings, both
3 teleconference and in-person in October, if it
4 comes to that.

5 MEMBER NARDI: Maybe we defer the
6 third topic until after lunch.

7 CHAIR RIZZARDI: Actually, I was
8 going to suggest, I saw it is a budget matter.

9 So, is the third topic affected at all by now
10 having seen what came out of the Budget and
11 Strategic Planning Committee? And we are
12 going forward with this budget exercise that
13 everybody is going to be weighing-in on in the
14 next couple of weeks. And you have got this
15 recommendation here that is squarely on the
16 budget topic.

17 So, I mean, it seems like the two
18 might be in tension with each other, and I
19 wanted to see if maybe you could talk about
20 that during the lunch break.

21 MEMBER NARDI: I didn't get what you
22 just -- you want us to just keep going?

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1 CHAIR RIZZARDI: No. I would like us
2 to take the lunch break, and I would like you
3 to take a specific look at that third topic --

4 MEMBER NARDI: Oh, okay.

5 CHAIR RIZZARDI: -- and your third
6 recommendation, and figure out where it fits.

7 Because we have now taken action on the
8 Strategic Planning and Budget Committee level.

9 We have got the whole Committee prepared in
10 June to be weighing-in on budget
11 recommendations, and now there is a specific
12 recommendation that is coming from this
13 Subcommittee on aquaculture, on an increase in
14 the aquaculture budget, when that is one of
15 the questions that is about to be evaluated by
16 the body as a whole in three weeks' time.

17 MEMBER NARDI: I got it.

18 CHAIR RIZZARDI: All right. So, any
19 further business before we break for lunch?

20 MEMBER MORRIS: When are we returning
21 from lunch?

22 CHAIR RIZZARDI: It is 12:12. So,

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1 how is 1:20? Maybe 1:30? People want to
2 leave. I know I have got people who have a
3 plane ticket. So, I am trying to push the
4 agenda through. So, we will go until 1:30?
5 All right. So, see everybody at 1:20.

6 (Whereupon, the foregoing matter went
7 off the record for lunch at 12:13 p.m. and
8 resumed at 1:38 p.m.)

9

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1 when we talk about the overall budget via
2 Tony's Subcommittee. But for the sake of
3 particularly the new members, I wanted just to
4 review this because it speaks to an earlier
5 recommendation that MAFAC made at the previous
6 meeting centered around the release of the DOC
7 and aquaculture or NOAA aquaculture policies
8 released in June of 2011.

9 During our Subcommittee meeting, when
10 we met with Michael Rubino in the Aquaculture
11 Office, we did learn that the limited
12 resources are an issue. So, with that having
13 been said, our recommendation, the Commerce
14 Subcommittee requests that MAFAC recommends
15 that NOAA substantially increase the resources
16 directed towards programs designed to increase
17 sustainable domestic aquaculture production.
18 Currently, NOAA spends less than 1 percent of
19 its budget on aquaculture programs.

20 The principal rationale is in 2011
21 NOAA and DOC released aquaculture policies,
22 and MAFAC at its last meeting recommended that

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1 NOAA begin to implement the stated policies.
2 While NOAA has implemented the Shellfish
3 Initiative, it lacks adequate resources to
4 implement additional policy action items,
5 including the Gulf of Mexico Council's
6 Aquaculture Management Plan, technology
7 transfer initiatives, and educational efforts,
8 to name a few. MAFAC would like to see
9 increased resources devoted to research and
10 demonstration programs, education, and
11 technology transfer initiatives.

12 In addition to implementation of
13 policy directives, for additional rationale, 5
14 percent of the seafood consumed in the U.S. is
15 produced through domestic aquaculture while 56
16 percent is cultured overseas. To meet the
17 seafood demands of a growing population and
18 trends of increasing per-capita consumption,
19 we believe significant increases in cultured
20 seafood production will be required.

21 Aquaculture provides jobs and
22 economic development in rural coastal

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1 communities. Aquaculture can help preserve
2 working waterfronts and can reinvigorate
3 underutilized processing and distribution
4 infrastructure.

5 Recent investments in research have
6 helped develop sustainable culture practices,
7 and MAFAC would like to ensure the benefits of
8 these investments are reaped domestically.

9 The focus here, as just a point of
10 issue, is without actions, those policies are
11 hollow in terms of a work product. They say
12 nice words, but they won't assist in the
13 history. Without a reasonable increase in
14 budget, those action items won't be followed
15 through on.

16 So, what we are really doing here is
17 restating, in essence, what we stated at the
18 previous MAFAC meeting. As a Subcommittee, we
19 are just underscoring the need for a
20 reasonable budget to fulfill the directives we
21 have made regarding the policy action items.

22 So, with that, I would open it to

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1 comment/discussion.

2 MEMBER BONNEY: I guess I hear your
3 pain on the money, but I am just wondering how
4 that fits in with the other exercise that we
5 were going to do in terms of funding
6 priorities. Because, obviously, if we are on
7 flat-funding or decreasing or increasing,
8 there are going to be tradeoffs across all the
9 industry. And so, I don't know how we decide
10 what the priority would be under different
11 environments, I guess.

12 So, obviously, being a representative
13 of the wild-side commercial harvesting side,
14 if we don't get stock assessments, and
15 whatnot, funded, then that means the
16 uncertainty goes up and the quotas go down.
17 And therefore, we get less on the wild side.

18 And so, I hate to pick one over the
19 other, but just to give a carte blanc
20 statement for aquaculture that we want more
21 money, I don't know what that means in terms
22 of the overall NMFS budget. That is my only

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1 comment.

2 CHAIR RIZZARDI: Randy?

3 MEMBER CATES: I guess I would pose
4 the question differently, and that is, MAFAC
5 and the Department of Commerce have made
6 aquaculture a high priority in the past. The
7 Secretary of Commerce said it is the highest
8 priority for commerce at one time. If that is
9 true, having less than 1 percent of the
10 budget, is that reasonable? If your highest
11 priority receives less than 1 percent, are you
12 going to achieve anything?

13 CHAIR RIZZARDI: Pam?

14 MS. YOCHER: I think you made the
15 discussion before the break, or somebody did,
16 that there is another mechanism for addressing
17 the budget priorities with this table. But I
18 wasn't here for the previous recommendation by
19 MAFAC. Is there anything that could be gained
20 by separating those two things?

21 I mean, for example, the other
22 subcommittees are asking NMFS to report back

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1 on what have you done to implement these
2 aquaculture policies; what have you done to
3 address the fact that the Secretary of
4 Commerce says that aquaculture is the No. 1
5 priority? Is that how the recommendation was
6 made? Or was it specifically invest more
7 resources in it?

8 MEMBER NARDI: If I recall, it was
9 more of a direct -- you know, the staff has a
10 better institutional memory than I do -- but
11 it was more of we have these policies; we have
12 recommended implementation strategy. And it
13 was to move forward with the implementation
14 strategy. There wasn't a specific dollar
15 amount next to each item that is needed.

16 MS. YOCHER: Do you think anything
17 could be gained by asking for an update on
18 that? Or do you think it would just be an
19 empty conversation because they would say, "We
20 haven't done it because we don't have the
21 money."?

22 CHAIR RIZZARDI: Mark?

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1 DR. HOLLIDAY: Right. So, at the
2 time the DOC and the NOAA policies were
3 adopted, there was a task to Dr. Rubino to
4 look at what the implementation costs would be
5 for carrying out those objectives. He
6 developed a strategy, a long-term plan in
7 association with the various parties affected,
8 and came up with a \$32 million budget
9 associated with all of those elements, fully
10 implemented over a period of time.

11 As you saw, or maybe you didn't have
12 a chance, looking at the trajectory of what
13 the aquaculture investment has been over time,
14 it has been flat and declining in the last two
15 years. And so, it is now at a \$5.5 million
16 program out of an \$880 million budget. So,
17 the gap between fully-fledged or fully-funded
18 to implement all of these different scenarios
19 is the delta between a \$5 and a \$30 million
20 program.

21 In the past, the Commerce
22 Subcommittee has not set a specific target and

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1 said, "We think you should fund it at a \$10
2 million level" or a \$12 million or a \$32
3 million, but it said, beyond what we are
4 spending now, in order to make any progress on
5 these policy initiatives, you can't do it
6 within the current funding profile. And so,
7 if you only wanted to do a small part of what
8 is in the DOC and NOAA policies, you could
9 spend \$8 million or anything more than \$5.5
10 million would get you -- that is the marginal
11 cost of doing more than what we are currently
12 doing today.

13 So, there is not a specific target in
14 the prior recommendation for a dollar amount,
15 but it is recognizing that we have these new
16 initiatives and these new commitments,
17 protect/transfer for implementing regulations
18 in the Gulf of Mexico, and those three
19 principal priorities of the Shellfish
20 Initiative that we heard about in Dr. Rubino's
21 presentation, those are added costs above and
22 beyond the current profile.

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1 CHAIR RIZZARDI: Randy?

2 MEMBER CATES: For the new members, I
3 want to be clear on one thing, too. It is not
4 just more money. It is what we do with that
5 money.

6 And I have been on record as stating
7 that, unless we are going to change direction,
8 don't put any more money in it. I made those
9 comments, and I stand by those, at the last
10 meeting. If we are going to have to cut, cut
11 from the aquaculture program, unless it is
12 willing to change direction and invest in the
13 real nuts and bolts that will increase
14 production.

15 So, I support this, but with one
16 other part to that. And that is we need to
17 reprioritize what the goals are for
18 aquaculture. If it is purely education and
19 outreach and the GAO recommendations of
20 satisfying those things, in 10 years we will
21 be in the same position. If it is to create
22 jobs and increase production, I am onboard; I

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1 am for that. But that message has to get to
2 the people that are going to be in charge of
3 that program.

4 CHAIR RIZZARDI: Okay. So, we have
5 got a Committee report at this point.
6 Everybody has gotten some background. We see
7 the history of MAFAC's support for this issue,
8 the priority that we have emphasized, the need
9 for more funding. And then, we have also got
10 this budget exercise that is coming.

11 So, as I gather it, George, what you
12 are doing here is the Subcommittee is
13 reporting out, reminding everybody of what
14 MAFAC said in the past, the historic
15 significance we have given this, and everybody
16 should take this into account in their
17 individual budget exercises that they engage
18 in.

19 Okay. Paul?

20 MEMBER CLAMPITT: You made a
21 suggestion, getting back to that, that we roll
22 this into our exercise of going through the

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1 line items and determining what each one of us
2 thinks and see if there is any synergy there,
3 right?

4 CHAIR RIZZARDI: Right.

5 Alan?

6 MR. RISENHOOVER: Right. And to
7 follow up on Paul, I think the helpful part of
8 that is we have had these recommendations that
9 aquaculture needs to be supported, both as a
10 priority -- you can do things without money,
11 right, just because I make it a priority? --
12 or money to back those up. So, there are
13 those two things.

14 But what I haven't really seen from
15 MAFAC is, how does that fit into the rest of
16 the activities the organization is doing? So,
17 it is one thing to say, yes, we need more
18 money and investment in aquaculture, and I
19 think the agency agrees with that, but we have
20 to view that in the context of everything the
21 agency does.

22 And so, this budget exercise gives

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1 you a little bit of that ability to say, the
2 balls in there, how big is this one; how big
3 is this one? But they still have to fit in
4 this box at the end of the day. So, that will
5 make that exercise a little more illuminative
6 to us as well.

7 CHAIR RIZZARDI: Mark, did you have
8 something to supplement?

9 DR. HOLLIDAY: I will pass.

10 CHAIR RIZZARDI: Okay. Any other
11 discussion on this subject? Phil?

12 MEMBER DYSKOW: I just have a
13 question, and Randy can probably answer this.

14 One of the most powerful members of the
15 Senate Commerce Committee is from your State.

16 Has he taken a position on aquaculture?

17 MEMBER CATES: Yes.

18 MEMBER DYSKOW: And could you share
19 that with us?

20 MEMBER CATES: He has taken several
21 positions.

22 MEMBER DYSKOW: Well, pick the best

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1 one.

2 (Laughter.)

3 MEMBER CATES: He has always been
4 pretty supportive of aquaculture, and so have
5 all our other Senators, surprisingly behind
6 Senator Stevens. He has also been critical of
7 what we have done with aquaculture. But I
8 would say, generally, he is very supportive,
9 and I believe in the near future will be even
10 more so.

11 And it is really coming down to --
12 well, what is happening, just some background:
13 we live in an island state where seafood
14 consumption is more than double of what the
15 average American consumes. And we live in an
16 area where over 90 percent of our seafood is
17 imported. It is a cultural aspect, too.

18 I will give you a personal example.
19 My father-in-law, the first time he ate a
20 steak was at the age of 18. And in one
21 generation, it has completely changed, which I
22 have seen what happens with that.

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1 Additionally, Inouye is very close
2 with island nations like Guam, Saipan, and
3 other areas. They are different there in that
4 they don't have state waters; they are federal
5 waters. And so, when those areas come to the
6 Senator for support with their fisheries
7 problems and trying to find solutions to
8 production, they have a real problem in that
9 they are federal waters and they can't just go
10 and do aquaculture. And they are begging for
11 assistance to be able to do aquaculture.

12 I was asked to go to Saipan and give
13 expertise to that very subject, and they don't
14 have permission. They feel very bitter about
15 that because they want to put food on the
16 table for their people, and they are not able
17 to because of a federal lack of action.

18 So, Inouye is starting to get more
19 and more involved in it, and the pressure is
20 mounting on him, what are we going to do? It
21 is not just a Hawaii thing. You know, when
22 you look at those other areas, they really

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1 need something done.

2 Manny, maybe you can chime in on
3 that, what you have been hearing from Saipan
4 and those other areas and maybe from the
5 Council point of view. It seems that just in
6 the past two years aquaculture is becoming
7 more talked about.

8 MR. DUENAS: Yes, well, the Council
9 has been talking about aquaculture since when
10 you first spoke to us about it many years ago.

11 It has a lot of plans for development of
12 aquaculture, but it doesn't have the financial
13 resources. They plans that they showed us,
14 they shared with us, and they have feasibility
15 studies and all these kinds of research done,
16 and there is no one to turn to.

17 Aquaculture is a buzzword. The way I
18 see it, there is not a lot of money in it.
19 But communities that can benefit from the
20 start of one are unable to. I don't know; it
21 takes a lot of investment, and especially in
22 the Marianas or in Hawaii the investments

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1 there, I mean, it is going to take a lot of
2 investment.

3 Our market is Japan. We want to look
4 at an export market because whatever is
5 produced, we have more than enough.

6 But the Council itself, we are very
7 supportive of aquaculture or mariculture,
8 whatever you want to call it.

9 CHAIR RIZZARDI: All right. So, I
10 think all the members have all this to
11 consider, and the materials have been sent to
12 you as well. So, when the briefing exercise
13 comes and the budget exercise comes, this is
14 one of the considerations.

15 George, did you have anything else?

16 MEMBER NARDI: No. Thank you.

17 CHAIR RIZZARDI: All right. Thank
18 you, George.

19 Our next report is Julie for
20 Protected Resources.

21 MEMBER MORRIS: Thank you, Mr.
22 Chairman.

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1 I sent out two versions of this one,
2 early this morning and one a little later.
3 And you should be looking for the second
4 version, the one that is a little later.

5 So, the Committee met yesterday
6 afternoon, and we had good participation. We
7 had a long discussion about the CCC motion
8 that was brought to us by Keith and Manny, and
9 had trouble figuring out exactly how to form
10 an either informal or formal working group
11 with the CCC, but moved on to talking about
12 what our next step might be.

13 We decided our next step would be to
14 ask the staff to help us organize a webinar to
15 examine a small number of case studies where
16 either the ESA or the Marine Mammal Protection
17 Act prompted a fishery management action in
18 order to avoid jeopardy, and that was based on
19 a biological opinion. And we want to invite
20 representatives from the CCC to join in the
21 webinar.

22 The webinar would be in that sweet

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1 spot where everybody else is trying to get
2 work done, too, between June 15th and July
3 15th. We would have background materials. We
4 would invite two experts to present case
5 studies to us.

6 One is Gina Schultz from NMFS
7 Protected Resources, and we wanted a case from
8 the Atlantic and a case from the Pacific. So,
9 we thought perhaps she could describe the
10 right whale case study to us and sea turtles.

11 Sea turtles could include both the Pacific
12 sea turtles and the Atlantic and Gulf of
13 Mexico sea turtles.

14 We also wanted to invite John Stein
15 from the Fisheries Science Center to describe
16 two case studies, one on Chinook salmon and
17 the other on steller sea lions, again, trying
18 to get a fish and a mammal.

19 And we would be listening and hearing
20 those case studies for best practices, and
21 some potential areas for improvement in laws
22 and regulations would be one area in the

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1 science and analysis used in the biological
2 opinion would be another area; the process of
3 including the fishery managers in the process
4 of how jeopardy and biological opinion were
5 being developed and transparency in that
6 process.

7 And then, based on the webinar, we
8 would attempt to agree on a set of problems
9 that could come back to Subcommittee work and
10 MAFAC work to develop recommendations.

11 And that Keith and I would jointly
12 draft a letter from MAFAC to CCC in response
13 to their motion to us, explaining what our
14 plans were.

15 Is there any comment or discussion on
16 that?

17 CHAIR RIZZARDI: Manny? Well, they
18 want to see if you are okay with where this
19 Protected Resources came --

20 MR. DUENAS: My only concern in this
21 whole exercise is that you are going to hear
22 from the agency, and I think maybe to level

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1 the playing field in the discussion to get a
2 better perspective is to include the various
3 Councils in that counteraction. Because the
4 action is not questionable on the agency's
5 perspective; it is questionable on the
6 Council's perspective. And you are asking the
7 agency to tell you that everything is hunky-
8 dory.

9 So, that is my perspective. I hope
10 that doesn't open Pandora's box.

11 I think the Councils have to be
12 invited in the various arenas for discussion.

13 MEMBER MORRIS: So, you are
14 envisioning in the webinar sort of a joint
15 presentation or this is the case history from
16 the protected species agency viewpoint, and
17 this is the case history from the
18 Council/fishery managers' --

19 MR. DUENAS: Perspective.

20 MEMBER MORRIS: -- perspective?

21 MR. DUENAS: Right. Like, you know,
22 you are going to have to have a pro and con

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1 and some sense as to what the issues are,
2 because I think the issues are coming from the
3 Councils that not everything is hunky-dory,
4 not everything is fair, and how jeopardy is
5 determined, and how transparency is
6 determined.

7 For every agency, every regional
8 office, they all feel that they were
9 transparent; they followed the best rules.
10 But you are putting me in the hen house; I'm
11 the worst fox.

12 MEMBER MORRIS: Do you think the
13 right person to invite to do that would be a
14 Council member or a Council staff member?

15 MR. DUENAS: I think just send a
16 letter to the Councils' ED, and then they will
17 respond with saying who the best person they
18 will recommend, whether it be a learned
19 Council member or a very learned staff member
20 who has spent all the time in trying to deal
21 with the agency on these issues. But I would
22 send it to the ED or the chairman or

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1 chairperson. That would be my perspective.

2 CHAIR RIZZARDI: Randy and Liz?

3 MR. FISHER: I would like to second
4 that. I would also like to recommend -- the
5 agency directors got together with NMFS, the
6 headquarters folks, about a month and a half
7 ago or so, and they talked about ESA. There
8 was a number of recommendations come out of
9 that that went to the agency. I think that
10 you may want to ask what those recommendations
11 were.

12 MR. RISENHOOVER: Yes, and I couldn't
13 tell you exactly. But it is a lot of the same
14 sort of issues: involvement in the process,
15 certainty of the process working over a
16 timeframe or consistency across regions.

17 So, yes, maybe what you want to do is
18 pick a case -- and let's just say right whales
19 -- and have the agency provide the perspective
20 on that biological opinion, a state person on
21 that biological opinion, and a Council one.
22 And the Council and the state person might be

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1 the same or similar.

2 But we also need to look at what we
3 talked about at the State Directors' meeting,
4 the CCC meeting, and what MAFAC is coming up
5 with here, and making sure at least they are
6 meshed. And it would be nice if they were all
7 the same thing; we could solve kind of all the
8 concerns at once, instead of kind of an
9 increment, solve a little bit for the states
10 and a little bit for the Councils and then
11 those two not match up.

12 MEMBER MORRIS: So, could we ask that
13 that set of recommendations -- was it from the
14 State Directors? -- be provided as background
15 for this webinar?

16 MR. RISENHOOVER: Yes. I don't know
17 that they landed on recommendations, but it
18 was definitely a list of concerns.

19 MEMBER MORRIS: A list of concerns?

20 MR. RISENHOOVER: And if there were
21 specific recommendations, we will pull those
22 as well.

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1 MEMBER MORRIS: Okay.

2 CHAIR RIZZARDI: Julie, I have a
3 question. I missed some of the discussion in
4 the Committee, and I am realizing that the
5 MMPA has worked its way into here.

6 MEMBER MORRIS: Right.

7 CHAIR RIZZARDI: Was that
8 intentional? Because most of the discussion
9 that I have heard has been about ESA, and like
10 MMPA doesn't even have a jeopardy standard.
11 So, is that just extra? I mean, does it need
12 to be there? Was that discussed? Can it be
13 limited to ESA?

14 MEMBER MORRIS: I am not attached to
15 keeping it. I thought that they were both in
16 play here. But what does the rest of the
17 group think? Are we focusing just on ESA or
18 ESA and MMPA?

19 Keith is chairing right now. So,
20 look to him.

21 CHAIR RIZZARDI: Martin and Pam?

22 VICE CHAIR FISHER: I am not certain,

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1 but I think it was Micah who was talking about
2 the MMPA issue. So, I couldn't comment, but I
3 think that is where the source is.

4 CHAIR RIZZARDI: Pam?

5 MS. YOCHER: I think there was an
6 interest in getting some diversity across
7 Taxa. For stellers, for example, I think
8 there were discussions, you know, MMPA and ESA
9 work together when they are establishing a
10 status. But, yes, I am not sure what.

11 And I think you are right; I think it
12 was Micah that brought it up as an issue.

13 CHAIR RIZZARDI: I guess that is part
14 of why steller and the right whale made it on
15 the list.

16 Liz?

17 MEMBER HAMILTON: With respect to the
18 transparency issue -- and I am just the
19 messenger here; I am not saying this is my
20 message -- but there is concern about
21 transparency in the biological opinion for
22 salmon in how it is linked to hydro and the

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1 jeopardy standards there. For many people,
2 that feels not very transparent.

3 And then, we also have management
4 programs called U.S. v. Oregon, U.S. v.
5 Washington, which are completely closed as
6 well.

7 So, transparency comes from all
8 different sides. And I don't know that you
9 are going to get that other perspective in the
10 webinar, and I don't know that it is that
11 important for a national group, but it is
12 important to know there are some concerns in
13 those areas.

14 CHAIR RIZZARDI: Tony? Terry?

15 MEMBER CHATWIN: So, just on the
16 right whale issue, it made it on the list
17 because I did some research and found that a
18 Japanese determination was made for three
19 fisheries, commercial fisheries, with regard
20 to right whales.

21 MEMBER MORRIS: Tony, we can't hear
22 you. I'm sorry.

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1 MEMBER CHATWIN: I am just explaining
2 how right whales came to be on the list, which
3 I did some research and found that there had
4 been a Japanese determination on right whales
5 under the Commercial Fisheries Management
6 Plan. So, that is why.

7 CHAIR RIZZARDI: Okay. It wasn't
8 about MMPA?

9 Terry?

10 MR. ALEXANDER: Okay. So, I just
11 have a question.

12 CHAIR RIZZARDI: Yes.

13 MR. ALEXANDER: The action that NMFS
14 just took to shut down a big area in the Gulf
15 of Maine in the fall for the gillnetters, was
16 that taken on the ESA, MMPA, or --

17 MR. RISENHOOVER: The harbor porpoise
18 --

19 MR. ALEXANDER: Yes.

20 MR. RISENHOOVER: -- was MMPA. It
21 was a take reduction.

22 MR. ALEXANDER: Right. Okay.

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1 CHAIR RIZZARDI: And that was why I
2 raised the point about MMPS versus ESA. The
3 letter we got from the CCC was talking about
4 jeopardy. The presentations were about ESA.
5 Yes, the MMPA can also create some of the
6 similar dynamics, but it is different. There
7 are different legal standards. There is
8 different analysis taking place.

9 So, I had thought we were talking
10 ESA, and I am seeing the Committee got a
11 little broader with it. And there may be an
12 opportunity to do MMPA. It is just we would
13 have to be strategic and structured in how we
14 do it.

15 MEMBER MORRIS: Okay. So, do we want
16 to drop the MMPA as a focus for the webinar?
17 Or do we want to keep it there because there
18 is some interaction?

19 MEMBER BONNEY: I would think that we
20 are better to focus.

21 MEMBER MORRIS: Focus on the ESA?
22 Does anybody object to that? Terry does.

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1 MR. ALEXANDER: The only reason is
2 because, if this just affected our fishery and
3 the Gulf of Maine, MMPA might be a chance to
4 address that. In the Gulf of Maine, it is an
5 enforcement problem, not an actual take
6 problem. And those takes are extrapolated out
7 from observed trips. So, they don't
8 physically know that those numbers exist, No.
9 1.

10 And, No. 2, we are all required to
11 put pingers on our nets. Forty percent of the
12 fleet isn't complying with the pinger rules.
13 That seems like an enforcement problem to me.

14 I mean, I don't think we should be shutting
15 down the fleet because they can't arrest the
16 guys that are doing the wrong thing. They
17 should be rewarding the people who are doing
18 the right thing.

19 So, I don't know if that is even
20 pertaining to the -- this gets way over my
21 head.

22 CHAIR RIZZARDI: I understand. Let

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1 me ask a question. Recognizing that all of
2 this is within the reasonable scope of
3 protected resources, can we just break this
4 out over time and take it one bite at a time
5 and maybe tackle the ESA for this first part,
6 and then put protected resources up after
7 October? We get through this first exercise,
8 talk about it again, learn what we did on the
9 ESA side, and then move over to the MMPA?

10 MR. ALEXANDER: It sounds fine to me.

11 MEMBER HAMILTON: May I respond --

12 CHAIR RIZZARDI: Liz?

13 MEMBER HAMILTON: -- to your
14 question? Just as long as we might bring ESA
15 back into the MMPA, because there are places
16 where they overlap.

17 CHAIR RIZZARDI: Right. It is just
18 going to start somewhere.

19 MEMBER HAMILTON: Yes. Right, right.
20 No, I'm good. I like what you said. I just
21 don't think they are separate.

22 MEMBER MORRIS: Okay. So, we are

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1 going to focus on the ESA.

2 CHAIR RIZZARDI: Yes.

3 MEMBER MORRIS: Okay. And we are
4 going to invite Council EDs to comment on the
5 case studies that are being presented by
6 Protected Resources and Fisheries Science
7 Center?

8 Okay. Anything else on this next
9 step, this kind of elaborate next step that we
10 are planning?

11 CHAIR RIZZARDI: I guess we are not
12 looking for a motion, but just it sounds like
13 the sense of everybody is that this is a
14 reasonable path forward, and the Executive
15 Committee can plan accordingly.

16 All right. Julie, Part 2?

17 MEMBER MORRIS: Okay. The other
18 thing that we were asked to work on was the
19 two coral reports that we were briefed on over
20 the telephone by Lance from Hawaii. And one
21 of those was the coral status review report,
22 and the other was the coral management report.

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1 We didn't have as much time to talk
2 about this as we did the other one, but we did
3 come up with a short list of points that we
4 could put in a comment letter. And so, these
5 are the points that we are proposing to MAFAC
6 that we have put in a comment letter.

7 First, the coral status review
8 report. One would be to comment that the
9 threat ranking that they used does not appear
10 to be based on clear criteria. And I guess
11 the suggestion is that it should be.

12 Another is that they defined the
13 foreseeable future as the year 2100, but it
14 would be good if they could further justify
15 why 2100 was the time horizon for the
16 foreseeable future.

17 Another was that they should focus
18 the status review only on those coral species
19 that we are certain occur in U.S. EEZ waters.

20 Some of the 83 species we are not certain
21 they occur in U.S. EEZ waters. It is possible
22 that they do, but we just aren't certain

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1 whether they do or not. And so, in order to
2 focus the review work in some way, we thought
3 maybe let's focus on things that we are
4 certain occur in U.S. waters.

5 We wanted to suggest that any
6 research on coral adaptation to ocean warming
7 and acidification changes should be included
8 in the status review. And we wanted to
9 suggest that the ESA language that a species
10 is warranted but precluded be applied to coral
11 species that occur primarily in foreign
12 waters.

13 And because this is a comment letter,
14 we probably ought to consider this more as a
15 motion. Does that make sense, Mr. Chairman?

16 CHAIR RIZZARDI: Yes, ma'am.

17 MEMBER MORRIS: Okay. So, if
18 somebody would move that as a motion, we could
19 work on any amendments or changes.

20 CHAIR RIZZARDI: So, just the first
21 part of the comment letter on the status
22 review?

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1 MEMBER MORRIS: Right.

2 CHAIR RIZZARDI: So, it is the first
3 five bullets. Motion?

4 MS. YOCHER: So moved.

5 MEMBER CLAMPITT: Second.

6 CHAIR RIZZARDI: And seconded.

7 Motion by Pam, seconded by Paul and Martin.

8 Discussion?

9 (No response.)

10 There are some big statements up
11 there. No discussion?

12 Tony? Oh, you're still reading.
13 Okay.

14 Julie?

15 MEMBER BONNEY: I am just wondering,
16 the last bullet which talks about things that
17 you really can't control, ocean acidification.

18 MEMBER RHEAULT: Would you speak up?
19 I can't hear you.

20 CHAIR RIZZARDI: That is not on this
21 motion.

22 MEMBER BONNEY: Oh.

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1 CHAIR RIZZARDI: This motion is for
2 the first five bullets.

3 MEMBER BONNEY: Okay.

4 CHAIR RIZZARDI: Terry?

5 MR. ALEXANDER: I, for one, am glad I
6 see that we are going to focus the review only
7 on the species found in -- I was wondering how
8 we were going to tackle anything in the Indian
9 Ocean when we really don't have access to it.
10 So, I am glad that you guys did put that in.

11 CHAIR RIZZARDI: Kate has got a
12 question?

13 MS. NAUGHTEN: I just wanted
14 clarification. The status review is final; it
15 is done. That should have been one of the
16 points yesterday. And this public comment
17 period, it is not asking to reopen that. So,
18 I am just making it clear, I want it to be
19 clear that the positioning of the letter, you
20 all might want to revisit what we are asking
21 for during this comment period part of The
22 Federal Register notice.

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1 CHAIR RIZZARDI: Right. This is an
2 Advance Notice of Proposed Rulemaking, and
3 this is before we get --

4 MS. NAUGHTEN: No, this is an unusual
5 circumstance.

6 CHAIR RIZZARDI: Right. Right.

7 MR. RISENHOOVER: So, if I can just
8 expand on what Kate is saying here, the status
9 review report is done. It is a peer-reviewed
10 document. But what we want to know, is there
11 additional information, beyond that, that we
12 need to consider when we move to the next
13 step, which is whether to do a listing.

14 So, while we may not revise the
15 status review report, your comment will be
16 part of that expansion of knowledge or
17 foundation we used to determine whether a
18 listing is warranted. And then, again, that
19 will be a proposal. It doesn't go final
20 immediately.

21 So, again, since the status review is
22 a peer-reviewed document, we might supplement

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1 it, but the idea was we are creating another
2 body of information upon which the agency can
3 draw to make its decision on whether we should
4 propose a listing.

5 CHAIR RIZZARDI: Paul?

6 MEMBER CLAMPITT: Well, I think we
7 realized that when we were coming up with
8 this, and maybe we could word it a little
9 differently. But I guess you could say, going
10 forward, the threat does not appear to be
11 based on criteria.

12 But I remember discussing exactly
13 that point when we produced this. And so,
14 maybe some wordsmithing, but what do you
15 think?

16 MR. RISENHOOVER: And, Paul, that is
17 how I understood the recommendation. But I
18 just wanted to make sure the Committee --

19 MEMBER CLAMPITT: Oh, okay.

20 MR. RISENHOOVER: -- everybody who
21 may have not been in that discussion
22 understood just kind of how we are moving

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1 forward here.

2 CHAIR RIZZARDI: So, these are going
3 to be comments to NOAA about the forthcoming
4 Notice of Proposed Rulemaking, as opposed to
5 comments to amend or revise the status report?

6 MR. RISENHOOVER: If we take that
7 next step of a proposed rule.

8 CHAIR RIZZARDI: Right.
9 Randy?

10 MEMBER CATES: Can we say in our
11 comments that people are petitioning?

12 MR. RISENHOOVER: Let me quote Randy
13 Cates: "We advise the Secretary of
14 Commerce...."

15 (Laughter.)

16 CHAIR RIZZARDI: Julie?

17 MEMBER MORRIS: So, before we vote on
18 this motion, just let me understand clearly,
19 is it one comment period where we should
20 combine the comments on the two reports? Or
21 are you asking for comments on the two reports
22 separately?

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1 MR. RISENHOOVER: I would say you
2 could combine the comments, just making it
3 clear which ones on the status review, are
4 part of the review report; that is not
5 obvious, and a second section, or you could do
6 separate letters.

7 MEMBER MORRIS: Okay. I was
8 wondering whether we should combine this all
9 into one motion or have two separate motions.
10 And I guess it doesn't matter.

11 MR. RISENHOOVER: From an agency
12 receiving your comments, we want the comments.

13 MEMBER MORRIS: Okay.

14 CHAIR RIZZARDI: Any more discussion
15 on the first part of the comment letter?

16 (No response.)

17 Okay. We will go forward with the
18 vote.

19 All in favor?

20 (Chorus of ayes.)

21 Any opposition?

22 (No response.)

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1 Okay.

2 MEMBER MORRIS: Okay. The second set
3 of bullets deals with the coral management
4 report. We are recommending that we have a
5 comment letter that makes these points:

6 First, that management should use
7 multi-species management approaches when
8 possible.

9 We encourage the management to
10 include an analysis of the effectiveness of
11 current regulations and management actions in
12 actually protecting coral.

13 We think the comments should include
14 that, if the three greatest threats to these
15 coral species are ocean warming, disease, and
16 ocean acidification, that the normal methods
17 of coral management that we are all familiar
18 with will be ineffective to address those.

19 And then, finally -- this is the one
20 that has Julie confused -- listing decisions
21 for coral species with actual fishery or
22 recreational interactions should be

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1 prioritized, but coral species whose primary
2 threats are ocean warming or ocean
3 acidification could be considered for
4 warranted, but precluded status.

5 National Marine Fisheries Service
6 could come up with criteria to be used as the
7 basis for warranted, but precluded status
8 decisions for these coral species. One
9 criteria they could use would be whether there
10 any protective benefit to invoking the ESA
11 regulatory process for that particular
12 species.

13 CHAIR RIZZARDI: Julie?

14 MEMBER BONNEY: I guess I am just
15 questioning, is there such a thing as
16 warranted, but precluded?

17 CHAIR RIZZARDI: Yes.

18 MEMBER MORRIS: Do you want to
19 explain how that operates, Keith?

20 CHAIR RIZZARDI: It is a piece of the
21 Endangered Species Act where when the agency
22 goes through its listing process, it can

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1 determine that, even though a species meets
2 the five factors that make it eligible for
3 listing, they decide not to list it because it
4 is precluded by other higher priorities or
5 precluded by other factors. And that does
6 happen occasionally with species.

7 Liz?

8 MEMBER HAMILTON: So, can I ask a
9 question of the lawyers and the regulators
10 there? Let's say that the listing did occur
11 and that the limiting factor was climate
12 change. Would carbon industries, then, have
13 to consult with NOAA?

14 CHAIR RIZZARDI: A great question.

15 MEMBER HAMILTON: Is that how it
16 would, then, move? I mean, is that --

17 CHAIR RIZZARDI: That was very much
18 the question with the polar bear, for example.

19 MEMBER HAMILTON: Right.

20 CHAIR RIZZARDI: And the U.S. Fish
21 and Wildlife Service adopted a special rule on
22 the polar bear saying that, in effect, if

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1 there was an action taking place in south
2 Florida, it wasn't going to have to consider
3 the carbon impact and, thereby, consider
4 effects on polar bears in the Arctic.

5 So, there have been special rules
6 that have been developed on that point. There
7 could be that kind of rule developed in this
8 instance, if coral species are listed, that
9 would say, just because you are listing a
10 coral in the area of the Caribbean doesn't
11 mean that you consult on the effects of a
12 project in Washington State.

13 MR. RISENHOOVER: And so, where we
14 are right now is, again, that foundation of
15 information on which we will make a decision
16 on whether we are going to propose a listing
17 or not. Once that proposal is out and there
18 are more comments, if it goes forward, then
19 the next step would be recovery planning and
20 consultations. So that this stuff Keith is
21 talking about here, concerned about, is a few
22 steps away still from being considered.

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1 CHAIR RIZZARDI: Tony, you had your
2 hand up?

3 MEMBER CHATWIN: Yes. Thank you, Mr.
4 Chairman.

5 I really don't like the idea of us
6 making a statement that we think that, if
7 there is a certain threat causing a problem,
8 that we should enforce a certain risk
9 imposition by the --

10 MEMBER MORRIS: I'm sorry, Tony, I
11 can't hear you.

12 MEMBER CHATWIN: Okay. So, let me
13 just take this as an aside to say I think we
14 really need microphones at the meeting. We
15 can take this up on other business, but it is
16 frustrating.

17 MEMBER MORRIS: Very frustrating.

18 MEMBER CHATWIN: I am saying that I
19 don't agree with the statement that, if the
20 primary threat is -- where is that language?
21 -- ocean warming or ocean acidification we
22 should have a warranted, but precluded status.

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1 I think that is something that is already in
2 the toolbox for the agency to use, if they so
3 determine.

4 I think we, as a body, have just made
5 a vote saying that we found that the lack of
6 criteria for the threat ranking was an issue
7 that they needed to address. And here we are
8 saying that, likely based on that ranking, we
9 want a certain action to happen. So, to me,
10 it kind of contradicts our previous vote.

11 CHAIR RIZZARDI: I am just noting the
12 language says "could," not "should". It is
13 not conclusive. It is open-ended. It is
14 discretionary to NOAA.

15 MEMBER CHATWIN: Nevertheless, to me,
16 the point is I think the agency needs to
17 determine if these warrant listing or not, and
18 then there is a next step.

19 For those of you in coral
20 jurisdiction, coral is under multiple threats,
21 and bleaching is one of them. To say corals
22 that are suffering bleaching should be

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1 precluded from additional protections under
2 the Act just doesn't make sense to me.

3 MEMBER DOERR: And I would agree with
4 Tony. I know I am not comfortable calling out
5 one particular threat and attaching that to
6 warranted, but precluded. I am just not. For
7 some reason, that just doesn't set well with
8 me.

9 CHAIR RIZZARDI: Randy? Julie?

10 MEMBER CATES: I just want to comment
11 to Tony, as someone who has worked with coral,
12 repairing reefs, I find the issue of threats
13 to coral is being heavily abused and is
14 affecting commerce and jobs in a huge way.

15 So, I think NOAA needs to be put on
16 notice that more common sense needs to be
17 applied there, because there are really big,
18 big abuses. I mean, we really are at the
19 point where states are considering scrubbing
20 harbors as a management tool to save money,
21 which is absurd. We are going to pay for that
22 because of the potential mitigation when you

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1 have got to go repair that cement piling that
2 you put in. That makes no sense.

3 So, somehow we have got to get the
4 message that, yes, corals are important, but
5 you have got to have some common-sense
6 approach to this. We really do.

7 MEMBER CHATWIN: Can I respond to
8 that?

9 CHAIR RIZZARDI: Julie had her hand
10 up, and then I will go to Tony, yes.

11 MEMBER MORRIS: Right. So, I am
12 going to suggest in this final paragraph that
13 we keep the first sentence and the last
14 sentence, but delete the two middle sentences
15 about "warranted, but precluded". I think
16 that that saves the general thrust of
17 prioritizing things with actual fishery or
18 recreational interactions and developing some
19 criteria.

20 CHAIR RIZZARDI: Tony? And then,
21 Julie Bonney.

22 MEMBER CHATWIN: So, I mean, this is

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1 not a direct response to what you said because
2 I am not familiar with the issue that you are
3 describing. But I work with corals. We run a
4 coral reef conservation initiative. We work
5 with the Coral Reef Task Force. We look at
6 all of the science that is out there on coral
7 reefs.

8 And it is a global trend that live
9 coral cover is declining. In the Caribbean,
10 there is less than 20 percent of all the coral
11 reefs is covered with live coral, and it is a
12 declining trend.

13 So, to me, one of the big issues,
14 when you see most dramatic loss of live coral,
15 which is the most direct indicator of coral
16 health, it is the fact that bleaching occurs.

17 If the coral is already stressed, it does not
18 recover from the bleaching.

19 And so, where I am coming from is,
20 based on the science that is out there, based
21 on my own experience in the field, I just
22 can't support saying that one of the big

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1 threats to coral health right now should be
2 the reason for not giving it protection, which
3 is what we are saying there.

4 CHAIR RIZZARDI: And what do you
5 think of Julie's suggestion to strike those
6 two sentences?

7 MEMBER CHATWIN: Yes, that would be
8 better.

9 CHAIR RIZZARDI: Okay. Julie Bonney?

10 MEMBER BONNEY: Well, I am going to
11 take the suggestion to another level because I
12 think the idea that there is an interaction
13 with recreational activities around fisheries
14 becomes a priority for this, too. So, I would
15 suggest we say "Listing decisions could be,"
16 whether they are of any protective benefit to
17 developing ESA or the regulatory process, and
18 leaving out the judgment of whether there is
19 an overlay with corals with fisheries and
20 recreation or whether it is a climate change,
21 or whatever. So, let's just leave it simple
22 and say "Listing decisions for corals

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1 could" --

2 CHAIR RIZZARDI : "Should consider..."?

3 MEMBER BONNEY: Yes.

4 CHAIR RIZZARDI: Okay.

5 MEMBER BONNEY: So, in other words,
6 let's not say it is about fisheries or
7 recreation or environment or anything. It is
8 just one of the criterias for listing is
9 whether there is going to be protective
10 benefits within both the ESA and the
11 regulatory process. So, you are getting away
12 from some of the judgments in the discussion.

13 MEMBER MORRIS: So, Heidi, do you
14 want to wordsmith this? It should start,
15 "Before a listing decision is" -- put one
16 criteria for listing decisions "for coral
17 species," and then delete everything from
18 there down "whether there is". There you go.
19 "Could be," yes, "whether there is any
20 protective benefit".

21 CHAIR RIZZARDI: Paul and Pam?

22 MEMBER CLAMPITT: Thank you, Mr.

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1 Chairman.

2 I think when we put in the language
3 suggesting that it could be "warranted, but
4 precluded," that was kind of a thought that
5 that was the situation we might be in because
6 what real power do we have, as one nation in
7 the world, over global warming and ocean
8 acidification or sea-level rise? And so,
9 anything that we did in the United States to
10 prevent that would probably be impotent in a
11 lot of ways.

12 But, on the other hand, NMFS and NOAA
13 already understand that there is a method of
14 warranted and precluded. So, us putting it in
15 there is probably a waste of time, I guess.
16 So, I would go along with that sense.

17 CHAIR RIZZARDI: Pam?

18 MS. YOCHER: Well, I have decided now
19 I am uneasy about the third bullet point,
20 which is, "If these are the three greatest
21 threats, then the normal methods of coral
22 management will be ineffective." A bald

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1 statement like that without scientific
2 literature to back it up -- I participated in
3 the discussions, so I know kind of what we
4 were trying to get across with that statement.

5 But I think the way it is written is not
6 appropriate.

7 MEMBER MORRIS: So, do you think we
8 should delete it or change it?

9 DR. HOLLIDAY: I think a point of
10 information. I don't think the report says
11 that language. That is interpretation,
12 misinterpretation of the table that said that
13 "The three most important factors are...." I
14 think it was "The three most important global
15 factors are....," and then there were these
16 other important factors at the local level.
17 They weren't making a judgment that, overall,
18 the three most important -- so, I think that
19 is an invalid, an inaccurate interpretation of
20 what is in the report. And I was going to let
21 it lie, but since you brought it up --

22 CHAIR RIZZARDI: Well, it seems,

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1 based on Tony's point, and, also, there is
2 some general consensus that the room would
3 prefer to stay out of that key point. So, if
4 it is open to being deleted, then the
5 Committee can chose to delete it.

6 Randy?

7 MEMBER CATES: Maybe I misunderstood,
8 but I thought I specifically asked that
9 question of them yesterday.

10 DR. HOLLIDAY: I understand, and I
11 think there was a miscommunication. Based on
12 the table that was being shown in the
13 presentation and his response to your
14 question, I think there was a miscommunication
15 about that response.

16 CHAIR RIZZARDI: Julie?

17 MEMBER BONNEY: I think if you just
18 go with the first, second, and the final
19 bullet, I think it just opens up the
20 discussion; it opens up the thought process of
21 things happening in the environment, and
22 whether ESA listings are going to do anything

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1 beneficial. So, it kind of takes you through
2 the decision process, but it removes some of
3 the subjectivity out of the discussion.

4 MEMBER MORRIS: So, Heidi, let's do a
5 strike-through on the third bullet.

6 CHAIR RIZZARDI: All right. Further
7 discussion?

8 MEMBER MORRIS: I am not sure we have
9 had a motion on this one yet. Have we?

10 CHAIR RIZZARDI: Paul?

11 MEMBER CLAMPITT: Well, I am quickly
12 trying to look up this draft management
13 report. So, I don't know; I like that third
14 bullet myself. I guess the question is, what
15 are normal methods of coral management? So,
16 maybe that would be a reason to strike it, if
17 we don't know what the normal management
18 measures are. Is that your point?

19 MS. YOCHER: Well, my concern is I
20 don't feel qualified to make that statement.
21 I mean, to me, a statement like that, a bald
22 statement that, if this is true, then current

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1 methods are going to be ineffective, you know,
2 in my world you can't just say that. You
3 would have to back that up with a lot of
4 information.

5 I think we have already tried to get
6 at things like considering what the impact of
7 invoking ESA would be, and considering the
8 effectiveness of that process and actually
9 protecting corals. So, anyway, there might be
10 a better way to word it to address what people
11 are thinking. But, just in looking at it now,
12 I just can't support that declarative
13 statement.

14 CHAIR RIZZARDI: Michele?

15 MEMBER LONGO EDER: I would agree
16 with Pam about that. The third bullet there,
17 I am not comfortable with the three greatest
18 threats and normal methods. The wording, I
19 think it would be better just to take it out.

20 But, on the fourth bullet, I can't
21 get what the whole sentence is there, the way
22 it is set up there.

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1 CHAIR RIZZARDI: So, Julie, is that a
2 motion?

3 MEMBER MORRIS: Can I make motions on
4 behalf of the Committee? I don't know why I
5 couldn't, but I would be happy to, if I can.

6 CHAIR RIZZARDI: Why not? I think we
7 have done that in the past. I think Ken is
8 our expert at that.

9 (Laughter.)

10 No insult.

11 MEMBER MORRIS: So, I can make the
12 motion? I make the motion.

13 CHAIR RIZZARDI: Is there a second?

14 (Motion is seconded.)

15 I mean, it sounds like there is
16 consensus in the room anyway on the document.

17 MEMBER MORRIS: The three remaining
18 bullets.

19 CHAIR RIZZARDI: Because it has been
20 reduced to those three key points.

21 MEMBER CATES: So, is the motion to
22 delete the third item?

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1 CHAIR RIZZARDI: Yes, all the
2 material was deleted. What is on the screen
3 is the clean version of just the three core
4 points.

5 MEMBER CATES: Is there discussion?

6 MEMBER LONGO EDER: That is where we
7 are right now. We have had a motion and a
8 second.

9 CHAIR RIZZARDI: Go ahead.

10 MEMBER CHATWIN: The only thing I
11 wanted to add, on the third item, I would
12 prefer that it would say "may be ineffective".

13 And the only reason is I have seen them do
14 some really screwy things in the name of
15 protection because people feel they have to do
16 something; they are mandated by law. I hear
17 that all the time, "We have to do these things
18 because we are mandated. We don't have a
19 choice."

20 Sometimes those actions do more harm
21 than good. And we are experiencing that right
22 now.

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1 CHAIR RIZZARDI: I think Mark's point
2 was that the first clause is an incorrect
3 statement, that the "if" clause is incorrect,
4 too. So, fixing the "may be ineffective" at
5 the end doesn't fix the problem, that it is a
6 mischaracterization of the document.

7 MR. RISENHOOVER: But I think that
8 they have deleted greatest threats part.

9 CHAIR RIZZARDI: Right.

10 MR. RISENHOOVER: And the threats are
11 listed as either global or local. But you
12 seem to have taken that out.

13 CHAIR RIZZARDI: Are we on the same
14 page? The third bullet, "If the three
15 greatest threats" -- okay.

16 DR. HOLLIDAY: But I think Randy is
17 suggesting, even if you took out the three
18 greatest threats and just said that, if the
19 threats to baro species are this, that
20 traditional methods may be ineffective, that
21 is what I am --

22 CHAIR RIZZARDI: Randy is nodding his

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1 head. Paul was nodding his head.

2 MEMBER CLAMPITT: Well, I am agreeing
3 with Randy, and I am going through this
4 report. I don't believe we have got the whole
5 thing for 82 corals. I am reading through it
6 here quickly. Basically, it is saying that
7 they are trying to determine what management
8 would be appropriate, and there is some
9 concern in the agency that they don't really
10 know which management would be appropriate for
11 this.

12 And here we have a comment, and we
13 are saying anything that you normally do
14 probably won't be appropriate if these are the
15 three greatest issues. I read that in the
16 threat report, as they listed the first three
17 issues were global warming, sea-level rise,
18 and acidification.

19 So, I mean, I would agree with Randy
20 to leave it in there and change maybe the
21 wording to "may be". I think I am going to
22 get overruled.

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1 CHAIR RIZZARDI: Julie?

2 MEMBER BONNEY: I guess my question
3 is, what is normal protection?

4 MEMBER CATES: That is what I am
5 saying.

6 MEMBER BONNEY: The normal methods, I
7 don't know that I know the normal methods for
8 coral management. That is why I am just more
9 in tune to just striking the whole thing.

10 CHAIR RIZZARDI: Paul?

11 MEMBER CLAMPITT: Well, normal
12 methods would be eliminating harvest,
13 eliminating fishing around it, drawing a line
14 around the structure itself and saying nobody
15 comes in here or anchors here. No more
16 recreational, no divers going through there,
17 touching, grabbing, whatever. And so, those
18 would be the normal methods. Tony could
19 probably add a few more.

20 CHAIR RIZZARDI: Tony?

21 MEMBER CHATWIN: I would say there
22 are very, very few places in the world where

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1 that is the case. That is extreme protection,
2 yes. But normal has to do with working the
3 watershed or reducing sediment and inputs,
4 looking at erosion issues, looking at best
5 management practices. In the water, the step
6 before having to ban all fishing is to ensure
7 that there is sustainable management of
8 herbivore fish because they can keep algae in
9 check, and in many coral jurisdictions we
10 don't even have adequate management benchmarks
11 for herbivores. So, there is a long way to go
12 before banning all fish and restricting all
13 access.

14 I think marine protected areas are a
15 tool that are used for coral conservation, but
16 I wouldn't call them normal because, relative
17 to the area in the world that has coral reef,
18 it is a postage-stamp-sized area that actually
19 has that level of protection.

20 MEMBER BONNEY: Alaska.

21 VICE CHAIR FISHER: Or in Florida.

22 CHAIR RIZZARDI: All right. Paul and

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1 Randy?

2 MEMBER CLAMPITT: I think that is an
3 appropriate sentence because of what he said.

4 Because if it is those three issues, global
5 warming, ocean acidification, and sea-level
6 rise, then the things he is talking about
7 aren't going to help.

8 CHAIR RIZZARDI: Tony, you're nodding
9 your head on that.

10 MEMBER CHATWIN: I just want to
11 clarify one thing which I didn't say. The
12 theory of change from going from corals in
13 poor health to corals that are healthy, even
14 when the poor health is driven by bleaching
15 and disease, things that are mentioned there,
16 is that corals suffer multiple stress. So,
17 from too much sediment, too much nutrient,
18 algal growth, losing ground to algae.

19 And those corals that are
20 experiencing excessive nutrients, excessive
21 sediments, even increased pathogens from
22 inputs from land-based sources are more

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1 susceptible to disease, are less likely to
2 recover from a bleaching event, from a warming
3 event.

4 And so, there is a linkage between
5 the two. While you don't solve global
6 warming/ocean warming by working on coral
7 conservation, you do provide coral a much
8 better chance to adapting and to recovering
9 from those global threats if you do the local
10 management. So, they are not independent. It
11 is not, you know, you can't do anything about
12 it.

13 CHAIR RIZZARDI: Okay. So, we have
14 got a motion and a second and discussion. We
15 have still got this clause struck out, but we
16 still have got a lot of discussion. So, does
17 anybody have a plan to get us over the finish
18 line on this one?

19 MEMBER CATES: I have a comment.

20 CHAIR RIZZARDI: Okay.

21 MEMBER CATES: Take your time on this
22 issue because it is an important one and it

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1 affects a lot more than people think. I am in
2 the marine salvage business. I had to cut up
3 a boat this year because the pathway out would
4 have damaged corals, a perfectly good boat,
5 \$1.5 million, and it would have gone through
6 about 30 feet of coral to get out. We could
7 have saved the boat. We ended up cutting it.

8 So, this coral issue -- and that
9 pathway would have probably grown back in two-
10 three years -- it affects a lot. Thinking
11 about coral reef, you don't think about how it
12 is going to affect commerce. So, think about
13 it, how you guys handle these things. And the
14 agencies need to think about it, if it is
15 common-sense approach.

16 MEMBER CHATWIN: There is information
17 on that, if I may.

18 CHAIR RIZZARDI: Please.

19 MEMBER CHATWIN: EPA just came out
20 with an economic valuation of the corals in
21 Hawaii. Thirty billion dollars a year in
22 commerce are supported by healthy reefs. So,

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1 I agree you should think of commerce, but
2 there is the other side of the equation.

3 MEMBER CATES: And I am on both sides
4 of that equation. I mean, I have done three
5 ship groundings since 2005. The first one, we
6 just did an evaluation and you cannot tell
7 where the damage area is different from the
8 repaired area. And that ship owner just paid
9 \$7.5 million, and he already paid for the
10 repair of the reef. The next ship was \$8.5
11 million. The third ship, we are still on our
12 path for repairing a reef three years after
13 the fact. It hasn't been done. So, these are
14 big, big dollar items and it has become a
15 revenue stream.

16 Our harbors, five years before you
17 can do a repair, a replacement of a pier in a
18 harbor now. So, it is affecting everything.

19 CHAIR RIZZARDI: Julie?

20 MEMBER MORRIS: Do we want to add
21 another bullet point that addresses the point
22 that Tony has been making about how the kind

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1 of local efforts to address healthy reefs
2 makes them more resilient to the global
3 threats that they will be facing due to
4 acidification and warming?

5 CHAIR RIZZARDI: Tony is nodding his
6 head. I am seeing a few people nodding heads.

7 MEMBER MORRIS: Local efforts to
8 restore and maintain healthy coral reefs --
9 where do we go from there? -- improves their
10 resilience in the face of ocean warming and
11 acidification.

12 Can you stick "healthy" in between
13 "maintain" and "coral"?

14 CHAIR RIZZARDI: Okay. Pam?

15 MS. YOCHER: Again, I am comfortable
16 with this because you are making a statement
17 that this is the case within citations and
18 things like that. I heard some examples. I
19 don't know. I am just not comfortable with
20 that.

21 I think the way that the other points
22 are made, we are talking about specific things

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1 that we saw in the reports that troubled us
2 like what criteria were used to evaluate the
3 threats, and we are talking about things that
4 we think should be considered as the process
5 moves forward. And then, it just seems to me
6 that these sort of declarative statements are
7 outliers, are the sort of thing that you would
8 expect to see in a report backed up by
9 somebody who knows a lot more than I do about
10 coral reefs that would be backing with
11 literature cited. It just seems like that is
12 a different type of statement than the other
13 ones that we have on the list.

14 CHAIR RIZZARDI: Paul?

15 MEMBER CLAMPITT: I just want to say
16 I appreciate your consistency. And further, I
17 guess my problem with most of it is the real
18 move behind listing these corals is a larger
19 political agenda. We are getting close to
20 that discussion, and it is probably not
21 appropriate.

22 But, I mean, to list 82 coral species

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1 carte blanche and the three major problems
2 with these things are global warming, ocean
3 acidification, and sea-level rise, I agree,
4 Tony is right. I mean, the real problem are
5 these local effects.

6 These corals have a virus in them,
7 apparently, it has come out recently. When
8 they become stressed, the virus goes nuts and
9 they bleach. And these things aren't really
10 happening because of global warming. They are
11 happening because of too much nutrients and
12 sentiment in the water.

13 So, this whole thing is politicized
14 to make the government do Draconian measures
15 to appease some NGOs and environmental groups
16 that want to see us go through a cap-and-trade
17 process. And I guess that is what I am
18 fighting.

19 CHAIR RIZZARDI: Julie?

20 MEMBER BONNEY: We are beating a dead
21 horse.

22 I am comfortable with the first three

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1 points, and then just leave it at that, and
2 not add the last piece, because it really goes
3 back to encouraging analysis of effective
4 current regulations and management actions in
5 coral. I mean, if anything, I think that goes
6 to the issue.

7 I guess you could add encourage an
8 analysis of the effective actions in current
9 regulations, and leave it at that.

10 CHAIR RIZZARDI: Julie?

11 MEMBER MORRIS: The question that is
12 on the floor doesn't include that last
13 statement.

14 MEMBER BONNEY: Okay.

15 CHAIR RIZZARDI: Right.

16 MEMBER MORRIS: Right.

17 CHAIR RIZZARDI: Is that a calling of
18 the question?

19 MEMBER BONNEY: Yes, I am calling the
20 question.

21 MEMBER CLAMPITT: I would like to
22 hear the motion again.

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1 MEMBER MORRIS: Just don't look at
2 the last bullet there.

3 MEMBER CLAMPITT: Don't look at
4 anything crossed out in the last one? Is that
5 it?

6 MEMBER MORRIS: Yes, right.

7 CHAIR RIZZARDI: I believe it is to
8 transmit a comment letter to NOAA reflecting
9 the three bullets associated with the coral
10 management report. The first, the second --
11 the third one has been deleted -- and then the
12 fourth. The fifth one was never put into the
13 motion.

14 MEMBER RHEAULT: The fifth one is
15 gone.

16 CHAIR RIZZARDI: So, the question has
17 been called that we should send a comment
18 letter on the coral management report with
19 those three bullets.

20 All in favor?

21 (Chorus of ayes.)

22 Any opposition?

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1 (No response.)

2 Okay. Julie, I think you have got
3 your direction for crafting the letter.

4 MEMBER MORRIS: That's it.

5 CHAIR RIZZARDI: Manny has been
6 raising his hand. He wanted to be addressed
7 after that discussion. So, Manny?

8 MR. DUENAS: Yes, I just want to
9 comment because 66 of those corals are located
10 in the Mariana Islands, in American Samoa.
11 And the regime that is there, no offense on
12 the CRI program, but they are the groups that
13 are pushing for more marine-protected areas in
14 our region. My island is only 212 square
15 miles, and I have five marine-protected areas,
16 plus, we have got the big monuments to the
17 north. And they want 10 more. And since the
18 five protected areas have been open, our local
19 Samoan fishermen have doubled in death in the
20 10 years that they have been in effect, and
21 everyone to the north, in fact.

22 And this whole thing seems to be an

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1 exercise in just justifying kicking out the
2 fishermen. We had a big workshop on Guam
3 sponsored by the agency or paid for by the
4 agency, and it was like a \$300,000 exercise.
5 The people that were in the room were all
6 users of the NPA. The one question or one
7 topic matter we had was sedimentation
8 problems, runoff problems. And the agency
9 people that were there said, "Oh, we can't
10 handle that. That is beyond us." So, what
11 are we meeting for?

12 So, at the end of the day, after all
13 these threats are identified, it is not going
14 to be worked on. It is going to be the
15 fishermen at the end that are going to be
16 saying we have to sacrifice your livelihood;
17 we have to sacrifice your 4,000-year-old
18 tradition because we want to protect the
19 corals, and you are the biggest destroyers of
20 the corals. We have been around 4,000 years.

21 We went through World War II on Guam.
22 We've got landing sites. Ken was on Guam.

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1 He knows about World War II and Guam. The
2 island was destroyed, leveled off. There were
3 no trees standing after World War II. But the
4 corals came back.

5 Again, I am very concerned about this
6 exercise. It is more of, I think, two sides
7 playing the touchy-feely stuff because on one
8 side is to protect the corals; on the other
9 side for our culture, survival of our culture.

10 In the middle there is no information; there
11 is no science. I have gone to the documents
12 time and time again, and I can't find
13 information.

14 So, there is one coral that was
15 delisted that came from the Atlantic side, and
16 bottom trawl was the biggest factor in
17 destruction of that. And it was immediately
18 removed.

19 Make it a question. Wait, you have
20 information on this coral, and it was removed.

21 The only thing I could think about is that
22 you guys have got a lot of Congressmen and

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1 Senators that are going to cry bloody murder
2 that trawl fishing was shut down. Because the
3 Caribbean, who is going to complain in the
4 Caribbean? And as far as Guam, I got my
5 Congresswoman that don't know her head from
6 her tail.

7 (Laughter.)

8 No offense.

9 Thank you.

10 CHAIR RIZZARDI: All right. Before
11 I let any comment, I need to let Martin go.
12 He has to go catch a flight, and he asked me
13 for just a moment. So, I am going to ask that
14 everybody just give him just a moment to make
15 his announcement.

16 VICE CHAIR FISHER: Sorry to leave
17 you. I just think we have a great new MAFAC,
18 a new body, new arms and legs, and all sorts
19 of appendages. I think we have really got a
20 great group here.

21 And I am really glad that we have got
22 Keith to lead us. I think we have really got

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1 some momentum going. I am just really proud
2 and privileged, feel privileged to be a part
3 of this body. I want to really thank all of
4 you, especially the new people for joining us
5 and the old people for staying.

6 And a big reach out to the Makah
7 Tribe for last night. That was huge.

8 So, sorry I have to leave, but I have
9 to go unload two boats tomorrow and I can't
10 find a substitute teacher to take my place.

11 (Laughter.)

12 CHAIR RIZZARDI: Thanks, Martin.
13 Safe trip.

14 Paul?

15 MEMBER CLAMPITT: I just want to back
16 up on what you say. We have been fishing the
17 longline gear in the North Pacific for 100
18 years, and we have been seeing coral for 100
19 years. And now, all of a sudden, it has come
20 to somebody else's attention. Why is it still
21 there after 100 years if we are wiping it out?

22 So, we are going to get another

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1 chance at this, Manny. We will get to talk
2 some more.

3 CHAIR RIZZARDI: Okay. As Martin is
4 getting ready, just one other point for
5 Martin. You know, he is playing ad hoc
6 Committee Chair on Vision 2020, but Patty
7 Doerr has agreed to be the person who plays
8 point in assembling all the comment from the
9 members.

10 MEMBER DOERR: For a bottle of gin.

11 (Laughter.)

12 CHAIR RIZZARDI: That was between her
13 and Martin.

14 (Laughter.)

15 So, everybody, when you are working
16 on Vision 2020 over the next few weeks, and
17 you read the document and you have some
18 personal comments on them, please send them to
19 Patty.

20 VICE CHAIR FISHER: Can I?

21 CHAIR RIZZARDI: Yes.

22 VICE CHAIR FISHER: Just a reminder,

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1 you may or may not remember that everyone
2 around the table agreed to supply a comment on
3 a trend, at least one. So, please, please, do
4 that. I really appreciate it.

5 MEMBER DOERR: To me.

6 VICE CHAIR FISHER: To Patty. Yes,
7 you can easily find her email address. It is
8 on the website.

9 Thank you.

10 CHAIR RIZZARDI: Randy?

11 MEMBER CHATWIN: So, Martin, in all
12 my years of MAFACs, it is the first meeting
13 that the next meeting hasn't been discussed in
14 the bar the night before, and you're leaving?

15 (Laughter.)

16 Did you decide where we are going?

17 CHAIR RIZZARDI: It has been
18 discussed in the bar.

19 MEMBER CATES: Oh, it has?

20 CHAIR RIZZARDI: Yes.

21 (Laughter.)

22 VICE CHAIR FISHER: Would somebody

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1 please call me and let me know where the next
2 meeting is going to be in the next 10 minutes,
3 after I leave?

4 CHAIR RIZZARDI: I don't think that
5 is for certain.

6 VICE CHAIR FISHER: Okay.

7 CHAIR RIZZARDI: But we will get
8 there.

9 Julie, are you --

10 MEMBER MORRIS: Done.

11 CHAIR RIZZARDI: Okay. So, we are
12 going to double-back to Dave. Okay.

13 MEMBER WALLACE: First of all, Patty,
14 why don't you send us all your email address,
15 your right email address?

16 MEMBER DOERR: It is on the website.

17 MEMBER WALLACE: So, the comments
18 don't go into cyberspace.

19 So, I guess I have a couple of
20 comments. The first comment was, now that we
21 have gone through this little exercise that we
22 did before lunch sort of helter-skelter, it

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1 really changes the dynamics.

2 We had said that we believe that the
3 guidelines should be at least -- that MAFAC
4 should recommend that they be reviewed. And
5 so, I know we have come up with some
6 justifications and, as the Chairman said, you
7 know, they can be treated by staff.

8 And so, the message, then, is we are
9 going to complete this process with this
10 acceptance of this because the real thing that
11 you were looking for were, does MAFAC think we
12 should do it, one? And, No. 2, are there any
13 of the 11 that we think should be separated
14 out to address?

15 CHAIR RIZZARDI: Dave, could you
16 speak up for everybody in the back? I know
17 they are having a hard time hearing.

18 MEMBER WALLACE: Yes.

19 And so, we are going to do that now.

20 So, the motion that we would have to have a
21 number of conference calls and complete the
22 process by July 15th really becomes a moot

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1 point because we are, from my perspective,
2 going to complete the process now, as long as
3 we get a motion to accept this and then go on.

4 So, I just wanted to make sure that
5 we were all on the same page, Mr. Chairman,
6 because if you disagree with that, then we
7 will do something else. It seems to be a
8 logical progression.

9 CHAIR RIZZARDI: Yes, it sounds
10 sensible to me. When I heard this morning it
11 was really a scoping exercise, and that is
12 what NOAA is looking for, it makes sense for
13 us to say yes or no, we agree with the scope,
14 and here is why and here is what we think you
15 should focus on and here is what we think you
16 could omit. If we can reach that consensus as
17 a body, then I see no reason why we couldn't
18 transmit it to NOAA.

19 MEMBER WALLACE: Yes. What we are
20 going to present, as the Subcommittee, is our
21 recommendations. They are just our
22 recommendations. People, then, can modify. A

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1 motion can be made that has nothing to do with
2 our recommendations.

3 I would hope that our first one is
4 that, in fact, we should recommend to the
5 agency that they at least put out for general
6 public comment possible changes to the
7 guidelines.

8 MR. RISENHOOVER: Based on public
9 input.

10 MEMBER WALLACE: Yes, based on the
11 public input.

12 So, you know, after I thought about
13 that, I said I wanted to bring that up because
14 it has a lot of effect on what we do right
15 now.

16 Okay. So, this is a conglomeration
17 of actually three people with a little bit of
18 editing at the last minute. So, we make the
19 comment. We listed 11 stocks, not 11 stocks,
20 the 11 issues that were put forward to be
21 addressed. And then, we make the general
22 statements, the 11 suggested topics for

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1 potential change to the guidelines. All are
2 reasonable for comments, the Subcommittee
3 highlighting three as a clarity focus.

4 And I want to stop there and say,
5 from my perspective, this is all driven by the
6 reauthorization of the Magnuson Act in 2007.
7 And for all of you non-MSA folks, in the old
8 days OY could be, if a targeted quota was
9 zero, MSA under the OY would allow it to go up
10 or down. When it was changed, when the
11 Magnuson Act was changed, it can only go down
12 now.

13 That, then, creates some interesting
14 situations with how the quotas are set,
15 especially in data-poor stocks. And so, in
16 the old days, if you didn't know a lot about a
17 bycatch in a secondary stock, they could
18 either just have the targeted quota; they
19 would not have to have a fixed quota. But it
20 creates a potential for closing down rebuilt
21 stock because of data-poor information on a
22 stock that may be on the overfished list and

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1 with a very low individual take.

2 And so, that has created the problem,
3 and we have heard it from both the West Coast
4 and the East Coast that had the same comment
5 about the effects of these two issues.

6 So, setting out ACLs for poorly-
7 understood/data-poor stocks based on strict
8 guidelines may not be appropriate and may, in
9 reality, remove flexibility in reasonable
10 fisheries management. That is the rub.

11 And I understand everybody's concern
12 about that. It is going to be interesting to
13 figure out how it could be fixed because the
14 fix would actually be over the Magnuson Act,
15 and, in my technical opinion, not in the
16 guidelines. You have to comply with the law.

17 And that is the problem.

18 And so, mixed-stock fisheries
19 management creates a scenario where the stocks
20 of poorly-understood species create a choke
21 species, and then the guidelines and the ACL
22 requires that something be done. But it could

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1 be construed that that is not warranted. That
2 is the question.

3 If you shut down a fishery for one of
4 these issues -- and I will give you an example
5 from the Mid-Atlantic. The Mid-Atlantic has
6 one overfished stock. It is butterfish.
7 There is no directed fishery on that stock.
8 It is caught as a bycatch in the squid
9 fishery, which is not overfished. Overfishing
10 is not occurring. But it is the choke stock.

11 You catch the quota on butterfish, Even if
12 you discharge them overboard, once you have
13 caught the 500 metric tons which is in the
14 ACLs, then you shut down the stock for fish
15 that has no value.

16 So, that could be a serious issue,
17 and there are many others that I don't know,
18 but I happen to be very familiar with that
19 one.

20 And this explanation is not for the
21 gentleman who understands this. It is for any
22 of you who are not fish experts who would say,

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1 well, maybe this is just an esoteric
2 conversation. And really, it is deadly
3 serious and it has enormous economic
4 ramifications.

5 And then, we get right to the heart
6 of the issue. That is, with mixed-stocks, how
7 can you have guidelines that address economic,
8 social and economical considerations and
9 establish an OY. That is a very, very
10 difficult problem. There are a lot of people
11 who understand it, but they are not happy with
12 it. And I think that is really the take-home
13 message. And there are surely some people in
14 this room who are not particularly happy with
15 it.

16 So, then, we have ACLs and Optimum
17 Yield. And so, here is another example where
18 we achieve, hopefully, biologically and
19 economic benefits to the country, better
20 scientific data in order to minimize
21 scientific uncertainty in the ACLs.

22 That is a very interesting idea in

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1 that, if you look at the error bars in some
2 species with poor or limited data, then the
3 error bars are very, very long on both sides.

4 And yet, somebody scientifically or
5 mathematically chooses a center point, and
6 that is the area you have to work from. And
7 the objective is not to overfish the stock.
8 So, that is how those things get to be what
9 they are.

10 CHAIR RIZZARDI: Dave, I am going to
11 interject for a second. I am seeing the room
12 get a little restless, and I am realizing that
13 this document got distributed to folks at
14 1:43.

15 MEMBER WALLACE: Right.

16 CHAIR RIZZARDI: So, nobody has had a
17 chance to read the document that we are now
18 putting up on the screen.

19 MEMBER WALLACE: Right.

20 CHAIR RIZZARDI: And it is a little
21 longer, and there is a little bit of density.

22 I would like to give people a few minutes

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1 just to read it.

2 MEMBER WALLACE: Okay.

3 CHAIR RIZZARDI: So, I am thinking
4 maybe we just take a timeout --

5 MEMBER WALLACE: Okay.

6 CHAIR RIZZARDI: -- and let them
7 digest the document for a few minutes.

8 MEMBER WALLACE: And since we didn't
9 have time to sit down and write all these
10 explanations of why this has impacts, you
11 know, that is the reason I am just trying to
12 fill in the holes.

13 CHAIR RIZZARDI: And if this ends up
14 being too quick a process and we can't quite
15 get it done right now, I understand that, too.

16 So, I want to give the body 10
17 minutes to look this over.

18 MEMBER WALLACE: Okay. That's fine.

19 CHAIR RIZZARDI: And then, we will
20 reconvene.

21 (Whereupon, the foregoing matter went
22 off the record at 3:13 p.m. and resumed

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1 at 3:21 p.m.)

2 CHAIR RIZZARDI: All right. Dave,
3 you were on the third and final point of the
4 bunch.

5 MEMBER WALLACE: Yes, I am on, it is
6 No. 4.

7 CHAIR RIZZARDI: Okay, go.

8 MEMBER WALLACE: All right. Okay.

9 So, we went through the Optimum Yield
10 needs to be achieved in order to maximize
11 biological and economic benefits to the
12 country. Need better scientific data in order
13 to minimize scientific uncertainty in the ACL.

14 I was explaining that. I will stop
15 explaining. I assume that everybody knows
16 this stuff.

17 Then, this is some commentary on
18 fisheries management plans already in place
19 need to be protected in order to ensure the
20 stakeholders that their percentage interest in
21 the fishery that has already been allocated is
22 not in jeopardy.

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1 CHAIR RIZZARDI: Dave, we gave them a
2 chance to read it now.

3 MEMBER WALLACE: Okay.

4 CHAIR RIZZARDI: So, I think if you
5 could just do five and six --

6 MEMBER WALLACE: So, we won't go
7 through that.

8 Then, there is the recreational
9 component here. The recreational members of
10 this group thought that they should have their
11 catch counted in a different way than the
12 commercial catchers count it.

13 Then, to mixed-stock fisheries and
14 Optimum Yield, it is complex when you have,
15 let's say, a mixed fishery. If you are
16 catching groundfish, you put it over and your
17 target is haddock and you catch cod, and you
18 exceed the tracked product. And so, they need
19 flexibility because, otherwise, you shut down
20 the haddock fishery, which is not overfished,
21 because of the overfishing.

22 And then, data-poor stocks, you

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1 know --

2 DR. HOLLIDAY: Heidi, could you keep
3 up with us? Thank you.

4 MEMBER WALLACE: You know, minimize
5 the negative impacts of data-poor stocks, both
6 biologically and economically.

7 And the last statement just expresses
8 the consequences of what happens when those
9 things don't happen.

10 And so, I would entertain a motion to
11 accept this. As I stated in the beginning,
12 this is put together very quickly, but it
13 tells NMFS, I think, what they want to know.
14 And that is that we think that they should put
15 this out for public comment and to consider
16 how the guidelines should be, could be
17 revised. I think that is what they really
18 asked us to do in the first place.

19 CHAIR RIZZARDI: All right. So, we
20 have got a Committee report that says that we
21 agree with re-examining National Standard 1
22 and the 11 guidelines --

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1 MEMBER WALLACE: Yes.

2 CHAIR RIZZARDI: -- with particular
3 focus to mixed-stock, data-poor stocks, and
4 the relationship between OY and ACL.

5 So, what kind of discussion do we
6 have? Bob?

7 MEMBER RHEULT: I was really
8 comfortable with that. Some of the language
9 in here troubles me. How you maximize the
10 biological benefits to the country, that is
11 unclear to me. If we want to maximize the
12 economic benefits, then we should be using a
13 whole different theory of fisheries
14 management, maximum economic yield. If we
15 want to minimize data-poor stocks, I assume
16 that means we poison them or fish them out
17 quickly, or something.

18 So, some of the language in here is
19 tortured, and I am having a hard time getting
20 my --

21 MEMBER BONNEY: I am wondering if it
22 makes sense to strike everything from above

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1 the four, so previously these were identified,
2 down, which is using all the specific examples
3 then.

4 CHAIR RIZZARDI: Terry?

5 MR. ALEXANDER: I think all the
6 reasons listed there work for your benefit.
7 That is not what we would think that would go
8 forward, if that is what you mean, Bob. It
9 would be for the --

10 MEMBER RHEAULT: I know what we are
11 trying to say, but I am just having a hard
12 time getting behind this language.

13 MR. ALEXANDER: But that is not going
14 to go into the thing. The things that are
15 going to be listed are going to be the three
16 bullet points.

17 And then, Keith wanted to know some
18 reasons why we thought those bullet points
19 were important. And that isn't going to be
20 going into the letter that we send out. Is it
21 going to be just the bullet points. But those
22 rationales were for your benefit or the

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1 Committee's benefit, not for NMFS's benefit
2 because they already know it.

3 CHAIR RIZZARDI: We are not asking to
4 transmit this exactly as written.

5 MR. ALEXANDER: Right.

6 CHAIR RIZZARDI: The idea here is
7 that we agree with review of all 11 factors
8 under NS1 and that we are particularly
9 attentive to four, five, six.

10 MR. ALEXANDER: And our reasoning for
11 those were this.

12 CHAIR RIZZARDI: Julie?

13 MEMBER MORRIS: So, what is the
14 actual motion?

15 CHAIR RIZZARDI: Well, we have a
16 Committee report right now. We don't have a
17 motion on the floor.

18 MEMBER BONNEY: Can we make one? So,
19 the Committee agrees with opening up the idea
20 of revising National Standard 1 and the focus
21 on the 11 within the announcement, and
22 suggests that they would like to see three,

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1 four, and six, was it, as a priority? Is that
2 kind of what we were saying?

3 CHAIR RIZZARDI: Three, four, six.
4 Okay.

5 MEMBER WALLACE: Well, we have them
6 as four, five, and six.

7 CHAIR RIZZARDI: Yes, they are
8 misnumbered.

9 Three, four, six.

10 MEMBER BONNEY: So, MAFAC believes
11 NOAA should re-examine implementation of
12 National Standard 1 guidelines and accept
13 public comment on possible changes. And we
14 support the 11 issues that they have raised
15 and ask that they prioritize Nos. 3, 4, and 6.

16 MEMBER MORRIS: Julie, she is trying
17 to type your motion, so help her get it right.

18 MS. LOVETT: But you wanted the three
19 prioritized?

20 MEMBER BONNEY: The Committee agrees
21 with -- well, that first sentence works fine.

22 MS. LOVETT: But you want a list of

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1 the three priorities, right?

2 CHAIR RIZZARDI: We agree that NOAA
3 should undertake rulemaking and public comment
4 on National Standard 1 and the 11 guidelines,
5 with particular attention to factors 3, 4, and
6 6.

7 And I can transmit a letter along
8 those lines.

9 That was the motion. Is there a
10 second?

11 (Motion is seconded.)

12 Okay. More discussion?

13 (No response.)

14 Okay. Seeing no further discussion,
15 all in favor?

16 (Chorus of ayes.)

17 Any opposed?

18 (No response.)

19 That was easy.

20 Okay. Thank you, everybody.

21 All right. So, that ends the
22 Committee reports. Congratulations.

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1 (Applause.)

2 Ahead of schedule, just barely. No,
3 actually, right on schedule, 3:31.

4 Okay. So, we have a couple of
5 procedural things to wrap up. One thing is,
6 over the course of the last 24 hours, a few of
7 us have been identified with tasks. So, I
8 talked with Mark, and we will follow up with a
9 list of who has got items on their plate and
10 things that we have to do.

11 One of the things that everybody can
12 anticipate, of course, is the response on
13 Vision 2020 and sending the comments.

14 Another one you can expect is the
15 budget document. We are going to target
16 having a teleconference in July.

17 And then, the big discussion that we
18 need to have now is, Randy, next meeting. A
19 lot of factors are coming into play that we
20 need to think about.

21 We had thought that the next meeting
22 timeframe was going to be in late October.

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1 But something everybody needs to think about
2 is the realities of budget, the potential for
3 sequestration and big budget changes. And
4 something we might want to consider is
5 shifting to September, putting us into this
6 budget year, so that we would actually be able
7 to go forward with the meeting based on the
8 current budget, as opposed to next year, when
9 we might have only enough for one meeting. It
10 could happen if we have significant
11 sequestration.

12 And we have already been talking
13 about MAFAC playing a role in or even having
14 its meeting coincide with the Managing
15 Fisheries 3 Conference that is tentatively
16 scheduled for May of 2013 in Washington.

17 So, recognizing all of that, one of
18 the topics that has come up is the possibility
19 of moving the meeting to September. Mark took
20 a little initiative and identified some dates.

21 It looks like it would be early September,
22 based on the cycle of schedule and meeting

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1 schedules for the various Fishery Management
2 Councils.

3 As for location, since we would be
4 talking potentially about D.C. for May and
5 Managing Fisheries 3, and since it is election
6 season and there is not going to be a whole
7 lot of people, and there are a lot of acting
8 people at the very end of the election cycle
9 this fall, it seems we can go someplace else.

10 And we haven't been to New England in a
11 while. There have been some folks encouraging
12 us to go to New England. Terry is interested
13 in having us go up there. We can look into
14 getting federal facilities to help keep costs
15 down in the Boston area. So, Boston has been
16 thrown out there as a possibility for
17 September or October.

18 But I am laying out for you what we
19 are thinking about, what some of our
20 challenges are, and looking for member
21 feedback on the ideas.

22 Phil?

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1 MEMBER DYSKOW: Can you tell us what
2 dates you are looking at.

3 CHAIR RIZZARDI: Mark, what were we
4 looking at?

5 DR. HOLLIDAY: The existing meeting
6 dates that we agreed to were October 23rd
7 through the 25th. If we were to change those
8 dates to another time in September, the only
9 date that does not have a conflict with a
10 Council meeting is Labor Day week. So, you
11 travel after Labor Day. Instead of Tuesday,
12 Wednesday, Thursday, you travel on Tuesday and
13 meet Wednesday, Thursday, Friday and travel
14 back on Saturday. That is the option that is
15 available for September.

16 I do have a question. In the past,
17 our criteria were do not conflict with Council
18 meetings because many MAFAC members were
19 attending them. I don't know what the current
20 portfolio is of the new members and whether or
21 not those are constraints or not. But the New
22 England, South Atlantic, and Pacific Council

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1 have September meetings. If we are to avoid
2 them, the only free week is the week of the
3 3rd through the 7th. So, that is the option
4 of doing it in the current fiscal year.

5 We set this date, October 23rd
6 through 25th, about a year ago to try to save
7 the date, and we sent out emails and such to
8 all of the members. Despite that effort,
9 ASMFC has jumped on our week and scheduled
10 their annual meeting. So, there is a
11 potential conflict between our meeting and
12 attendance at the Atlantic States Marine
13 Fisheries Commission. And at least the
14 liaison to ASMFC would, obviously, be going to
15 that meeting, whoever that might be, and we
16 have at least one member here whose attendance
17 at ASMFC would preclude his participation
18 here.

19 So, the general rule is we try to get
20 as many members to every meeting as physically
21 possible. Sometimes that doesn't work. I
22 mean, sometimes it is impossible to find a

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1 week where everybody is there, but that is our
2 objective. Because we have so few meetings,
3 we want to try to maximize participation and
4 account for people's schedules. Sometimes
5 people's schedules change as well. And so,
6 the days we have picked wind up not being
7 appropriate when their schedules and calendars
8 change later. So, it is an imperfect art, but
9 we try our very best to get everybody to the
10 meeting at a time when we think maximizes
11 participation.

12 MEMBER CATES: Should we find out if
13 anybody would have a conflict with a Council
14 meeting, then, first?

15 MR. ALEXANDER: And Boston is still
16 warm in September.

17 MEMBER CATES: What is your
18 definition of warm?

19 (Laughter.)

20 MR. ALEXANDER: Above 50.

21 MEMBER CATES: Warmer than Seattle in
22 the summer.

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1 (Laughter.)

2 DR. HOLLIDAY: Keith, I don't know if
3 you wanted to try to finalize the date here or
4 alert people to the --

5 CHAIR RIZZARDI: Yes, I am not
6 thinking we can fully resolve this, but I am
7 trying to get some feedback from the body. I
8 don't think we will have a complete answer on
9 it. I think we have got economics still to
10 deal with.

11 MS. YOCHER: Okay. Do we do a show
12 of hands? Go week-by-week in September, who
13 can make it or who can't make it? Labor Day
14 week or who can't make it --

15 CHAIR RIZZARDI: Mark will send out a
16 Doodle Poll, and it will give us a chance to
17 do exactly that and have all the data
18 instantly.

19 MEMBER HAMILTON: The decision is
20 made not to do October, is that what I am
21 understanding?

22 CHAIR RIZZARDI: No, the decision is

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1 not made.

2 MEMBER HAMILTON: Okay.

3 CHAIR RIZZARDI: But I am looking for
4 feedback on that idea because there are the
5 budget risks.

6 Tony?

7 MEMBER CHATWIN: So, feedback on
8 that, on the idea of moving to September, I
9 think it is a good idea. I note that there
10 are, I think, four or five members, you and I
11 included, whose first term expires October
12 1st, or October 20th. And I am sure that the
13 service is going to be looked into with that,
14 but having it in September would guarantee
15 that we would all be eligible to participate
16 in the meeting. That is just another
17 consideration.

18 CHAIR RIZZARDI: All right. Some
19 other hands that were up. Julie, your hand
20 was up. No? Okay. Randy?

21 MEMBER CATES: I am fine with
22 September. I think Boston is good.

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1 My one question is, what is the
2 proposed follow up meeting? What month was
3 that going to be in? After September, what
4 would be the next --

5 CHAIR RIZZARDI: May. Managing
6 Fisheries 3.

7 MEMBER CATES: So, that next meeting
8 is my last meeting then. All right. I expire
9 February.

10 MEMBER CHATWIN: September is good
11 for me.

12 MEMBER HAMILTON: Thanks to Randy
13 Fisher, I already moved my vacation from my
14 meeting to the date of this one you are
15 talking about right now, but I may have to
16 move it again.

17 CHAIR RIZZARDI: Okay. All right.
18 Any other strong opinions on the subject?
19 Yes, Julie?

20 MEMBER MORRIS: Yes, we should meet
21 in September.

22 CHAIR RIZZARDI: Okay. I have gotten

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1 some feedback, and like I said, Mark is going
2 to have to follow up with Doodle Polls. He is
3 going to have to do the homework on locations.

4 He is going to have to identify costs and
5 hotels and all that stuff, and we will do the
6 process as we usually do. But I at least
7 wanted to hear from the membership, where you
8 all were.

9 All right. Do we have any new
10 business?

11 Tony?

12 MEMBER CHATWIN: So, I know I
13 mentioned this earlier, but would it be
14 possible to consider having microphones for
15 future meetings? I am not very good at
16 projecting my voice, and I would benefit from
17 it.

18 MEMBER CLAMPITT: We can't hear you.

19 (Laughter.)

20 MEMBER CHATWIN: See.

21 (Laughter.)

22 MEMBER WALLACE: And I second that.

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1 CHAIR RIZZARDI: Terry and Julie?

2 MR. ALEXANDER: I just wanted to say
3 I really appreciate Alan sitting in for all
4 the discussions these last three days. Up to
5 this point, I have never seen anybody stay in
6 the room much more than 15-20 minutes, and
7 then they take off.

8 (Laughter.)

9 I know that they are busier, they may
10 be busier, but I really appreciate your
11 listening to all this discussion.

12 PARTICIPANT (STEVEN JONER): Keith,
13 if I may --

14 CHAIR RIZZARDI: Steve?

15 PARTICIPANT (STEVEN JONER): You know
16 that six years ago our MAFAC meeting in
17 Seattle, we had the dinner at Manchester,
18 which right in the middle the word came in
19 that the Makah canoe had capsized. And I
20 think Mike or somebody explained that last
21 night. That greatly subdued the rest of the
22 dinner and the rest of the evening.

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1 And this time, Edie Hoddoway was near
2 dying, and her grandson was one of the young
3 guys doing, the student at the University of
4 Washington who did a little dance. She passed
5 away while they were doing their dance. And
6 that is why things came to kind of an abrupt
7 end, which is really awkward for me because I
8 wasn't expecting for things to wrap up the way
9 they did.

10 They kept calling me up there, and I
11 kept wondering why do you want me; I am
12 certainly not going to dance. That is
13 Martin's job.

14 (Laughter.)

15 But, anyway, that is what happened.
16 It is just life. We were able to again see
17 the Wolf Dance, which is very special.

18 CHAIR RIZZARDI: It was a really
19 special day. Thank you, Steve, for setting
20 that up and being the liaison, and our
21 thoughts are with the family, for them to do
22 that and find out.

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1 PARTICIPANT (STEVEN JONER): I will
2 probably have a chance to speak at the dinner
3 after the service for her, and I will pass
4 that on.

5 CHAIR RIZZARDI: Condolences from all
6 of us.

7 So, lastly, I want to say a big thank
8 you to all the NOAA staff, I mean not just
9 Alan, but Heidi, Jim, Kate, Mark, and Alan, of
10 course. I mean, you guys have been great.
11 You stuck it out with us through the whole
12 time. Heidi, you did lots of effort setting
13 this meeting up and getting us a good bus
14 driver, and everything.

15 So, thank you to all of you for your
16 help.

17 (Applause.)

18 And to the members, thank you for
19 putting up with me and all my mistakes at my
20 first meeting. I really appreciate all the
21 good discussion. I am looking forward to the
22 rest of my tenure.

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So, thanks, everybody.

(Applause.)

Motion to adjourn.

(Whereupon, at 3:43 p.m., the meeting
was adjourned.)

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