

UNITED STATES OF AMERICA

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DEPARTMENT OF COMMERCE

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NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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MARINE FISHERIES ADVISORY COMMITTEE

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Thursday, May 14, 2009

The Marine Fisheries Advisory Committee met in the Colton Rooms I and II at the Monterey Conference Center, One Portola Plaza, Monterey, California 93940, at 8:40 a.m., James W. Balsiger, Vice Chair, presiding.

MEMBERS PRESENT:

- JAMES W. BALSIGER, Vice Chair
- MARK HOLLIDAY, Executive Director
- TOM J. BILLY, Committee Liaison
- BILL DEWEY
- ANTHONY D. DiLERNIA
- PATRICIA DOERR
- EDWIN A. EBISUI, JR.
- ERIKA A. FELLER
- MARTIN FISHER
- ROBERT FLETCHER
- CATHERINE L. FOY
- STEVE JONER
- DOROTHY M. LOWMAN
- HEATHER D. McCARTY
- TOM RAFTICAN
- ERIC C. SCHWAAB
- DAVID H. WALLACE

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CONSULTANTS TO MAFAC PRESENT:

RANDY FISHER
JOHN V. O'SHEA
LARRY SIMPSON

ALSO PRESENT:

MATT ATEMSEY
TOM BIGFORD
DAVID CRABB
STAN DEVERUX
MIKE ENG
CHURCHILL GRIMES
HEIDI LOVETT
ALAN RISENHOOVER
LISA WOONINCH

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

2 (8:40 a.m.)

3 MR. BILLY: Good morning,

4 everyone.

5 [COMMITTEE MEMBERS]: Good

6 morning.

7 MR. BILLY: I'm going to work hard
8 to make sure we operate in an efficient
9 manner today and hopefully finish on time or
10 maybe even a little early, we'll see.

11 I understand while I didn't
12 participate, I understand that there were
13 several large pizzas that people benefitted
14 from yesterday evening. Sounded awfully
15 good.

16 Anyway, we're going to first deal
17 with administrative matters. It is my
18 pleasure to call on Mark Holliday to lead us
19 through that discussion.

20 Mark.

21 DR. HOLLIDAY: Thanks, Tom.

22 Good morning, everybody. I've

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1 gotten several questions about getting rides
2 and things back to airports later today or
3 tomorrow. This is the schedule of flights
4 based on your itineraries. Rather than try
5 to match you up with partners, just look in
6 that column H. It may be a little far away,
7 but you can get up and look at it. Those are
8 the times when people are going. If you see
9 a flight, make sure it's to the right airport
10 at a time that looks close to yours. Check
11 with that person, see if they have a car, and
12 you can carpool back with them.

13 So we have people leaving at
14 various times. Some have left already, some
15 are leaving early this afternoon, some are
16 staying overnight. Rather than try to do
17 that myself, you can just take a look at some
18 of these times. I'll leave this up during
19 the morning here before we get to the report,
20 and you can check with somebody who has a
21 flight close to yours.

22 MR. BILLY: Okay. I'd like to --

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1 while I'm staying out till Sunday, I'll be
2 attending a meeting here tomorrow morning and
3 then driving north, so I could drop someone
4 off at San Jose or even San Francisco Airport
5 mid-afternoon tomorrow, Friday. So -- and I
6 have a car.

7 MS. LOWMAN: Tom, when are you
8 leaving?

9 MR. BILLY: This meeting.

10 MS. LOWMAN: No, no. When are you
11 leaving here?

12 MR. BILLY: Oh, about 1:00.

13 DR. HOLLIDAY: So I'll leave this
14 up for a little bit. And, you know, check it
15 and we'll ask you to make your arrangements
16 one on one with your potential partner. If
17 you're getting a ride back, there's always
18 the Monterey shuttle. It has 20 different
19 times a day that it leaves from the hotel
20 back to both airports, as a failsafe. Hope
21 this helps make it easier connections. You
22 know, if some of your plans have changed and

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1 whatever, so this is the knowledge I had
2 coming out here about when people were
3 traveling.

4 VICE CHAIR BALSIGER: Today's the
5 14th.

6 DR. HOLLIDAY: Today's the 14th.
7 I had to check that.

8 Okay. So I put on the agenda some
9 of these administrative things because on the
10 last day we tend to lose people as the day
11 goes on. I wanted to try to get maximum
12 participation on important questions like
13 time and place for the next meeting.

14 At the November meeting last year
15 in New Orleans we tried to project forward
16 and looked at the date for this meeting as
17 well as the fall meeting. We settled into a
18 general idea that for November of 2009, as
19 the month that the location would be back in
20 D.C. We'd flip the sequence. We normally
21 would meet in the spring in D.C. We didn't
22 think there'd be a full complement of

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1 appointees in the new administration. We let
2 that settle down and we'd meet individually
3 with the new Administrator or others in the
4 spring.

5 So we were looking at D.C. in the
6 fall. And the week that seemed to work best
7 for people last year and still doesn't seem
8 to have any major conflicts with respect to
9 councils is that second week, Veteran's Day
10 holiday week. So as we did last year, it was
11 the week encompassing Veteran's Day.

12 So what I propose to do, because I
13 know people's calendars are always in a state
14 of flux and we don't have the full complement
15 of members here today, this happened to me
16 last time, and the people who were here, we
17 might say, it's only fair that those who come
18 should be subject to when we me. But because
19 we do have a portion of members who weren't
20 able to make this meeting for legitimate
21 reasons, I want to make sure that we include
22 their preferences for meeting times as well.

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1 But right now it would be that second week
2 in November in the Washington, D.C. area.

3 I was going to post this. I think
4 for Eric's subcommittee we've been using
5 Doodle. It's a little online choose-your-
6 dates, can-you-make-this, can-you-not-make-
7 this program. And I'll do that starting
8 today to get your preferences on that date or
9 an alternate week. But the wildcard is that
10 I wanted to find out from you how important
11 it is to -- you know, Dr. Lubchenco's
12 schedule gets booked up pretty fast, but --
13 is that a make-or-break issue if she can't
14 make that meeting? Is that enough for us to
15 consider an alternative date or is it more it
16 would be our preference to schedule it when
17 she might be able to coincide with the free
18 time on her schedule?

19 I'm trying to get a sense. Is
20 that a killer for any particular date that we
21 choose in your mind?

22 MR. BILLY: In our subcommittee

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1 meeting yesterday, the NOAA strategic
2 planning, it appeared that the planning staff
3 might be ready to schedule a series of
4 meetings for Dr. Lubchenco and other senior
5 people in late September and October or
6 November, where they would have --

7 DR. HOLLIDAY: The stakeholder
8 meetings?

9 MR. BILLY: The stakeholder
10 meetings, yeah.

11 MR. JONER: Regional stakeholder
12 meetings.

13 MR. BILLY: Yeah, but they're also
14 going to be a series in Washington. And one
15 idea we had was perhaps to tie one of those
16 to our meeting, so I just wanted to alert you
17 to that. Because we would have hopefully
18 provided some input which you will hear
19 about, but that could tie into when we
20 schedule.

21 DR. HOLLIDAY: Okay. I hear your
22 point. Let me clear the first question about

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1 coinciding with Dr. Lubchenco's schedule to
2 attend the meeting. Would that be a high
3 priority or low priority for the group in
4 terms of scheduling our meeting?

5 How many people -- I was just
6 going to do a show of hands to make it
7 easier. I mean is it a really high priority
8 for -- who thinks it's a very high priority
9 to schedule it in accordance with that?

10 (Hands raised.)

11 DR. HOLLIDAY: We've got maybe
12 five people.

13 Medium priority in terms of our
14 schedule?

15 (Hands raised.)

16 DR. HOLLIDAY: Two, eight.

17 And a low priority?

18 (Hands raised.)

19 DR. HOLLIDAY: Again, this is not
20 definitive, but I'm just trying to step
21 through.

22 Heather.

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1 MS. McCARTY: Thank you, Mr.
2 Chairman.

3 The other thing that we talked
4 about in our subcommittee was that it's
5 possible that we could have spoken either as
6 a small group or as the chair, or however,
7 but MAFAC could by that time have already
8 spoken to Dr. Lubchenco about things that
9 we're working on and the trends and all of
10 that stuff. So it's possible that we could
11 have already taken care of some of that by
12 the time November rolls around.

13 DR. HOLLIDAY: Oh, I'm sorry.
14 Yeah, my assumption is that between now and
15 then that representatives of MAFAC will have
16 met with Dr. Lubchenco and the new
17 administration team.

18 MS. McCARTY: Hence my medium
19 priority, medium to low. It would be nice to
20 get her there, for everyone to meet her, but
21 I think we would have already spoken.

22 MR. BILLY: Tom.

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1 MR. RAFTICAN: And independently
2 the Ecosystem Subcommittee came up with
3 essentially the same recommendations.

4 DR. HOLLIDAY: So that's to Tom's
5 point about coinciding with the Strategic
6 Planning Stakeholder meeting that would be
7 scheduled in the D.C. area. Would people see
8 that as a high priority for us to schedule, a
9 medium priority, or a low priority, in terms
10 of influencing our schedule date for the next
11 meeting?

12 Tom's suggestion from the
13 Committee discussion was that it would be
14 nice to coincide.

15 MS. McCARTY: High.

16 DR. HOLLIDAY: There was interest
17 in coinciding our meeting date with the
18 schedule for that stakeholder meeting.

19 MR. BILLY: Just one point of
20 clarification. In my mind at least part of
21 my thinking was we may not get her for three
22 days or even a day, but if she's going to be

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1 spending time holding these sessions we might
2 have an opportunity to interact as a
3 committee in that framework. So it was like
4 I almost thought of it as an alternative to
5 getting her to the MAFAC meeting, if we
6 can't.

7 DR. HOLLIDAY: Did Paul Doremus
8 describe the structure of those meetings?
9 They've had one in Alaska back in February.
10 There was a structured discussion about
11 issues that -- and they had small round
12 tables and they broke out into discussion
13 groups.

14 MR. BILLY: Not really. I mean
15 I've been going to --

16 DR. HOLLIDAY: I was curious
17 whether it was the same format and what
18 opportunity there would be to have an
19 exchange directly with Dr. Lubchenco as
20 opposed to making a keynote and then giving
21 it to staff for the next couple of days and
22 she disappears.

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1 I don't know. So Paul didn't have
2 anything new on that.

3 MS. McCARTY: We didn't talk about
4 that nor did he give us any particular
5 timing.

6 DR. HOLLIDAY: There have been --

7 MS. McCARTY: He did talk about
8 the timing of the planning councils, which
9 might be somewhat separate. And my
10 impression was that -- well, it's always
11 better to get your oar in the water sooner
12 rather than later. And you don't want to
13 come in on the tail end of something like
14 that and try to backfill, or whatever. So I
15 guess the meeting of the group that we talked
16 about was the earlier the better rather than
17 waiting until late in the year.

18 DR. HOLLIDAY: Okay. Thank you.

19 So just by show of hands in terms
20 of hearing what we heard about coinciding
21 with the stakeholder, would people consider
22 it a high priority, a medium priority, or a

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1 low priority to have where possible to
2 coincide with one of those meetings. Would
3 it be a high priority?

4 MS. DOERR: Which meetings? I'm
5 having problems down here.

6 DR. HOLLIDAY: We're trying to
7 schedule our next MAFAC meeting.

8 MS. DOERR: Yeah.

9 DR. HOLLIDAY: There are going to
10 be a series of stakeholder workshops
11 sponsored by Paul Doremus' office to help
12 generate the Next Generation NOAA Strategic
13 Plan --

14 MS. DOERR: Okay.

15 DR. HOLLIDAY: -- that are
16 inviting constituents, stakeholders, others
17 to inform NOAA. And Paul indicated to one of
18 the working groups or the subcommittees
19 yesterday that there would be some scheduled
20 in the D.C. area end of September, October-
21 November time period. And Tom was expressing
22 the notion that we could schedule our

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1 meeting, the next MAFAC meeting, to coincide
2 with that, so that we could be full
3 participants in that stakeholder workshop.

4 MR. BILLY: Heather.

5 MS. McCARTY: What about we --

6 DR. HOLLIDAY: Does that --

7 MS. McCARTY: Sorry. Thank you.

8 What if we schedule it then but not as a kind
9 of an add-on to one of those but as one of
10 those? You know, as we are a stakeholder
11 group we'd like to have a meeting as part of
12 that process, but not try to hook onto one of
13 the stakeholder groups? Because then I think
14 we'll get short shrift.

15 MS. LOWMAN: I think so, too.

16 MR. DEWEY: Um-hum.

17 MS. McCARTY: I think if we have
18 our own stakeholder group, we are a
19 stakeholder group and we're kind of a
20 representative one.

21 MR. DEWEY: Good idea.

22 MS. McCARTY: Ask for it in that

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1 vein rather than say that we want to hook
2 onto another one.

3 MR. BILLY: And picking up on that
4 idea, we could even as part of agenda plan
5 dedicate one day to that kind of thought if
6 it works, so that...

7 VICE CHAIR BALSIGER: I don't
8 think you'd want to have the entire agenda be
9 the structured stakeholder process that
10 Doremus intends to run through, but -- I
11 don't know how long the stakeholder meeting
12 is, but the typical stakeholder one is four
13 hours. You might want to have a whole
14 morning devoted to that process.

15 DR. HOLLIDAY: So I think I have
16 the gist of what you're trying to accomplish
17 there.

18 The idea that some of you
19 expressed yesterday about the duration of the
20 meeting, we've been using this three-day
21 format. A number of you commented about
22 there's a lot of things going on but very

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1 little time for getting into depth in terms
2 of the discussion relative to the
3 presentation time. So there are a couple of
4 -- if that's a general feeling of the group
5 with respect to how we structure the meeting,
6 there are a couple of potential remedies.

7 One is to have fewer items on the
8 agenda, one or two, as opposed to the numbers
9 that we've had, and cover them in more detail
10 and more depth. The other is to keep the
11 number of topics about the same, add a day to
12 make it a longer meeting, because the fixed
13 costs of getting to a destination are sort of
14 the larger cost involved. The additional per
15 diem is sort of the margin -- of the smaller
16 marginal cost.

17 The other idea is to -- we said
18 we'd look at the idea of an additional, a
19 third meeting during the year. Again there's
20 pros and cons, not the least of which being
21 the cost. But your schedules seem to be sort
22 of the super committed type that's pretty

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1 difficult to get two dates a year to get your
2 time. So I'm obviously showing some of my
3 preferences, but those are some of the ideas.

4 I'm trying to make sure that we
5 schedule meetings and that we have
6 satisfactory time scheduled and use it well
7 but serve your needs to be active and
8 compelling participants in this process. So
9 I'd like to get a little bit of feedback and
10 try to schedule the November meeting. But is
11 the three-day format, notwithstanding what we
12 said about the stakeholder day, is that still
13 our target? Do we want to try to lengthen
14 the meeting? Do we want to try to focus on
15 fewer agenda items?

16 Some open questions that I'd like
17 to hear some feedback on.

18 MR. O'SHEA: I don't know, I've
19 been doing this maybe six years and I thought
20 I'd have a hard time going down the list of
21 what we covered this week and say I didn't
22 need to hear this. So I thought the topics

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1 you had this week were really solid.

2 I'd much rather travel on a Sunday
3 than try to accommodate a third meeting. So
4 I think a four-day meeting if you want to
5 make more time, from my perspective, makes
6 sense.

7 MR. BILLY: All right. I like
8 sort of the format and the number of topics
9 approximately that we're dealing with we had
10 the last two or three meetings. It might be
11 helpful to think about an extra half a day
12 because then people could travel and get home
13 in the format that we've been doing it of
14 late.

15 And the other thought I have and
16 it may sound like it's not tied into this but
17 it is, and that is for a while we encouraged
18 the staff to prepare one-pagers or little
19 white papers for what we were being briefed
20 on or going to deal with. And while I know
21 that may be a pain for the staff, it's very
22 helpful for us to prepare for the meeting and

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1 may expedite the process to make us more
2 efficient. So that's just a thought I wanted
3 to share.

4 Tom.

5 MR. RAFTICAN: Maybe to take that
6 one step further, instead of trying to get
7 together three times or an extra day, a half
8 a day may work well, but if we had
9 preparatory documents and maybe a conference
10 call a month in advance or three weeks in
11 advance, I think it would make things -- you
12 know, you could structure a call. The call
13 could be just a couple hours, but put
14 everybody on it. We get an idea upfront
15 what's going on. And it gives us a chance to
16 better prepare. You guys are usually pretty
17 -- very well prepared coming in, but it gets
18 us all on the same page coming in and it
19 might facilitate the time line a little.

20 MR. BILLY: Bill.

21 MR. RAFTICAN: I've been
22 comfortable with the meeting structure we've

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1 had to date. I think it's pretty well on a
2 number of topics and so on. This meeting
3 worked well, I thought.

4 With the strategic planning
5 potential for this next meeting, you know, if
6 we're going to dedicate a whole half a day to
7 that, we might want to consider in this
8 situation adding a half day specifically for
9 that so we can still have a full agenda. And
10 I kind of like the idea that Tom suggested of
11 staff puts a lot of work in to preparing the
12 PowerPoint presentations, but a one-page
13 summary would be helpful to me as well on the
14 topics that we're going to be hearing about
15 and some guidance as far as what sort of
16 recommendations or advice they might be
17 seeking from MAFAC around these topics would
18 be helpful.

19 MR. BILLY: Let's hear from you.
20 Any other thoughts?

21 MR. JONER: I guess I would -- I'm
22 not a big fan of conference calls even though

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1 I have to do them all the time. Maybe that's
2 the way. So I guess I'd rather donate an
3 extra half a day of my life than be on
4 another conference call.

5 MR. BILLY: Martin.

6 MR. MARTIN FISHER: I'd echo that
7 same sentiment. And I feel a little guilty
8 here because I've been sort of pushing for a
9 fourth day. And I think your idea of a half
10 day is a really good compromise if people
11 don't want to -- or it would be difficult for
12 a lot of people to extend that full day and
13 then travel on the weekend, so half a day
14 would certainly go a long ways towards
15 helping.

16 MR. BILLY: Okay.

17 MS. FELLER: Thank you. I mean
18 for my part it would be easier to extend half
19 a day or a day. And I mean I agree with
20 Bill, I like the organization of the agenda
21 and the amount of material. I would have
22 liked more time in subcommittee discussion,

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1 for sure. And I think that those are things
2 that would probably be well suited to
3 conference calls offline, but you can't
4 substitute face time. And I would really
5 have liked to have had a little bit of time
6 for that discussion. So if that could be
7 accommodated by spending an extra half day
8 that would be good.

9 MR. BILLY: Heather.

10 MS. McCARTY: I think half a day
11 is really the same thing as a full day when
12 you get right down to it, travel time,
13 particularly if you live in Alaska or
14 someplace and you got to go someplace. I
15 mean you lose that day anyway, just --

16 MS. FOY: I'm going to second
17 that.

18 MS. McCARTY: -- neither here nor
19 there. I think that we try to do too much.
20 I have always thought that and I still think
21 that, even though this particular meeting has
22 been full really good and new information.

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1 Sometimes in the past I have felt like the
2 information wasn't so essential.

3 And so I think if you can make a
4 differentiation between essential and new
5 information and older and nonessential
6 information, you clear the agenda a little
7 bit for more discussion, which I also think
8 we need. And that's what we can do when
9 we're together, whereas stuff we don't have
10 to be together for.

11 So I kind of like Tom's idea of
12 information ahead of time, maybe a conference
13 call. I don't have any problem with that.
14 But, you know, I get overwhelmed sometimes by
15 the amount of stuff we have to listen to and
16 much rather take the time to talk.

17 MR. BILLY: Randy.

18 MR. RANDY FISHER: It would be a
19 little bit helpful to -- I think it's a
20 little unfair to put a lot more work on Mark
21 because I know we do a lot of meetings and I
22 know it's a giant pain in the butt to try and

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1 get people to give you stuff before the
2 meetings. I mean it's a nightmare. So if we
3 expect that to happen, I think that's not a
4 fair thing, really.

5 And then the other question is
6 when you prepare the agendas how much in
7 advance is it really possible to prepare an
8 agenda for a meeting like this? I mean just
9 out of curiosity, how...

10 DR. HOLLIDAY: Agenda preparation
11 one of my more difficult tasks, --

12 MR. RANDY FISHER: Right.

13 DR. HOLLIDAY: -- in getting both
14 the attention of the membership to give
15 feedback. My goal has been to have a
16 published agenda mailed out a month in
17 advance of the meeting. I have not met that
18 yet. My intent is to have materials
19 published to the website two weeks in advance
20 for read-ahead materials. And your
21 experience is shared. People come to the
22 meeting with their PowerPoints never having

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1 seen anything in advance.

2 So I think there's a distinction
3 between what we can and expect realistically
4 what we'd like to do. For the November
5 meeting last year we had an annotated agenda.

6 We talked about this idea of having a one-
7 page summary, which my staff and I wrote
8 those up for every agenda topic. It didn't
9 seem to make a whole lot of difference to the
10 membership. This is just my impression, in
11 terms of helping people understand. We still
12 had to go through a lot of making sure
13 everybody is on the same page. Some people
14 didn't have time to read them ahead of time.

15 So in theory I like the idea.
16 It's something that I have promoted
17 internally in our own meetings in the Fishery
18 Service: Why are we meeting on this topic,
19 what do we hope to get out of it, are their
20 options. And that's a very standard
21 convention. But its utility in real life
22 sometimes is not as we'd like it to be.

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1 MR. RANDY FISHER: One follow-up
2 to that. I thought the conference call we
3 had with Eric on disaster relief prior to the
4 meeting was valuable because we got through a
5 lot of stuff. So we came -- we cut down the
6 time that we needed by a long ways because we
7 already knew what was going on.

8 So it seems to me that if we're
9 going to pick a few major topics that are
10 important, then we should identify those and
11 set up a system to do that, and then not
12 expect to have everything in advance, because
13 it ain't going to happen, folks. I mean
14 we're just setting ourselves -- him for
15 failure, mostly, because that's what happens,
16 and I don't think that's fair.

17 MR. BILLY: Dorothy.

18 MS. LOWMAN: Yeah. I mean I do
19 think that even though it's hard and painful
20 and you get busy with your lives, the
21 Committee's been fairly good at carving out
22 some time between meetings, like the 2020

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1 Working Group and we did the Transition Paper
2 and I think we'll probably have some things
3 to do after this meeting, and maybe that's
4 also making better use of some -- of making a
5 commitment to do some work between meetings
6 is another way to -- and, you know, I mean
7 Eric's group was another example.

8 MR. BILLY: Martin.

9 MR. MARTIN FISHER: I hate to be a
10 flapjack, but --

11 DR. HOLLIDAY: Pancake?

12 (Side comments and laughter.)

13 MR. MARTIN FISHER: My original
14 idea about increasing meeting length was so
15 that we could devote a full day whether it
16 was broken up in two half-days of pure
17 subcommittee discussion, because that's where
18 we do our work. And to just give us another
19 half-day, I don't think that's enough. I
20 think if we could commit to another full day
21 of work and however you want to spread out
22 the load, but there's so much to absorb and

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1 then it takes a little bit of time to process
2 what we absorb. And then just about the time
3 you really coalesce everything in your mind,
4 you're on a plane. And it would be really
5 great if we could spend our last day or the
6 day before the last day purely doing work
7 group stuff. That's kind of why I had been
8 pushing for that, so.

9 And the flapjack was is that I was
10 deferring to Tom and going anything with, oh,
11 well, a half-day's a good compromise.

12 VICE CHAIR BALSIGER: It's a
13 little bit different than a waffle.

14 MR. MARTIN FISHER: Yeah.

15 (Laughter.)

16 MR. BILLY: Okay, any other
17 comments on this?

18 VICE CHAIR BALSIGER: Well, why
19 don't we leave that with Mark and we'll mull
20 this over. You know, if he had the right
21 support at least for the NMFS stuff, we
22 should be able to get stuff out ahead of

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1 time. That will help a little bit.
2 Obviously if the FDA comes in or Doremus from
3 PPI, we have less of an ability to torque
4 that. I think we understand it. We probably
5 don't need to spend a lot more time here.

6 MR. JONER: After all this, what
7 are our target dates, still the same, the
8 week..?

9 DR. HOLLIDAY: Well, the target
10 date was the Veteran's Day week in November.

11 MR. JONER: Which is the week of
12 the 9th, right?

13 DR. HOLLIDAY: I believe so, yeah.
14 And I would send out this electronic cast-
15 your-vote --

16 VICE CHAIR BALSIGER: Modified by
17 the stakeholder dates, which we don't have.

18 MR. JONER: Right.

19 DR. HOLLIDAY: I mean I will check
20 that with Paul and the PPI when I --

21 MR. JONER: As long as you know
22 for me and a couple others, there's a council

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1 meeting the week before, which makes things
2 like conference calls --

3 DR. HOLLIDAY: Right. That's why
4 we got to this window of trying to.

5 MR. JONER: -- just pretty much
6 out of the question for that week, week
7 before.

8 DR. HOLLIDAY: Right. One of the
9 things we do is map out those council
10 intersections and exclude them from the --

11 MR. JONER: Which for me also
12 includes conference calls, because I -- as
13 you notice, I can't do.

14 DR. HOLLIDAY: Can't be doing --

15 MR. JONER: Just can't be done
16 during council week. Way too exciting.

17 DR. HOLLIDAY: So a couple of
18 quick things on membership and such I'd like
19 to cover.

20 I should start off by saying this
21 is the last meeting for two members present
22 here, that if you recall we asked for to help

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1 us through the transition, new members to old
2 members, that four of our brethren stay on
3 for another meeting to help with this
4 overlap, and it's my honor to extend my
5 thanks to both Bob Fletcher and Tony DiLernia
6 who gratefully extended their term to help us
7 merge into the new 2009 cycle and carry
8 forward with the excellent work that they
9 have contributed for their two terms plus one
10 year.

11 So I thank you all and I think
12 everyone here would echo that sentiment, so
13 thank you.

14 (Applause.)

15 MR. BILLY: Tony.

16 MR. DiLERNIA: Thank you very
17 much. I'm going to miss everyone. I hear
18 you planning your next meeting and sadly I'm
19 not going to be there. I'm going to miss
20 everyone. For me this will be the end of 18
21 years worth of association with the Agency:
22 11 years as council member and right after

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1 being term limited out as council member I
2 became a member of the MAFAC, so it's been 18
3 continuous years. And I've been very proud
4 to work with the Agency.

5 I said last night over pizza and
6 cocktails that the Agency often finds itself
7 -- folks who work at the Agency often find
8 themselves in a very difficult position. And
9 I stand by that. I really believe that, that
10 folks who work there try very hard and are
11 very dedicated and want to do the right thing
12 for our resources and for our fishermen.

13 And while I'm on the topic of
14 describing hard work and people at the
15 Agency, I have to make a particular note of
16 the very hard work that our Executive
17 Director has done for us.

18 While chairman I could not have
19 had a better staff, and the staff was one
20 person and that was Dr. Mark Holliday. And
21 so, Doc, the boss is there and Jim has been
22 great for us, but my day-to-day has been with

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1 you, Doc, and you've been the one that's been
2 there to make these meetings happen and all,
3 and I really appreciate it. Thank you very
4 much.

5 DR. HOLLIDAY: Thank you, Tony.

6 (Applause.)

7 MR. BILLY: Bob.

8 MR. FLETCHER: I share Tony's
9 sentiments and I've actually been around
10 longer than that.

11 MR. DiLERNIA: Older than dirt,
12 Bob.

13 MR. FLETCHER: Fifteen years with
14 the council and then seven years here. It's
15 been a real trip, a real learning experience.

16 And yesterday Heather said something in our
17 subcommittee that I just totally agreed with.
18 She says the NMFS staff are remarkable in
19 their commitment and the time that they put
20 in it. And I share that. And I'm just
21 pleased to have had some small part to do
22 with fitting in the agenda.

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1 And I think the new players here
2 would remember one very important thing: Go
3 to New York and call Captain Tony.

4 (Laughter.)

5 MR. DiLERNIA: You have my number.

6 MR. FLETCHER: Trip of a lifetime,
7 I guarantee you. He is Mr. New York. And
8 don't forget to go to Don't Tell Mama's. And
9 I thank everyone here and it's been a real
10 honor to have been associated with this group
11 and this effort. And I wish you all well.
12 And if there is ever an opportunity to come
13 to San Diego, hopefully you'll have my
14 number. Thank you.

15 DR. HOLLIDAY: Thank you.

16 (Applause.)

17 DR. HOLLIDAY: So on the topic of
18 new members we have published a *Federal*
19 *Register* notice alerting the public that
20 nominations are being sought to fill these
21 vacancies on MAFAC. The process is very
22 similar to what we went through last summer,

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1 that people can self-nominate or be nominated
2 by colleagues or friends. There's not a
3 formal application. You're familiar with it,
4 having been appointed yourselves. But it's
5 not that different from what's been done in
6 the past.

7 The closing date for nominations
8 is June 5th. And so it's open, it's been
9 open for -- it'll be open for like a month
10 and a half. Up to two recommendations or
11 ref- -- supporting letters are welcome. More
12 than two won't really make a difference, so
13 we try to discourage the sort of blanket
14 campaigns, to get the information necessary.

15 The one difference this year that
16 I just learned about through the email this
17 week is that in the Obama Administration
18 there is a new -- it's not an executive
19 order, it's just New Direction on
20 Appointments to Advisory Committees, that if
21 somebody has been a registered lobbyist
22 within the last two years that they are

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1 ineligible to serve on an advisory committee
2 in the administration.

3 MS. McCARTY: Federal lobbyist.

4 DR. HOLLIDAY: Federal lobbyist
5 and there's a definition of what that means,
6 so most people know if they are a registered
7 lobbyist with the Senate or House in
8 Washington, D.C., there's a list, there's a
9 process, there's a website.

10 I'll circulate this memo for your
11 information, but that's a new requirement in
12 the transparency of this administration, that
13 if you have been a federal registered
14 lobbyist through the House or Senate, that
15 you be ineligible for consideration.

16 Go ahead.

17 VICE CHAIR BALSIGER: One other
18 difference of course is that it's likely that
19 Downtown will play much larger role in
20 selecting the members than in the past. I
21 think Fisheries last selected the names and
22 got them approved. I think that there's

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1 going to be hands-on. So your advice on what
2 two letters -- I'm not sure that there isn't
3 some advantage to having more letters of
4 support to Lubchenco, so that's something we
5 might think about, so.

6 DR. HOLLIDAY: Well, the letters
7 are not required, certainly. But they're
8 encouraged to get, too. And I think the
9 *Federal Register* notice indicated that was
10 the desire.

11 MR. BILLY: Dorothy.

12 MS. LOWMAN: So several people
13 that have been interested had asked me, well,
14 what -- you know, how do they make these
15 decisions and what are there -- and I said,
16 well, you know, my feeling is that they try
17 -- that you guys try to get a mix
18 geographically and among the stakeholders on
19 fisheries issues and that there -- but
20 there's no fixed, so many recreational, so
21 many commercial or anything like that. But
22 it's making sure that there's a good mix.

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1 But if there's anything more I can rely back.

2 DR. HOLLIDAY: Directly to that
3 question, that is the process. And so the
4 Charter says the Committee shall be made up
5 of representatives and seek to have a balance
6 of perspectives. And we look at geography,
7 discipline, expertise to try to present that
8 balance of perspectives for the Committee.
9 But you're absolutely correct, there is no
10 quota, there is no seat designated for this
11 sector or this geography. And that changes
12 over time. As people come and go, we may
13 have a slight imbalance one way or another
14 because of resignations or time limits. And
15 we try to focus to rebalance that.

16 MR. BILLY: Tony, and then
17 Heather.

18 MR. DiLERNIA: Yeah. The one
19 region that we are -- don't have any
20 representation from is from the Caribbean Sea
21 area. I don't know if any effort has been
22 made to focus on trying to get a member from

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1 there, but I would recommend that when folks
2 make their recommendations, someone from the
3 Caribbean.

4 VICE CHAIR BALSIGER: Because we'd
5 have a meeting down there then.

6 MS. McCARTY: Yeah.

7 MR. DiLERNIA: Well, it's up to
8 Heather.

9 (Laughter.)

10 MR. SIMPSON: I think our last
11 member was Ragsdale, teaches in the college
12 down there. She was a good member.

13 MR. BILLY: Heather.

14 MS. McCARTY: How many seats are
15 open?

16 DR. HOLLIDAY: Well, we have the
17 four retired term-limited members and that's
18 the one --

19 MS. McCARTY: Just those.

20 DR. HOLLIDAY: Those four are the
21 ones we're seeking as of today.

22 MS. McCARTY: And then the next

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1 go-round there will be another chunk of,
2 what, the same or...

3 DR. HOLLIDAY: Normally we are
4 designed to get seven people -- no more than
5 seven members rolling off at one time. I
6 didn't bring the table with me today, but if
7 you go to the members website -- I mean to
8 the MAFAC website and look at membership, all
9 of your terms, whether you're first or second
10 term, and the expiration dates are there.

11 So actually some people are coming
12 up on the end of their first term. By the
13 end of calendar year 2010 we'll be processing
14 requests for reappointments. Other people
15 are -- another year class, if you will, would
16 be another year away. So we have -- there
17 will be vacancies coming up as people's
18 interest and responsibilities change, and
19 we'll try to make -- again, the Charter says
20 there's 15 members, between 15 and 21
21 members. We would like to keep it at full
22 strength, so that's been our intent to keep

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1 that full 21 appointed members in place.

2 One, I mentioned Charter on the
3 agenda for today. Recall that at the prior
4 meeting we proposed revisions to the Charter.

5 We had a subcommittee working on that. I
6 believe Tom was the leader of that effort.
7 And so we've deferred submitting that because
8 the existing Charter had just been renewed.
9 We wanted to also -- we knew a new
10 administration was coming into play.

11 So we're going to start in the
12 cycle, since the Charter would be coming up
13 in February of next year, to get that cycle
14 going for the new provisions that you
15 requested in the Charter for MAFAC. I just
16 wanted to give you a heads-up that would be
17 in the works.

18 And the last thing I wanted to
19 touch base, and we talked at the beginning of
20 the meeting about because of the change in
21 membership we also need to refine the change
22 in leadership of the different subcommittees,

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1 as most of our subcommittee chairs were those
2 four people who were term-limited.

3 So I wanted to just let you know
4 that after looking at those people who have
5 expressed an interest in serving as a
6 subcommittee chair, where they were in their
7 terms, you know, in terms of both experience
8 and that they would be around a while, we
9 asked Cathy Foy to step up and serve as the
10 chairperson of the Protected Resources
11 Subcommittee.

12 Yesterday we spoke, Heather for
13 the Strategic Planning. Eric Schwaab has
14 agreed to help us on the Redfish Working
15 Group that Bob had been chairing.

16 On the Ecosystem side, Tom
17 Raftican led yesterday's session. And since
18 Tom Billy has been promoted or elevated or
19 acceded to the Committee Liaison position, he
20 asked that we find someone to chair the
21 Commerce Subcommittee behind him so that we
22 could redistribute the workload, and Steve

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1 Joner has graciously accepted that challenge
2 to lead that subcommittee.

3 So those will be the appointed
4 people for the subcommittees, but I think the
5 participatory spirit of how this thing works
6 is that everybody really is an active and
7 working contributor to these things,
8 supported by the staff. And that's been a
9 very successful model that I think will bear
10 well to continue.

11 MR. BILLY: Congratulations.

12 DR. HOLLIDAY: So if there are any
13 questions, I'm happy to deal with them, but
14 my report is complete.

15 MR. BILLY: Okay. Yeah.

16 MR. DEWEY: Just a question on
17 attendance and membership.

18 DR. HOLLIDAY: Yes.

19 MR. DEWEY: Are there any current
20 members that haven't been attending that we
21 need to be discussing or concerned about?

22 DR. HOLLIDAY: Not as a group I

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1 don't think, yeah.

2 MR. BILLY: Okay. Thanks.

3 DR. HOLLIDAY: Thank you.

4 MR. BILLY: Let's see. So now
5 were going to have a series of discussions on
6 the work that was done by the subcommittees
7 and working group. And the first will be on
8 the Fisheries Disaster Working Group, their
9 report and any recommendations, resolutions
10 they might want to put forward.

11 So, Eric, the floor is yours.

12 MR. SCHWAAB: Thank you, Tom.

13 Just to reorient everyone, recall
14 that we discussed this disaster declaration
15 issue back in November in New Orleans and
16 agreed, as a committee, to task a work group
17 with looking more deeply into various issues
18 related to disaster declarations and coming
19 back to this meeting with a series of
20 recommendations, as appropriate, directed to
21 NOAA, with respect to the current disaster
22 declaration process.

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1 The gist of our discussion in
2 November was that the process suffers
3 currently from a decided lack of structure
4 and consistency in application, largely
5 resulting from the fact that it is really a
6 politically-driven process. And it is one
7 that often puts the cart before the horse in
8 the sense that there are appropriations
9 decisions that drive disaster declarations
10 and that lead to, you know, I think very
11 inconsistent results around the country in
12 the way that these funds are appropriated,
13 allocated, and effectively utilized.

14 So we had a work group. We met a
15 couple of times over teleconference. We
16 shared some documents back and forth. And I
17 think that what we have to present before you
18 today, which were circulated by Mark last
19 night, in two forms.

20 One is specifically a list of
21 recommendations that we're going to also --
22 that you have projected here on the screen.

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1 And, secondly, is a draft of a
2 working paper, which I would emphasize the
3 word "draft," because we spent some time
4 earlier this week really focused on getting
5 to the point where we felt comfortable with
6 the list of recommendations.

7 There is in the draft white paper
8 that you have some additional background
9 related to how we got to this point and to
10 this set of recommendations. But that white
11 paper is something that still needs a bit of
12 editing, both for style and content.

13 What we would suggest, I think, as
14 a working group, is that we, number one,
15 focus our attention here this morning with
16 the full Committee to getting consent around
17 this set of recommendations. And then
18 perhaps we spend little bit more time sort of
19 cleaning up our working paper.

20 And soon after this meeting,
21 before we got back to NOAA, signed, sealed
22 and delivered. And we'll close shop as a

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1 working group.

2 Let me just make one other general
3 comment about the scope of this exercise.
4 There is, as we heard earlier in the week, a
5 rule that has been proposed as we were going
6 through our deliberations.

7 The public comment period for the
8 rule opened and closed. We made the decision
9 largely based on the discussions that
10 occurred back in November that we felt that
11 our task and our scope was broader in nature,
12 that it was more geared towards sort of the
13 big-picture program, issues and performance.

14 And that while we had some
15 discussion about the detail of the rule, and
16 certainly some of these recommendations might
17 be useful to NOAA as they reach a final
18 decision on the rule, that the rule itself
19 was not our focus.

20 And, in fact, the timing of
21 process, even had we wanted to do that, made
22 that very difficult. So these

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1 recommendations in our analysis of this issue
2 are, you know, more big-picture oriented,
3 with respect to the application of the
4 disaster-relief process.

5 Substantively, as I said earlier,
6 you know, we feel as a working group that,
7 you know, there are a couple of problems.
8 And most of these recommendations are geared
9 toward providing NOAA the advice that would
10 position them to add a little more structure
11 to the program.

12 And some of that might be, you
13 know, within the current purview of the
14 Agency to affect and other aspects of, as
15 you'll see, as we walk through these
16 recommendations, suggest that what we would
17 be saying to NOAA is: Go out and seek
18 additional authority to apply new standards,
19 new principles, new approaches to the
20 disaster declaration process.

21 And, you know, to be frank, I
22 think, you know, some of these things, if

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1 adopted, would give, you know, I think NOAA
2 some support that they might need in the
3 political arena to help effect, you know, a
4 more rational outcome and approach to some of
5 these declaration processes and the way some
6 of the funding is used.

7 I think a general premise that the
8 -- the last thing I'll say sort of in a
9 general perspective is that the general
10 premise that overrode a lot of our discussion
11 was that all disasters are not created equal.

12 And all fisheries, upon which disasters are
13 visited, are not created equal, you know. So
14 you have some -- so as a basic premise -- I
15 think we had some conversation about this
16 back in November.

17 You know, you have situations
18 where there are, you know, very healthy
19 fisheries that are operating according to
20 fairly static, if you will, management plans
21 and everything looks good.

22 A disaster arrives, perhaps, in

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1 the form of a hurricane and you're simply
2 looking to put the fishery back the way it
3 was.

4 At the other end of the spectrum
5 there are fisheries with, you know,
6 recognized structural problems that are
7 operating perhaps in an environment where,
8 you know, they're trying to achieve certain
9 ascribed management outcomes, but they're not
10 yet there, and a disaster intervenes.

11 The desire at that point, in
12 application of disaster funding is not to put
13 the fishery back in a place where it was
14 performing, but that you want to help to use
15 that disaster money to achieve already
16 agreed-upon management objectives.

17 Now the qualifier there is that,
18 you know, you don't take fishery upon -- that
19 is visited by a disaster and say: Well, now
20 that this has happened, let's try to do some
21 new things with this money, you know, that
22 the application of the disaster money should

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1 be limited to achieving already agreed-upon
2 management objectives.

3 So there's kind of a fine line
4 there in some regard, but that a lot of these
5 approaches and recommendations that we put
6 forward, you know, were discussed in that
7 sort of an arena in that context.

8 What you have up before you is a
9 series of recommendations which are loosely
10 categorized in a couple of key areas, one
11 being program, principles, and objectives.

12 The second being eligibility
13 issues, implementation issues, allocation
14 criteria and, finally, accountability
15 measures.

16 And so I'll just walk through
17 these sequentially. I'll invite you to stop
18 me anywhere along the way to ask a question,
19 to offer comment. And I would particularly
20 invite members of the work group to jump in
21 at any time.

22 I think all of the

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1 recommendations, which are listed as
2 recommendations, the work group is generally
3 comfortable with. The one exception to that
4 is one here at the bottom of this sheet
5 that's listed as a possible recommendation.
6 And we were struggling. I think conceptually
7 we were pretty comfortable as a work group,
8 but we were struggling with language a little
9 bit. So that's qualified a bit in this
10 presentation here today.

11 So with respect to general program
12 principles and objectives, you see five
13 recommendations plus a sixth possible
14 recommendation. But essentially what this
15 does is, first, as you see, requests some
16 kind of assessment of pre-disaster fishery
17 conditions that accompany any application to
18 NOAA.

19 So that to get to this point of,
20 you know, what is the condition of the
21 fishery pre-disaster, and we ask the
22 applicant to -- we recommend to NOAA that

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1 they ask the applicant to specifically
2 require that kind of assessment of pre-
3 disaster conditions.

4 Secondly, there's a recommendation
5 that the assessment be required to include
6 supporting information from other management
7 entities where that might be applicable, such
8 as a Fishery Management Council or an
9 interstate commission.

10 Based on that pre-disaster
11 assessment, the third recommendation is that
12 the applicant should be requested to
13 articulate essentially what desired post-
14 disaster conditions might be achieved through
15 application of whatever disaster assistance
16 might be available.

17 So, you know, effectively this is
18 the place where you say, you know, 'If the
19 fishery was moving in a different direction
20 than the place where it existed prior to the
21 disaster event, what are the outcomes that
22 you might achieve that are already prescribed

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1 in management plans that may be aided through
2 the application, strategic application, of
3 disaster assistance dollars?'

4 Okay. So the fourth one is also
5 related to that, to that same issue.

6 And the fifth one -- and just for
7 the purpose of -- to remind working group
8 members, we talked a lot about eligibility
9 for aquaculture and for recreationally-
10 dependent communities. They certainly, in
11 some cases, already received benefits.

12 In many cases that's an ancillary
13 benefit, as disaster money is applied to
14 restoring habitat conditions or perhaps
15 rebuilding infrastructure. There are
16 ancillary benefits to, particularly, the
17 aquaculture and some of the, you know,
18 recreationally -- recreational-fishing
19 communities that suffer economically as a
20 result of disasters.

21 And the recommendations to NOAA on
22 the part of the work group was that these

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1 aquaculture and recreational impacts be used,
2 not only as a specific -- be eligible to be
3 considered for eligibility purposes, but that
4 they also clarify that they could be directly
5 eligible for disaster funding and other
6 related assistance.

7 What I started to say a minute ago
8 for working members, is we actually had this
9 down in eligibility. And at the meeting the
10 other day it was recommended that we move it
11 up. So that's why in this draft you see that
12 moved up.

13 The final point in this general
14 area of programs, principles, and objectives
15 is that we recommend to NOAA essentially
16 continuation of a practice that is already in
17 place, but that has been subject to some
18 fate.

19 And that is effectively that you
20 can't create your own disaster by
21 overfishing, nor can you create your own
22 disaster by direct application of management

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1 actions that are undertaken to control
2 ongoing overfishing. So this is sort of an
3 affirmation of an eligibility issue that we
4 felt like we needed to reinforce from now on.

5 Jim.

6 VICE CHAIR BALSIGER: So is there
7 any room there in the unusual circumstance
8 where the new scientific information says:
9 Wow, you guys have been overfishing for four
10 years. We didn't know it till now. And so
11 you create a -- is there room there?

12 MR. SCHWAAB: Yeah, I think -- the
13 answer is yes. We had that exact discussion
14 where, you know, we didn't know we were
15 overfishing, because we lacked the data.

16 And so, in fact, if, you know,
17 there's less space than we thought were
18 there, we're not really sure why there's less
19 fish. It could be that we were overfishing,
20 but we didn't know that. So that the general
21 answer is yes. And --

22 MR. MARTIN FISHER: I'm sorry.

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1 But doesn't this last recommendation say that
2 we can't include those situations? It says,
3 "Preclude eligibility resulting from
4 circumstances directly attributable to
5 overfishing or as a result of management
6 action directly undertaken and controlled."

7 So what Jim just posed, we're
8 precluding. And I thought we were not going
9 to preclude that.

10 MR. SCHWAAB: This is specifically
11 why this is listed as a possible
12 recommendation, not because the substance was
13 problematic but because the articulation of
14 it was problematic around this point. And,
15 you know, so --

16 Heather, you had a comment on
17 this?

18 MS. McCARTY: Yes. Well, it's
19 kind of going along with what Jim said.
20 Obviously there's overfishing allowed by
21 regulation in some areas of the country as of
22 that date.

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1 VICE CHAIR BALSIGER: Yeah, the
2 statute, it doesn't outlaw it until 2011.

3 MS. McCARTY: Right. But --

4 VICE CHAIR BALSIGER: So that --

5 MS. McCARTY: -- that's a
6 particular example that we talked about that
7 is problematic, perhaps. We talked about it
8 at the meeting, and we talked about it since
9 this meeting.

10 MR. MARTIN FISHER: Yeah.

11 MR. SCHWAAB: Yeah, Cathy and then
12 Dorothy.

13 MS. FOY: I think it's just the
14 wording, just to say that as long as the
15 management has done, according to the best
16 available science. Get that little qualifier
17 in there.

18 MR. SCHWAAB: Well, I think that's
19 a different -- I think it gets to the point
20 we discussed at length in the committee, in
21 the work group. But it doesn't get to Jim's
22 point entirely.

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1 MS. FOY: Jim, would you clarify
2 for me, what do you mean?

3 MR. SCHWAAB: Well, it's possible
4 that, for example, in Alaska, you think you
5 can take 800,000 tons of pollock in the
6 Bering Sea this year. Next year, when you do
7 the analysis, it turns out that the ACSTS
8 assessment was done wrong and we should have
9 only taken 300,000 tons. So you've got
10 500,000 tons too much. That's a severe
11 overfished stock now. No fishing on it.

12 This is all hypothetical, by the
13 way.

14 (Laughter.)

15 MR. SCHWAAB: So this creates a
16 great disaster in that pollack fishing
17 community. And it isn't the pollock
18 fishermen's fault, because they were
19 following the rules set out by the North
20 Pacific Fishermen's Management Council, who
21 had bad advice through some accumulation of
22 science or nonscience or data, or whatever.

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1 MS. FOY: But the right foundation

2 --

3 MR. SCHWAAB: Okay. So I think
4 Cathy's point addresses that.

5 MS. FOY: Yes, it does.

6 MR. SCHWAAB: But it doesn't --

7 MS. FOY: As long as the councils
8 followed the best advice of the Science and
9 Statistical Committee, which acted upon the
10 best available science at the time, then I
11 mean, as far as I'm concerned, they should
12 constantly be updating the best available
13 science methods. And so it was --

14 MR. MARTIN FISHER: Are you --

15 MS. FOY: -- organized --

16 MR. MARTIN FISHER: Excuse me.

17 You have a key for eligibility for --

18 MS. FOY: For eligibility, as long
19 as we're not allowing the councils --

20 MR. MARTIN FISHER: Right. It
21 doesn't --

22 MS. FOY: -- to ignore the advice

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1 of the sciences and the committee.

2 MR. JONER: Right. And I think
3 that's the key, to have the SSC in there.

4 MS. FOY: Um-hum.

5 MR. SIMPSON: And that really
6 addresses Martin's objection, or problem with
7 it, because they have scientifically advice
8 that said that there were more critters out
9 then than there actually was.

10 MS. FOY: Um-hum.

11 MR. [SPEAKER]: Well, that solves
12 it for me.

13 MR. BILLY: I think there was
14 clear agreement in the working group that is
15 that was a condition that we wanted to
16 account for. And I think, Cathy, your
17 suggestion addresses that. I guess what I
18 was suggesting, it didn't address, was if a
19 decision was made to allow overfishing to
20 continue for some period time, which is
21 different than what you described in Alaska.

22 VICE CHAIR BALSIGER: That would

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1 be other circumstance. So you made clear, I
2 guess, with the point. So I'm not going to
3 give an example.

4 MR. BILLY: Okay.

5 MR. SCHWAAB: Other -- Dorothy,
6 did you have something?

7 MS. LOWMAN: Well, I guess, you
8 know, as we know, Congress could go around
9 and do a line item one, so I think it's fine.
10 I think we still should keep to this, even
11 if, you know, and not let someone who has
12 been disallowed, to overfish, even if they're
13 given an exemption to still be eligible. But
14 knowing that, for a while, that they can go
15 do something separate for them. And probably
16 would.

17 MR. SCHWAAB: Yeah. And I think
18 part of this is -- I mean, look, we
19 understand that --

20 MS. LOWMAN: It is a policy.

21 MR. SCHWAAB: -- as -- as, you
22 know, this program has existed. It's really

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1 been driven by these sort of congressional
2 actions. And part of this is intended to
3 provide a few more sideboards that maybe will
4 not eliminate that, but at least constrain
5 some of those behaviors.

6 MS. LOWMAN: Yes. And I think as
7 a policy, we should keep, that's a clear
8 policy, if some congressional, you know,
9 delegation -- not to be named -- decides to,
10 you know, do something separate, that's their
11 prerogative, but --

12 MR. SCHWAAB: So we can add that
13 best available science language to this and
14 finish --

15 MR. [SPEAKER]: No, that's fine.

16 (Multiple conversations.)

17 MS. FOY: In which -- I'm sorry.

18 Which is --

19 MR. SCHWAAB: The very bottom one.

20 MS. FOY: Okay.

21 MR. SCHWAAB: Cathy, thank you

22 very much.

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1 Martin.

2 MR. MARTIN FISHER: With the
3 addition of this language, I would advocate
4 to change this from a possible recommendation
5 to a recommendation.

6 MR. SCHWAAB: Okay. And I was
7 just talking to -- I was just talking to Tom
8 about our process here. And I think what we
9 would like to do is, you know, essentially
10 vote at some point to adopt this sweep of
11 recommendations.

12 What I would propose that we do
13 is, is two things. One is sort of stop by
14 sections just to see if there are any
15 concerns. And then deal with the entire set
16 of recommendations in total at the end of
17 this discussion. Is that fair?

18 MR. BILLY: Yes.

19 VICE CHAIR BALSIGER: So maybe
20 just one more time on the other aspect of
21 this that --

22 MR. BILLY: Yeah.

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1 VICE CHAIR BALSIGER: -- you
2 brought up. So just again, hypothetically,
3 suppose, for example, someone in NOAA decided
4 that we could allow seven species of
5 groundfish in New England to be overfished
6 for another year. Okay. So a year from now
7 they're going to end that. There's going to
8 be a dramatic reduction. That's going to be
9 a disaster for those guys.

10 Now if we had end to overfishing
11 this year, it'd be a disaster, anyway. So
12 we're trying to rule out the possibility
13 that, for example, next year New England will
14 not qualify for an example, because we have
15 made a decision to let them overfish those
16 seven stocks for another year. And I am okay
17 with that. But that is the sort of the --

18 MR. SCHWAAB: Well, it's my
19 understanding that you already cannot create
20 your own disaster by overfishing.

21 [COMMITTEE MEMBERS]: Yeah, yeah.
22 Right.

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1 MR. RISENHOOVER: Eric, we need to
2 go back to language in the Act, which says
3 the basis for the disaster is natural, or
4 undetermined causes, or man-made causes
5 beyond the control of fisheries' managers.
6 My computer won't pull up the exact language
7 right now, but that's the summary.

8 There's already language in the
9 statute that says the reasons for a disaster
10 are natural or undetermined causes beyond the
11 control of fisheries' managers.

12 MR. SCHWAAB: Right. I think --

13 MR. RISENHOOVER: So how does that
14 --

15 MR. SCHWAAB: I think our purpose
16 as a work group was to affirm that as an
17 appropriate --

18 MR. RISENHOOVER: Right.

19 MR. SCHWAAB: -- condition.

20 MR. WALLACE: We remain on that
21 mark.

22 MR. SCHWAAB: Right. Now if

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1 Congress wants to override that, they're
2 welcome to do that.

3 MR. SPEAKER: Yeah, they will.

4 MR. SCHWAAB: Okay. So we have
5 the language up there the way we want it?

6 MS. FOY: The last sentence. Does
7 that work for you?

8 MS. SPEAKER: No.

9 MS. FOY: It's underlined. The
10 part that gives you your little -- your
11 loophole is underlined.

12 MR. SCHWAAB: Okay.

13 MR. BILLY: I don't understand it.

14 MS. FOY: You don't get that? All
15 right.

16 MR. MARTIN FISHER: That doesn't
17 fix it for me, Cathy.

18 MS. FOY: All right. What I'm
19 trying to get at is that we don't allow the
20 councils to ignore the advice of their
21 scientific community and the fish beyond
22 capacity, but that -- the best available

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1 science is one that fluctuates. And maybe
2 there -- we do come up with better physical
3 techniques, different scallop measurements,
4 or whatever, of the two stocks I can think of
5 that we've had, you know, severe changes in
6 what we thought were out there, either for or
7 against.

8 And then that -- you know, if we
9 have a disaster result from management
10 decisions that are made, according to the
11 best available science, that that still is
12 considered an eligible disaster. But if you
13 have a disaster as a result of political
14 decisions that are not made according to the
15 best available science, then that's your own
16 fault.

17 DR. HOLLIDAY: So in order to help
18 move things forward if we could --

19 MS. FOY: Yeah.

20 DR. HOLLIDAY: We know what intent
21 is, rather than try to wordsmith it at this
22 point, but it sounds like, you know, based on

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1 the best available scientific information at
2 the time these were made, where are you
3 trying to go with the --

4 MR. SCHWAAB: Right.

5 DR. HOLLIDAY: Okay. So if
6 everybody could -- we'll try to help --

7 MR. SCHWAAB: Wordsmith, that's
8 the way --

9 DR. HOLLIDAY: -- to get that into
10 the right form.

11 MR. SCHWAAB: Larry.

12 MR. SIMPSON: Yes. Please just
13 keep in mind. I know --

14 MS. FOY: Yes, sir.

15 MR. SIMPSON: -- what you're
16 trying to do and agree with it, but a lot of
17 these fisheries are not just council. They
18 are state fisheries, --

19 DR. HOLLIDAY: Right.

20 MR. SIMPSON: -- oysters and other
21 things. So, I mean, just try to make sure
22 it's worded --

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1 DR. HOLLIDAY: Right.

2 MR. SIMPSON: -- to cover both
3 bases.

4 DR. HOLLIDAY: Not too narrow,
5 right.

6 MR. SIMPSON: And don't be myopic.

7 MR. SCHWAAB: Got it.

8 DR. HOLLIDAY: Yeah, we don't want
9 to be shortsighted.

10 MR. MARTIN FISHER: That's a big
11 word for you.

12 (Laughter.)

13 MR. SIMPSON: That is -- Dave told
14 me to use that word.

15 MR. MARTIN FISHER: Forgive me for
16 being the pea in the pod. I just -- through
17 this discussion, I just would like to be
18 clear that a situation resulting in NOAA
19 regulations that allows fishermen to overfish
20 will not preclude the fishermen from being
21 able to be eligible for disaster relief.

22 MR. SCHWAAB: Correct. So as long

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1 as the management entities were operating
2 under the best available science --

3 MR. MARTIN FISHER: Right.

4 MR. SCHWAAB: -- and, therefore,
5 did not think they were overfishing --

6 MR. MARTIN FISHER: The fishermen
7 would -- at that point --

8 MR. SCHWAAB: -- the fishermen
9 would still be eligible.

10 MR. MARTIN FISHER: And to me that
11 statement makes them ineligible.

12 MR. WALLACE: Oh, no, --

13 MR. WALLACE: We're going to --

14 MR. MARTIN FISHER: All right.

15 MR. WALLACE: They're going to
16 redo it.

17 MR. MARTIN FISHER: I surrender.

18 MR. SCHWAAB: All right.

19 MR. JONER: If we just word it
20 something like "...subsequent information
21 shows the stock was overfished resulting in
22 reductions...", and then they are eligible.

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1 MR. RANDY FISHER: They're going
2 to work on the words. They're going to --

3 MR. JONER: That is -- that's --

4 MR. SCHWAAB: I think it was, you
5 know, based upon the best available science.

6 Moving right along. So
7 eligibility issues, we only have one here.
8 This is something we had significant
9 discussion about, but it really speaks to --
10 and we've softened this to essentially
11 request that NOAA evaluate the concept and
12 develop some principles and approaches to
13 sort of building new sideboards around high-
14 risk behavior, so you don't apply disaster
15 funds in a fashion that perpetuates high-risk
16 behavior.

17 The diversity of circumstances out
18 there prevented us really from reaching any
19 agreement going further. I think you know --
20 I mean there were a couple of examples that
21 were captured in the white paper, you know,
22 one being, for example, building facilities

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1 in high-risk zones, you know, that are under-
2 built for the environment. Another might
3 relate to, you know, somebody who is
4 underinsured for gear, boats, whatever the
5 case might be.

6 And we, as a work group, weren't
7 comfortable if we could capture the totality
8 of circumstances or the right set of
9 sideboards. And we would simply recommend
10 and request that NOAA evaluate that issue as
11 it moves forward in, you know, applying this
12 program.

13 MR. BILLY: What's an example of a
14 risk assessment standard in this instance?

15 MR. SIMPSON: I'll give you one.
16 I just passed by it the other day. There's
17 an old codger over there in Bay St. Louis,
18 and he's on the Bayou. And this area is
19 highly prized by recreational fishermen. And
20 they said: "When you build this bait shop
21 back you're going to have to put it 20-some
22 feet in the air."

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1 He said, "The hell I will." And
2 he's blocked it off, and now we don't have
3 bait for that area. And the building is
4 still there. He just wanted to repair it,
5 you know. There's one example right there.

6 So fisheries are losing because
7 this guy doesn't have the wherewithal or
8 desire to do that. And, you know, heck, he
9 ain't got \$50,000 in the whole thing. I
10 mean, for crying out loud, he's not putting
11 up the Taj Mahal. He's just selling shrimp.

12 MR. BILLY: Risk to whom?

13 MR. SIMPSON: It's talking about
14 risk assessment, like building codes,
15 partially. That's not the total thing. But
16 that's one example.

17 MR. BILLY: Okay.

18 MR. SIMPSON: He's got a boat
19 launch which is shut down, which you've got
20 to have down low.

21 MR. BILLY: I understand that.
22 I'm not disagreeing with your intent.

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1 MR. SIMPSON: It's a parking lot,
2 the bait thing, the whole deal.

3 MR. BILLY: That ought to be
4 interesting --

5 MR. SIMPSON: For NOAA to figure
6 out.

7 Okay. So moving on, there are
8 four recommendations related to what we
9 characterize as implementation issues. The
10 first one is that, you know, expenditures be
11 consistent with both management plans and in
12 accordance with the assessment information
13 provided in the grant request. You know,
14 essentially spend the money the way that you
15 say that you need to spend the money.

16 The second one is a recommendation
17 that there be explicit -- an explicit request
18 that disaster funds under this program be
19 coordinated with any other federal or local
20 relief programs where appropriate.

21 The third one, which is a pretty
22 big lift, but something that we felt needed

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1 to be put on the table is that we ask NOAA to
2 work with Congress to establish essentially a
3 standing disaster fund and develop some very
4 specific criteria that would be narrowly
5 prescribed to apply that standing money
6 under, you know, really urgent sets of
7 circumstances. And, again, based on some
8 very narrowly-defined set of criteria. And
9 that then we would obviously have to seek
10 some process to replenish that standing fund
11 over time.

12 And then finally a recommendation
13 on the part of the working group that NOAA
14 work with Congress to essentially remove all
15 of the matching-fund conditions that exist
16 under the current statutes. This is
17 something that often gets done by -- through
18 the appropriations process anyway. And,
19 frankly, one of the points that was made in
20 the working group is that that actually
21 serves as a -- that actually serves, you
22 know, as an incentive to essentially work

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1 outside of the formal disaster declaration
2 process and continue to put the cart before
3 the horse by going right through the
4 appropriations process.

5 And if you remove this statutory-
6 match requirement, you could actually move
7 more people into the process where you get
8 the disaster declared, and then you seek the
9 appropriation.

10 So I'll stop there for additional
11 comment, questions on implementation issues.

12 Bob.

13 MR. FLETCHER: We all know there's
14 going to be another one. And the quicker the
15 nation can respond the better it's going to
16 be for those that are going to be struggling.

17 I just wanted to say that in the
18 case of salmon on the West Coast, the Pacific
19 States did a remarkable job. Fishermen said
20 it. The Congressional representatives in the
21 affected areas said it. It was a little
22 slower than I think a lot of people felt

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1 would have been best.

2 And I'm just wondering if your
3 group discussed the possibility of the
4 regional commissions developing standing
5 programs and policies that could quickly jump
6 into action following a disaster declaration
7 that would allow the affected fishermen to
8 get relief in a more timely fashion, because
9 in the case of the salmon disaster I really
10 felt that that was the only issue that might
11 have been handled a little bit more quickly.

12 So it's just a question.

13 MR. SCHWAAB: So are you talking
14 about a brand new structure or are you
15 talking about utilizing existing --

16 MR. FLETCHER: Well, utilizing the
17 existing commissions who are in the areas --

18 MR. SCHWAAB: -- the existing
19 interstate commissions?

20 MR. FLETCHER: -- who have the
21 information on who the fishermen are, who are
22 comfortable with interacting with them and

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1 can if they -- if there was a direction to
2 them that there is a fund available, to make
3 available immediately, and the commissions
4 would leap into action and form committees
5 that would notify fishermen, that would
6 gather eligibility requirements, that would
7 be -- you know, that quick response that I
8 think a lot of us feel is one of the biggest
9 problems when there is a disaster
10 declaration.

11 MR. SCHWAAB: Well, yeah, Larry
12 should respond to this because I think the
13 discussion in our work group was that, for
14 example, the Gulf States Commission played a
15 pretty important role in that regard.

16 MR. SIMPSON: Well, there's two or
17 three avenues to this discussion.

18 Number one that comes to my mind
19 is that you're trying to -- is this the one
20 you're trying to establish the fund?

21 MR. SCHWAAB: Yes.

22 MR. SIMPSON: All right. Whoever

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1 it is, us or somebody else, can do some
2 limited, tightly-constrained things. I mean
3 in my mind there's a place down in a certain
4 area, that you rake that thing off and make
5 sure that you set up a trailer with
6 generators with ice produced. A few things
7 like that. You know, get them back quick, so
8 on and so on.

9 Then there's another level and
10 that's how you deal with the overall disaster
11 declaration. It comes down to economics and
12 it kind of gets to what I was talking to you
13 about, Jim. If you've got these numbers, the
14 quantifying numbers in effect and so forth,
15 that's what it gets down to, the economics.
16 And that's a high, big part of that
17 assessment and package that goes forward.

18 And we basically and candidly
19 haven't been doing a very good job of that in
20 the past. And we're trying to develop a
21 cadre of economists and so forth that you
22 could have a quick strike from existing,

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1 ongoing, normal monitoring-assessment type
2 things that you could put into action very
3 rapidly. But we just didn't have it.
4 Economic information was not readily
5 available and it was an obvious thing that we
6 needed to address in the future.

7 MR. SCHWAAB: So I guess Bob's
8 question is should there be a specific, an
9 additional recommendation specific to that.

10 MR. SIMPSON: I think the comment
11 is there needs to be a fund. I mean I don't
12 know how specific you want to get with it.

13 MR. SCHWAAB: Okay.

14 MR. FLETCHER: I think the fund
15 needs to be created, but you also need to
16 know what you're going to do with it. And I
17 think the commissions --

18 MR. SCHWAAB: Yeah.

19 MR. FLETCHER: -- are in the best
20 place to be able to draw those plans up. So
21 that the minute it happens, the fund is made
22 available and the commission jumps into

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1 action.

2 MR. SCHWAAB: Randy.

3 MR. RANDY FISHER: The other
4 practical problem you run into is you can
5 have all the plans you want, but you have to
6 sit around and wait for NOAA Grants to go
7 through the process. I mean it's a
8 nightmare. You're automatically building in
9 six to eight weeks so the attorneys -- that's
10 not their fault, that's the process. That's
11 when we fix this thing, we got to fix that
12 part because it's very frustrating for
13 everybody that's involved in this thing.

14 MR. SCHWAAB: So it sounds to me
15 like in this recommendation we want to add --
16 well, we have the response in there.

17 Jim.

18 VICE CHAIR BALSIGER: So you
19 basically want to frontload all of that stuff
20 -- and of course Larry's part about --

21 MR. SIMPSON: Making it discrete.

22 VICE CHAIR BALSIGER: The

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1 commissions could have on hand somehow some
2 collected economic data so you wouldn't have
3 to --

4 MR. SCHWAAB: Yeah.

5 VICE CHAIR BALSIGER: -- go out
6 and collect all that.

7 MR. SCHWAAB: Correct.

8 VICE CHAIR BALSIGER: But
9 frontloading the grant part is probably
10 harder, but that's -- but it should be in the
11 recommendation.

12 MR. SCHWAAB: Yeah.

13 VICE CHAIR BALSIGER: We can look
14 at it and somehow you can do some of that
15 ahead of time.

16 MR. O'SHEA: I think the other
17 thing here is what I think Bob Fletcher
18 suggested and makes sense is that the
19 commissions have, in working with NOAA ahead
20 of time, a sort of basic framework of -- you
21 know, a response that would then be -- each
22 disaster's going to be different.

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1 MR. RANDY FISHER: Yeah.

2 MR. O'SHEA: But my reaction would
3 be to go to Larry and Randy and say: You've
4 gone through this, what are some key things.

5 And then you know right away, say we have,
6 there's a basic structure that exists in
7 these commissions to help you then modify it
8 to a particular circumstance, because we have
9 nothing right now in the Atlantic states. So
10 that would be helpful.

11 MR. SCHWAAB: So the specific
12 addition I think we're discussing for this
13 recommendation is that we ask NOAA to work
14 with the interstate commissions to develop
15 some of the -- to basically to do some
16 preplanning.

17 MR. O'SHEA: Right.

18 MR. SCHWAAB: Everybody
19 comfortable with that?

20 MR. RANDY FISHER: Absolutely.

21 MR. DEWEY: The same subject of
22 establishing this one different tract, I just

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1 -- in the white paper we have a discussion
2 anybody talking at OPA, the Oil Pollution Act
3 of 1990 as a --

4 MR. SCHWAAB: Right.

5 MR. DEWEY: -- a mechanism.

6 Putting my taxpayer hat on, you know, I guess
7 I get concerned with these disasters that
8 we're doling out a lot of money when we're
9 not in the greatest financial shape as a
10 country right now. And is there -- you know,
11 should we be talking about a mechanism to
12 sustain that fund, as opposed to just say:
13 Congress, stick a big chunk of change in
14 there and keep it there, keep it at a certain
15 level.

16 I think OPA, I don't know a lot
17 about it, there's probably other people here
18 that do, but I'm assuming that that's fueled
19 by an oil tax that sustains that. And of
20 course that oil industry is -- you know,
21 they're the source of their own disasters.
22 So it's kind of a different situation here.

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1 You can't really make that direct
2 relationship to fisheries. They're not
3 intentionally carrying a hazardous cargo
4 that's going to create a disaster if it
5 spills. It's a bit of a different situation.

6 And I don't want to suggest that we should
7 be -- you know, fishermen or aquaculture
8 should be paying a tax into a fund, but I'm
9 still concerned about how we're thinking
10 about sustaining this fund.

11 MR. SCHWAAB: Yeah.

12 MR. O'SHEA: On the OPA thing, you
13 go back to the spiller to try to get that
14 foot in. But I think -- so you're right,
15 that part is very different.

16 What I think the concept is,
17 there's a standing amount of money ready to
18 deploy and then you worry about collecting
19 it. So your concern is, who do you collect
20 that from. And I think this could be
21 designed in a way that if a Congressman wants
22 to put in a disaster thing, it's with the

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1 understanding it doesn't go to the disaster.

2 When it finally trickles out, it goes back
3 into the fund. Yet at the trigger point, the
4 fund gets deployed. So rather than getting
5 reimbursed by the spiller, it gets reimbursed
6 by the political process. So I think that
7 was the idea behind it, is to get around the
8 six-month or eight-month time lag from the
9 time they decide to do something to the time
10 it works its way through the process. That's
11 all.

12 MR. DEWEY: I totally agree with
13 the concept. It's crucial. I mean the guys
14 in the Gulf, the oyster industry down there
15 when they were wiped out by the hurricanes
16 you can they're still -- some of those areas
17 are still waiting for relief.

18 And we on our oyster seed
19 emergency, we were talking to Congress and to
20 the agencies earlier this year about that
21 disaster declaration. And they said, well,
22 you know that -- it takes well over a year to

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1 get the disaster declared and then you still
2 got to go get Congress to appropriate you
3 some money. So it was -- that was like a
4 wasted effort, essentially, from our
5 standpoint.

6 MR. SCHWAAB: All right. On
7 allocation, the first one is pretty
8 straightforward. The applicant should
9 allocate the funds in accordance with the
10 grant application.

11 The second one speaks to the need
12 for some kind of regulation or criteria that
13 need to be adopted to govern the allocation
14 of lump-sum appropriations that are intended
15 to be divided among multiple disaster
16 declarations. And our recommendation is that
17 there be some specific criteria adopted by
18 NOAA that essentially weighed the allocation
19 of that money based upon the impact of the
20 disaster or some other criteria that might be
21 developed with respect to the grant
22 applications.

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1 There have been recent examples of
2 this where it just becomes a political free-
3 for-all. And we're trying to provide some
4 advice that will move away from that.

5 Comments or questions on that
6 section?

7 All right. The last thing, very
8 straightforward. In the same way that we
9 need upfront assessment and some -- a little
10 more regimentation in the application -- you
11 know, in the application process, we feel
12 like there's a strong need for some
13 evaluation post program implementation, and
14 that evaluation should occur at the program
15 level on a regular basis. That program --
16 those evaluations should occur for each
17 disaster declaration, so that you have some
18 kind of performance assessment after the fact
19 on which you can build future decisions.

20 And then, finally, that there be
21 some portion of disaster funds that are
22 allocated to pay for the evaluation process.

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1 Comments or questions on that.

2 Bill.

3 MR. DEWEY: Eric, do we also need
4 to include -- or maybe it's just assumed, but
5 when you do an evaluation the idea is that
6 there's a reaction to that evaluation if it's
7 poor performance.

8 MR. SCHWAAB: Yeah.

9 MR. DEWEY: Or does there need to
10 be additional wording to reflect that?

11 MR. SCHWAAB: Well, you mean at
12 the individual disaster level. I guess the
13 question is --

14 MR. DEWEY: Or on the program
15 level, either of those. When you do an
16 evaluation --

17 MR. SCHWAAB: The program level, I
18 think, sure. It sort of goes -- I mean maybe
19 it should be said that there be adjustments
20 to the program based on that evaluation.

21 I'm not sure what you do if money
22 is allocated to a state and they spend it and

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1 things don't work out the way they planned.

2 MR. DEWEY: Well, but it may be --
3 I guess my thinking on that second one is
4 that it may be indicative of a programmatic
5 problem --

6 MR. SCHWAAB: Yeah.

7 MR. DEWEY: -- that you need to
8 adjust.

9 MR. SCHWAAB: Yeah. Uh-huh. I
10 think that's a good point. We can probably
11 beat that language up a little bit.

12 MR. BILLY: You could add it to
13 the second recommendation there, "...and
14 considered by NOAA management," or something.

15 MR. SCHWAAB: There you go.

16 MS. LOVETT: Up here or down here?

17 MR. SCHWAAB: So the second
18 recommendation, you know, "These evaluations
19 should be considered by NOAA management in
20 future adjustments to program
21 implementation," or something.

22 MR. BILLY: I think there would be

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1 a presumption that that would happen, but you
2 could make it explicit.

3 MS. LOVETT: What was the last
4 bit?

5 MR. SCHWAAB: "...in making future
6 adjustments to program implementation."

7 MS. LOVETT: I didn't hear the
8 last bit.

9 MR. DEWEY: "...program
10 implementation."

11 MS. LOVETT: Thank you.

12 MR. SCHWAAB: So we have a little
13 more clean-up to do on this. I think we have
14 some more clean-up to do on the white paper
15 itself, but I guess what I would suggest,
16 Tom, is a motion that these recommendations,
17 subject to some modification based on this
18 discussion, form the basis of our -- the
19 Committee's recommendations to NOAA with
20 respect to disaster relief program.

21 MR. BILLY: Do I have a motion?

22 MR. SCHWAAB: I just made it.

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1 MR. BILLY: Is there a second?

2 MR. DEWEY: (Raises hand.)

3 MR. BILLY: All right.

4 Discussion?

5 Yes, Ed.

6 MR. EBISUI: Yes, Mr. Chairman,
7 can I show you suggested changes to the
8 possible recommendation, the eligibility
9 section? I will check with -- and actually
10 Larry, and it does seem to address their
11 concerns.

12 MR. SCHWAAB: Sure.

13 MR. EBISUI: May I show it to you
14 first and then we'll put it up on the screen?

15 MR. SCHWAAB: You can put it up.

16 MR. EBISUI: Okay.

17 MS. FOY: It's a quick fix, Eric,

18 --

19 MR. SCHWAAB: Okay.

20 MS. FOY: -- that may save NOAA a
21 little bit of time.

22 MR. EBISUI: Yeah, it's really

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1 good. Really good.

2 MS. FOY: Wordsmithing,
3 discussing.

4 MR. EBISUI: I promise not to put
5 on my lawyer hat, but I couldn't help it.
6 Sorry.

7 MR. BILLY: Is there a discussion
8 on the motion?

9 MS. LOVETT: (Editing text at Mr.
10 Ebisui's direction.)

11 MR. BILLY: Okay. Ed, do you want
12 to say anything about this?

13 MR. EBISUI: Well, I think this
14 covers the situation where -- that Jim
15 brought up, where unknowingly there may have
16 been overfishing going out but it's not
17 protected until subsequently and it doesn't
18 fault the applicant for that. It addresses
19 Larry's concern that there are state laws and
20 regulations in play in addition to federal
21 ones. And Cathy's okay with this.

22 MS. FOY: My only concern was that

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1 until we get the full Magnuson-Stevens, an
2 action, that there is that gap in there that
3 gives the councils leeway to operate in an
4 overfishing status. But we are talking about
5 a short, short time here and disaster relief
6 is looking at a much longer picture. So I'm
7 comfortable with this if you guys are.

8 MR. BILLY: Okay, good. Thanks.

9 Other discussion about this or any
10 other recommendation?

11 Seeing none, I call for the vote.

12 Okay, all those in favor of the set of
13 recommendations say "aye."

14 [COMMITTEE MEMBERS]: Aye.

15 MR. BILLY: Those opposed?

16 (No response.)

17 MR. BILLY: Okay. Carried.

18 MR. SCHWAAB: Thank you, Mr.
19 Chairman. We'll clean up our report,
20 circulate it, and give everyone one last
21 look, and then we will have completed this
22 task.

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1 MR. BILLY: Okay, good. Yeah,
2 Bill.

3 MR. DEWEY: I just wanted to
4 extend my compliments to Eric. He's done a
5 fantastic job coordinating this Work Group
6 and taking the initiative to get the drafts
7 out to people and so on. And I really
8 appreciate his work.

9 MR. SCHWAAB: Thank you.

10 (Applause.)

11 MR. BILLY: Okay. We're now
12 scheduled for a coffee break, 15 minutes or
13 so.

14 (Recess taken from 10:15 a.m. to
15 10:38 a.m.)

16 DR. HOLLIDAY: Next on the agenda
17 is...

18 MR. BILLY: Another meeting that
19 occurred yesterday -- the day before, is the
20 meeting of the Commerce Subcommittee. And I
21 had the fortune to chair it for the final
22 time, but look on it as a real opportunity.

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1 Because of my background and experience, I am
2 very interested in the work that had been
3 done by FDA dealing with methylmercury in
4 seafoods, in particular, and the application
5 of that work in a broader sense to seafood
6 safety.

7 I know that Phil Spiller presented
8 a lot of information, and I'm not going to
9 review it. But the Subcommittee had a good,
10 lively discussion regarding the takeaways
11 that members of the Subcommittee had from
12 both the presentation and the discussion that
13 occurred subsequently.

14 And I have up on the screen sort
15 of the summation of what the Subcommittee
16 reached with regard to this particular area.

17 And we've written in the form of
18 observation, conclusion, and then some
19 recommendations.

20 The first is a reflection of an
21 interest shared by NOAA that came out of a
22 National Academy of Sciences' project that

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1 NOAA was the lead funder of, to look at the
2 whole area of risk communication as it
3 relates to seafoods.

4 And while they put out a several-
5 hundred-page report, one of the key
6 recommendations from that body of experts was
7 that there be greater application risk-
8 benefit analysis in this arena of risk
9 communication and that risk-benefit analysis
10 form the basis for formulating communication
11 to the public and other interested parties
12 regarding environmental contaminants in
13 seafood, as well as in foods in general.

14 So we felt, as a Subcommittee,
15 that we ought to explicitly express or
16 embrace the risk-benefit approach. It was
17 recommended by a body in the Academy. FDA
18 took on a project and tried it, if you will,
19 and came -- and succeeded with it, and now
20 there is, I think, a basis for this Committee
21 to, in fact, embrace the risk-benefit
22 approach in general.

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1 But I don't think that's enough.
2 And I think that tied with one of our
3 recommendations, we should also explicitly
4 recommend or encourage its use by FDA for the
5 broader set of environmental contaminants in
6 seafood, and has broader application. The
7 use of science in a way to get a better
8 handle on risks and benefits and create --
9 make risk-management decisions that are
10 appropriately balanced. So that's what the
11 first item there is as an expression of the
12 desire of the MAFAC Committee.

13 The second relates to several
14 comments that were made, both after Phil
15 Spiller spoke, as well as in our
16 Subcommittee, about how important it is to
17 better inform the public and communicate
18 about this area, that there is not good
19 understanding.

20 Phil Spiller, as you recall,
21 indicated that the public advisory that they
22 put out had consequences in terms of seafood

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1 consumption by pregnant women. I would argue
2 they were unintended consequences, because
3 it's hard to communicate in this area. And
4 that's one of the reasons that NOAA sponsored
5 the National Academies project.

6 So what we're saying here is that
7 the MAFAC Committee encourages a national
8 cooperative information and education
9 initiative. And there are some models for
10 this in other sectors. Some of you may
11 remember seeing or be familiar with what's
12 called in the meat and poultry arena the
13 "FightBAC campaign." It's fight bacteria,
14 and it's about informing consumers about
15 their responsibilities in handling and
16 preparing meat and poultry products in the
17 home.

18 And it's a cooperative program
19 that involves the regulatory agencies, the
20 industry, consumer representatives. And they
21 work together to have acceptable messages
22 that communicate about those responsibilities

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1 that consumers have.

2 Well, this could be in a similar
3 vein with various sources of funding a
4 cooperative information and education
5 initiative that addresses not only
6 methylmercury in seafood but other items in
7 this arena as well, so that at the end of the
8 day the public is able to make more informed
9 decisions about their purchases and the
10 consumption of seafood.

11 Then finally there was discussion
12 about the importance of the ongoing research
13 and that an enormous amount of research is
14 currently being sponsored by the Department
15 of Health and Human Services. And the
16 National Institutes of Health and other
17 components of the HHS, such as FDA, are
18 engaged in research in this area to learn
19 even more about both risks from contaminants
20 and about the benefits of seafood.

21 And being better informed from
22 that scientific research would even

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1 strengthen our ability to deal with it. So
2 potentially MAFAC then would be embracing the
3 use of risk-benefit analysis, encouraging
4 education and information, and encouraging
5 continued research.

6 Having taken that position, if
7 that's what the Committee does, then we'd
8 have a recommendation, a couple of
9 recommendations, the first one being that
10 this ought to be -- if NOAA and the Secretary
11 of Commerce accepts the MAFAC recommenda- --
12 conclusions, then we recommend that a letter
13 be sent from the Secretary of Commerce to the
14 Secretary of Health and Human Services
15 expressing NOAA's support for FDA's work on
16 risk benefits in methylmercury and seafood.
17 That would be timely. They'd have the report
18 out for comment, and it would be an
19 expression of support for what they have been
20 working on and continuing to closure on the
21 process that Phil described.

22 Another recommendation would be

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1 that NOAA also can play a role. Some of you
2 participated in the Seafood and Health
3 Conference that was held -- I kept saying two
4 years ago, but it's four years ago -- in 2005
5 where a strategy was developed to get the NIH
6 and other scientists that are actually doing
7 this research into a room with all the
8 fisheries or seafood stakeholders and allow
9 the results of the research to be
10 communicated in a way where people can
11 understand it and, more importantly, then
12 take advantage of what the scientists are
13 learning in education and communication and
14 otherwise.

15 So the Committee is recommending
16 that NOAA periodically sponsor additional
17 seafood and health conferences like that to
18 get the researchers together with the
19 stakeholders and hopefully experience the
20 same results.

21 And then finally there was a
22 discussion led by Randy, but supported by

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1 others after Phil spoke, and further embraced
2 in the discussions of the Subcommittee about
3 where is all the seafood going to come from
4 if, in fact, there is increases in per capita
5 consumption in the U.S. because of the health
6 benefits or in other countries around the
7 world and that might be wise for NOAA to
8 formulate some sort of the national and
9 international strategy that would affect,
10 then, it's actions on many fronts regarding
11 the expansion of the supply of seafood to
12 meet the demand, both domestically and
13 worldwide.

14 Obviously this can touch on a
15 number of things. It speaks to effective
16 management of the wild stocks. It speaks to
17 aquaculture, both domestically and
18 internationally in terms of your
19 international actions about encouraging more
20 effective management of the stocks, and so
21 forth.

22 So there are ways that NOAA could

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1 formulate such a strategy that would be
2 reflected, then, in its actions towards that
3 kind of an objective. So that deals with the
4 methylmercury in the seafood area.

5 We then had a brief discussion on
6 the presentation that Tim Hansen made and the
7 other people on their work to draft a NOAA
8 Seafood Safety and Quality Strategic Plan.
9 And this sentence is usually a benign
10 expression of what the Committee talked
11 about. There were several expressions of
12 disappointment, that we didn't have this
13 draft available to us at this meeting, but
14 clearly signaling that we look forward to
15 receiving the draft, you know, after it's
16 been properly vetted, and so forth, so that
17 we can complete our work on something that we
18 recommended be developed.

19 So that in summary is what was
20 discussed. I like now to provide an
21 opportunity for any of the members of the
22 Commerce Subcommittee to add their thoughts

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1 or comments.

2 Yeah, Bob.

3 MR. FLETCHER: I agree with what
4 you just said. I really enjoyed the
5 discussion, and it brought home what had been
6 bothering me since 2004 when the advisory
7 came out. And yet we heard before and after
8 about the benefits of seafood. So this
9 approach really does make the most sense.
10 And I was disappointed that we didn't have
11 that draft. I know it's going to be
12 available, I think, next month. And I
13 encourage MAFAC to really take it seriously
14 because I think this is a big step forward in
15 balancing the perspective. And we all hear
16 about the benefits of seafood, but we don't
17 very often hear about the risks versus the
18 benefits.

19 I wrote down a couple of notes
20 from what Phil said. One of them just jumped
21 out at me. Ninety-nine percent of women of
22 childbearing age receive a net benefit from

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1 eating fish. One-tenth of one percent of
2 children born to a mother who has eaten fish
3 will lose .04 of one IQ point. I'd say
4 that's an acceptable risk for the true
5 benefits of eating seafood.

6 So thank you for running that,
7 Tom, and I thought it was an excellent
8 discussion.

9 MR. BILLY: Larry.

10 MR. SIMPSON: Thank you, Mr.
11 Chairman. I really enjoyed the presentation
12 and the whole discussion about it, also the
13 previous discussion of the selenium side of
14 it. It wasn't part of MAFAC.

15 A couple of, three things came to
16 my mind in this general discussion. Number
17 one, when you're outreaching education -- and
18 I think that's wonderful -- let's don't
19 forget the roles that all these cooking
20 channels play. And it jogged my memory when
21 you were talking about clean, be careful,
22 sanitation, meat and poultry, I mean all

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1 these cooking shows stress that. And I know
2 for one my wife watches those things all the
3 time. And that's a good communication way to
4 get things out.

5 Second was in regard to outreach
6 and education, would it be useful to suggest,
7 either to informally or formally that maybe
8 they -- whoever the entity is, FDA for
9 others, to take some samples, hair samples,
10 because we heard some indication that you can
11 get a read on methylmercury in human
12 populations from hair samples and other
13 things. Maybe sample the council, sample
14 MAFAC, sample whatever. And that would kind
15 of create an interest to determine what kind
16 of role we have as methylmercury eaters.

17 Number three, I noted that --

18 MR. DiLERNIA: The few I have left
19 you'll take.

20 MR. SIMPSON: Huh?

21 MR. DiLERNIA: The few I have left
22 you'll take.

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1 MR. SIMPSON: Yeah, you'll get it
2 off your beard.

3 (Side comments and laughter.)

4 MR. SIMPSON: The third thing is I
5 noted that some of the canvassing information
6 that -- what was his name -- Philip?

7 MR. MARTIN FISHER: Yeah.

8 MR. SIMPSON: -- Philip was
9 talking about, they sampled water, wouldn't
10 it be more appropriate to do some sampling in
11 fish tissue instead of just the water and
12 that being a proxy for methylmercury. Just a
13 thought, those are my three thoughts, Mr.
14 Chairman. Excellent report, good
15 recommendations.

16 MR. BILLY: Just to share some
17 information. There is an ongoing -- it's
18 been going on for at least 20 years -- hair-
19 sampling survey that's done by some part of
20 HHS annually. And all the data gets fed into
21 the Center for Disease Control. And one of
22 the things they check -- analyze the hair for

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1 -- the hair samples for is methylmercury. So
2 there's a dataset now that is monitored.

3 MR. SIMPSON: Well, that's
4 interesting. And it will be really
5 interesting to get feedback. Like you send
6 off duck wings and everything, and they can
7 tell you where the thing was tagged and
8 everything. If you could do the hair
9 sampling, they could respond back.

10 Last night I found out something
11 that I want to explore, is Lisa was telling
12 me that you can take a swab, the History
13 Channel, or somebody --

14 MR. MARTIN FISHER: National
15 Geographic.

16 MR. SIMPSON: National Geographic.
17 You take a swab of saliva, or whatever, I
18 don't know how you do it, I'm going to check
19 it out, and you can send it in and they will
20 have a genetic profile, where you can tell if
21 you're from Europe and what area. And I
22 thought that was cool. I want to explore

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1 that. Maybe this would kind of work with
2 that.

3 MR. EBISUI: They do that on
4 paternity cases.

5 MR. SIMPSON: I'm 60, so that
6 let's me out of that.

7 (Laughter.)

8 MR. MARTIN FISHER: They also said
9 that info to your insurance company and next
10 year you get canceled.

11 VICE CHAIR BALSIGER: I want to
12 explore this 60 and you can't have a kid
13 anymore.

14 (Laughter.)

15 MR. BILLY: There's also, just so
16 you're aware of it, there is a fairly
17 significant set of seafood sampling programs
18 for not just methylmercury but other
19 environmental contaminants. FDA has one
20 that's called their Market Basket Survey,
21 where they go out and purchase on a
22 statistically designed basis two or three

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1 hundred foods from supermarkets and other
2 places around the country and then analyze it
3 for a wide variety of things. And that data
4 is in a database that you can access through
5 the FDA website.

6 There are also then specific
7 surveys that they do on seafood. And usually
8 it's they do it sort of regionally, because
9 they can only handle so many, and they work
10 their way around the country and repeat it
11 again. So there's quite a bit of monitoring
12 that occurs that is informative in terms of
13 levels of not just methylmercury, which, as
14 Phil said, doesn't change much. Dioxins,
15 PCBs, and all kinds of other things, so --

16 MR. SIMPSON: And I especially
17 liked your back up in the preamble where you
18 talked about -- right there, number 3,
19 include the role of selenium.

20 MR. BILLY: Yeah.

21 MR. SIMPSON: I think that needs
22 to be explored extremely robustly.

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1 MR. BILLY: Bill.

2 MR. DEWEY: Specific to that
3 point, Mr. Chairman, I note that we don't
4 have a research recommendation to follow that
5 point Number 3. And might I suggest the
6 following: Continue to conduct research on
7 the risks of environmental contaminants and
8 the health benefits of seafood. This should
9 include the role of selenium in mitigating
10 the toxic effects of environmental
11 contaminants. And then I go on to say: To
12 capture also this other study that I raised
13 where they're showing increased levels in the
14 seawater, but Phil Spiller didn't know for a
15 fact that it would increase the levels in the
16 seafood, too. So I go on to say: And
17 temporal changes in methylmercury levels in
18 seafood and whether there is a correlation to
19 increasing ambient levels in the seawater.

20 MR. BILLY: Okay. I see a lot of
21 heads shaking. Would you share that with --

22 MR. DEWEY: Yeah. So, Heidi, are

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1 you up and running on email over there?

2 MS. LOVETT: I am.

3 MS. McCARTY: Mr. Chairman?

4 MR. BILLY: Yes.

5 MS. McCARTY: When she's done with
6 that can I ask that it be --

7 MR. DEWEY: It should be showing
8 up in your in-box.

9 MS. McCARTY: -- so I can read it
10 because --

11 MR. BILLY: You bet.

12 MS. McCARTY: -- because I didn't
13 read it all.

14 MR. BILLY: While you're getting
15 that email can you scroll back to the top?

16 MS. LOVETT: Sure.

17 MS. McCARTY: Thank you.

18 MS. LOVETT: This is a brand new
19 recommendation?

20 MR. DEWEY: Yes, it would be a new
21 recommendation.

22 MS. LOVETT: Okay. Can I add it

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1 at the bottom or are you all still reading
2 that?

3 MS. McCARTY: I got it.

4 MR. BILLY: Yeah. Now is fine.
5 Before the sentence, yeah.

6 MS. LOVETT: Before -- yeah. I
7 mean, yeah.

8 MR. BILLY: That's fine.

9 MS. LOVETT: Easier if I do it
10 this way then. (Editing the text on the
11 screen.)

12 VICE CHAIR BALSIGER: Mr.
13 Chairman?

14 MR. BILLY: Yes.

15 VICE CHAIR BALSIGER: The focus on
16 methylmercury and selenium is interesting,
17 but now there's new information that I didn't
18 know about that there is a 25-year collection
19 of samples of hair for all of these things,
20 that there is a seafood -- whatever you call
21 it -- systematic seafood market survey that
22 looks at the toxins in all these fish. Well,

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1 those are equally interesting, so I'm not
2 sure why that shouldn't all come together at
3 once, so we don't look at methylmercury all
4 by itself and say, well, we can't quite
5 understand whether Phil said we should eat it
6 or not, but it's only a small part of the
7 whole thing. So I'm not sure how you put
8 that into a recommendation, but we're not
9 taking a holistic look at all of those risks
10 and benefits if we're only looking at
11 mercury.

12 MR. BILLY: Yeah. That's why the
13 language up higher is -- we use the term
14 "environmental contaminants," --

15 VICE CHAIR BALSIGER: So you
16 already have that.

17 MR. BILLY: -- when you're trying
18 to broaden it out, it captures then what that
19 --

20 MR. DEWEY: So that -- would your
21 concern be addressed by just saying: This
22 should include at a minimum the role?

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1 VICE CHAIR BALSIGER: Well, I
2 guess...

3 MR. DEWEY: I guess that these are
4 two areas that we learned about at this
5 meeting today that MAFAC had specific
6 concerns about. So I don't disagree, there's
7 certainly other areas. Obviously this cannot
8 be a comprehensive list of areas that they
9 should be researched. But based on what
10 we've learned in our meeting, that was my
11 thinking of trying to incorporate them into a
12 recommendation.

13 VICE CHAIR BALSIGER: Mr.
14 Chairman, I guess maybe my comment is out of
15 time because until we have NOAA's Seafood
16 Safety and Quality Safety Plan, we don't
17 know. Maybe all of that's in there in an
18 assessment and a trend over time of toxins in
19 hair and all this Market Basket stuff. But
20 it seems that's kind of is therefore that
21 NOAA ought to have and bring all this stuff
22 together.

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1 MR. BILLY: I know that Tim and
2 his people and Spencer Garrett in NOAA are
3 very familiar with all that and involved.
4 They help collect the samples and they do --
5 so there's that kind of involvement. And I
6 also know that Phil Spiller, who used to head
7 the Office of Seafood at FDA, is well aware
8 of that and that's reflected in the study
9 that they did and so forth.

10 So people that are in the
11 business, if you will, are familiar, but we
12 aren't. And that's part of the reason for
13 the recommendation about the Seafood and
14 Health Conference. There should be more
15 knowledge, public knowledge about all the
16 things that are going on and what they mean,
17 so that people can get their arms around it.
18 That shows the value.

19 VICE CHAIR BALSIGER: I guess I'd
20 be afraid that we have to guard against only
21 bringing forward the bad part and not having
22 an equal emphasis on the positive part, and I

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1 know that's in your mind.

2 MR. BILLY: Seafood and health,
3 that's sort of the balancing.

4 MR. SIMPSON: In that regard, I
5 don't know how to handle it, it's kind of
6 tangential, but I would think the group would
7 benefit greatly from hearing Nick's, Dr. Nick
8 -- whatever the guy's name is, that came from
9 --

10 MR. BILLY: Paulson (phonetic).

11 MR. SIMPSON: -- would benefit
12 greatly, and has a good presentation. And
13 maybe at the next meeting we could try to get
14 him. It's an uplifting thing, it's not the
15 acidification and --

16 (Side comments and laughter.)

17 MR. BILLY: That's a good idea.
18 We can get that on the list for potential
19 items.

20 Okay. Yeah, Erika.

21 MS. FELLER: I'm wondering if in
22 terms of making recommendations for research,

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1 if there would be room in there to include
2 perhaps also looking at demographic
3 information? I still got the impression from
4 Phil's presentation that it was a very broad
5 cross-section. And I would think that there
6 would be a big difference between the amount
7 of seafood consumed by someone in Iowa versus
8 somebody in Hawaii, somebody in California,
9 somebody in Alaska. And it would probably
10 assist communication efforts, in particular,
11 to really kind of identify where there might
12 be differences and where you need to focus
13 outreach efforts.

14 MR. BILLY: Yeah. We could just
15 stick in, once you figure out where,
16 "including demographic information."

17 MS. FELLER: I would just say,
18 "include demographic differences" or -- you
19 know, I don't know, something along those
20 lines.

21 MS. McCARTY: Statistics.

22 MS. FELLER: Yeah.

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1 MR. BILLY: One amendment that I'd
2 like to -- the lead-in is "NOAA should
3 continue to conduct research," but our
4 observation above is way broader than that.
5 We're also -- we're speaking about what HHS
6 should continue. HHS is spending several
7 hundred million dollars in this area. I
8 don't know the number, I'm out of date, so it
9 dwarfs what research NOAA's doing. I'm not
10 diminishing that. I'm just saying, so, I
11 think we should speak something about federal
12 research or ensure federal research is
13 continued, or partners, or something. Got to
14 get broader than NOAA. It should include
15 NOAA, but...

16 Yeah.

17 MS. LOVETT: It's under "NOAA
18 should," so do you want it as a --

19 MR. BILLY: Yeah, that's --

20 VICE CHAIR BALSIGER: You could
21 say, "NOAA should continue to work with
22 federal partners," or something like that.

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1 MS. LOWMAN: Yeah.

2 VICE CHAIR BALSIGER: Or "other
3 partners to do this research."

4 MS. FOY: Tom, I'm not talking to
5 the recommendations here, but I'm addressing
6 Jim's point about getting a time series for
7 human hair. I would like NOAA to consider
8 talking to the direct tribes or the museums
9 that the tribes run and getting a historical
10 time as pre-industrialization even.

11 MR. SIMPSON: Cool.

12 MS. FOY: We don't tend to think
13 along those lines, but if we're talking about
14 what is natural levels, then we need a much
15 longer time serious than we're going to get
16 just at this, even research.

17 MR. BILLY: Maybe we should -- one
18 of the things we'd could do is think about
19 the right person that would come to one of
20 our meetings, maybe our next meeting,
21 whatever, that could describe the works that
22 are even done and ongoing in the tribes, with

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1 the tribes and others along the -- I mean
2 there is a fair amount that's been done. I'm
3 not saying it's adequate. I'm just saying --

4 MS. FELLER: Yeah. Well, you
5 would know more about food to talk to than
6 about that.

7 MR. BILLY: Yeah. Maybe we could
8 be --

9 MS. FOY: Tom, I don't know
10 anybody that's working on that.

11 MR. BILLY: We can certainly do
12 that.

13 MR. SIMPSON: Yeah. Always look
14 ahead. We need to look back. We did a
15 process one time in which we took some
16 Smithsonian samples of striped bass to
17 determine the original Gulf race, which is a
18 pure Apalachicola, Chattahoochee, and did
19 some DNA analysis. We the commissions did
20 that and that was interesting. But it took
21 the Smithsonian samples, it did take.

22 MR. BILLY: Well, NOAA helped the

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1 FDA do that back in the early '70s and then
2 repeat it on tuna specimens to answer the
3 question about whether the levels of
4 methylmercury were increasing. So there were
5 samples of well over 100 years old. I don't
6 remember the details, and were analyzed and
7 they found the same levels that they were
8 finding.

9 MR. SIMPSON: This one was pre-
10 hatchery. That's interesting.

11 MR. BILLY: That was done in that
12 area as well.

13 Okay, Tom.

14 MR. RAFTICAN: We've got a good
15 story. I mean there's a really good story.
16 The consequences of this, to help maintenance
17 organizations, could be absolutely
18 overwhelming when you look at the broad
19 spectrum over the course of years and
20 generations. I would think that there's an
21 opportunity to bring them in and you partner
22 with -- don't simply limit this to federal

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1 partners. That by bringing in somebody like
2 health maintenance organizations, you get
3 access to their public relations which would
4 be immense. And all of a sudden -- and they
5 like to tell good stories, and you've got a
6 great story here. Let's build it with big
7 partners.

8 MR. BILLY: I agree. And that's
9 what the Seafood and Health Conference did
10 and can do. You had the American Dietetic
11 Association. That's all the dieticians that
12 plan the meals for schools and hospitals and
13 you see on television all the time. There
14 are 75,000 of them in this organization and
15 they were well represented. And not only did
16 they listen, but they were provided with
17 papers to carry back.

18 The American Heart Association
19 that has 40 million members, the same thing.

20 They spoke at the Seafood and Health
21 Conference and they participated. Several
22 food writers for the major newspapers were

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1 part of it. So it's a way of getting the
2 research together -- and information with the
3 communicators and other stakeholders. So
4 that's part of what's included in that
5 recommendation.

6 I agree with you completely.

7 Erika.

8 MS. FELLER: Two things. One,
9 should that recommendation on research be to
10 continue to work with federal and other
11 partners, so it's not just other federal
12 agencies?

13 MR. BILLY: Yeah.

14 MS. FELLER: And I wrote something
15 on demographics. Can I give it to Heidi to
16 --

17 MR. BILLY: Yeah. Good.

18 Any other comments?

19 MS. McCARTY: One more. You may
20 have talked about this while I was
21 concentrating on my own report. It's the
22 whole aspect of public information and public

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1 relations and all of that. It seems to me
2 that since the industries that are
3 represented here and are served by NOAA have
4 the biggest stake in getting the good story
5 out. And I don't want to leave it to people
6 like FDA. And so it seems to me that we
7 ought to take a more active role, that NOAA
8 should take a more active role in the public
9 relations aspect of this. And I don't know
10 whether that's really captured here or
11 whether you talked about it at the
12 subcommittee. I apologize if you already
13 covered that.

14 MR. BILLY: That's the second
15 recommendation, "NOAA should..." Now whether
16 that's adequate or not or captures what
17 you're saying, but that was the intent.

18 MR. DEWEY: I think Heather's
19 point, if I'm hearing it correctly, is that
20 there's other means besides Seafood and
21 Health Conferences to get that word out.

22 MS. McCARTY: Yes.

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1 MR. BILLY: Okay. "...and other
2 means"? That's fine.

3 MR. SIMPSON: We talked about that
4 earlier. That's fine. Education outreach.

5 VICE CHAIR BALSIGER: NOAA's role
6 is fairly clear on sustainable stocks,
7 protected resources. It's less clear that we
8 have a role in identifying whether seafood
9 contributes to the health of the population.

10 And so if you think NOAA has a role I'm
11 interested in hearing that and where that is
12 in NOAA's mandate to do that stuff as opposed
13 to leaving that to human -- you know, HHS or
14 some other groups.

15 MR. RANDY FISHER: I think it's
16 interesting too that we're going tell
17 everybody to go eat fish and then we can't --
18 we don't have enough of them, so they won't
19 have them.

20 MS. LOWMAN: Yeah.

21 MR. DEWEY: We're going to fix
22 that problem too.

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1 (Laughter.)

2 MR. BILLY: That's why we tried to
3 capture that in the supply part of it.

4 MR. RANDY FISHER: Well, it is a
5 problem.

6 MR. BILLY: There is language in
7 the Agricultural Marketing Account and
8 there's language in the Magnuson-Stevens Act
9 that combine our -- I don't know, I can't --

10 VICE CHAIR BALSIGER: Well, I
11 don't think it's illegal for us to do it, but
12 if you look at what our limited funds are
13 spent on, if your advice would be to spend
14 more on doing health studies or more on stock
15 assessments, so it's a balance there that's
16 interesting. I'm not sure you should solve
17 it today. I was just -- that was something
18 --

19 MR. BILLY: Well, that's why there
20 was that emphasis on what HHS -- but NOAA can
21 be a partner. And getting the information
22 out and working cooperatively -- that's the

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1 idea, is working together. So I think it's
2 an attempt at a balanced kind of approach or
3 role.

4 One problem, FDA won't promote
5 anything.

6 MS. McCARTY: They what?

7 MR. BILLY: They don't promote
8 anything.

9 MS. McCARTY: That's my point,
10 yeah.

11 MR. BILLY: They don't and they
12 won't. I'll tell you, I worked there.

13 MS. McCARTY: So we need to.

14 MR. BILLY: So someone needs to.
15 So they'll help. They'll be a partner, but
16 they won't put their name on it. So that's
17 why there's -- this is sort of --
18 communication is in the NOAA arena, but it's
19 -- I don't know.

20 MR. RANDY FISHER: So does this
21 sort of tie back into the discussion about
22 whether or not you're tying yourself in a box

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1 when you -- if you talk about the value of
2 fisheries and you talk about how healthy it
3 is and all that, then you're back into the
4 thing that said, well, are they caught
5 correctly.

6 And so I don't know where you
7 start putting these little things together.
8 Because if you go out and you start
9 advertising that fisheries are great, then
10 you better have the answer to what we saw it
11 at the aquarium the other night. There's a
12 lot of questions about whether it's caught
13 correctly or it isn't and blah-blah-blah. So
14 if you start down this road you better be
15 capable of answering those questions in a way
16 and have the resources to be able to do that,
17 it seems to me, because it's creating
18 yourself a problem.

19 MR. BILLY: Okay. We've got it in
20 there, the revised fourth recommendation,
21 "...and statistics on demographics in order
22 to analyze..." Okay.

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1 I move that MAFAC accept this
2 report and the recommendations.

3 MR. FLETCHER: Second.

4 VICE CHAIR BALSIGER: All in
5 favor?

6 [COMMITTEE MEMBERS]: Aye.

7 VICE CHAIR BALSIGER: Any
8 opposition?

9 (None.)

10 VICE CHAIR BALSIGER: If not, well
11 done.

12 Oh, do you have more?

13 MR. BILLY: Thank you. Well, we
14 need to decide -- no, that's it on this, so.

15 DR. HOLLIDAY: We originally had
16 scheduled a larger block of time because we
17 presumed there would be a strategic plan for
18 seafood that would generate a lot of debate
19 and recommendations.

20 MR. BILLY: Right.

21 DR. HOLLIDAY: So half of that
22 agenda time was reserved, and we don't have

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1 to -- have anything to talk about.

2 MR. BILLY: Let's do that. If
3 it's all right with everyone, we'll move on
4 to --

5 MR. RAFTICAN: One little. We'd
6 ask to put "federal and other partners in
7 there." We didn't see that.

8 MR. BILLY: Oh, okay.

9 MR. RAFTICAN: Just could we
10 update that? Thanks.

11 MR. BILLY: All right. The next
12 two committee reports, it's been requested
13 that we reverse the sequence and we take
14 first the Strategic Planning Budget Program
15 Management Subcommittee report.

16 MS. McCARTY: Yes. I sent it to
17 Mark. I have it off here.

18 DR. HOLLIDAY: Okay.

19 MR. BILLY: And we'll deal with
20 that before lunch and then move on.

21 MS. McCARTY: All right. Thank
22 you, Mr. Chairman.

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1 The recommendations that the
2 committee made depend on additions to the
3 2020 document. And I haven't even able to
4 bring it up on my computer, but I know that
5 other people have. And so we can look at it
6 while we're talking about this issue because
7 it's on the website.

8 DR. HOLLIDAY: It's on the
9 website. We can bring it up here if we want
10 it to refer to.

11 MS. McCARTY: We can do that, I
12 just wanted to preface the recommendations
13 with that. This group was asked to comment
14 on five different areas. And we only thought
15 we had 45 minutes, so we tried to limit it to
16 in-depth comments on one of those areas and
17 then we also touched on some of the other
18 aspects.

19 And so the bulk of what we
20 discussed had to do with the strategic
21 planning process that NOAA is undertaking
22 right now. And one of the things -- I'm

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1 waiting for that come up so that you can read
2 it, but I can read it to you.

3 DR. HOLLIDAY: We can just get it
4 up in a second, so.

5 MS. McCARTY: The Subcommittee
6 agreed that the 2020 document that we
7 basically just got finished preparing was
8 useful as a starting point for the discussion
9 of the strategic planning process that's now
10 underway, that we were asked to contribute
11 to.

12 And so Paul Doremus was in the
13 meeting and did say that our 2020 document
14 adhered to the sort of format that he's
15 looking for with, number one, identifying
16 trends; number two, identifying challenges
17 and opportunities; and number tree,
18 identifying what NOAA should strive to
19 particulars. And so we didn't think we
20 needed to make any changes to the framework
21 but, rather, just to make some additions and
22 sort of update the 2020 before we hand it off

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1 to them as our contribution to the program.

2 So we recommended the following
3 additions. And these additions could be made
4 either by inserting them into the document in
5 the appropriate place or by combining them
6 into an addendum, whichever seems to be
7 easiest once we take a look at the structure
8 of the 2020 document and figure out how
9 difficult or hard it would be to insert them.

10 And maybe it might be easier to do an
11 addendum. So that was undecided, but I think
12 we will talk more about that later.

13 The new information that we talked
14 about over the last two days on changing
15 ocean conditions and marine use planning were
16 the bulk of the additions that people
17 identified. And we formatted them in these
18 suggestions.

19 1, "NOAA should undertake well
20 designed research on the impacts of changing
21 ocean conditions on NOAA managed fish stocks,
22 depended upon by commercial and sport

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1 fisheries." And that's not meant to be
2 comprehensive. I think in part maybe not
3 just NOAA managed, maybe fish stocks in
4 general, and maybe not just those two kinds
5 of fisheries, may be subsistence and personal
6 use all the other kinds of fisheries as well.

7 But that was sort of the outcome of what we
8 thought.

9 2, "NOAA should undertake research
10 on the impacts of changing ocean conditions
11 on fish safety issues." Our chairman was
12 anxious that be part of the discussion.

13 3, "NOAA should undertake research
14 on the impacts of changing ocean conditions
15 on coastal communities."

16 And, finally, "NOAA should
17 undertake research on the impacts of marine
18 use planning." I objected to the use of the
19 word, and so I took the prerogative as the
20 chair of using a different word.

21 "Reduce planning on fisheries'
22 need" or "needs for access to resources with

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1 production and on the impacts of such
2 planning on coastal and fisheries-dependent
3 communities." So that sort of covered very
4 broadly what we thought needed to be added to
5 the 2020.

6 Further down in the report we
7 indicate that we believe that there is going
8 to be a lot more detail in the following
9 report from the Ecosystem Committee. And
10 that's why I asked that we go first, because
11 it kind of provides a framework for the more
12 detailed stuff that's coming out of the
13 Ecosystem Committee in these areas. And so
14 this is, again, meant to be comprehensive,
15 but kind of a high level look at what needs
16 to be added.

17 Did you have a question?

18 VICE CHAIR BALSIGER: Well, under
19 B, just off the top of the page, are you
20 talking about ocean conditions changed so
21 that the fishing boats are sinking or are we
22 worried about contaminants in fish?

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1 MS. McCARTY: We were worried --
2 not worried, but we were considering or
3 referring to in the discussion onto the
4 presentations that we had heard, ocean
5 acidification, and so forth, and ocean
6 warming. Any and all of the changing ocean
7 conditions that were perhaps not
8 comprehensive enough --

9 VICE CHAIR BALSIGER: I was
10 looking at the words "fish safety," so I
11 didn't know. I thought maybe of the safety of
12 the fishery operating.

13 MS. McCARTY: No. it was meant to
14 be health issues.

15 MS. FOY: Heather, could you add
16 "environmental" in there?

17 MS. McCARTY: Yes. I think we're
18 going to add a lot to this.

19 MS. FOY: "...ocean and
20 environmental conditions."

21 MR. BILLY: A couple of examples.
22 ciguatera. We think of ciguatera and we

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1 think of the Caribbean. You get much more
2 global or ocean warming and you might see
3 ciguatera off the Mid-Atlantic. And that
4 would be significant. Red tides, domoic
5 acid. So it's not just chemical
6 contaminants, it's what might come with the
7 ocean warming.

8 MS. LOVETT: Did I also hear
9 somebody say insert "seafood," or is that --
10 I just want to be sure. Okay. Okay.

11 MS. McCARTY: Mr. Chairman, I also
12 want to say again that this group anticipated
13 that there would be a lot of additions to
14 this. That this isn't kind of the be-all and
15 end-all language, but rather just kind of a
16 framework to add quite a bit from what the
17 Ecosystem Committee was talking about. So I
18 think we need to understand that going
19 through this.

20 There was also some discussion on
21 the following points, kind of short of
22 recommendations but just discussion, and we

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1 didn't really formalize them as
2 recommendations, but they certainly could be,
3 you know, after this discussion: That
4 "NOAA/NMFS should produce new national
5 standards in regards to the above issues."
6 And that was one of Martin's points and he
7 might want to elaborate on that. I haven't
8 captured it in any detail, but if people want
9 him to, we could have him do that now or
10 later.

11 Second, we talked a lot about the
12 global aspect of the issues of ocean changes
13 and ocean use, the impacts on the oceans and
14 on U.S. fisheries from the actions of other
15 countries. And NOAA, we thought, we needed
16 to take an advocacy position for -- in the
17 development of U.S. policy that protects the
18 interests of this country and its ocean-
19 dependent users. And the Arctic was cited as
20 an example of an upcoming opportunity for
21 that kind of advocacy and leadership.

22 The next one, "The implications".

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1 Looking ahead to 2035, because I think Paul
2 Doremus mentioned that that was sort of where
3 he wanted to go, rather than just to 2020, of
4 changing ocean conditions, causing losses or
5 even disappearance of some species. The
6 effect, for example, on the implementation of
7 ESA and MMA, which is I think huge. That was
8 something that Vince brought up. And, again,
9 he might want to elaborate on that if we want
10 to discuss it further. I'm just sort of --

11 MS. FOY: Heather, MMA, MMPA?

12 MS. McCARTY: MMPA, Marine Mammal
13 Protection -- yeah, that's right. Sorry.

14 If you could just go up a little
15 bit and maybe just sort of run through these
16 because it's not -- again, it's not detailed.

17 No, down I mean.

18 MS. LOVETT: Oh. I'm sorry. This
19 is what you want, right?

20 MS. McCARTY: One more.

21 MS. LOVETT: One more.

22 MS. McCARTY: Next page.

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1 MS. LOVETT: Next page.

2 MS. McCARTY: The subcommittee
3 also recommends that additions be made to
4 2020 asking that NOAA provide definitions and
5 guidelines through a rulemaking process on
6 the LAPP or Catch Share provisions in the
7 Magnuson-Stevens Act, including a discussion
8 of excessive shares, allocations, cost
9 recovery, regional fishery associations, and
10 community associations. Is that right,
11 Dorothy, community associations?

12 MS. LOWMAN: Yeah.

13 MS. McCARTY: This section should
14 also include a statement of the need for
15 additional resources to be provided for
16 increased observer coverage and enforcement
17 in relationship to LAPPs. We had quite a
18 long discussion on that section and, gone, I
19 didn't try to capture all of it, so if people
20 want to add to it that's fine.

21 The subcommittee recommends that
22 after the agreement of MAFAC on the financial

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1 framework and additions that we just
2 described, that a smaller working group
3 should work on what I look the daughter of
4 2020 to --

5 (Laughter.)

6 MS. McCARTY: -- the rest of the
7 group by email and/or teleconference for
8 final agreement. The additions would include
9 more details, as I've said, from the
10 recommendations from the Ecosystem
11 Subcommittee work on changing ocean
12 conditions and on governance.

13 So we agreed that that would all
14 be sort of meshed together in this small
15 working group that has yet to be named but
16 would do this in the very near future --
17 hopefully before we forget what we talked
18 about.

19 So that's our report on the
20 strategic planning part. Are there are any
21 questions or additions from the other
22 committee participants?

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1 MR. MARTIN FISHER: Well, I could
2 take a -- I'll throw a spear on what you
3 asked me today, I wasn't exactly prepared,
4 but can you put the first part back up?

5 MS. LOVETT: Um-hum.

6 MR. MARTIN FISHER: I think
7 yesterday the National Centers I was talking
8 about, really more related to the whole Catch
9 Share issue?

10 MS. McCARTY: Oh, I'm sorry.

11 MR. MARTIN FISHER: No, that's
12 okay. But in reality --

13 MS. LOVETT: Is this too much or
14 too high or...

15 MR. MARTIN FISHER: Yeah, that's
16 good. We're importing 84 percent of our
17 seafood across the board and we're also
18 encouraging aquaculture. It seems to me
19 there should be national standards for feed-
20 base formulas to exclude contaminants in the
21 aquaculture in other countries that we're
22 importing the food from, as well as the

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1 aquaculture systems that we have here
2 domestically.

3 And if we have national standards
4 for pesticide use and/or cleanliness of coal-
5 fire power plants or other energy-producing
6 sources, we should also be asking other
7 countries that are in the food stream, so to
8 speak, to comply with the same levels.

9 MS. McCARTY: Mr. Chairman, just
10 to make clear, this wasn't discussed really
11 in that detail by the subcommittee, but
12 that's I think perfectly fine for the whole
13 Committee to take up.

14 That's what you're suggesting,
15 right?

16 MR. MARTIN FISHER: Well, yeah,
17 but see that's why I was a little thrown off
18 guard because I really wasn't thinking back
19 globally when I was thinking of the national
20 standards.

21 MS. McCARTY: Right.

22 MR. MARTIN FISHER: But they

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1 really do apply -- or they really could
2 apply.

3 MS. McCARTY: That'd be --

4 MS. FOY: Martin and Heather, I
5 know a little bit of clarification. Are you
6 asking NOAA under the Department of Commerce
7 to use their big stick to encourage local
8 consumption -- or domestic consumption of our
9 own domestic product? I mean is that kind of
10 long term what you're thinking is that we're
11 going to -- by imposing fees and taxes we're
12 going to shift consumption to more domestic.
13 Martin?

14 MR. MARTIN FISHER: Well, I don't
15 think we've suggested --

16 MS. FOY: I'm not sure --

17 MR. MARTIN FISHER: -- people
18 through taxes -- or, --

19 MS. FOY: Say again what you're --
20 that was my interpretation of what you said.

21 MR. MARTIN FISHER: Okay.

22 Alright.

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1 MS. FOY: I need clarification.

2 MR. MARTIN FISHER: Sorry. Let me
3 try again. If we have national standards for
4 our domestic production in terms of
5 everything that entails, quality of the food,
6 quality of the water, quality of the
7 production. When it's processed, the
8 procedures in which it's processed. Then we
9 should be applying those same standards
10 towards whatever we're importing into our
11 country for public consumption. Or at least
12 we should endeavor to reach that far.
13 Certainly it's not going to happen overnight
14 and that's a high bar, but why should we
15 allow 80 percent of our seafood that's being
16 consumed in this country to not comply with
17 that standard?

18 MS. McCARTY: Just a second. Can
19 I just interpret for a second? I completely
20 misunderstood what you meant when you brought
21 up national standards in the subcommittee
22 meeting.

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1 MR. MARTIN FISHER: Okay.

2 MS. McCARTY: I can see that now.

3 So I just wanted to say that I misunderstood
4 him.

5 I thought you were talking about
6 Magnuson-Stevens --

7 MR. MARTIN FISHER: I was.

8 MS. McCARTY: Okay. Because what
9 you're talking about now seems more to me to
10 be standards that would be applied to import,
11 export rules and things like that. Standards
12 not with a capital N, capital S, as in the
13 list of national standards that we currently
14 have in the MSA, but something entirely
15 different than that is what I'm hearing you
16 say now.

17 And I think Mark had a comment,
18 and I don't know whether Eric did to this
19 point -- is that what you're --

20 MR. SCHWAAB: New, both.

21 MS. McCARTY: New point, okay.

22 MR. MARTIN FISHER: Well, first

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1 let me apologize to you. Because when you
2 asked me to share with the groups, your words
3 were "with the above," and that's what threw
4 me off because --

5 MS. McCARTY: I see.

6 MR. MARTIN FISHER: So I was just
7 trying to rise to the challenge.

8 MS. McCARTY: Okay. Thank you. I
9 think it goes well beyond our discussion in
10 this particular area of the Subcommittee's
11 work. I think --

12 MR. MARTIN FISHER: That's true.

13 MS. McCARTY: -- there is a whole
14 different sort of set of standards and
15 concepts that you're talking about, which I
16 have no problem talking about, but I don't --
17 I think I misunderstood --

18 MR. BILLY: This is a report of
19 what the committee talked about --
20 Subcommittee talked about.

21 MS. McCARTY: And I thought he was
22 just referring to those particular --

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1 MR. MARTIN FISHER: I was.

2 MS. McCARTY: Okay. Alright. So
3 maybe we should make time later on in the
4 agenda to talk about the thing that Martin is
5 suggesting?

6 MS. FOY: Yeah. I would like to
7 discuss that further because I don't.... You
8 know, we're getting into a little bit of a
9 Monterey Bay Aquarium role there if we're
10 going to start saying that seems to me like
11 more to the role under FAO or other things to
12 give us the national standards.

13 MS. McCARTY: So let's just make a
14 placeholder, Mr. Chairman, for the agenda to
15 discuss what Martin is talking about. And
16 let's take it out of where I put it in the
17 report, because again I just missed the scope
18 of what he was referring to.

19 MR. MARTIN FISHER: And a point of
20 clarification coming. Going back to my -- to
21 what I did share in subcommittee yesterday,
22 let's just bring that focus back to the MSA

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1 and MSRA and apply to that. And there's
2 plenty of room and plenty of agreement that
3 there is room to include national standards
4 on some of those talking points there.

5 MS. FOY: So what you're
6 suggesting is that we penalize other
7 countries who do not rise to our national
8 standards of fisheries management?

9 MR. MARTIN FISHER: That's a
10 discussion. I think that --

11 MS. FOY: Okay.

12 MS. McCARTY: Cathy, can we put
13 that off until --

14 MS. FOY: Please, yeah. I mean
15 we're still --

16 MR. MARTIN FISHER: Because the
17 short answer is no.

18 MS. FOY: Okay. Go ahead.

19 MS. McCARTY: Did you have a point
20 that you want to bring up on something else?

21 MR. SCHWAAB: Yeah. Well, I have
22 a lot of thoughts, so let me try to make a

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1 process point, a couple of substantive
2 points, and then close with a research point
3 or suggestions. Number one, as I understand
4 this, you're sort of recommending tasking of
5 a group to go back into the 2020 document to
6 address a number of specific issues as are
7 outlined here?

8 MS. McCARTY: Correct.

9 MR. SCHWAAB: And yet some of the
10 issues are very -- so my process question is
11 some of these are very specifically oriented
12 toward what NOAA should or shouldn't do when
13 in fact become what we really want is to say
14 what the subcommittee or the work group, or
15 whatever, looks at as far as this next
16 generation of 2020 at this point. Just a
17 question.

18 Substantively, two points. One, I
19 just think that the focus here on research is
20 maybe -- you know, to that point, that the
21 task of the working group or subcommittee
22 ought to be more broadly defined than just

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1 'NOAA should undertake research on boom,
2 boom, boom.' You know, to me some broader
3 issues other than research that deserve some
4 focused attention.

5 MS. McCARTY: I agree.

6 MR. SCHWAAB: My second
7 substantive point which is -- you know,
8 relates to this spatial planning question,
9 which you took out the words, that's coming
10 whether we like it or not. And so it seems
11 to me that on point D we should move from a
12 posture of playing defense to one of playing
13 offense. You know, what are the
14 opportunities in marine spatial planning?
15 And I don't think we should shy away from the
16 terminology that is in general use now. And
17 what are the opportunities there that can be
18 exploited to the benefit of the future of
19 fisheries production and management, et
20 cetera, et cetera.

21 And so my last process point is a
22 lot of these issues we discussed in the

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1 Ecosystems Committee.

2 MS. McCARTY: Right.

3 MR. SCHWAAB: And it strikes me
4 that it might be, and I don't want to overly
5 muddy the waters here, that we need to hear
6 the Ecosystems Committee report before we
7 take action and maybe there are elements of
8 this that require really are action related
9 to both subcommittees.

10 MS. McCARTY: But that's exactly
11 what I had said earlier.

12 MR. SCHWAAB: Oh, sorry.

13 MS. McCARTY: I did. I said that
14 right upfront because --

15 MR. SCHWAAB: Oh, okay.

16 MS. McCARTY: -- we realized that
17 we didn't have the charge to go into detail
18 on these aspects, but that the Ecosystem
19 Committee did. But we are solely
20 acknowledging in this recommendation list
21 that those things need to be added. And that
22 would be our overall recommendation: That

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1 those discussions need to be made part of the
2 2020 document, to bring it up to date
3 basically before we submit it.

4 And so we -- I would prefer that
5 you didn't act on the exact wording nor
6 actually do any wordsmithing really at this
7 point.

8 MR. SCHWAAB: Right.

9 MS. McCARTY: But, rather, to roll
10 in the stuff from the Ecosystem Committee.
11 That's what I said, right?

12 MR. SCHWAAB: So the real task
13 you're putting on the table is essentially a
14 commitment on the part of the committee to
15 reopen the 2020 document?

16 MS. McCARTY: Yeah, yeah.

17 MR. SCHWAAB: To include these --
18 some ecosystem issues --

19 MS. McCARTY: Correct.

20 MR. SCHWAAB: -- anything else
21 that might arise.

22 MR. BILLY: Yes.

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1 MS. McCARTY: That's correct.

2 MR. RANDY FISHER: Is that a
3 motion?

4 MR. SCHWAAB: I can make it such.

5 MR. BILLY: I don't think it
6 needs...

7 MR. RAFTICAN: Let me -- I don't
8 want to jump into quite our report quite yet.

9 But I think the discussions within the
10 Ecosystem Subcommittee, although they ran
11 concurrently with this, ran very -- the
12 recommendations came up -- I mean we're also
13 looking at how do you -- how do you augment
14 2020 to bring it up to date. So, you know,
15 we came to fairly close conclusions in
16 separate agendas.

17 MS. McCARTY: We're not
18 recommending this language, nor that it be
19 limited to this language or anything, Eric.
20 I think you must have missed that when I said
21 that.

22 MR. SCHWAAB: Oh, again I'm sorry.

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1 MS. McCARTY: And I also agree
2 with the idea that it shouldn't just be
3 research. All we were trying to do, and I
4 think Mr. Billy was the author of some of
5 that language, it was meant just to draw
6 attention to those subject areas, I think,
7 and I completely agree with you, that
8 research is just the beginning, is the way I
9 look at it.

10 MS. LOWMAN: Actually I thought in
11 our discussion we really didn't focus on just
12 research. We really did talk about needing
13 to have NOAA take a leadership roll so that
14 in spatial planning, the ability for
15 fisheries to provide -- and to produce
16 seafood for the nation was we were doing
17 spatial planning, we had a front-and-center
18 role, and it didn't.

19 MS. McCARTY: Yes.

20 MR. DEWEY: So I just want to
21 support Eric and Dorothy's comments there on
22 D. I agree with that, that it should be more

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1 positive and broader than research.

2 And then on A, I wanted to suggest
3 that -- obviously Randy and I weren't in the
4 room, and that we might consider amending
5 that along the lines of "...undertaking well
6 designed research on impacts of changing
7 ocean conditions on" NOAA -- "on fish
8 stocks." I would not necessarily limit it to
9 NOAA managed, depending upon -- depended upon
10 by commercial and sportfisheries and
11 aquaculture, if we could include that.

12 MS. McCARTY: That's just right
13 there. So I think the suggestion that's been
14 made, Mr. Chairman, to just roll in the stuff
15 from the Ecosystem Committee and maybe have
16 those more detailed discussions at that time
17 would make a lot of sense.

18 MR. BILLY: Okay.

19 MS. McCARTY: Rather than trying
20 to act on any wording issues right here. I
21 mean I think the motion that Eric was almost
22 making is a good one, to just deal with these

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1 subject areas and add them to the 2020
2 document and then just go from there into the
3 ecosystem stuff and make the more specific
4 statements at that time.

5 MR. BILLY: Have you finished all
6 of your report?

7 MS. McCARTY: No. That's just the
8 first part of it.

9 VICE CHAIR BALSIGER: Can you tell
10 me what we decided on the national standards
11 part now? We're going to --

12 MS. McCARTY: We decided to have
13 that discussion at a different time because
14 it wasn't something that was done in this --

15 DR. HOLLIDAY: Actually that's
16 part of it. I heard Martin say he wanted to
17 reinstitute National Standards, with capital
18 N, capital S, for the A through D.

19 MS. McCARTY: He did, in that part
20 --

21 DR. HOLLIDAY: And have separate
22 discussions with little n and little s.

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1 MS. McCARTY: For the other stuff.

2 DR. HOLLIDAY: For another time.

3 MS. McCARTY: He wanted to keep in
4 A as a discussion point with this committee
5 in relation to those.

6 Yeah.

7 VICE CHAIR BALSIGER: So just to
8 help me, that refers then to the ten national
9 standards in the Magnuson Act and so there
10 would be like -- and I know you're going to
11 work on the details, but that would be an
12 instruction for us to try to get legislation
13 to change or fix or add to or delete, or
14 something. I see.

15 MS. McCARTY: That's my
16 understanding from --

17 DR. HOLLIDAY: Or National
18 Standard Guidelines, correct. Guidelines on
19 how to --

20 MS. McCARTY: That was my original
21 understanding of what Martin was saying.

22 DR. HOLLIDAY: So I think there

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1 was an important question. Was it national
2 -- the implication for creating new national
3 standards was a legislative change associated
4 with it. The idea of writing National
5 Standard Guidelines to interpret the current
6 national standards and emphasize certain
7 areas is something that you can do without
8 legislation. So with the intent targeting
9 new legislative remedies at 11th or 12th
10 National Standard specifically, or was it to
11 provide additional guidance and policy
12 direction under the existing legislative
13 authority to address these earlier bullets?

14 MS. McCARTY: It was -- it was a
15 one- or two-sentence discussion. We didn't
16 talk about any of those things. I was just
17 trying to capture the suggestions that people
18 were making. We do not take this to a level
19 of a recommendation from the subcommittee,
20 but I wanted to put it forward as something
21 that had been discussed so that the full
22 committee could discuss it if they wanted to.

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1 When we come back to this in a
2 week or a month from now, just trying to get
3 a sense of what the committee was. A
4 subcommittee agreed on the first list, A
5 through D, as being recommendations, kind of
6 broad recommendations for inclusion in 2020.

7 We did not discuss these second three items
8 as sort of recommendations to be added either
9 to 2020 or to any other document, but rather
10 I just tried to capture them so that we could
11 have the discussion in the larger group.

12 Is that a fair enough topic? Did
13 I just respond to what you said, Mark?

14 DR. HOLLIDAY: (Nods.)

15 MR. MARTIN FISHER: If you could
16 -- if you could redefine or add to the
17 definitions of the current National Standards
18 and accomplish the same task, that's fine.
19 The language that is used producing new I
20 don't think is necessary if you can
21 accomplish the same task by adding definition
22 or -- at least from -- and I think that sort

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1 of came from me, so. If we can accomplish a
2 goal, you don't need to go the full
3 legislative process.

4 MR. JONER: Heather?

5 MS. McCARTY: Yeah.

6 MR. JONER: I need to clarify
7 something for me. We have an A&D. I think I
8 understand. A applies basically to
9 production of fish stocks issues such as --
10 well, anything that's --

11 MS. McCARTY: You're talking about
12 the upper A?

13 MR. JONER: Upper A, right.

14 MS. McCARTY: Yeah. Okay.

15 MR. JONER: So does A apply to the
16 production of fish stocks and D apply to the
17 quality of the seafood?

18 MS. McCARTY: Applies to impacts
19 on stock abundance and the stock health --

20 MR. JONER: Right, stock
21 productivity. Yeah.

22 MS. McCARTY: -- and so on, yes.

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1 Bill has added also to aquaculture
2 provisions.

3 MR. DEWEY: So a way to
4 potentially word A to capture what I was
5 saying and just looking at it, would be "NOAA
6 should undertake well designed research on
7 the impacts of changing ocean conditions on
8 aquaculture and fish stocks dependent upon --

9 MS. McCARTY: Yeah, let's make
10 that change just now. But again I think the
11 ecosystem should probably have additional
12 wording there.

13 The second one was suggested by --
14 was that the change?

15 MR. DEWEY: Yes.

16 MS. McCARTY: Tom.

17 MR. RAFTICAN: And that's seafood
18 safety.

19 MR. BILLY: Yeah.

20 MR. RAFTICAN: Seafood quality and
21 consumer safety, something like that.

22 MR. BILLY: The basic idea is as

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1 NOAA goes about planning these major new
2 research initiatives on the effects of global
3 warming, acidification, whatever else, that
4 it should include consideration of whether
5 these changes are in the end going to affect
6 the utility of fish and shellfish for human
7 consumption.

8 MR. JONER: And that's Item B?

9 MS. McCARTY: Yes.

10 MR. JONER: Yeah. So I guess
11 adding the aquaculture, I just wanted to make
12 sure that A was inclusive enough for all
13 production, not just council-managed stocks.

14 MS. McCARTY: So if this group
15 wants to have further discussion on the
16 National Standards Aspect, I think they can.
17 But again it wasn't a recommendation from the
18 Subcommittee, so that would be up to you, Mr.
19 Chair.

20 MR. BILLY: We have new business
21 later on, so we can decide.

22 MS. McCARTY: And then the global

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1 issue also was talked about quite a bit, but
2 there was a lot of uncertainty as out how
3 NMFS could really play a role in
4 international politics to the point where we
5 wanted to make it a recommendation, but we
6 wanted to acknowledge that there were these
7 huge externalities, as Vince put it, and that
8 NOAA should and probably would be an advocate
9 for the U.S. position in those arenas.

10 But, you know, there's all kinds
11 of problems with that. How are we going to
12 cut down on coal plants in China? It's just
13 -- it's a whole realm that we really didn't
14 think that we wanted to get into right then.

15 So, anyway, shall we go to the
16 transition part?

17 Okay. We didn't think we needed
18 to talk to much about transition because even
19 though it was listed as a charge to the
20 committee, we felt as though the 2020 and
21 additions to the 2020 and then communicating
22 that MAFAC position to Dr. Lubchenco would be

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1 the extent of what we needed to do for the
2 transition. That's what we talked about.
3 And we've already kind of talked about that,
4 so.

5 The budget, we talked a little bit
6 with the staff members who were in the
7 meeting and we agreed that MAFAC members
8 should try to advocate for the NOAA budget at
9 the appropriate time to the appropriate
10 people.

11 The performance metrics, we didn't
12 talk very much about that, but we did agree
13 that it was important that performance
14 measures be developed for the establishment
15 of Catch Share Programs, considering it's a
16 big priority. But we didn't really have time
17 to discuss that either, but we agreed that it
18 should be done.

19 The communications area, we talked
20 quite a bit about that, even though we agreed
21 that the full Committee had had a pretty
22 extensive discussion already and that we

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1 didn't need to make any further
2 recommendations other than the two that are
3 listed here. Someone suggested that the
4 Agency look to the examples of other
5 agencies. And they also agreed on the need
6 for transparency, transparency, transparency
7 in the Agency's dealings with the public --

8 MR. FLETCHER: There is a little
9 bully pulpit in there, though.

10 MS. McCARTY: That's right.

11 So, anyway, that's it, Mr.
12 Chairman.

13 VICE CHAIR BALSIGER: On the
14 performance metrics, of course one of our
15 performance metrics is the number of Catch
16 Share Programs. I gather you're looking for
17 something finer than just counting how many
18 we have in place.

19 MS. LOWMAN: Yeah. I mean we
20 talked about the fact that you ought to look
21 at are they going to contribute to reducing
22 overfishing, what's going to be the economic

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1 benefits, and could you measure an economic
2 benefit where there's social benefits or not.

3 MS. McCARTY: Yeah. It's also a
4 huge ball of wax, when you get into it,
5 speaking of economic benefits and Catch Share
6 Programs, because then you have to try to
7 determine whose economic benefit and the
8 economic losses that might be associated with
9 it in the communities, at least in Alaska
10 it's a huge ball of wax. And it makes it
11 very difficult to really go into the details
12 of how you want to do that. It's a huge
13 problem, I think.

14 Yeah.

15 MR. SCHWAAB: So this might be a
16 stupid question, but do we have similar
17 performance measures that are articulated for
18 other management techniques or are we
19 singling out Catch Share systems for special
20 treatment?

21 MS. McCARTY: Mr. Chairman, Alan
22 had mentioned that this was one of the areas

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1 where he might need help. I know they have
2 metrics for other parts of their operation.
3 This was something that was either under
4 development or Alan is trying to find help on
5 it.

6 Right?

7 MR. RISENHOOVER: Right. And we
8 do have other performance measures associated
9 with other management structures. For
10 example, all management structures we have
11 the performance measure establishment of ACLs
12 by 2010 or 2011 as appropriate for the
13 stocks. So we have similar kind of high-
14 level ones. Kind of the on-off, yes or no,
15 or accounting ones. But we don't have the
16 more lower level, at least that I know of, or
17 the more finally tuned. Is there an economic
18 advantage to that other than whether the
19 stock's overfished or not overfished? So,
20 yeah, there should be some development there.

21 But, again, I did talk about, and
22 I think that's why the subcommittee focused

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1 on it, was the current talk about Catch
2 Shares and LAP Programs as kind of the next
3 generation or the next thing in fisheries
4 management. And I think the subcommittee
5 wanted to see, well, what are the criteria
6 for establishing -- not the criteria for
7 establishing. But the criteria for starting
8 down that road on a fishery.

9 And then how do you measure
10 success, whether it worked. There may have
11 been an answer in there somewhere.

12 MR. SCHWAAB: Just a follow-up
13 point. I just have a basic level of
14 discomfort in singling out Catch Share
15 systems for a level of scrutiny that we don't
16 apply to all of the other approaches that we
17 employ to effectively manage fisheries. And
18 I just -- that's worrisome to me.

19 MS. LOWMAN: Right.

20 MS. McCARTY: Interesting.

21 MR. BILLY: Okay, yes.

22 MR. MARTIN FISHER: If I may

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1 respond to Eric. The other management
2 measures, have they been in place for time or
3 are they brand new? I mean this is really
4 brand new and there's an emphasis in the
5 administration to double or triple the amount
6 of fisheries that are involved. So although
7 some of them have been in place for many
8 years, there are issues that haven't really
9 been considered in the establishment of them.

10 MR. SCHWAAB: I just respond by
11 saying this isn't brand new. I mean we've
12 had some of these systems in place for
13 decades.

14 MR. MARTIN FISHER: That's what I
15 just said.

16 MR. SCHWAAB: Yeah.

17 VICE CHAIR BALSIGER: But Martin
18 was probably going to make this point, but
19 the new Administrator wants to have Catch
20 Shares for all fisheries, so it probably is
21 fair to focus on that particular management
22 technique. But your point is good, so we

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1 shouldn't forget that there are other
2 management systems that maybe don't have
3 performance measures and we might want to
4 look at those in a different time. But the
5 fact to me that Dr. Lubchenco thinks that
6 Catch Shares solves every fish management
7 issue puts it on the screen.

8 MR. SCHWAAB: Just let me be
9 clear. I don't have any objection with
10 gathering additional data around all the
11 issues that come up in the implementation of
12 these kinds of systems. What I don't like is
13 the -- establishing this as a hurdle to cross
14 in the pathway of making a management
15 decision.

16 So if a particular council wanted
17 to go down this road, that they have to now
18 in the process of applying that as a
19 management technique, address a whole bunch
20 of new research and analysis as a part of
21 that process, specific to a particular
22 fisherman

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1 MR. BILLY: Okay. We'll start
2 over here. Dave, you were --

3 MR. WALLACE: The Act sort of
4 specifies a lot of the standards. And, you
5 know, to change some of the standards would
6 require reauthorization of the Act and so I
7 think that we want to try to avoid that.
8 Eric's point is well taken, that the clam ITQ
9 went into effect January 1st, 1990. So
10 within months of being 20 years old, it's
11 arguably the best managed fishery in the
12 United States, it's used all over the world
13 as a model on how to do it. And so measuring
14 performance is a good thing, but we can take
15 some other management structures that have
16 been around since the Magnuson-Stevens Act
17 has been in place and show how those
18 structures don't work, those models don't
19 work.

20 And NMFS is required under the Act
21 to fix those that are broken. And you know
22 one of them is to stop overfishing. And so

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1 now we -- we've measured those performances
2 and they didn't make the grade. And that's
3 not NOAA's fault necessarily because the
4 councils are the one that put forth those
5 proposals.

6 And so I don't have any problems
7 measuring performance of stocks as long as we
8 understand that most of the others already
9 have been graded and they got phase.

10 MR. BILLY: Okay. I want to get
11 clear on what we're doing.

12 MS. McCARTY: Yes.

13 MR. BILLY: This is a report of
14 the subcommittee.

15 MS. McCARTY: No, no, not anymore.

16 MR. BILLY: And I think that
17 sentence up there fairly accurately reports
18 on what the subcommittee did yesterday. We
19 can add under New Business a discussion that
20 we're starting now if we wish, but the
21 subcommittee hasn't asked the full Committee
22 to do anything other than I guess accept the

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1 report of what it did.

2 So, yeah.

3 MS. McCARTY: Yeah, I agree with
4 you. I think that this is an extremely
5 controversial area. I've got lots to say
6 about it, but I didn't say it at the
7 subcommittees. I don't think it is a
8 subcommittee job to determine how to analyze
9 Catch Share Programs.

10 And so maybe if this committee
11 really wants to get into the meat of it, we
12 can do that later on today. I'm happy to get
13 into it. I've got lots of thoughts about it,
14 so that's not as a subcommittee
15 recommendation. It's beyond that.

16 MR. BILLY: Okay. So here's my
17 suggestion. We've now seen the report of the
18 work of the subcommittee. It clearly relates
19 to the next report we're going to give. So
20 my suggestion is that we hold it in abeyance,
21 we hear the next report, and then we'll
22 circle back and see if the Committee wishes

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1 to accept or amend this report based on what
2 the other discussions were.

3 MS. FOY: I think that's --

4 VICE CHAIR BALSIGER: And then we
5 can break for lunch.

6 MR. MARTIN FISHER: Can I have 30
7 seconds?

8 MR. BILLY: All right. The floor
9 is yours.

10 MR. MARTIN FISHER: Eric, it's not
11 to redefine MSAR -- whatever it is. It's to
12 give definition to it, because it's
13 ambiguous. And, as we saw yesterday, NMFS
14 has actually taken one of the statements of
15 -- I can't remember that paragraph -- but
16 taken that paragraph and defined it in a
17 finite way.

18 And what Congress gave us was
19 ambiguous, NMFS has given it definition. So
20 all I'm asking for is for us to give guidance
21 to the councils on what those things actually
22 mean and how they might be applied nationally

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1 as a standard.

2 MR. BILLY: Okay. Thank you.

3 MS. McCARTY: And if I may be one.

4 MR. BILLY: Chairwoman.

5 MS. McCARTY: Yes. Thank you.

6 The recommendations I didn't break out as
7 successfully as I should have, but I'm
8 learning. I just wanted to point out that
9 the recommendations in the first section
10 under the strategic planning are skeletal and
11 should be run through the process that you
12 just describe.

13 However, there is one additional
14 recommendation which has to do with providing
15 definitions and guidelines on LAPPs. And
16 that may or man not be part of the discussion
17 from the Ecosystem Committee. I think it
18 probably won't. And so it's possible that we
19 could adopt that recommendation and also the
20 recommendation immediately under it that
21 deals with process going forward with a
22 smaller weapon. So those two

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1 recommendations, I think, can be dealt with
2 now and probably should be, otherwise they
3 might sort of get lost in the shuffle of the
4 Ecosystem report.

5 MR. BILLY: Would you be available
6 over lunch to add them and then --

7 MS. McCARTY: They're here.
8 They're here.

9 MR. BILLY: Oh, okay.

10 MS. McCARTY: What I did was we
11 talked about the -- where is it --

12 VICE CHAIR BALSIGER: Up a little.

13 MS. McCARTY: Stop. The top of
14 the second page. Those two recommendations
15 there. So one of them deals with LAPPs and
16 has to do with the guidelines that we thought
17 were needed and one of them deals with the
18 process of amending 2020.

19 MR. BILLY: Okay. So, again, my
20 suggestion is that we table this, hear the
21 next report, then come back. And if the
22 committee accepts the report, it accepts

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1 these recommendations as guidance to the
2 group that's going to modify the 2020
3 document.

4 MS. McCARTY: Okay. That's fine.

5 It just seemed to me that they were distinct
6 from the ecosystem?

7 MR. BILLY: Does that work for
8 everybody? This is guidance to the drafting
9 committee for the daughter of 2020.

10 MS. McCARTY: Yeah. It kind of --
11 it isn't something that the Ecosystem report
12 is going to address, so that's why I thought
13 it could be done.

14 MR. BILLY: That's fine, yeah.
15 Fair enough.

16 You all set?

17 Okay, let's break for lunch. One
18 o'clock.

19 (Luncheon recess taken from 12:05
20 p.m. to 1:14 p.m.)

21 MR. BILLY: All right. The last
22 report from a subcommittee is the report by

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1 the Ecosystem Approach Subcommittee. And
2 we're calling on Tom to share with us the
3 results of their endeavors.

4 MR. RAFTICAN: Thank you, Mr.
5 Chairman.

6 First of all, I'd like to thank
7 the members of the committee. We kind of got
8 together yesterday, a little after four
9 o'clock, and they forego-ed some of their
10 evening because we ran, I don't know, it was
11 6:30 or something by the time we finally got
12 out of here. So thanks for your indulgence.

13 And also thanks Mark in particular
14 and the staff who helped put together and
15 cobbled together these documents. I know he
16 was up late last night and early this
17 morning. I just want to say it was
18 appreciated.

19 And the other thing is that in the
20 course of our work, I'm not sure that we
21 exactly went into the dire of 2020, but
22 really looked at working putting together a

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1 working group or sub-subcommittee out of this
2 to try and -- 2020's a great working
3 document. It's kind of sitting there. And
4 maybe looking at it in terms of putting it --
5 there are things that we have in here that
6 weren't accurately or timely addressed in
7 2020. So an addendum to 2020 might be a way
8 of working.

9 And one of the things that we had
10 also talked about is let's try and get
11 through as much of this as we can. And then
12 along with that, put together a work group on
13 2020 and probably, in particular, on ocean
14 governance.

15 Let me quickly run through what
16 happened at the meeting.

17 Getting together late yesterday
18 afternoon and especially in light of what we
19 saw in the presentations yesterday and ocean
20 acidification, was trying to get our arms
21 around an awful lot late in the day and,
22 again, trying to come up with some

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1 recommendations that we can carry forward out
2 of here.

3 One of the things, and I think
4 Eric touched on it earlier, is the things
5 that we're looking at right now are going to
6 have to be -- are timely. When we start
7 talking about things like ocean governance,
8 and I'll get down a little bit further on it,
9 that there are a lot of people on that bus
10 right now and that bus is about to pull out.

11 And we've got the option of either getting
12 on the bus in getting close to try and get a
13 handle on that steering wheel or sitting at
14 the bus stop. That hand's either going to be
15 on the steering wheel or at the bus stop
16 waving good-bye.

17 So we tried to put together some
18 things, and it may take a little work along
19 the way, and particularly on governance, but
20 again time is of the essence on these.

21 Ecosystem-based management. One
22 of the things that we got is that there is

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1 sill a really crying need for science.
2 Habitat, science, fisheries management, broad
3 based science needs to be done on this.
4 Looking at inventorying a lot of the stuff
5 that's out there right now. And the
6 discussions along the way also touched upon
7 when you start talking about ecosystem-based
8 management, ecosystems don't necessarily
9 follow in council footprints. And how to
10 integrate those two are going to be an
11 interesting progression down the line.

12 A quote that councils may not be
13 well positioned to the larger government
14 structure we were discussing. They can be a
15 player on the fishery side, but we may need
16 to think outside the box on this. And,
17 again, this is getting back to -- you know,
18 in the course of the two hours that we met
19 yesterday we weren't able to put together a
20 governance structure for fisheries in the
21 United States, but try to lay some stuff out
22 and, again, address this further down the

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1 line.

2 One of the suggestions is that we
3 have a regional group with a similar plan of
4 the CZMA. And, again, this is something to
5 look at. You know, the last thing you need
6 is another major governance structure, but
7 there may be a way of parlaying some of the
8 stuff that's in place right now, using states
9 and regional in a complementary role and,
10 again, with information passing both ways. A
11 CZMA-type structure would also require the
12 states to participate, so there are
13 opportunities there.

14 One of the recommendations that
15 came out is take a leadership role with
16 respect to energy and fishery issues. Find a
17 way to have a mutual benefit with energy
18 projects. And Randy Cates was talking very
19 specifically about aquaculture and thermal
20 power generation and how the two could be
21 done synergistically -- something else that
22 came up. And there's no way to set up these

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1 regional management structures without
2 properly legislation. I think Dave Wallace
3 added that. He's right on the money. But
4 maybe there's way of moving ahead and then
5 following up with that legislation
6 afterwards. And I think the recommendations
7 will show that afterwards. We might -- and,
8 again, short-term, long-term actions.

9 How do you get this stuff, how do
10 you get the bus moving right now, but while
11 you get it moving making sure we are on the
12 bus on this, because these are important
13 questions and they will be answered whether
14 they have our input or not, so let's get
15 involved with it.

16 And we also touched you don't
17 think the topic of ocean acidification. Now
18 this is important. And this is something
19 that we can probably come forward and put
20 together some stuff on right now.

21 Let me go through a little more
22 specifically on this.

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1 MS. LOVETT: Do you want me to go
2 to the top?

3 MR. RAFTICAN: Yeah, go to the top
4 of that. I was trying to get some of the
5 feedback from the actual committee members in
6 there along the line on how we got to where
7 we're at.

8 "The Committee recommends NOAA
9 undertake a series of actions with respect to
10 multi-sector use in governance to the oceans.

11 These findings and recommendations will be
12 submitted to the Secretary and NOAA in the
13 form of an addendum to the MAFAC Vision 2020
14 document."

15 And, again, this is not redoing
16 2020, but I think there certainly is a place
17 to tack this on and it makes sense. Let me
18 just interject here that this would be maybe
19 a very good joint venture, subcommittee
20 working group, and accommodate as many of you
21 as have interest in this very important
22 issue. But this is something that maybe

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1 Heather and I can set up a working group.
2 We'll set up some conference calls on this
3 and help us get down the line on this.

4 The short-term actions that ought
5 to be undertaken with respect to ocean
6 acidification, synergistic ocean uses, and
7 marine spatial planning. A long-term
8 perspective on the ocean governance. And,
9 again, ocean governance is going to take some
10 work.

11 "Draft ocean acidification
12 findings and recommendations." This first
13 paragraph's background on where we came from
14 yesterday is pretty clear. "MAFAC urges
15 appropriate appropriation of the funding
16 authorization by the Federal Ocean
17 Acidification Research and Monitoring, HR
18 146, to establish an interagency committee to
19 develop an ocean acidification research and
20 monitoring plan and to establish an ocean
21 acidification program within NOAA."

22 Pretty straightforward.

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1 MR. BILLY: Do you want questions
2 as you go along or wait till we finish?

3 MR. RAFTICAN: I think, yeah,
4 let's -- this is actually the first action
5 item. I think probably questions going along
6 are appropriate.

7 MR. BILLY: Okay. Can you go back
8 up to that first paragraph?

9 MS. LOVETT: Sure.

10 MR. BILLY: The second -- third
11 sentence, "In the short-term, actions can be
12 undertaken," actions by whom?

13 MR. RAFTICAN: Well, I think the
14 first is the action to make the
15 recommendation that we -- Mark, you were
16 looking to.

17 DR. HOLLIDAY: Well, the intent
18 here was for the first three issues on ocean
19 acidification, synergistic ocean uses and
20 marine spatial planning, there are specific
21 short-term actions. MAFAC, the
22 subcommittee's recommending to the full

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1 Committee to send forward to NOAA, which NOAA
2 would take. So the actions would be
3 undertaken by NOAA in these three areas in
4 the short-term.

5 Then there's a longer-term
6 perspective on ocean governance that was not
7 completely in the span of yesterday's
8 subcommittee, that continue to be worked on
9 by the subcommittee and the full committee,
10 but there will be some findings at the end
11 with respect to the principles or the concept
12 that the subcommittee's recommending that
13 MAFAC take as a way forward, but not a
14 specific recommendation to NOAA.

15 MR. BILLY: Got it. Okay.
16 Comfortable?

17 Heather.

18 MS. McCARTY: You identify those
19 short-term ones --

20 MR. RAFTICAN: I think as we go
21 down the line we'll point out each one.

22 MS. McCARTY: Okay.

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1 MR. RAFTICAN: And, again, like I
2 said, the reason I kind of jumped right down,
3 ocean acidification, is that the first's one
4 that this is a doable request that we can put
5 forward right now and I'd like to put it in
6 front of the entire committee, and it's
7 something we can move on, in spite of the
8 fact I lost my place.

9 DR. HOLLIDAY: So, well, just for
10 that first paragraph of "Draft Notion,
11 Acidification, Findings and Recommendation,"
12 they're blending the findings and
13 recommendations. But this first sentence of
14 the second paragraph, that's the
15 recommendation. I heard a no to support the
16 appropriation of funding, to authorization
17 this recently legislation which was passed.
18 And implementation needs to have funding
19 behind it. That explains what the funding
20 would be used for.

21 And then the closing sentence
22 talks about the priority on research to focus

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1 on these adaption strategies for fisheries
2 and aquaculture.

3 So we could highlight those two
4 sentences as the actions that the first
5 sentence -- the focal point of what the
6 research would be, hence what the
7 subcommittee would be recommending back to
8 the full Committee for agreement or
9 discussion.

10 Is everybody clear with that?

11 Following down, "Draft Synergistic
12 Ocean Uses Findings and Recommendations."

13 MR. DEWEY: So before we leave
14 acidification, I wasn't clear on this, and
15 Mark or somebody can advise me on it. But
16 MAFAC's advising the Secretary of Commerce.
17 He's not going to be appropriating the money,
18 so us urging appropriation -- that's more of
19 a message to Congress than it is to the
20 Commerce Secretary, so is there a better way
21 to word --

22 DR. HOLLIDAY: I'm sure there is.

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1 MR. RAFTICAN: -- what's there?

2 DR. HOLLIDAY: But the intent was
3 -- yes, the executive branch doesn't
4 appropriate funds, but the message is that
5 it's important from MAFAC's perspective that
6 the Secretary work diligently to obtain the
7 funds necessary to implement that Act because
8 of the imperative and the consequences of not
9 taking those actions. That's explained
10 below, so we could --

11 MR. DEWEY: It might be worth
12 wordsmithing it so --

13 DR. HOLLIDAY: Yeah.

14 MR. DEWEY: -- it fits better
15 within NOAA's directive, since we're not
16 advising Congress, we're advising...

17 MR. RAFTICAN: The Secretary.

18 MR. SIMPSON: But obviously there
19 are some levels of priority that the
20 Secretary of Commerce can apply to it, so
21 it's both really.

22 MR. DEWEY: Um-hum.

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1 MS. LOVETT: Down again?

2 MR. RAFTICAN: Past the
3 legislation and the appropriation, should
4 follow, and then make sure that it gets
5 interagency appropriations down the line, but
6 we can work on that.

7 "Draft Synergistic Ocean Uses
8 Findings and Recommendations. While the
9 potential ocean governance decisions reflect
10 competing and conflicting interests or
11 mandates for use or nonuse of the ocean,
12 there are also subsets of those uses that
13 share an affinity. These uses warrant
14 consideration for planning or prioritization
15 purposes as a combined unit because of their
16 synergistic effects. This is in contrast to
17 competing uses which require conflict
18 resolution."

19 And this gets down to our -- where
20 Randy was going with how do we better utilize
21 the ocean and bringing energy and aquaculture
22 together. There are ways of pairing this up.

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1 For example, "Pairing the use of ocean for
2 energy production with food production could
3 result in the net conservation of ocean space
4 dedicated to consumptive use. Water
5 temperature differential created by energy
6 productions are often seen as a negative
7 externality. However, what such offshore
8 facilities have done is also support
9 aquaculture to form energy to the effluent.
10 They could be recycled in the form of
11 cheaper, heated inflow needed to provide more
12 ideal conditions for food production, thus
13 benefitting both parties."

14 The same thing, if you're looking
15 at bringing colder ocean water to the
16 surface, that colder may be more nutrient-
17 rich water, there are also some advantages
18 there. But let's look in advance and find
19 out. Let's -- aim for a policy that benefits
20 both, instead of worrying about always the
21 competing interests, let's see if there's
22 ways to work with it synergistic.

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1 Yes.

2 MR. BIGFORD: Just a correction.
3 I'm unaware of any offshore facility that
4 discharges warmer water. They all discharge
5 colder water. They're all taking heat out of
6 the water to warm liquified natural gas into
7 a gas so what they release is colder water.

8 MR. RAFTICAN: And that's what I
9 said. You know, there are other --

10 MR. BILLY: This says the
11 opposite.

12 MR. RAFTICAN: It says different,
13 all right.

14 MR. BILLY: Warm water --

15 MR. BIGFORD: Yes, I'm not sure --
16 I agree -- I understand the intent to look
17 for synergistic uses, I don't think that
18 there's warm water as a resource out there to
19 tap into.

20 VICE CHAIR BALSIGER: Maybe not in
21 an offshore one.

22 MR. RAFTICAN: Not an offshore

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1 one. We actually have got one in California
2 where one of the coastal power plants is
3 using it for desalination and they're working
4 -- as a matter of fact, it's the first one
5 permitted in California.

6 MR. BIGFORD: Yeah. The ones
7 onshore have got warm water effluent, yeah.
8 Offshore it's LNG facilities and they all
9 discharge colder water.

10 MR. RAFTICAN: Okay.

11 MR. BIGFORD: Because they're all
12 taking heat out of --

13 MR. RAFTICAN: Can we take "warm"
14 out of there?

15 MR. BIGFORD: Yeah.

16 MR. RAFTICAN: The cold water can
17 actually help, nutrient-rich cold water.

18 MS. FELLER: I think that there's
19 a broader sentiment expressed in this
20 section, which is that so often marine
21 spatial planning and rationalizing the uses
22 this is on mitigating conflicts, but not

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1 necessarily on revealing places where there's
2 opportunities for synergy. And to me I mean
3 the way I sort of followed the conversation
4 and was thinking about it when Randy was
5 talking yesterday is that this is an
6 important thing, I think, to highlight in
7 MAFAC's recommendations on pursuing marine
8 spatial planning and also as we develop
9 recommendations on regional ocean governance,
10 to really highlight the importance of
11 opportunities for synergies between ocean
12 uses.

13 So I mean I don't know exactly how
14 you revise it, but I would almost consider
15 shortening it to really focus on broad
16 synergistic effects as opposed to a couple of
17 cases. Those are good examples.

18 DR. HOLLIDAY: Could you just go
19 to the next scroll please? This was a
20 finding and the recommendation that follows
21 is.

22 MR. BILLY: That's what I was --

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1 DR. HOLLIDAY: "Search for
2 creation of partnership agreements for joint
3 and multi-sectoral uses that result in
4 synergistic benefits from areas of common
5 usage." Now you could expand that to explain
6 in more detail that it's as opposed to
7 traditional thinking of conflict resolution
8 as opposed -- there are also opportunities to
9 provide outcomes that are synergistic in
10 nature.

11 MS. FELLER: Perhaps to be more
12 sort of specific, I would suggest tying this
13 into the following recommendations about how
14 we pursue marine spatial planning and
15 regional ocean governance. I guess I'm just
16 having a little trouble with how identifying
17 these partnerships -- you know, having that
18 as sort of a separate category when making
19 this recommendation about really trying to
20 get a handle on the breadth of ocean uses.
21 I'm not sure if I --

22 MR. RAFTICAN: Bill.

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1 MR. DEWEY: I was just going to
2 suggest if you want to include an example the
3 more obvious one that typically stands out
4 with energy and aquaculture is the structure,
5 utilizing the structures that are out there
6 as opposed to trying to do something with the
7 temperature differential.

8 MR. RAFTICAN: Are there other
9 comments on this?

10 MR. BILLY: Yeah. "NOAA search,"
11 are you saying there proactively? I mean be
12 an active participant in this kind of
13 process?

14 MR. RAFTICAN: The sense that I
15 took from the committee yesterday was that
16 this is something that we should look for.
17 And, yeah, that it actually was a proactive
18 way of moving forward. This doesn't -- and
19 I'm still -- I don't know how we tie this in
20 with where Erika was going, on whether it's
21 part of -- should this be part of the broader
22 picture of marine spatial planning and ocean

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1 governance or should this be a standalone.
2 And, you know, it came out of the meeting
3 yesterday as kind of a standalone.

4 Any other discussion on that?

5 MR. BILLY: I'd like to add the
6 word "proactively" after "NOAA." "NOAA
7 proactively searches..."

8 VICE CHAIR BALSIGER: In a subtle
9 way.

10 MR. BILLY: Always.

11 MR. RAFTICAN: I think that --

12 MR. BILLY: That's good.

13 MR. RAFTICAN: Yeah. I think that
14 this doesn't -- and, Erika, where you're at,
15 I don't think that this is at all precludes
16 looking within spatial planning or
17 governance. This is an overarching thing
18 that it's time that we actually get -- and I
19 go probably where Tom is -- proactive on how
20 we start making some of these things actually
21 work together and look at it in those terms.

22 And the discussion we had in the

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1 committee yesterday on who's the lead agency
2 on these things and are you going to be able
3 to switch MMS around and so, but the thing is
4 if you can get a consideration upfront, it
5 makes it a lot easier than simply addressing
6 a situation when they come to permitting,
7 which is oftentimes when you find out about
8 things down the line. And I think this does
9 standalone to some extent, if you indulge us
10 on that.

11 Any other questions?

12 Okay. "Draft Findings and
13 Recommendations for Marine Spatial Planning.

14 MAFAC concludes that marine spatial planning
15 is a preferred tool for analysis of options
16 for regional ocean governance and policy
17 decisions. MAFAC will continue to evaluate
18 the options for specific governance models
19 with the exception of a recommendation to
20 NOAA in the coming months."

21 Again, I want to go back to where
22 I kind of started off here. This is not a

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1 new concept to the current administration.
2 This is something that -- and Eric's not
3 here, but I want to echo what he was saying,
4 but as close as I can see with my vision is
5 this is as close to reality as -- this is the
6 way the bus is going.

7 And we're going to have the
8 opportunity to -- again, do we get on the bus
9 and try and influence marine spatial planning
10 so that it works well for fisheries, or do
11 you kind of sit back and wave as the bus goes
12 by and we are subject to how other people
13 will put the rules in place that govern what
14 we do.

15 The sense that I got out of the
16 meeting yesterday is that it was a lot better
17 to be one of the bus drivers that's is it
18 doing at the bus stop and waving good-bye to
19 something like this. And, again, try to put
20 our arms around this in 45 minutes in the
21 afternoon was difficult, but we did come up
22 with some draft findings and recommendations

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1 for regional ocean governance. And I think
2 that they're broad enough that they give us a
3 good idea where we're going. We can go
4 forward with something like this, that
5 actually makes sense to the administration.

6 And, Jim.

7 VICE CHAIR BALSIGER: Well, I
8 didn't mean to interrupt, but before you
9 leave the marine spatial planning, so the
10 last sentence would actually be the
11 recommendation of that part, right?

12 MR. RAFTICAN: Yeah.

13 VICE CHAIR BALSIGER: In other
14 words, in the short run, collect the data,
15 basically. That's the short. And
16 immediately get going, and that's the
17 recommendation for going forward on MSP.
18 Just that, right, --

19 MS. LOVETT: Pull it out?

20 MR. RAFTICAN: Pull it out as a
21 recommendation.

22 VICE CHAIR BALSIGER: That was a

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1 question. I wasn't sure that's where we
2 wanted to go, but that's the way I was
3 reading it.

4 MS. McCARTY: I'd like to explain
5 that a little bit more, that one sentence.

6 MR. RAFTICAN: What?

7 MS. McCARTY: That sentence, what
8 does that mean, specifically.

9 DR. HOLLIDAY: If you refer -- if
10 you want me.

11 MR. RAFTICAN: Mark.

12 DR. HOLLIDAY: The context of the
13 discussion goes back to Charlie Wahle's
14 presentation yesterday. He listed two
15 elements: We have to do some data collection
16 and then we have to apply that in a policy
17 governance framework for how to make
18 decisions and use these tools in a decision-
19 support usage.

20 So during the discussion
21 yesterday, Sam brought out this, well,
22 there's a range of how one could use marine

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1 spatial planning, from just identifying areas
2 of common overlap of uses, and you could
3 collaborate to help point future direction as
4 to the way these areas could be used, then
5 increasingly could use the information to
6 resolve a specific conflict, that if there
7 were two entities that were -- had
8 incompatible uses over that, you could use
9 marine spatial planning to identify that and
10 also help resolve that second part, those
11 decision rules, those criteria, how to
12 evaluate and prioritize those uses.

13 And then Sam's point was there is
14 a third level that says if you want to go to
15 the next level, you could use maps as a means
16 at the outset out identify zones or areas
17 that would exclude certain uses or identify
18 preferential areas in advance of a conflict
19 arising that would then be the full
20 equivalent of a marine use plan.

21 We as a committee discussed -- the
22 committee was not ready to identify what

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1 regional governance model and how marine
2 spatial planning would fit in there, but at
3 the very least the front part of Charlie's
4 progression of we need data and we need these
5 models and to apply them properly, at the
6 outset in the short-term we should not wait
7 to make that decision, but we should continue
8 to establish this base line data collection
9 that would help prepare. No matter what the
10 eventual governance model would be, that
11 information would be essential to have. And
12 you could apply it in different ways.

13 MS. McCARTY: Okay. Could I ask
14 just a question?

15 MR. RAFTICAN: Sure.

16 MS. McCARTY: So what it means is
17 continue to do sort of the mapping of
18 activities that are based on data regarding
19 usage currently underway?

20 DR. HOLLIDAY: At a minimum that's
21 the short-term that should be supported at
22 the NOAA level, correct.

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1 MS. McCARTY: Data about current
2 usage.

3 DR. HOLLIDAY: And how one would
4 then -- yes. How would one display and use
5 that, you know, array that in a manner that
6 would be useful to decision-makers.

7 MR. RAFTICAN: Patty, then Bill.

8 MS. DOERR: I think it's more than
9 just the current uses. I think they also --
10 should also be working on gathering the data
11 on kind of the state of the ocean, you know,
12 and how -- where the habitat is, where --
13 what the state of the fisheries are, the
14 state of the habitat, and then how those uses
15 affect or don't affect the ocean resources.
16 So I think it's more than just uses. I think
17 it's the whole --

18 MS. McCARTY: That's what my
19 question was trying to get to, is if it's
20 just usage patterns or if it's overlaid over
21 habitat, overlaid over whatever.

22 MR. RAFTICAN: Habitat was one of

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1 the areas that came up and I'm not sure that
2 that conveys it, but it would certainly
3 include it.

4 MS. McCARTY: Okay. Fault lines.

5 MR. RAFTICAN: Was there another?
6 Bill.

7 MR. DEWEY: Well, just I'm trying
8 to understand. There are going to be other
9 agencies and other entities that have the
10 spatial data that's going to build this
11 massive picture of what we have out there.
12 And so is NOAA the most suited to be the
13 collector of all that and the entity to
14 combine it and produce the spatial planning
15 tool or they just want a piece of that and
16 there is another logical entity that is
17 better suited than NOAA to do that.

18 Anybody know the answers on those?

19 MR. BILLY: They may --

20 DR. HOLLIDAY: From the discussion
21 on the subcommittee or the real answer?

22 MR. DEWEY: They do make all the

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1 maps.

2 MR. RAFTICAN: Yeah. These are
3 the folks that have to make it.

4 MS. McCARTY: My experience with
5 the mapping capabilities of NMFS/NOAA come
6 from habitat process where essentially this
7 is what they did for the whole North Pacific,
8 they mapped out all of the underwater
9 features that anybody knew about including
10 habitat that they knew about where essential
11 fish, but life stages, and then overlaid that
12 with the usage patterns currently for each of
13 the sectors and the type of gear, you know,
14 by year and then cumulatively and everything
15 else. So I think NOAA has that capability in
16 spades.

17 MR. DEWEY: So I guess I'm just
18 asking -- to follow on, do we need to
19 articulate that, that it's not just them
20 doing the data but they're coordinating and
21 collecting from all the other entities to
22 build the maps and so on.

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1 MR. RAFTICAN: So it's collect
2 and...

3 MR. BILLY: Well, what I was
4 sitting here thinking is NOAA ought to be as
5 aggressive as hell --

6 MS. LOWMAN: I agree.

7 MS. McCARTY: Yeah.

8 MR. BILLY: -- and take the
9 leadership role. It's a perfect fit.

10 MS. McCARTY: It is.

11 MR. BILLY: And it would put NOAA
12 right in the middle of this whole new
13 planning process --

14 MS. LOWMAN: Exactly.

15 MR. BILLY: -- and the related
16 decision-making.

17 MR. RAFTICAN: Tom, if you were to
18 put more teeth in that, how would you do that
19 in that sentence?

20 MR. BILLY: NOAA should seek a
21 leadership role, the lead federal leadership
22 role in MSP activities, including the mapping

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1 and establishment of the appropriate decision
2 processes involving all relevant parties.

3 MR. RAFTICAN: Go ahead, Erika
4 first.

5 MS. FELLER: I mean my
6 understanding is NOAA's already in the lead
7 on collecting a lot of the data through the
8 -- I mean, Tom, you probably would know this
9 better than me, but isn't NOAA in the lead
10 Coastal Services Center on the Multi Purpose
11 Marine Cadastre, which is supposed to be
12 pulling all of this information together?

13 And I guess the point I would put
14 on it is I think NOAA should take a lead on
15 what you do with that data, developing the
16 decisions and support tools. That's the
17 operational part. I mean a map's not a plan.
18 A map's just a map.

19 MR. RAFTICAN: Hang on one second.
20 Say that the -- Tom.

21 MR. BIGFORD: The Department of
22 Interior has this mandate, so they've been

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1 told to do this. The Energy Policy Act in
2 2005, there's a section in there that tells
3 them to be in charge of the Multi-Purpose
4 Marine Cadastre. They didn't have the
5 technical capabilities, so they went to the
6 National Oceans Services Coastal Service
7 Center for the technical how-to-do-it. So
8 NOAA is very involved in providing the
9 widgets and the software to do this right.

10 That goes back to MMS, who's still
11 in charge. But we, NOAA could put itself in
12 a position to be in charge of applications of
13 that Cadastre, including marine spatial
14 planning. But it was in the Energy Policy
15 Act, so DOI was given the lead, obviously
16 because of energy. It's in the new energy
17 law. But NOAA could have broader
18 applications, beyond energy, getting into the
19 kinds of things that MAFAC was interested in.

20 So don't -- DOI's got the mandate.

21 We ought to be really careful about the
22 words that we choose. Just my suggestion is

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1 you be careful with the words that you use so
2 it doesn't appear that you're confronting
3 DOI, but you're assist go them in finding
4 another use for their data or the data they
5 collect.

6 MS. FELLER: Or the data that
7 they've asked NOAA to manage for them.

8 MR. BIGFORD: Yes. NOAA does have
9 some of the assets. And, as was mentioned,
10 EFH is one of them. That's in a program that
11 I manage. That's one. But there are
12 hundreds of thousands of data layers that
13 could be useful for other applications.

14 VICE CHAIR BALSIGER: So one of
15 the tools you might overlay over that is
16 actually the thing we decided to let stand
17 alone in the top paragraph which is
18 synergistic uses.

19 MS. FOY: You could say seek to
20 lead the federal collaboration, and it would
21 be...

22 MS. LOVETT: Should I take out or

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1 keep...

2 MR. RAFTICAN: Let it sit right
3 now.

4 Let's focus on what data and what
5 uses then. Does that... Again, taking what
6 Tom said into consideration.

7 MR. BILLY: Just put in the word
8 "a" instead of "the."

9 MS. LOWMAN: "...a lead
10 federal..."

11 MR. RAFTICAN: "...a lead
12 federal..." instead of "...the lead
13 federal..."

14 MS. FELLER: Maybe perhaps NOAA
15 should play a lead federal role, since the
16 data-collection effort is underway.

17 MS. LOVETT: I'm sorry. I didn't
18 hear that.

19 MR. RAFTICAN: Seek by...

20 MS. FELLER: Perhaps to my earlier
21 comment, add after "priority setting and
22 arbitration of conflicting uses," a third

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1 one, "and identification of opportunities for
2 synergies between uses," or something along
3 those lines to hook into the earlier
4 recommendations.

5 MS. McCARTY: What was the rest of
6 that?

7 MS. LOWMAN: "...opportunities for
8 synergies..."

9 MS. LOVETT: "...synergistic
10 opportunities..."

11 Is there something else to that?

12 MR. RAFTICAN: Everybody fairly --
13 I can't tell if it's after lunch or
14 everything's okay.

15 MR. JONER: Both.

16 MR. RAFTICAN: As long as we got
17 that.

18 MS. LOVETT: These are three
19 separate things?

20 MR. BILLY: Well, I want to pick
21 up on what Tom said. So Interior has the
22 lead as it relates to energy use? Is that a

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1 way of

2 MR. BIGFORD: Well, they have a
3 lead on --

4 MR. BILLY: Energy and minerals.

5 MR. BIGFORD: They have the lead
6 on the developing the multi-purpose Marine
7 Cadastre, but it's in the Energy Act so I
8 guess Congress' intent was once they develop
9 that they apply it in energy, but it could be
10 used elsewhere too. Synergistic
11 applications.

12 DR. HOLLIDAY: There are many
13 competing inventories of information that are
14 out there. NOAA through the MPA Center has
15 spent the last three years identifying marine
16 protected areas across the nation. So the
17 notion that it's an exclusive territory of
18 MMS to do this is, I think, a false one. And
19 it's within statutory authorities of other
20 agencies to continue to produce these things.

21 Charlie's research project on the
22 California Ocean Atlas is, again, another

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1 example of people out there doing these
2 things. And from the discussion of the
3 subcommittee, there was -- again, we're kind
4 of going beyond what the subcommittee's range
5 of discussion was, but the subcommittee was
6 concerned about how do you reconcile these
7 different activities, because there seem to
8 be multiple paths that are being taken that
9 ought to be brought under some one umbrella
10 and at least for consistency of how and where
11 the data are captured and specified, that
12 there be some uniform -- a greater degree of
13 uniformity was a concern that the
14 subcommittee addressed.

15 MR. RAFTICAN: Heather.

16 MS. McCARTY: Seems to me that
17 it's more important to determine authority
18 exists in the decision-making process as how
19 the space is used rather than who is going to
20 make the maps. I mean you could have control
21 of the maps, but it doesn't mean you have
22 control of the decision-making process that

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1 determines how things are used. And so
2 that's just kind of a general comment.

3 MR. RAFTICAN: That's a good
4 general comment and we'll get to that. I
5 mean that really gets to ocean governance.

6 MS. McCARTY: Yeah.

7 MR. RAFTICAN: Which is -- if this
8 one looks difficult, the next one was a
9 degree of magnitude of four or five.

10 Are we comfortable with where this
11 is going?

12 Tom, could I get an official or
13 unofficial comment on that?

14 MS. LOVETT: (Editing text.)

15 DR. HOLLIDAY: This is back to
16 Charlie's presentation and what I understood
17 the subcommittee was focusing on. We're at
18 the top third of this. We wanted NOAA to
19 focus on spatial data planning and tools in
20 the short-term. "Spatially explicit
21 ecosystem information collecting explicit
22 ocean use information," and working on the

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1 definition of decision-support tools, but
2 because we hadn't made any recommendations on
3 the governance framework of how those -- who
4 would be using those tools to make what
5 decisions, that the policy framework and
6 leadership was an open question that the
7 subcommittee wasn't willing to endorse NOAA
8 and say: This is how we think you should use
9 it, because we hadn't decided is it a
10 regional ocean council or is it some other
11 entity that would use that tool.

12 So when I was trying to explain it
13 this was the top third of what the
14 subcommittee heard from the Charlie, that no
15 matter what governance structure you choose
16 down below, you can do this top third and it
17 will still be a valuable investment of your
18 time and energy, even if you've not been able
19 to reach agreement yet on these latter two
20 bullets on the presentation.

21 MR. RAFTICAN: And you start to
22 build into the partnership.

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1 Heidi, can you bring that back up?

2 MS. LOVETT: Yes. Sorry.

3 MR. BIGFORD: So you wonder
4 whether I think the end of that top paragraph
5 has the right language?

6 MR. RAFTICAN: Yes, the
7 recommendation paragraph.

8 MR. BIGFORD: What catches me is
9 "arbitration of conflicting uses." That puts
10 us in a role, would put NOAA in a role that
11 is huge.

12 VICE CHAIR BALSIGER: It's kind of
13 developing a decision tool that might look at
14 it.

15 MR. DEWEY: It's not saying NOAA's
16 the arbitrator, it's providing the tools for
17 --

18 MR. BILLY: Ought to add the word
19 "support arbitration..."

20 DR. HOLLIDAY: Well, it's to
21 assist in priority setting, to assist in
22 arbitration of conflicting uses.

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1 MR. RAFTICAN: The data is the
2 priority --

3 DR. HOLLIDAY: It says
4 "identification of synergistic
5 opportunities."

6 MR. BIGFORD: Okay. So the
7 support tools apply to all three?

8 MR. DEWEY: Yes.

9 MR. BIGFORD: That will be all
10 right. That's not how I read it.

11 DR. HOLLIDAY: What are we doing,
12 we're doing it to these three functioning?

13 MR. RAFTICAN: Yeah.

14 DR. HOLLIDAY: But it's not --
15 they're describing it as NOAA mandates and
16 responsibilities.

17 MR. BIGFORD: Yeah. And going
18 back to the top line there about NOAA being a
19 player rather than NOAA do it, I think it
20 could be an appropriate role for NOAA. It
21 would be an expansion of what we do now. I
22 think it would put us in a good position. It

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1 would be a challenge. Yes, it could be a lot
2 of work. But it could be work at a table
3 we'd like to be at.

4 MR. RAFTICAN: Precisely. Is
5 everyone else comfortable with it as it sits
6 now?

7 MR. BIGFORD: Jim, are you
8 comfortable with me committing the Agency to
9 do much more than we ever had before?

10 VICE CHAIR BALSIGER: I think we
11 have committed to saying this is a good
12 sentence that MAFAC can recommend to the
13 Department of Commerce.

14 MR. MARTIN FISHER: What about
15 politicians.

16 MR. RAFTICAN: "Draft Findings and
17 Recommendations for Regional Ocean
18 Governance. MAFAC will continue
19 deliberations on the most appropriate model
20 for regional ocean governance. Early
21 indications of support have been found to
22 process the results in the federal

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1 leadership, a creation of a national policy
2 framework or strategy by some regional
3 governance structure. This framework will be
4 then implemented by members of the regional
5 partnership, i.e., federal, state, and local
6 governments, and stakeholders using the
7 existing authorities, then applying them to
8 carry out the national strategy. Analysis
9 will continue over the coming months by MAFAC
10 members in the interval between now and the
11 fall MAFAC meeting."

12 Figure 5 is a soft-hard look at
13 governance. And I don't know if we got that
14 available to put up there, but --

15 MS. LOVETT: Which one?

16 DR. HOLLIDAY: It's a PDF file.

17 MS. LOVETT: Oh, I'm sorry.

18 DR. HOLLIDAY: So there was
19 discussion in the subcommittee about these
20 different models of what the roles of
21 regional councils would be. There was an
22 opinion that the regional council -- Fishery

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1 Management Councils wouldn't be the new
2 entity, that there probably would need to be
3 something else. We weren't quite sure what
4 that would be, but we did feel that there
5 would be a need to have some perhaps
6 overarching federal strategy or framework for
7 decision-making that whatever the entities
8 were, whether they were regional, Fishery
9 Management Councils, or these interagency
10 state alliances, would then continue to do
11 the business that they had authority to do,
12 but do whatever it is -- whatever decisions
13 they made underneath this framework for
14 strategies for ocean policy. So it was this
15 combination of a collaboration as opposed to
16 an overarching federal -- new federal entity.

17 MR. RAFTICAN: Heather, a
18 question? All right.

19 MS. McCARTY: Yeah, I have a
20 couple questions. I can't see the...

21 MR. RAFTICAN: Well, and it
22 scrolls down to another.

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1 MS. McCARTY: Yeah, I see that.

2 MS. LOVETT: Do you want me to go
3 down there?

4 DR. HOLLIDAY: This was sent out
5 to everybody last night.

6 MR. RAFTICAN: Yeah.

7 DR. HOLLIDAY: You may not have
8 seen it on the email, but the notion was what
9 Sam was describing in words, this was a
10 picture that described -- the top part of
11 this, I could just very briefly describe it
12 if you want. The top part.

13 MS. McCARTY: Where is this from?

14 DR. HOLLIDAY: This is from a tech
15 memo that I wrote in 2005 on the design of
16 regional ecosystem approaches to management.

17 It was a NOAA work group that looked at how
18 we would do governance under an ecosystem
19 approach to management of living marine
20 resource, not just fisheries. And it was
21 only for illustrative purposes. It was more
22 to show how you do inter-regional, inter-

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1 sectoral governance in a collaborative
2 fashion as opposed to a directed fashion of a
3 federal agency being responsible --

4 MR. RAFTICAN: There's a fair
5 amount put together on this. This is one of
6 the things that may look as a guideline.
7 And, again, this is not something we're
8 looking to adopt right now. It's like if we
9 can move in that direction. And, again,
10 precisely what you were looking at in the
11 Strategic Committee of putting together a
12 working group, we put it together, you are
13 all individually, collectively welcome to
14 come along as part of that working group,
15 because it's going to take an awful lot to
16 put this together. But if we can get a
17 number of these documents out, you take some
18 time and review the documents, and then we'll
19 put together -- and it will be, I'm sure, a
20 series of conference calls to try and put
21 together something that we can actually
22 recommend down the line.

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1 And, again, I think getting
2 online, would step back on the spatial
3 planning, gets us at least on the bus, and
4 then we come forward with a governance model.

5 Time is of the essence on this,
6 but again this is something that's going to
7 take a lot of inputs from a lot of different
8 areas.

9 MS. McCARTY: Can I ask a
10 question, Tom?

11 MR. RAFTICAN: Sure.

12 MS. McCARTY: You said that Sam
13 talked about something in the committee
14 meeting. And maybe you could just kind of
15 briefly go through that. And my questions
16 are to try to find out what -- whether there
17 is a direction that NMFS/NOAA is already
18 going with this. And, if so, if there is,
19 what that might be because I think, you know,
20 we talked about this at the beginning of the
21 meeting. It helps to know sort of where the
22 Agency might be going so that you sort of

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1 waste your time going out in some other
2 direction and ranging too widely. So that's
3 why I'm asking.

4 VICE CHAIR BALSIGER: Please, you
5 know Sam proposed something that's a lot like
6 this. I must admit I wasn't participating a
7 lot, I was listening, so Mark was more
8 involved so he might have a better
9 description. But to answer the last part of
10 it, I don't think we know that NOAA has in
11 mind a favorite model for developing the
12 regional management structures.

13 Now the one that was proposed by
14 Sam, which comes from this, is a reasonable
15 look, but it's certainly not the only one
16 that people have considered in the past. But
17 the paragraph that was on the page before
18 this said something like -- I forget the
19 words -- well, Mark probably remembers them.
20 Something to the effect that we have a
21 preliminary -- what did it say? -- an early
22 indication of support. So that I think is

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1 probably an accurate description of the
2 subcommittee as they were sitting here after
3 Sam described it. I think generally most
4 people nodded and thought it made sense.

5 MR. RAFTICAN: And, again, the
6 devil's going to be in the details in this
7 stuff and that's why it's going to take a
8 while. But talking -- again, using basically
9 a CZMA model, Coastal Zone Management Act
10 model, how do you put something together that
11 ties the states -- there are requirements by
12 the states that have to be met by the feds.
13 And I'll let Mark talk on this.

14 DR. HOLLIDAY: I just wanted to
15 clarify. These are all attempts to try to
16 clarify what took place at the subcommittee.

17 And so if you went back to my presentation
18 and there was this range of hard to soft
19 governance from independent sectors doing
20 their own thing without any guidance to the
21 other extreme, which was one federal entity
22 that was in charge of everything and

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1 prescribed how it would be, this is a model
2 of somewhere in the middle looking at a
3 collaboration model, that's based on -- the
4 top part of that graph was simply "A national
5 policy, framework, or a strategy that sets
6 some principles, some overarching
7 guidelines." Then the implementation of that
8 would then be left to these regional whatever
9 entities that are defined. They could be the
10 states under a more rigorous Coastal Zone
11 Management Act Program that has particular
12 objectives and goals set out that would be --
13 but anything that you do would then be
14 compliant with the national strategy.

15 So we'd collaborate in these
16 different groups, Regional Fishery Management
17 Councils, managed fisheries, but as long as
18 they are consistent with whatever those
19 principles were for a national ocean policy,
20 the councils would still have their
21 understanding -- authorities of how to manage
22 fish. And of course states under the CZMA

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1 would still have their authorities to do
2 planning and coastal zone management under
3 their authorities, under CZMA. So it's this
4 middle ground of governance model that was
5 expressed as neither extreme seemed to be
6 quite of interest to the subcommittee.

7 And I think Sam was reflecting on
8 discussions that have been taking place of
9 the last month or two on national ocean
10 policy guidance that Dr. Lubchenco and others
11 at CEQ are looking at moving out on these
12 JOCI recommendations and coming out with
13 statements on what the Obama Administration
14 would like to see happen that's probably in
15 that collaboration, transparency, stakeholder
16 involvement, and participation -- are all
17 catchwords of importance. And that seems to
18 point us towards this middle ground of
19 collaboration rather than the hard or the
20 soft middle ground.

21 MS. McCARTY: Thank you. That's
22 very helpful.

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1 MR. RAFTICAN: And, again, there
2 are pieces in place right now that will work
3 effectively within some type of system. We
4 move down the line, we take a look and see
5 how fast to put these pieces together. And,
6 again, the effort will be how do you start
7 moving these parts so that we come out with a
8 whole as we move down the line?

9 Bill.

10 MR. DEWEY: So this sounds like
11 something that MAFAC wants to grapple with
12 and make a recommendation on. And we've
13 learned quite a lot about it at this meeting.
14 You know, Mark gave us a nice presentation.
15 We had some read-aheads on it. And we've
16 got the JOCI report and their
17 recommendations. You know it seems like a
18 logical next step is for a subcommittee, this
19 subcommittee or a group of people interested
20 in trying to advance this to commit to
21 reading those materials and scheduling a
22 conference call. You know, maybe somebody

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1 taking a lead on this in some sort of a white
2 paper, recommendation, something that we
3 could react to instead of just --

4 MR. RAFTICAN: I think there
5 actually are a number of white papers and
6 research on this -- in a number of different
7 ways, I figure about a half dozen documents
8 that are at least, Mark, that kind of got
9 forwarded along the line that had I been
10 doing my homework I could have given you a
11 little bit broader expertise on this right
12 now. But the thing is there is a fair amount
13 written how this could be accomplished in
14 different types of scenarios.

15 And I think you take a look -- you
16 know, the one that we had up here is complex,
17 but at least this gives us an idea. And this
18 is kind of more of the middle road --

19 MR. DEWEY: I mean this diagram's
20 part of a report that Mark also sent out to
21 the subcommittee.

22 MR. RAFTICAN: Yeah. There was a

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1 white paper done on that.

2 MR. DEWEY: And so that's a good
3 piece of information.

4 The other that I was curious
5 about, Mark, you referenced in your
6 PowerPoint that NOAA had internally done some
7 surveying amongst their staff about the
8 regional organizations and what was out there
9 and how it was working. Is that something
10 that MAFAC could be made privy to, what the
11 outcome of that was and more information on
12 the big eight that you talk about?

13 DR. HOLLIDAY: Sure.

14 MR. DEWEY: I'm kind of intrigued
15 there. With Secretary Locke before from the
16 West Coast, you know the West Coast
17 Governors' Agreement on Ocean Health may be
18 something he may be tuned into. I mean maybe
19 there's an opportunity to look specifically
20 at that, anyhow.

21 MR. RAFTICAN: And that was
22 precisely what we wanted to do. And, again,

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1 put together this and, again, get as many
2 people involved as possible. Get the
3 information out to everybody in advance so
4 that you've got time to read it and we can
5 get time to kind of go over this. Sit down
6 with a conference call.

7 And, again, I think it's going to
8 end up a series of conference calls. The
9 stuff that we're dealing with is going to be
10 -- it's relatively easy to talk in broad
11 terms on this. We will get down to specifics
12 and how they get hammered out is going to be
13 intricate. We have expertise in wordsmithing
14 some of this, but we can put something
15 together.

16 But, again, having the background,
17 going from that, and then evolving down to
18 when we can get together, get some type of a
19 document on it, again before the next MAFAC
20 meeting. I'd like to see in actually half
21 that time if we could do it, but that would
22 be my target date to get -- and probably a

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1 series of meetings.

2 And, again, I think where Heather
3 was on strategic planning adds an element of
4 where we are going on this and we may want to
5 tie this in together.

6 MS. McCARTY: I was just going to
7 bring that up. I think -- I'm trying to roll
8 this into what we might be adding to the 2020
9 document. And I think all we can add right
10 now, if we want to do this right now, which
11 we do -- I think we do, anyway. We haven't
12 decided on that. But given that we might
13 decide to do this soon, we might be able to
14 only identify the trend and then be
15 challenges and opportunities, but not really
16 identify the recommendations because the
17 recommendations would come from this other
18 subgroup that hasn't yet arrived at the
19 recommendations. But certainly we need to
20 identify it as an issue in the 2020 document.

21 Is that kind of what you're
22 thinking --

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1 MR. RAFTICAN: I was thinking that
2 we put together, we work on this and come out
3 with the addendum to the -- our work product
4 be an addendum to the 2020, that we could
5 move forward with it. You could probably
6 work as a standalone recommendation but also,
7 because it would update things that went
8 forward in 2020.

9 MS. McCARTY: Your work product
10 won't be ready until the beginning of next
11 year, presuming that you get going now and
12 present it to the next MAFAC meeting, which
13 is in the fall. So I was thinking short-term
14 because we're going to try to just add things
15 to the short term. That what we could add is
16 sort of the beginning of the discussion,
17 identifying this as an issue, and not try to
18 incorporate any recommendations because that
19 would be too far down the line.

20 And then later why make a
21 recommendation, then add it to this too if
22 you want to, but for the purposes that we're

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1 going to use this for right now, which is in
2 the transition, you may not want to wait for
3 all of that work product.

4 I don't know, I'm just -- top of
5 my head, I don't know.

6 MR. BILLY: One other bit of
7 information that certainly guided Heather's
8 work group is that the NOAA strategic
9 planning, they're shooting towards having, I
10 don't know what the term was, but sort of the
11 principles of the strategic plan -- I'll say
12 it that way -- ready by early September, so
13 that this public process can occur and they
14 can test out there stakeholder reaction to
15 their thinking with a goal of having a first
16 draft of the statistic plan by September.

17 So if we're meeting in November,
18 you see sort of a sequence, and get something
19 to the strategy planners by August but not
20 have results of our committee deliberation
21 maybe until after that, but before they
22 finalize anything.

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1 MR. RAFTICAN: Mark.

2 DR. HOLLIDAY: I'm reacting to
3 Heather's suggestion. I think it would be
4 appropriate to have that same format that we
5 used in 2020 in pointing out the trends and
6 that early on. From a tactic standpoint if
7 there was support for the subcommittee's
8 recommendation about an initial reading of
9 the principles, because as a FACA committee
10 if you agree to that today, you could then
11 wordsmith and fine tune that, you think and
12 expand on that. If you left that off the
13 table today and decided during the summer
14 that was important to you. You really can't
15 go forward with that all you reconvene as a
16 full committee and the public endorse that.
17 So it's sort of a tactical nuance that I
18 thought you should be aware of.

19 MR. RAFTICAN: Yeah.

20 MS. McCARTY: I see what you mean.
21 And I was thinking the first part, the
22 short-term recommendation, could go forward

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1 it this body agreed on it. But the final
2 recommendation on ocean governance is down
3 the road a piece.

4 DR. HOLLIDAY: Yes. Correct.

5 MR. BILLY: Okay, let's move on.

6 MR. RAFTICAN: Other discussion on
7 that?

8 Does this initial -- this
9 paragraph serve as a good short-term step in
10 the direction that we want to go?

11 MS. McCARTY: The one starting,
12 "In the short term..."? You mean that
13 paragraph?

14 MR. RAFTICAN: No, the following.

15 MR. BILLY: "The
16 Recommendation..."

17 MS. McCARTY: The following.

18 MR. RAFTICAN: Drop another
19 "Recommendation" down before the word "MAFAC"
20 in the final paragraph.

21 MS. McCARTY: Oh, sure.

22 MS. LOVETT: It's a

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1 recommendation?

2 MR. RAFTICAN: Yeah.

3 Is everybody comfortable? Erika.

4 MS. FELLER: Well, I guess I'm
5 kind of reading that as though it were a
6 scope of work.

7 MR. RAFTICAN: A what?

8 MS. FELLER: As though it were a
9 scope of work for some kind of work group; is
10 that what you're --

11 MR. RAFTICAN: Yes.

12 MS. FELLER: -- envisioning it
13 would be?

14 MR. RAFTICAN: Essentially, yes.

15 MS. FELLER: And so the work group
16 would be charged with trying to identify some
17 kind of white paper, maybe recommendations
18 about a national policy framework or what
19 would --

20 MR. RAFTICAN: Come back with a
21 national governance framework. And, again, I
22 think the information is -- you can't -- this

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1 is a FACA public meeting. It would take
2 another public meeting to put that in place,
3 so we're looking at moving ahead of this
4 direction, clearly stating that we're moving
5 ahead with this direction, but bringing a
6 work product back to the next MAFAC in
7 November for full concurrence.

8 MS. FELLER: I've been in a lot of
9 meetings on regional ocean governance and I
10 kind of wonder if the timeframe between now
11 and the next MAFAC meeting is a complete like
12 policy framework. Or could we come up with,
13 you know, a series of principles that would
14 -- should drive a regional ocean governance
15 framework and identification of some of the
16 key policy considerations. But I guess I'm
17 trying to think of something that moves you
18 down the road of getting towards a regional
19 ocean governance framework that would be
20 informative to what NOAA's doing on strategic
21 planning, is trying to come up with our own
22 recommendation for what that framework would

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1 be, the right thing, is the question, in my
2 opinion. It's sort of an opinion, though,
3 too.

4 MR. RAFTICAN: I would think that
5 the part of our role is trying -- you know we
6 certainly got an iron in the fire here.
7 Maybe the biggest. And coming forward with
8 these types of recommendations is going to be
9 very important.

10 I think that, you know, we may
11 have some types of draft recommendations that
12 come out as a result of where we go on
13 conference calls. I think your input after
14 sitting through an awful lot of this would be
15 extremely helpful. But I think you put the
16 general out there and say, hey, look, this is
17 the direction we're going. And in time
18 certainly we'll have recommendations back.

19 And how we structure those
20 recommendations is probably -- that's
21 something that we can handle within the
22 framework of a number of conference calls,

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1 but I think we need to get something on the
2 board right now. And this is probably a
3 pretty good stalking horse that gets us
4 through to November. And the whole focus of
5 November is coloring it as best we can.

6 I also think that it's going to be
7 very difficult to try and start coloring that
8 horse today because we could be here for
9 longer than the room's going the objection
10 lit.

11 MS. FELLER: Could I just follow
12 that?

13 MR. RAFTICAN: Sure.

14 MS. FELLER: I guess I would just
15 -- maybe we could include something that one
16 of the first things I think that the working
17 group should do is to come up sort of a
18 specific and achievable scope of work. I
19 agree with you on having something general at
20 this time, but I'm just concerned about
21 setting us up for...

22 MR. RAFTICAN: Tom.

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1 MR. BILLY: I would -- the last
2 two sentences, I'd switch them.

3 MS. LOVETT: That looks like the
4 last two.

5 MR. BILLY: So it -- "...an early
6 indicate..."

7 MS. LOVETT: Here?

8 MR. BILLY: Yeah. Then the lead-
9 in to that last sentence now would be, "It is
10 envisioned that..."

11 MR. RAFTICAN: Are we getting
12 closer?

13 Okay. I got one nod. Any -- hey,
14 you know, understand that this is the big
15 enchilada here, where we're literally trying
16 to design ocean governance for --

17 MR. BILLY: A lot of nods.

18 MR. RAFTICAN: -- for just U.S.
19 territorial waters. It's going to have to be
20 broad coming forward from here. And, again,
21 it's going to be even more difficult working
22 to particulars. Tom.

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1 MR. BILLY: I think you got a lot
2 of nods, so I think we can move on.

3 MR. RAFTICAN: Okay. There's a
4 series of recommendations here. We're going
5 to take them on as a whole.

6 Can I get a motion to accept --

7 MR. BILLY: This is your last one?

8 MR. RAFTICAN: This is the last
9 one.

10 MS. DOERR: How are we looping
11 these into Heather's subcommittee?

12 MR. BILLY: We're going to come
13 back to hers right now.

14 MS. McCARTY: Well, that's why I
15 was asking those questions. I -- I don't
16 know yet.

17 MS. DOERR: I mean it's more of a
18 procedural --

19 MR. RAFTICAN: I think maybe
20 Heather's subcommittee --

21 MS. DOERR: -- question do we talk
22 about --

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1 MR. RAFTICAN: -- would be a good
2 one to tie in --

3 MS. DOERR: -- that before we vote
4 on this?

5 MR. RAFTICAN: -- with -- with the
6 fourth one here, because we clearly are
7 moving forward on a subcommittee here. And I
8 would certainly, going forward, be -- would
9 want to work with you together on this
10 standalone.

11 MS. McCARTY: But more than that,
12 what I'm interested in knowing is that
13 assuming that we're going to have a product
14 in two or three weeks in the form of a 2020
15 revision to provide to the strategic planning
16 process, I want this body to agree on how
17 much of this should be part of that. That
18 was what my earlier question was going to.

19 Do we put just the recommendation
20 of the short-term and then wait for the rest
21 of it. Or do we put all of the
22 recommendations in it in a certain format?

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1 Or -- that's the general question.

2 MR. BILLY: Well, my view is if we
3 now through a motion and voting accept these
4 recommendations, they are then the
5 recommendations of MAFAC and it would -- we
6 would look to the drafting team to figure out
7 how to incorporate what parts of the is the
8 into 2020 --

9 MR. RAFTICAN: The other -- the
10 recommendation as we go forward is a letter
11 to the Secretary right off the get-go --

12 MR. BILLY: Yeah, they're still --
13 they're still the recommendations of April --

14 MR. RAFTICAN: Yeah. Are you
15 comfortable with that?

16 MS. McCARTY: Yeah.

17 MR. RAFTICAN: Patty, are you
18 comfortable?

19 MS. DOERR: Yeah. Yeah.

20 MR. RAFTICAN: Okay.

21 MS. DOERR: I mean I have another
22 question. I'm sorry, I'm the new girl here.

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1 So if we're going to be including
2 the recommendations in a letter to the
3 Secretary, will there be an opportunity to
4 put just a little bit more meat on it in
5 terms of detail?

6 MR. RAFTICAN: These are the
7 recommendations that would forward right now.
8 The meat will come down -- that's what we're
9 trying to do down the road as quick, in
10 particular, --

11 MS. DOERR: Well, like for the --
12 for that top one there on the screen, I mean
13 we can go into a little bit discussion as to
14 what the data collection elements are. And
15 so is that something we could do in the
16 letter to the Secretary or does that need to
17 be done here? It's kind of --

18 MR. RAFTICAN: That was why we
19 tried to cover it and went down to try and
20 look at each one individually and say if
21 you've got anything else you want to add or
22 subtract, do it and then, you know, kind of

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1 check the box as we go down. So this is how
2 the recommendations would go forward to the
3 Secretary --

4 MS. DOERR: So it --

5 MR. RAFTICAN: -- as they're
6 stated now.

7 MR. BILLY: But we can, when we
8 get to New Business or the Action Items and
9 Next Steps, we can talk about that as
10 something that ought to be on the agenda for
11 the next meeting, something we want the NOAA
12 staff to do, a paper on, something we're
13 going to do ourselves. There's --

14 MS. DOERR: Well, I mean I would
15 just --

16 MR. BILLY: But we can't change
17 what happened yesterday. If you get a sense
18 of what I'm saying. This is the report of
19 the subcommittee.

20 MS. DOERR: Yeah.

21 MR. BILLY: So we're going to get
22 that, but we can --

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1 MR. RISENHOOVER: Patty was in the
2 subcommittee.

3 MS. DOERR: Yeah, and I was --
4 yeah, I was --

5 MR. BILLY: Did you talk about
6 details of that?

7 MS. DOERR: About the letter to
8 the Secretary? Well, my question was
9 procedural because I'm just trying to
10 understand --

11 MR. BILLY: That's okay.

12 MS. DOERR: -- if this is going to
13 be lifted into and placed into the letter to
14 the Secretary. And if that's the case, then
15 I would like to see an additional sentence in
16 that top recommendation just specify, to kind
17 of go back to the conversation Heather and I
18 had about what kind of data to specify that
19 it's data on both uses and ocean resource
20 commissions.

21 VICE CHAIR BALSIGER: But you
22 can't lose track of the fact that this is a

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1 subcommittee report, so unless you discuss
2 that in the subcommittee you can't add it
3 here now.

4 MS. DOERR: Though we did, I
5 think.

6 MS. FELLER: Mr. Chairman, I have
7 a recommendation.

8 VICE CHAIR BALSIGER: That's the
9 question, yeah.

10 MS. DOERR: Yeah, but I think we
11 did.

12 MS. McCARTY: I have a
13 recommendation --

14 MR. BILLY: Yes, ma'am.

15 MS. McCARTY: -- for each one of
16 the recommendations, somebody makes a motion
17 and puts on the table the wording, however it
18 appears here, and then people as a whole, as
19 a whole committee, can offer amendments to
20 that language and then you pass the amended
21 language as a recommendation of the full
22 Committee. That way it makes the transition

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1 from the subcommittee report to a MAFAC
2 action. So you could move each
3 recommendation separately, which is the way
4 it probably should be done and say, 'I move
5 that MAFAC recommend,' and then give the
6 language. And then you can say whatever you
7 want, I mean theoretically. You can add,
8 subtract or do whatever, and then that
9 becomes the motion that MAFAC says yes or no
10 to. That's what I would recommend
11 procedurally.

12 MR. BILLY: Finished your report?

13 MR. RAFTICAN: I'm finished if --
14 yeah. So if you want to take those
15 recommendations one at a time, that would...

16 MR. BILLY: The floor is open.

17 MR. RAFTICAN: I will go ahead
18 with this recommendation, take them one a at
19 time, move them, and just be done with them.

20 Make a MAFAC recommendation and so you can
21 work on them via emails during the interim,
22 because it's been publicly adopted, and then

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1 to revise it at the next meeting.

2 MR. RISENHOOVER: Okay. Let's
3 scroll back to the first recommendation.

4 MS. McCARTY: Mr. Chairman, I move
5 the following, that "MAFAC urge appropriation
6 of the funding authorized by the Federal
7 Ocean Acidification Research Monitoring act
8 of 2009, to establish an interagency
9 committee to develop an ocean acidification
10 research and monitoring plan and to establish
11 an ocean acidification program within NOAA"
12 and that the "Creation of an observational
13 network and subsequent modeling should be a
14 high priority for NOAA and any other agency
15 whose mission is dependent on healthy oceans.

16 A NOAA ocean acidification program should
17 prioritize interagency coordinated monitoring
18 and research on the consequences of ocean
19 acidification on marine ecosystems. And
20 research should include adaption strategies
21 of fisheries and aquaculture and techniques
22 reflectively conserving marine ecosystems as

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1 they cope with more intense and widespread
2 ocean acidification." That's probably way
3 too long, but --

4 MR. DiLERNIA: Second.

5 MS. McCARTY: Great.

6 MR. SIMPSON: Why don't you just
7 say, 'I recommend what's on the board'?
8 Because we can read.

9 MS. McCARTY: Because I wanted to
10 get it --

11 MR. BILLY: Okay. We have a
12 motion that's been made and seconded.
13 Discussion?

14 (No response.)

15 MR. BILLY: All those in favor?

16 [COMMITTEE MEMBERS]: Aye.

17 MR. BILLY: Opposed?

18 (No response.)

19 MR. BILLY: So carried.

20 Okay, the next one. Okay, the
21 floor's open.

22 MS. FOY: Mr. Chairman, I would

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1 like to move that "MAFAC recommend to NOAA
2 that they proactively search for creation of
3 partnership agreements for joint multi-
4 sectorial uses that result in synergistic
5 benefits from areas of common usage."

6 MR. RAFTICAN: Second.

7 MR. BILLY: Okay. The motion has
8 been made and seconded. Discussion?

9 Heather.

10 MS. McCARTY: Mr. Chairman, I
11 think we need to add a little language to
12 that the make it clear as to what we're
13 talking about, because it won't have the
14 benefit of the preceding necessarily.

15 MS. FOY: So we'll make a friendly
16 amendment to the motion. Heather, would you

17 --

18 MR. BILLY: I'm going to circle
19 back and accept the report, if that helps
20 you.

21 MS. McCARTY: Yeah. No, it does
22 help, but I think just the recommendation

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1 should say something like

2 MR. BILLY: Have at it.

3 MS. McCARTY: "Creation of
4 partnership agreements to a joint and multi-
5 sectorial ocean uses" -- or just add the word
6 "ocean," you know. Friendly.

7 MS. FOY: Friendly accepted.

8 MR. BILLY: Any other comment?

9 (No response.)

10 MR. BILLY: Okay. All those in
11 favor of this recommendation as it now
12 records say aye.

13 [COMMITTEE MEMBERS]: Aye.

14 MR. RISENHOOVER: Opposed?

15 (No response.)

16 MR. BILLY: Thank you. Passed.

17 MR. BILLY: The floor is open.

18 MS. McCARTY: Go ahead.

19 MR. RAFTICAN: I recommend that we
20 adopt the language in this recommendation,
21 the third recommendation here.

22 MR. DiLERNIA: This is the third

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1 recommendation of the Ecosystem Subcommittee
2 Report, correct?

3 MR. RAFTICAN: Yes.

4 MR. BILLY: Yes.

5 MR. DiLERNIA: Okay. So
6 recommendation Number 3 of the Ecosystem
7 Subcommittee Report.

8 MR. RAFTICAN: Second.

9 MR. BILLY: Okay, discussion?

10 I think we could remove the word
11 "Therefore."

12 Other discussion?

13 MR. RAFTICAN: Okay.

14 MS. DOERR: I'd like to amend it
15 to add a sentence at the very end that says:
16 This essential data would include
17 information on both ocean used and the
18 location and condition of ocean resources and
19 habitat.

20 MS. McCARTY: Could you repeat
21 that?

22 MS. DOERR: I can hand it to you.

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1 MS. McCARTY: No, okay. Just read
2 it, really.

3 MR. RAFTICAN: I take that as a
4 friendly amendment.

5 MS. FOY: Second.

6 MR. BILLY: Okay. We have a
7 recommendation that's been amended by -- or
8 changed by friendly amendment. All those in
9 favor?

10 [COMMITTEE MEMBERS]: Aye.

11 MR. BILLY: Opposed?

12 (No response.)

13 MR. BILLY: Thank you.

14 The next one.

15 MR. DiLERNIA: Number 4.

16 MR. SIMPSON: This will be 5.

17 MR. DiLERNIA: 5.

18 MR. SIMPSON: That was 4 you just
19 did.

20 MS. McCARTY: I move the
21 Recommendation 4 or 5 --

22 MS. FOY: The last.

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1 MS. McCARTY: -- the last
2 recommendation that "MAFAC continue its
3 deliberation on the most appropriate model
4 for regional ocean governance" period.
5 That's my motion.

6 MR. BILLY: Okay.

7 MS. FOY: Second.

8 MR. MARTIN FISHER: Second.

9 MR. DiLERNIA: That leaves it nice
10 and wide open for you to fix.

11 MS. McCARTY: The rest of it is
12 speculative.

13 MR. BILLY: Okay. We have a
14 motion that's seconded. Discussion?

15 Yes, Bill.

16 MR. DEWEY: I was just playing
17 around with some alternative wording,
18 actually, for that first sentence. I'll just
19 throw this out there for discussion purposes.

20 "MAFAC will continue its deliberations on
21 regional ocean governance to advise NOAA on
22 the preferred model."

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1 MR. DiLERNIA: Make it a
2 substitute motion.

3 MS. McCARTY: That's a friendly as
4 far as I'm concerned.

5 MR. DEWEY: Does that work?

6 MS. LOWMAN: Yeah.

7 MR. DEWEY: So "MAFAC will
8 continue its deliberations on regional ocean
9 governance to advise NOAA on the preferred
10 model."

11 MR. BILLY: Okay. We have a
12 motion with a friendly amendment. Any other
13 discussion?

14 MS. FELLER: Did it say "on the
15 regional ocean governance" or just --

16 MR. DEWEY: That's fine as it is
17 there.

18 MS. FELLER: Okay.

19 MR. BILLY: All those in favor?

20 [COMMITTEE MEMBERS]: Aye.

21 MR. BILLY: Opposed?

22 (No response.)

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MR. BILLY: Motion carried.

Are there any other -- that's it?

MR. RAFTICAN: That's it.

MR. BILLY: Okay. I would like to entertain a motion to accept the Report with the other language that's not in the motion.

MR. WALLACE: So move.

MR. BILLY: A second?

MS. McCARTY: Second.

MS. FOY: Second.

MR. BILLY: Okay, any discussion?

(No response.)

MR. BILLY: All those in favor?

[COMMITTEE MEMBERS]: Aye.

MR. BILLY: Opposed?

(No response.)

MR. BILLY: Thank you. A good job.

Okay. Now let's circle back.

MS. McCARTY: Oh, yay.

MR. BILLY: Do we want to get back to Heather's subcommittee report?

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1 MS. McCARTY: Can we do it the
2 same way, just by making motions?

3 MS. LOWMAN: Yeah, I think that's
4 the way to do it.

5 MS. McCARTY: And then the
6 discussion takes place with you as the chair?

7 MR. BILLY: Bill.

8 MR. DEWEY: So I apologize, Mr.
9 Chair. I didn't speak up in time on this
10 prior committee report. We never did
11 actually go back and fix the language and the
12 example that was used for "synergistic." We
13 all acknowledge there were some problems
14 there with --

15 VICE CHAIR BALSIGER: Cold
16 effluent heating.

17 MR. DEWEY: Yes.

18 VICE CHAIR BALSIGER: Yeah.

19 MR. BILLY: Yeah.

20 MS. McCARTY: Didn't we fix it?

21 MR. DEWEY: We did not fix it.

22 MR. BILLY: Oh, I thought we did.

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1 MR. RAFTICAN: I thought we did
2 during the course of -- I thought we fixed
3 it.

4 MR. DEWEY: I made the suggestion
5 that we use the structure example as opposed
6 to the temperature example, but we never
7 actually did go in and amend the wording to
8 reflect that. And so --

9 MR. BILLY: I think that's a good
10 idea.

11 MR. DEWEY: You know, since that
12 was not actually left -- we need to fix that.

13 What I was going to suggest is
14 after the first sentence, and you don't need
15 to start typing yet, just see if people
16 accept this, that we insert a sentence,
17 "Energy projects require structures which
18 could serve to secondarily support shellfish
19 or finfish culture systems." So that would
20 just be putting in an example there to follow
21 that.

22 So it would still read, "For

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1 example, pairing uses of the ocean for energy
2 production with food production could result
3 in net conservation of ocean space dedicated
4 to consumptive uses." Then you go on to say,
5 "Energy projects that require structures
6 which could serve to secondarily support
7 shellfish or finfish culture systems," and
8 then delete the rest of the paragraph.

9 MS. LOVETT: Delete the rest after
10 "...water on..."?

11 MR. DEWEY: Yes.

12 VICE CHAIR BALSIGER: Can we just
13 adopt that in principle and have that be
14 edited offline?

15 MR. DEWEY: That's fine. If
16 people are comfortable with it. I judge...

17 MR. BILLY: I see a lot of heads
18 nodding. Okay.

19 Thank you.

20 MS. McCARTY: Mr. Chairman, there
21 are a couple of things in this report that
22 emerged during the report that weren't really

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1 part of the report, so are we going to take
2 those items up under New Business rather than
3 in this particular place?

4 MR. BILLY: Yes.

5 MS. McCARTY: Okay.

6 MR. BILLY: What were they?

7 MS. McCARTY: Well, there was the
8 whole National Standards thing.

9 MR. BILLY: I got that down.

10 MS. McCARTY: But not -- it wasn't
11 associated with this particular area.

12 MR. BILLY: Okay.

13 MS. McCARTY: And --

14 MR. BILLY: Yes. Okay. The floor
15 is yours.

16 MS. McCARTY: Mr. Chairman, I
17 move, and this is not necessarily going to be
18 in order. I mean it's not going to be
19 exactly what it says, just -- and I haven't
20 written it down yet, but I move that MAFAC
21 through a working group develop revisions to
22 the Vision 2020 document in a timeframe to

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1 make it useful to the NOAA Strategic Planning
2 Process and that we add sections having to do
3 with changing ocean conditions and ocean
4 governance as per the recommendations in
5 those areas recently passed.

6 MR. MARTIN FISHER: Second.

7 MR. BILLY: Okay.

8 MS. McCARTY: And under discussion
9 we may want to detail those, but we already
10 kind of did. And does it work for everybody
11 just to say that and then just --

12 MR. BILLY: It does for me.
13 Anyone?

14 Yes.

15 MR. MARTIN FISHER: Yes.

16 MR. BILLY: The answer's yes.

17 So can we get it down on a piece
18 of paper? We could vote on it, but I mean --

19 VICE CHAIR BALSIGER: It's
20 recorded.

21 MS. McCARTY: I think she's got
22 it.

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1 MR. BILLY: We've got it recorded,
2 all right.

3 There's a motion that's recorded
4 and seconded --

5 MS. FELLER: Can you just repeat
6 it one more time?

7 MR. BILLY: Sure, for
8 clarification. Sure.

9 MS. McCARTY: The motion was that
10 MAFAC through the use of a working group
11 develop the additions to the Vision 2020
12 document in a timeframe to be useful to the
13 NOAA Planning Process, having to do with
14 changing ocean conditions, ocean governance
15 as per the recommendations just passed, and
16 you can refer back to those in detail, but I
17 don't think we need to go through them all.

18 MR. BILLY: The ones we just
19 talked about.

20 MS. McCARTY: Yeah.

21 MS. FOY: I would like to ask for
22 a clarification. Heather, are you suggesting

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1 that we revise the document or that we
2 include addendums?

3 MS. McCARTY: Well, I'm leaving
4 that up to the group because --

5 MS. FOY: Well, then I would make
6 a friendly amendment to your motion that we
7 stick on the end of that in whichever format
8 is most useful to NOAA.

9 MS. McCARTY: That sounds fine.
10 That's friendly. I don't think it's clear to
11 me yet, Mr. Chairman, as to which method
12 would work the best.

13 I'm looking at I think not the
14 final version in print. This is September
15 '07. The final version is online and I'm now
16 being able to look at it, and it's slightly
17 different than this one of September, but not
18 real different.

19 What it is basically is just a few
20 pages of recommendations followed by these
21 appendices that are like white papers on
22 various subjects. And I don't think that the

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1 white papers need to change. I think, you
2 know, once this working group gets into it,
3 they can look at the different
4 recommendations and add to those and then
5 perhaps add another white paper based on the
6 recommendations that were passed as a result
7 of your work.

8 And then this could be, as they
9 say, a living document. You could add the
10 recommendations as they are formed down the
11 road.

12 MR. BILLY: We have a friendly
13 amendment.

14 MS. FOY: Yes, sir.

15 MR. BILLY: And it's been second?

16 MS. LOWMAN: No. It's friendly,
17 though, so we don't do it.

18 MR. BILLY: I'm sorry.

19 MS. FOY: It doesn't need it.

20 MS. McCARTY: No, it's a friendly.

21 And let me just say also, Mr.

22 Chairman, I think maybe we also then ought to

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1 look at some of these more specific things
2 here that may not have been dealt with in
3 your recommendations, but first I wanted to
4 get all those recommendations in there. That
5 doesn't mean that that's the only thing that
6 we might want to add. So people might want
7 to add other stuff or make other changes.
8 And I think that I anticipate doing that.

9 MS. FOY: As far as discussion on
10 the motion, my only concern is that we --
11 Vision 2020 is a document produced as a
12 committee. We need to bring the document
13 back with the revisions and ensure that it
14 still meets the approval of the committee.

15 MR. SIMPSON: Oh, yeah.

16 MS. McCARTY: That should have
17 been in the motion. That should have been in
18 the motion.

19 MR. SIMPSON: Yeah, you can have a
20 subcommittee speak on behalf of the full
21 committee.

22 MS. FOY: No.

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1 MR. SIMPSON: That's kind of
2 understood.

3 MS. McCARTY: That was in this
4 report, but I didn't put that in the motion.
5 Why don't you make a friendly amendment?

6 MS. FOY: Oh, I would like to
7 amend the motion that after the Working Group
8 has completed their revisions to the
9 document, the document is brought back to the
10 full Committee for acceptance.

11 MS. McCARTY: That's a friendly.

12 MS. FOY: Larry, you don't look
13 happy.

14 MR. RANDY FISHER: Final action,
15 approval, or something like that.

16 MS. FOY: Yeah. Yeah.

17 MR. SIMPSON: In other words, the
18 full Committee is the final authority. The
19 subcommittee is --

20 MS. McCARTY: Absolutely.

21 MR. SIMPSON: -- just making
22 recommendations.

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1 MR. BILLY: Is there a second?

2 MS. McCARTY: That's a friendly
3 amendment.

4 MR. SIMPSON: Second.

5 MR. BILLY: Oh, yeah. Help me.

6 MS. McCARTY: And just to say, I
7 think that's going to have to be done by
8 teleconference.

9 MS. FOY: I agree. I agree. It's
10 -- something needs to happen in the time --

11 VICE CHAIR BALSIGER: As long as
12 that's not a decision made to keep Joner out
13 of it because we already know he won't do
14 something with phone calls.

15 MR. JONER: I'll listen in.

16 MR. BILLY: All right. We have a
17 motion that's been seconded. Any other
18 discussion?

19 (No response.)

20 MR. BILLY: All those in favor?

21 [COMMITTEE MEMBERS]: Aye.

22 MR. BILLY: Opposed?

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1 (No response.)

2 MR. BILLY: Okay, carries.

3 Madam chairwoman, I would like to
4 make a suggestion. As I recall this, if we
5 adopt this as the report of the Subcommittee,
6 then is that sufficient to -- without going
7 -- we didn't have specific recommendations.
8 We could modify the text, but...

9 MS. McCARTY: I think the way we
10 did it with the other subcommittee was we
11 accepted the subcommittee report but we also
12 made specific recommendations and the exact
13 wording was important.

14 MR. BILLY: Okay.

15 MS. McCARTY: I think if people
16 want to include any other recommendations
17 that might go into the revisions, that they
18 should do so specifically.

19 MR. BILLY: Okay.

20 MS. McCARTY: That's just my
21 feeling.

22 MR. BILLY: My only concern about

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1 that is that as we discuss this as a
2 subcommittee we specifically talked about not
3 making recommendations and now if we're going
4 to modify the report of the subcommittee to
5 include recommendations, that's of some
6 concern to me.

7 MS. McCARTY: Well, we did make
8 some recommendations and we made some
9 discussion points. And the recommendations
10 that we made are these A through D, which I'm
11 just sort of looking at now to see if they're
12 covered by Tom's committee recommendations
13 that were accepted.

14 MS. LOWMAN: I mean I think, you
15 know, we have the issue of some of the
16 changing, for example, the acidification and
17 its impacts on food safety and stuff like
18 that. Those are in report. There may not be
19 something on coastal community, I can't
20 actually remember right now, but I don't
21 think that that constrains the Working Group
22 from adding that in without there being an

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1 actual, explicit motion on it.

2 I mean the motion that you have in
3 there is to revise it, to be clear that it
4 has the guidance for the strategic planning
5 and that it looks at the trends and the
6 opportunities and et cetera. And that can
7 include all of that, I believe, as we develop
8 it in the Working Group.

9 MS. McCARTY: Did you have a
10 question?

11 MR. BILLY: Yeah. What would you
12 like the Committee to do?

13 MS. McCARTY: With this?

14 MR. BILLY: Yes.

15 MS. McCARTY: I think that's all,
16 as long as people accept the fact --

17 MR. BILLY: So we'll adopt the
18 report of your subcommittee?

19 MS. McCARTY: Yeah.

20 MS. LOWMAN: Well, Heather, I
21 think there might be some other ones under
22 Transition that may --

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1 MS. McCARTY: There are.

2 MS. LOWMAN: -- desire.

3 MS. McCARTY: I'm just talking
4 about ocean governance --

5 MS. LOWMAN: Yeah. Right, right.

6 MS. McCARTY: -- and ocean
7 conditions right now.

8 MS. LOWMAN: Right. Right.

9 MS. McCARTY: As far as making
10 motions goes. And so what I'm looking at
11 these four right here, --

12 MS. LOWMAN: Right, and these
13 four.

14 MS. McCARTY: -- and asking the
15 group if they think those are adequately
16 covered or if they need to be specifically
17 talked about in a motion for the Subcommittee
18 or the group to work on, the Working Group to
19 work on.

20 VICE CHAIR BALSIGER: What if I
21 made a motion to include those four as topics
22 that the subcommittee should look at and make

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1 certain that they're included in their
2 discussions?

3 MS. McCARTY: I would second it.

4 MS. LOWMAN: Yes.

5 VICE CHAIR BALSIGER: That was my
6 motion.

7 MR. BILLY: Okay, a motion made
8 and seconded. Any discussion?

9 (No response.)

10 MR. BILLY: All those in favor?

11 [COMMITTEE MEMBERS]: Aye.

12 MR. BILLY: Opposed?

13 (No response.)

14 MR. BILLY: So passed.

15 VICE CHAIR BALSIGER: So now down
16 to Transitions, right.

17 MS. LOVETT: Scroll down.

18 MS. McCARTY: I think the
19 Transition -- Mr. Chairman, I think the
20 Transition thing is something that we've all
21 agreed on and I don't think there needs to be
22 a motion. And I don't think the budget thing

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1 needs to be a motion.

2 And that whole Catch Share thing,
3 I don't even want to talk about it anymore.

4 (Laughter.)

5 MR. MARTIN FISHER: Heather.

6 MR. BILLY: Okay.

7 MR. RANDY FISHER: I second that.

8 MR. BILLY: Okay. How about
9 Communication?

10 MS. McCARTY: I don't think we
11 need a motion on that either. I think these
12 are just guidance.

13 MR. BILLY: The chair would
14 entertain a motion to accept the full report
15 of the subcommittee.

16 MR. WALLACE: So move.

17 MR. RAFTICAN: Second.

18 MR. BILLY: A second?

19 MR. RAFTICAN: Second.

20 MR. BILLY: Any discussion?

21 (No response.)

22 MR. BILLY: All those in favor?

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1 [COMMITTEE MEMBERS]: Aye.

2 MR. BILLY: Opposed?

3 (No response.)

4 MR. BILLY: Done.

5 Break.

6 VICE CHAIR BALSIGER: What about
7 our public comment, do we have to do that on
8 time?

9 DR. HOLLIDAY: Let's dispense with
10 that.

11 VICE CHAIR BALSIGER: Dispense
12 with it by not having it or...

13 DR. HOLLIDAY: No. So we have a
14 somewhat special circumstance here that a
15 member of NOAA wishes to speak during the
16 public comment period to MAFAC. So we're
17 going to allow that now.

18 Come up to the table and introduce
19 yourself at one of the microphones and state
20 your affiliation for the record. And you have
21 five minutes.

22 MR. ENG: Thank you.

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1 Good afternoon, everyone. I
2 appreciate you providing a little bit of time
3 for this. I wanted to just respond briefly
4 to some of the things that we heard here and
5 reinforce those from our standpoint.

6 [COMMITTEE MEMBERS]: Who are you?

7 DR. HOLLIDAY: Introduce yourself
8 and your affiliation, please.

9 MR. ENG: Yeah, I was just getting
10 to that. My name is Mike Eng. I am the
11 Resource Protection Coordinator at Monterey
12 Bay National Marine Sanctuary. Our
13 Superintendent and Regional Director spoke
14 with you briefly the first day. And I know
15 several of you from previous context.

16 I am the Sanctuary's lead on our
17 MPA planning process. And you may have
18 gotten some sense from Superintendent
19 Michel's presentation that we really are
20 trying to approach this in a bit different
21 way than it has been approached in the past.

22 Specifically what I wanted to do

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1 was just respond how much I appreciated
2 Mark's presentation yesterday about regional
3 governance and how we are exploring and
4 looking for opportunities to put this MPA
5 planning process into a more integrative kind
6 of approach to ecosystem-based management.
7 We're actively exploring those opportunities
8 with the National Marine Fisheries Service at
9 the regional level, both the Northwest and
10 the Southwest, as well as with the Pacific
11 Fishery Management Council. We're not sure
12 where that's going to lead, but there seems
13 that there is a burning needed for more
14 integration, more coordination across the
15 ocean on the West Coast.

16 And we think that addressing the
17 needs of the Sanctuary in terms of our MPA
18 needs are not that dissimilar from EFH, for
19 instance. And we know that there is going to
20 be a review of the EFH closures coming up.
21 We want to explore opportunities for
22 coordination and integration there.

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1 We're looking at a broad array of
2 possible ways that we can better coordinate
3 and integrate our actions. And I thought
4 that what Mark presented is really the
5 direction that we want to go and I think it's
6 a very important one.

7 We need to develop tools for
8 science-based ecosystem-based management.
9 We're very interested in that. We're also
10 exploring the potential role of integrated
11 ecosystem assessments to inform our decision,
12 hopefully in concert with other agencies as
13 well.

14 I guess what I wanted to convey to
15 you ultimately is that we are trying to look
16 at this MPA planning process in a much more
17 integrative way perhaps than has been in the
18 past. We still have our agency mission.
19 That's not going away. We're still pursuing
20 that, but we really would like to do that in
21 greater concert, coordination, and
22 integration with our interagency partners,

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1 both within NMFS and also with the State. As
2 you know, the State of California has moved
3 forward with a MPA process. Those MPAs have
4 been designated here in the central coast.

5 We want to make sure that we are
6 integrating with those existing MPAs and also
7 the direction that things are moving. We're
8 very excited with the initiative that the
9 Nature Conservancy is working with down in
10 Morro Bay and working on community-based
11 fisheries. Again, we want to explore how we
12 can be supportive of that and really look at
13 the Sanctuary's role in a very integrative
14 manner along the central coast and hopefully
15 along the whole West Coast.

16 Thank you.

17 VICE CHAIR BALSIGER: Thank you.

18 MR. BILLY: Thank you very much.

19 Any questions?

20 No.

21 MR. ENG: Thank you.

22 DR. HOLLIDAY: Okay. Thanks.

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1 MR. BILLY: Let's take a break.
2 About 15 minutes, then we'll finish up.

3 (Recess taken from 2:54 p.m. to
4 3:06 p.m.)

5 MR. BILLY: Okay. The last item
6 on our agenda is New Business and the Review
7 of any Action Items or Next Steps.

8 In the course of our discussion
9 there were a couple of areas where we talked
10 about the possibility of addressing them
11 under New Business. That included an item
12 about National Standards that would apply to
13 imports and LAPPs.

14 My suggestion to the Committee is
15 that we determine now whether these are items
16 that we'd like to put on the list for
17 consideration at the next meeting. In 45
18 minutes we're not going to address things of
19 this nature. I think there needs to be some
20 preparatory work. So I'd like to open the
21 floor for any thoughts on that.

22 Yeah, Tony.

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1 MR. DiLERNIA: Mr. Chairman, I
2 won't be here for the next meeting, but it
3 seems to me that these are two very important
4 issues and to discuss them cold without a lot
5 of background and preparation, I think while
6 they deserve a lot better attention and
7 thought than perhaps we could give them,
8 without any type of documentation or
9 preparatory material.

10 So, again I won't be here, so --
11 but my suggestion would be to make them your
12 first two action items for your next
13 Committee meeting.

14 MR. MARTIN FISHER: Tony?

15 MR. DiLERNIA: Pardon me?

16 MR. MARTIN FISHER: Make a motion.

17 MR. BILLY: We don't need a
18 motion.

19 MR. MARTIN FISHER: Oh, okay.

20 MR. SIMPSON: Mr. Chairman, I
21 think that's a good idea. It would give us
22 people a little time to distill our thoughts

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1 about these things before the next meeting to
2 kind of focus our comments and where we were
3 to go, so I think that's a good plan myself.

4 MR. BILLY: Okay. Thank you.

5 Yeah, Dorothy.

6 MS. LOWMAN: I think that maybe
7 Heather and I had our signals crossed a
8 little bit, but I think that maybe this goes
9 back to something we may have wanted to still
10 have had one more recommendation from our
11 strategy committee related to LAPPs, that's
12 fairly simple and actually relates to
13 something that's already in progress, I
14 think. And then -- so if I could have the
15 liberty of possibly making one other
16 recommendation for one other motion -- or
17 making a motion for one more recommendation.

18 And then we can talk about -- and
19 what I would propose then would be to move
20 that: MAFAC recommends that NOAA provide
21 definitions and guidelines for a rulemaking
22 provision on the LAPP provisions and the

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1 MSRA, including excessive shares,
2 allocations, cost recovery, regionals,
3 fishery associations, and community
4 associations, as soon as possible.

5 And if I can get a second I'll
6 speak to that?

7 MS. McCARTY: Second.

8 MS. LOWMAN: You know, it's pretty
9 clear that for this administration Catch
10 Shares are going to be an important priority.

11 And having been involved in a Catch Share
12 development without guidelines, it's been a
13 struggle.

14 And I think Alan has been working
15 on them and has already talked to us about
16 potential having something that would come
17 up, but I think to provide additional things
18 to say this is important, let's get it going
19 as soon as -- let's get it on the -- you
20 know, out there in a proposed rule as soon as
21 possible, I think, would be very good.

22 And then I would -- and after we

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1 take care of that then I think maybe we could
2 think as New Business working on how do you
3 have performance standards or the sort of
4 larger one that we were sort of getting
5 wrapped around the axle earlier.

6 MR. BILLY: Okay. Heather.

7 MS. McCARTY: Mr. Chairman, thank
8 you. I agree with Dorothy. This is
9 something that Alan spoke about to the full
10 group, as to seeking guidance. And, again,
11 having working on the development of these
12 programs -- actually in the process right now
13 the North Pacific Council is working on a
14 brand new program for rockfish in the Gulf of
15 Alaska, at issue right now, immediately, at
16 the next council meeting in June is what does
17 the MSA actually say about the definitions
18 for these things.

19 And the Agency's already thinking
20 about putting forward a proposed rule on this
21 and I would encourage MAFAC to pass a motion
22 supporting that, just that, just give us some

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1 guidance, give us some rulemaking that shows
2 us what you think the Magnuson-Stevens Act
3 means by this. I think it would be very
4 helpful to every council.

5 MR. BILLY: Okay. Jim or Alan.

6 VICE CHAIR BALSIGER: Well, I've
7 lost track exactly where we are on publishing
8 the rule and I'm sure Alan has not, so. And
9 he probably knows whether any of the things
10 that Dorothy mentioned, excessive shares,
11 cost recovery, et cetera, are all those in
12 the rule -- in the descriptions?

13 MR. RISENHOOVER: Yeah. Right now
14 we don't have a rule --

15 MS. LOWMAN: Right.

16 MR. RISENHOOVER: -- together.
17 We're still working on some issue papers.
18 The list you gave, the four or five things,
19 sounds very similar to the list I gave
20 earlier in the week, so I think we're on the
21 same wave length on the big issues. It's
22 whatever some of the smaller ones may be.

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1 I tried to remember what our
2 schedule was earlier in the week. I've now
3 just called it up again. So by July I should
4 have some internal documents and then we'll
5 start looking for putting those into a rule
6 and get them published. I think I had said
7 late summer, early fall, something like that
8 earlier. That's still the schedule -- or
9 that's the draft schedule. Nothing's --

10 MS. LOWMAN: Yeah. I mean -- I'm
11 sorry.

12 MR. BILLY: Okay. Martin and then
13 Tony and then Eric.

14 MR. MARTIN FISHER: I'm going to
15 defer to Dorothy. She's right there on the
16 sizzle edge.

17 MS. LOWMAN: Well, no, I'm just --
18 you know, I guess it's just -- and maybe it's
19 almost redundant, but I do feel like this is
20 something that sometimes has been a struggle
21 to get moved forward. And if it helps at all
22 or makes clear that we -- to just emphasize

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1 what we see as an urgency, to get this kind
2 of guidance. I think it would be useful for
3 MAFAC to do that at this point.

4 MR. BILLY: Tony.

5 MR. DiLERNIA: If you go with
6 Alan's schedule, he publishes a proposed rule
7 or a draft rule, it's just in time for MAFAC
8 to review it and to comment at this November
9 meeting.

10 MR. BILLY: So we need this?
11 That's what I...

12 MR. WALLACE: Yeah, I --

13 MR. BILLY: Yeah, Dave.

14 MR. WALLACE: I guess why do we
15 need a motion to say do something they're
16 already doing? I'm bewildered.

17 MR. BILLY: Okay. Thank you.

18 Eric.

19 MR. SCHWAAB: Well, I mean first
20 of all, there's been a motion made. I don't
21 even have it in front of us to really, not
22 having a tape-recorder memory, there are

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1 elements of this that we're now talking about
2 that I can't even remember where they fit.

3 So my second issue relates to, you
4 know, the synchronization between what we
5 might suggest in this and what the Agency
6 plans or doesn't plan and is already doing or
7 not doing in relation to what the motion that
8 I can't see is -- says. And so for a whole
9 bunch -- for those reasons and others, Mr.
10 Chairman, I would move that we table this
11 until the next meeting.

12 MR. BILLY: Okay. There's a
13 motion -- yeah.

14 MS. McCARTY: I know the motion to
15 table can't be discussed, so I'm not going to
16 discuss that, but I would like to say that we
17 had basically a request from Agency personnel
18 to support this. It was taken up in the
19 Subcommittee on Strategic Planning. We made
20 a recommendation in the Strategic Planning
21 Subcommittee Report. We sort of mistakenly
22 attached it to the 2020 revisions, but when I

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1 made the motions and when others made the
2 motions about the revisions to 2020, we did
3 not include it. Of course it really didn't
4 fit in that. But we made the recommendation
5 to support this guideline development because
6 we were asked specifically to do so by NOAA.

7 So that's the background. Just the
8 background because you weren't in that
9 subcommittee meeting, I don't think.

10 MR. BILLY: Now a motion to

11 MR. SCHWAAB: And I didn't hear
12 Alan say that when he gave -- when he spoke
13 to us earlier, so.

14 MR. MARTIN FISHER: Mr. Chairman,
15 doesn't the motion to table --

16 MR. BILLY: So there's a motion to
17 table -- yes.

18 MR. MARTIN FISHER: -- need a
19 second?

20 MR. BILLY: Yeah.

21 MR. MARTIN FISHER: It didn't get
22 one.

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1 MR. WALLACE: No, but she --

2 MS. FOY: It does need one to
3 pass.

4 MR. WALLACE: -- jumped in, --
5 because I'll second the motion.

6 MR. MARTIN FISHER: Oh, okay.
7 Fine.

8 MR. BILLY: Okay. So there's a
9 motion seconded to table the motion Dorothy
10 described.

11 DR. HOLLIDAY: I think Patty's --

12 MR. BILLY: Any further
13 discussion?

14 DR. HOLLIDAY: -- trying to get a
15 copy of that to be displayed.

16 MS. McCARTY: I'm just sending it
17 to him because it was in the --

18 MS. LOWMAN: I just gave it to
19 Heidi.

20 MR. BILLY: Okay.

21 MR. SCHWAAB: Well, it might be
22 moot if we vote on the motion to table.

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1 MS. McCARTY: Well, it's moot
2 anyway because they're doing it.

3 MR. BILLY: That's kind of the
4 point.

5 MR. SCHWAAB: So, in other words,
6 you're going to withdraw your second of the
7 earlier motion.

8 MR. BILLY: All right. The motion
9 to table, that motion that's been seconded,
10 any -- I guess we just vote. All those in
11 favor?

12 MR. WALLACE: Aye.

13 MR. BILLY: Of tabling.

14 MR. SCHWAAB: Aye.

15 MR. BILLY: Aye.

16 All those opposed?

17 [COMMITTEE MEMBERS]: Nay.

18 MR. BILLY: Okay. The nay's have
19 it. Yes.

20 MR. SIMPSON: Since it failed and
21 there's now discussion, Dorothy, are you
22 looking for a checklist of what to consider

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1 in LAPPs or guidelines of what you can do?
2 I'm unclear as to what you need as far as
3 guidance to develop a LAPP.

4 MS. LOWMAN: You know, I mean we
5 have a lot of words, ideas that are in the
6 Magnuson Act, but there's a lot of -- you
7 know, a variety of beliefs what that might
8 mean or might not mean and what might be.
9 You know, if it came forward would it be
10 approved or not approved, you know, including
11 things regional and fishing associations --

12 MR. SIMPSON: So you're looking
13 for --

14 MS. LOWMAN: -- I think are a
15 really big one --

16 MR. SIMPSON: So you're looking
17 for legal advice on specific elements of a
18 LAPP?

19 MS. LOWMAN: Or guidance on sort
20 of as you're developing it so you don't go
21 down the road and sort of be off in something
22 that's going to have problems when you come

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1 for it later.

2 MR. SIMPSON: I mean can you give
3 me an example of one or two?

4 MS. LOWMAN: Well, you want to
5 hear some --

6 MR. SIMPSON: I mean you could
7 take some of the existing ones and say here's
8 some things that you can consider, not all of
9 which would necessarily apply to region or
10 circumstance. I mean is there some real --
11 I've only been doing this 31 years, maybe
12 there's some other things I don't know.

13 MR. BILLY: Okay. Martin and then
14 Tony and Heather, then Erika.

15 MR. MARTIN FISHER: Thank you, Mr.
16 Chairman.

17 For me one of the big buzzwords in
18 the MSA/RA is "to consider," that the
19 councils must consider x, y, z; x, y, z. And
20 that consideration is open to interpretation,
21 that if you consider it you don't have to do
22 it.

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1 MR. WALLACE: That's absolutely
2 right.

3 MR. MARTIN FISHER: All right.
4 But depends on who's interpreting it. NOAA
5 has interpreted "consideration" in two or
6 three different ways. So hopefully, maybe,
7 we can get closer to a base line definition
8 of what "condition" -- of what the parameters
9 of "consideration" are and that would provide
10 -- I sat on the ad hoc for grouper IFQ, sat
11 there for two and a half years. And we
12 knocked our heads against the wall and came
13 back around and back around and back around
14 ad nauseam because we didn't have any
15 parameters of guidance of what those
16 definitions actually meant.

17 MR. SIMPSON: You're talking about
18 substantially, whether or not to weigh the
19 boat or not the weigh the bought.

20 MR. MARTIN FISHER: Exactly, all
21 of the above. So is it not -- how would one
22 ask the question, Alan, is that what you guys

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1 are endeavoring to do with this proposed
2 rule, is to tighten up the definitions of
3 what those terms mean?

4 MR. RISENHOOVER: Right. Right
5 now the areas we're working on, one is
6 definition of a LAPP, to try and clarify what
7 is and isn't a LAPP. We're looking at
8 allocation issues. We're looking at cost-
9 recovery issues. We're looking at the
10 Regional Fishing Association and Community
11 Association issues, how those relate
12 together. And maybe two others that --

13 MR. MARTIN FISHER: Cost recovery?

14 MR. RISENHOOVER: Yeah.

15 DR. HOLLIDAY: Excessive share.

16 MR. RISENHOOVER: Yeah.

17 MR. MARTIN FISHER: And excessive
18 share.

19 MR. RISENHOOVER: Right. And so,
20 again, it would be a proposed rule. And what
21 our goal here is, is where does the Act need
22 clarifying. And we're going back to the 2500

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1 comments or so we got a year or so ago on the
2 statute and trying to see what people think
3 need to be clarified. Again, the purpose of
4 the guideline would be to try to indicate
5 what NOAA is concerned about that a council
6 must, should, or may do in developing these
7 guidelines -- I mean developing these
8 programs.

9 MR. MARTIN FISHER: Can I respond
10 quickly? With a question.

11 MR. BILLY: To whose question?

12 MR. MARTIN FISHER: To Alan. I
13 have a question to Alan if that's all right.

14 MR. BILLY: He was answering your
15 question.

16 MR. MARTIN FISHER: I have another
17 one.

18 MR. BILLY: Well, I'm going to go
19 --

20 MR. MARTIN FISHER: Okay.

21 MR. BILLY: -- onto Tony.

22 MR. DILERNIA: It's my

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1 understanding the Agency has been working
2 internally for a couple of years on
3 developing papers and all as far as how you
4 develop your proposed rule. So clearly the
5 Agency has done a lot of work on this
6 already. It's not published yet, but this
7 work has been ongoing.

8 Now if MAFAC, -- Alan, if this
9 Committee -- Mr. Risenhoover, this Committee
10 recommends that NOAA provide definitions and
11 guidelines to a rulemaking process on LAPPs
12 provisions of the MSRA, including excessive
13 shares, allocations, cost recovery, Regional
14 Fishery Associations, Community Associations,
15 as well as develop performance criteria
16 related to the LAPPs as soon as possible,
17 would that be available for the November
18 Committee meeting?

19 MR. RISENHOOVER: I believe so.
20 That fits our current schedule, yes.

21 MR. DiLERNIA: I move the
22 question, Mr. Chairman -- I move the motion

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1 for vote.

2 MR. BILLY: Okay.

3 MS. FOY: I'll second. Sorry. I
4 shouldn't say without -- I went out of turn.
5 It's Eric's. He had his hand up before me.

6 MR. BILLY: The question is
7 called. So we're going to vote. All those
8 in favor?

9 MR. SCHWAAB: I don't understand
10 why. There were -- there were people that
11 were waiting to talk and now you're going to
12 rush this through.

13 MR. DiLERNIA: Okay.

14 MR. SIMPSON: It's a motion. The
15 discussion is still on the floor. It's a
16 motion. Discussion's still available.

17 MR. SCHWAAB: Do I have to speak
18 for that motion or can I speak to the
19 original motion?

20 MR. BILLY: We're pretty flexible.

21 MR. SCHWAAB: I was getting
22 worried about that.

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1 MR. BILLY: It won't be dark too
2 soon, so go ahead.

3 MR. SCHWAAB: Well, I have
4 questions and a couple of comments and
5 perhaps some suggestions. First, I didn't
6 understand Alan -- and if I could direct a
7 question to Alan whether a decision has been
8 made definitively to put forth a rule?

9 MR. RISENHOOVER: No. We're still
10 looking at the internal papers to see if we
11 need one. My thought is we will. Again,
12 that's just my thought right now. And that
13 the time line for that would be late summer,
14 early fall to get out a proposed rule.

15 MR. SCHWAAB: And the primary
16 purpose of that is to provide, as I
17 understand it, the work that you're doing is
18 to provide some standardization around the
19 country to some of these questions, as
20 opposed to having each individual council
21 sort of lend its own set of definitions?

22 MR. RISENHOOVER: Right.

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1 MR. SCHWAAB: Is that accurate?

2 MR. RISENHOOVER: Yeah.

3 MR. SCHWAAB: And then finally the
4 final question is, is performance criteria a
5 part of that internal deliberation?

6 MR. RISENHOOVER: Not as specific,
7 but again part of this -- you know, the Act
8 talks about what the goals of the program
9 should be. The performance would come in at
10 some point of once you start establishing a
11 program, you look at the goals of that and
12 then you see how that program once
13 implemented would perform against those
14 goals.

15 MR. SCHWAAB: So I could offer a
16 proposed amendment to the motion and let the
17 makers of the motion decide whether it's
18 friendly or not?

19 MR. DiLERNIA: Smile and make it
20 friendly.

21 MR. SCHWAAB: That the motion read
22 that that MAFAC recommend that NOAA provide

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1 definition and guidelines through a series of
2 -- I don't know if "white papers" is the
3 right term -- and possibly, if appropriate,
4 rulemaking process on the LAPP or Catch Share
5 provisions in the MSSR, MSRA, including but
6 not limited to excessive shares, allocations,
7 cost recovery, Regional Fishery Associations,
8 and Community Associations as soon as
9 possible and taking out as well as "develop
10 performance criteria related to LAPPs."

11 And if those amendments were made
12 I would be in a position -- I would support
13 this.

14 MS. LOVETT: Take out that? I'll
15 just --

16 MS. McCARTY: Just underline it.

17 MS. LOVETT: Yeah, I should have.

18 MR. DiLERNIA: Eric, why do you
19 want to put the white papers out in the
20 public? It's only going to muck things up.

21 MR. SCHWAAB: I'm not saying that
22 we -- I'm not saying that. I'm just saying

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1 that I think that the decision has -- that to
2 -- for us to support a process forward that
3 is based on entirely on rulemaking is perhaps
4 a bit premature and could perhaps create
5 expectations that would be used against
6 movement forward in some management
7 decisions.

8 MR. BILLY: Just a question tied
9 to -- so they produce the series of white
10 papers, but there's nothing to suggest that
11 they would ever see the light of day.

12 MR. DiLERNIA: The white papers
13 exist already, internally.

14 MS. FOY: It's not friendly.

15 MS. LOWMAN: I don't think it's
16 friendly.

17 VICE CHAIR BALSIGER: It's not
18 friendly, so there's no second to it.

19 MR. BILLY: Yeah.

20 MR. DiLERNIA: You don't put a lot
21 of white paper stuff out there for everybody
22 to look at and muck things up. What proposed

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1 rule would react to that --

2 MR. BILLY: Heather.

3 MS. McCARTY: Thank you, Mr.
4 Chairman. I agree with Tony. I think that
5 -- well, your amendment, you'd have to make
6 the amendment, I guess, and then we'd vote
7 and --

8 MR. SCHWAAB: You don't guys
9 concur.

10 MS. McCARTY: And I guess to
11 explain a little bit more about the dilemma
12 that people find themselves in, somebody over
13 here asked for examples, in Alaska I'll give
14 you an example. And lots of times examples
15 from Alaska don't apply anywhere else, but
16 they just will. There is --

17 MR. SIMPSON: Does that tell you
18 anything?

19 MS. McCARTY: Yeah. There is a
20 discussion ongoing about whether processor
21 shares -- what exactly processor shares
22 means. Whether processor linkage really is

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1 processor shares. And that's a very specific
2 discussion that's underway in the particular
3 program that I'm working on. And nobody
4 knows the answer. And there's no guidance
5 from NOAA GC. And I had a long conversation
6 with Sam about this when he was still here,
7 because that's where he came from, as you
8 know. And he said there is a technical
9 guidance paper that is helpful to a certain
10 point, but it doesn't provide any legal
11 guidance. And so there is none.

12 And any kind of white paper, I
13 believe, in this particular circumstance
14 would muck it up -- not necessarily muck it
15 up, but it would not be any more helpful than
16 what we've already got, which I find very
17 helpful but not -- it's not definitive. And
18 a proposed rule, then if it passes through
19 the public sieve, then becomes the final rule
20 and becomes enforceable. And it becomes
21 regulation and then everybody knows what
22 they're working with. Right now they don't.

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1 And it's --

2 MR. SIMPSON: So what you're
3 trying to get is support for a council
4 position, where the council doesn't have a
5 position yet obviously? If the council had a
6 position then they would run it up, which is
7 the way you do it.

8 MS. McCARTY: No, no, no. Not at
9 all.

10 MR. SIMPSON: It's just which way
11 you do it.

12 MR. BILLY: Erika.

13 MS. FELLER: I mean there's a
14 similar, I think, couple of examples coming
15 out of the Pacific Council in the IFQ that
16 they're working on as well and they have to
17 relate to the definitions of what constitutes
18 excessive shares and how control rules work,
19 as well as Regional Fishery Associations and
20 Community Fishing Associations and how they
21 work.

22 And, again, you know, obviously I

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1 have an opinion about these things, but there
2 is no guidance, no legal framework to define
3 how these things should work, how National
4 Marine Fisheries Services will review what
5 they get from the council on this program,
6 exactly how this is supposed to play out, and
7 the councils really have no guidance to -- I
8 mean the technical guidance is helpful. But,
9 you know, I just agree with what Heather said
10 in terms of its limitations. So I really
11 think that rulemaking is important.

12 MR. DiLERNIA: I have a question.

13 MR. BILLY: Okay. There's people
14 in line.

15 MR. DiLERNIA: Okay. No.

16 MR. BILLY: Thank you. Dave.

17 MR. WALLACE: Well, you know, I
18 guess, Erika, your argument is -- I consider
19 the exact reason that the guidelines, if
20 there's going to be any guidelines --
21 Congress wrote the guidelines. You know,
22 there is law -- the law specifically says

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1 some things that -- they can be interpreted
2 in different ways. But -- and you know just
3 as well as I do that the difference between
4 the councils and how they see the world and
5 how they manage their fisheries are entirely
6 different.

7 Heather's absolutely right.

8 Alaska is different in the way they manage
9 their fisheries than any other council in the
10 United States. They're much different there.

11 And sometimes they're put up is the
12 benchmark for how it's supposed to be done.

13 On the other -- but there are
14 other councils who do things much differently
15 that are just as effective as the New England
16 Fishery -- the North Pacific Fisheries
17 Management Council, and so flexibility is
18 needed so as to be able to take the councils'
19 philosophies in different regions and their
20 different issues that they have to deal with
21 and mold a management structure around their
22 local conditions.

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1 And so if you ask Sam -- if you
2 ask Alan to write a group of guidelines,
3 they're going to be very broad based they're
4 going to have to take in all these various
5 considerations and then you're not going to
6 be actually getting what Heather wants. And
7 it's more like we prohibit this and we
8 prohibit this and we allow this. And I'll
9 just go back and say when we worked the Surf
10 Familiation Coop (phonetic) IFQ, it took ten
11 years to get it because it is a whole series
12 of compromises within industry themselves
13 that then meshed with the council's
14 philosophy and was thought of well enough by
15 the National Marine Fishery Service to
16 implement.

17 And so it becomes very, very
18 difficult. For example, I have never been a
19 big advocate of processor shares, and for a
20 whole bunch of good reasons. But the North
21 Pacific Council decided that processor shares
22 in a particular fishery was possible and

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1 expedient and they did it. So every council
2 should have the ability to create LAPPs that
3 suit their particular circumstance.

4 MS. FELLER: Can I?

5 MR. BILLY: Okay. Martin.

6 You were on --

7 MS. FELLER: I just wanted to
8 respond really quick since the comment was
9 directed at me.

10 MR. BILLY: Sure.

11 MS. FELLER: Well, I mean with all
12 due respect, I definitely agree, different
13 situations require different measures and
14 that's why we have a council system. But
15 some of the provisions that are up there, as
16 they appear in Magnuson, are incredibly broad
17 and require further clarification I think to
18 assist the council in making a determination
19 of how those applications apply to their
20 unique circumstances.

21 For example, there is a broad
22 national rule on doing exempted fishing

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1 permits. Every council has its own set of
2 council operating procedures for how they
3 choose to implement their exempted fishing
4 permit operations, but they're guided by a
5 national regulation. I would argue that the
6 same thing is needed for Limited Access
7 Privilege Programs. And I mean, in
8 particular, the Regional Fishing Associations
9 and Fishing Communing section is very high
10 level. And I think it is a provision that it
11 would be really incredibly helpful to have
12 the National Marine Fishery Service that do a
13 rulemaking that says: This is how we think
14 that these sorts of things should play out.

15 MR. WALLACE: Well, I'm just going
16 to suggest to her that she just said
17 regulations. I think --

18 MS. FELLER: Rulemaking.

19 MR. WALLACE: -- that, you know,
20 there may be some rulemaking, but I can't
21 imagine that Sam is going to write a group of
22 regulations and then try to -- and then take

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1 them out to public comment and try to
2 implement them. You know, we can -- you can
3 put forth a group of guidelines. That
4 doesn't necessarily mean they're hard and
5 fast, because they have to be flexible.

6 MR. BILLY: Martin.

7 MR. MARTIN FISHER: I'd like to
8 add something, but in order to add something
9 I need to ask a question so that I understand
10 it.

11 (Laughter.)

12 MR. SIMPSON: Don't explain it,
13 just jump in it.

14 MR. MARTIN FISHER: Good enough.

15 MR. SIMPSON: It's always easier
16 to ask forgiveness.

17 MR. MARTIN FISHER: You said that
18 you received 2500 public comments in response
19 to what?

20 MR. RISENHOOVER: In -- I don't
21 remember the date exactly, but we did go out
22 and we asked publicly through the website for

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1 comments on the provisions in the Magnuson
2 Act where folks thought they needed to see
3 clarify in those.

4 Those comments are summarized and
5 posted on our website.

6 MR. MARTIN FISHER: Okay.

7 MR. RISENHOOVER: So perhaps if
8 folks go and look at that they can see the
9 kind of comments we got. And we asked a
10 number of trigger questions as well. You
11 know, what are the types of things that
12 people need additional information and
13 clarification on. And so we're reviewing
14 those comments now.

15 MR. MARTIN FISHER: Did you pose
16 on the website the reason you were asking for
17 these comments was that you were going to
18 initiate a rule?

19 MR. RISENHOOVER: That's my -- I
20 believe so, but I can look here real quick
21 and --

22 MR. MARTIN FISHER: The only

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1 reason I ask is because it seems to me that
2 some of these programs have been instituted,
3 there's been time for some assessment of
4 their success and people may have other
5 things to say that they may not have before.

6 And I was wondering would it be really a
7 pain in your butt to reopen the public
8 comment period?

9 MR. RISENHOOVER: Well, when we
10 issue a proposed rule there will be a public
11 comment period.

12 MR. MARTIN FISHER: Okay.

13 MR. RISENHOOVER: Yeah. We're not
14 going to go straight to final on this. We
15 did -- yeah, I think it termed as an ANPR.
16 It wasn't a formal regulatory ANPR, but we
17 put that out. We got the comments. The next
18 step is to develop what the Agency thinks
19 should be included in a proposed rule.
20 That's the step we're in now. We've been
21 struggling with it for, granted, a year or
22 so. Could we do better? Yes. But we

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1 haven't, we've been busy on some other
2 guidelines.

3 The next step is to issue a
4 proposed rule where there will be a minimum
5 of a 30-day public comment period. My guess
6 is it's going to be a little longer than
7 that.

8 So once we get the comments from
9 that public comment period, then we'll go
10 forward with a final rule so that it includes
11 the guidelines.

12 MR. MARTIN FISHER: And I don't
13 need to add anything to the motion. Thank
14 you.

15 MR. BILLY: Okay. Dorothy and
16 then Tony.

17 MS. LOWMAN: I appreciate and I
18 really think we do need flexibility with the
19 councils. In fact, I've always been -- you
20 know, really that's a strong part of what
21 I've always believed we need. But I also
22 think that there are things -- and I mean

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1 cost recovery is -- you know, what does that
2 mean. Does it mean just the incremental
3 part. Does it mean from what should be done.

4 And then what's the extra for LAPP. I mean
5 how much does LAPPs have to bear the burden,
6 you know, for some of this cost recovery, for
7 example, if you do like LAPPs. And that
8 influences how you design it because then
9 some people say, well, we can't do that
10 because we can't get the cost recovery, but
11 we don't even know what is cost -- is going
12 to be cost-recovery-ed or not. So there's a
13 lot of these questions and these things do
14 take years to do.

15 And unfortunately when it goes to
16 the Secretary for review they can either do
17 thumbs up or thumbs down. And if you have
18 some guidance to know that if you tweaked it
19 this little way, you know, that might not be
20 the answer. It would be helpful. And what
21 we had heard from Alan was that he wasn't
22 sure they were going to do a rulemaking

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1 process, and so that's the reason for this
2 proposal.

3 MR. BILLY: Tony.

4 MR. DiLERNIA: Thank you.

5 Alan.

6 MR. RISENHOOVER: Yes.

7 MR. DiLERNIA: Is it possible that
8 when the lawyers get a hold of your proposed
9 rule that you want to publish before November
10 that it could be delayed, once they start to
11 look at it?

12 MR. RISENHOOVER: Yes. And they
13 would either say what we have in there needs
14 changed or they would see things that they
15 need added or that we need a better record
16 on.

17 DR. HOLLIDAY: The attorneys are
18 part of the process to develop these.

19 MR. DiLERNIA: My next question is

20 --

21 MR. RISENHOOVER: But I think Mark
22 did --

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1 MR. DiLERNIA: -- if this bill
2 should pass, will it help you in getting the
3 proposed rule out on the street faster?

4 MR. RISENHOOVER: I would think
5 so. I can't say definitely. I think this
6 conversation is leading me in a direction
7 that there's a bit of interest. I'm fairly
8 thick, but it's seeping through.

9 MR. BILLY: Okay. Jim.

10 VICE CHAIR BALSIGER: Well, Alan's
11 last comment was more or less what I was
12 going to say, is that, you know, obviously we
13 see a value in doing this, so that's why he's
14 been working on it. So the motion really is
15 to the point: Give it more priority. And
16 whether that will have an effect or not it
17 depends on whether the Secretary appreciates
18 the attitude of this Committee and he will
19 say: You're doing it, but do it faster. So
20 that's basically the validity of this motion,
21 is do we want to speed this process up. The
22 process is ongoing. We're going to get

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1 there, but do we want to bump it up in the
2 task list. That's all it's about.

3 MS. LOWMAN: Exactly.

4 MR. BILLY: Okay. Ed.

5 MR. EBISUI: Thank you. You know,
6 I got -- please forgive me if I made some
7 erroneous assumptions, but I'm trying to play
8 catch-up here. My understanding is that the
9 Agency is obligated to promulgate whatever
10 regulations it needs to implement the Act.
11 And what that motion is saying is that we
12 recommend that NOAA does what it's supposed
13 to do and, in reality, is already doing.

14 Now the criteria that we've been
15 talking about are the same ones that Alan
16 said they're already -- you know, the
17 Agency's already moving in that direction.
18 So I'm kind of wondering what the value is --

19 VICE CHAIR BALSIGER: It's the
20 last four words.

21 MR. EBISUI: -- in the motion.

22 MR. MARTIN FISHER: "...as soon as

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1 possible."

2 MR. EBISUI: The "as soon as
3 possible" part.

4 MR. BILLY: The last four words.
5 Okay.

6 MR. EBISUI: Does that help?

7 MR. BILLY: Alan?

8 MR. RISENHOOVER: If I could just
9 clarify some things without stimulating more
10 conversation -- or discussion.

11 (Laughter.)

12 MR. BILLY: There is no chance in
13 the world that's possible.

14 MR. RISENHOOVER: Yes. First of
15 all, I may have opened the little federal
16 door too much in talking about these white
17 papers. My intent is not to release those.
18 Those are something my staff is preparing for
19 me as a decision tool on what we should put
20 in the proposed regulation, so I have no
21 intent of releasing those. Okay.

22 Second of all, the guidelines

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1 would outline what the Agency sees the
2 councils must do relative to LAPPs, should do
3 relative to LAPPs, may do relative to LAPPs.

4 Much like the ACL guidelines we issued
5 earlier this year.

6 And what we would base that on is
7 the public comments. We'd look at the
8 congressional record. And then look at those
9 items where we think there needs to be that
10 further explanation to help guide the
11 councils in the future.

12 And then, finally, I am too now
13 looking for my LAPP documents on the web and
14 unable to find them, and that will be
15 remedied as well. Thank you.

16 MR. BILLY: All right. We have a
17 motion that wasn't seconded.

18 MR. SCHWAAB: Which one?

19 MR. BILLY: Yours.

20 MR. SCHWAAB: Oh, I'm not going --
21 I just --

22 MR. BILLY: So are you going to

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1 withdraw that or going back to the original

2 --

3 MR. SCHWAAB: I offered that as a
4 friendly amendment --

5 MR. BILLY: Can we get the
6 original back up there --

7 MR. SCHWAAB: -- to --

8 MR. BILLY: Can we get it back up
9 there? Yes.

10 MR. SIMPSON: I really like Eric's
11 "including but not limited to." I really
12 like that.

13 MS. LOWMAN: We would consider
14 that friendly.

15 MR. BILLY: Okay.

16 MR. WALLACE: And I like taking
17 out the performance criteria related to
18 LAPPs, because I felt that that actually
19 muddied the water and not clarified --

20 MS. LOWMAN: Yeah, I think that's
21 fine, too.

22 MR. SCHWAAB: Yeah, I agree with

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1 that.

2 MS. LOWMAN: That's friendly also.

3 MR. BILLY: Okay. Yes?

4 MR. SCHWAAB: So if you accept
5 taking out the "performance criteria" and
6 include the "not limited to" and reject the
7 other amendment, then I'm good.

8 MS. LOVETT: I'm sorry. Tell me
9 one more time.

10 MR. SIMPSON: Two out of three,
11 you're in the hall of fame.

12 MR. BILLY: All right. Now there
13 is a call for a question that was...

14 MS. McCARTY: Shouted down.

15 (Laughter.)

16 MR. BILLY: I was trying to think
17 of kind words.

18 ...that was seconded -- right? It
19 was --

20 MR. DiLERNIA: Well, --

21 MR. BILLY: It was shouted down
22 for sure.

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1 MR. DiLERNIA: There's no further
2 discussion I think.

3 MR. BILLY: Now is there any
4 further discussion?

5 (No response.)

6 MR. BILLY: Okay. All those in
7 favor of this amendment?

8 MR. MARTIN FISHER: Aye.

9 MR. BILLY: Opposed?

10 (No response.)

11 MR. BILLY: You got it. Thank
12 God.

13 MR. EBISUI: Wait, wait. I'm
14 sorry. I thought -- Mr. Chairman, I
15 apologize, I thought we were speaking to the
16 motion on the amendment. You are speaking to
17 a motion --

18 MR. BILLY: The motion.

19 MR. EBISUI: -- as amended?

20 MR. BILLY: Yes.

21 MR. EBISUI: I'll vote no.

22 MR. BILLY: Sorry. I misspoke.

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1 No? Okay. Thanks.

2 Any others?

3 (No response.)

4 MR. BILLY: Okay. I think we're
5 done . Do you have anything else, Mark?

6 DR. HOLLIDAY: No, sir.

7 MR. MARTIN FISHER: I do.

8 MR. BILLY: It's small. It better
9 be good.

10 MR. MARTIN FISHER: It's pea
11 sized.

12 MR. SIMPSON: The last time I
13 heard that Bobby Augar (phonetic) said we
14 were going to take one more agenda item and
15 we got out of there at ten o'clock.

16 MR. MARTIN FISHER: I think it is
17 good.

18 MR. JONER: Martin, this is
19 definitely not a short stack.

20 MR. MARTIN FISHER: With
21 blueberries. Takes longer to eat it.

22 MR. BILLY: Come on, Martin.

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1 People want out of here.

2 (Side comments and laughter.)

3 MR. MARTIN FISHER: My question is
4 to Mark primarily that it would be not --
5 from my perspective it would be nice if we
6 could sort of track what we have done in
7 previous meetings and see the fruits of our
8 labor or if there were any fruits of our
9 labor.

10 And I was wondering if there was
11 any way that not a performance review but
12 sort of that you could give us a summary
13 every meeting about what has actually
14 transpired with the recommendations that
15 we've given to the Secretary in previous
16 meetings?

17 DR. HOLLIDAY: Sure.

18 MR. BILLY: The answer is sure.

19 MR. MARTIN FISHER: Well, that's
20 only with the consensus of the Committee --
21 of MAFAC, I mean.

22 MR. BILLY: I think it's -- people

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1 speak up if they don't agree, so -- and some
2 are anxious, so I think we're fine.

3 Any other comments?

4 (No response.)

5 MR. BILLY: Okay. Well, I'd like
6 to acknowledge the work that Mark did and
7 help organizing this and his staff.

8 (Applause.)

9 MR. BILLY: And I'd like to thank
10 all of you for your hard work. I think we
11 accomplished some real important things at
12 this meeting and it's very much appreciated.
13 Thank you.

14 Heather.

15 MS. McCARTY: I hate to bring it
16 up, Mr. Chairman, but we have these two
17 working groups to appoint or nominate each
18 other for, so I think, if I may, that the
19 2020 group can be quite small and very short
20 and it can accomplish these changes in a very
21 short period of time, that anybody wants to
22 work on that should say that they would like

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1 to. And I'd like to head it up. And if
2 people want to be on it, let me know -- or
3 let you know you want to be on it. So
4 somebody should keep a list. I have paper.

5 MR. BILLY: Mark, you're on.

6 (Side comments and laughter.)

7 MR. BILLY: Tom.

8 MR. RAFTICAN: And to follow up on
9 that, there will be another Working Group on
10 governance issues and that probably will not
11 be as small, but if I could get a show of
12 hands of people who would like to be on that
13 and...

14 (Hands raised by Ms. Foy, Mr.
15 Wallace, Ms. Lowman, Ms. Feller, and Mr.
16 Dewey.)

17 MR. BILLY: You wanted a show of
18 hands for who would be on your --

19 MS. McCARTY: Yes. Right now:
20 Eric, Tom Raftican, and Dorothy.

21 Dave Wallace, Martin Fisher,
22 Cathy.

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1 Patty. On 2020.

2 You? Small but short.

3 MR. BILLY: I don't know if I
4 qualify as short, but I'm willing to help.

5 MR. RAFTICAN: One more time:
6 Dave, Patty, --

7 MS. LOVETT: Everybody on that
8 side.

9 DR. HOLLIDAY: Heidi, are you --

10 MS. LOVETT: That's what I was
11 asking, is who --

12 DR. HOLLIDAY: Just make sure that
13 Heidi gets this down, so -- I know Tom, but.

14 MR. RAFTICAN: All of us.

15 MS. McCARTY: I've got the 2020
16 group.

17 MS. LOWMAN: Patty too.

18 MR. DEWEY: Erika.

19 MR. RAFTICAN: Erika.

20 MR. DEWEY: Heather.

21 MR. RAFTICAN: Heather.

22 MR. DEWEY: No one's writing.

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1 MR. JONER: Patty, was that you?

2 MS. DOERR: I'm sorry?

3 MR. JONER: You were on the

4 Governance?

5 MS. LOWMAN: Governance.

6 MR. BILLY: Okay. Meeting's

7 adjourned.

8 (The MAFAC hearing was adjourned

9 at 3:49 p.m.)

10

11

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