

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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MARINE FISHERIES ADVISORY COMMITTEE

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Wednesday, July 2, 2008

The Marine Fisheries Advisory Committee met in the Herald Square Room in the Radisson Martinique Hotel, 49 West 32nd Street, New York City, New York, at 9:00 a.m., Anthony DiLernia, MAFAC Liaison, presiding.

PRESENT:

JAMES BALSIGER, Acting Assistant Administrator
for Fisheries, MAFAC Vice-Chair
ANTHONY DILERNIA, MAFAC Liaison
MARK HOLLIDAY, MAFAC Executive Director
JIM GILMORE
DOROTHY LOWMAN
CATHERINE FOY
RANDY CATES
MARY BETH TOOLEY
TOM RAFTICAN
BILL DEWEY
JOHN FORSTER
RANDY FISHER, PSMFC
JOHN CONNELLY
CHRIS DORSETT
ERIC SCHWAAB
VINCE O'SHEA, ASMFC
STEVE JONER
BOB FLETCHER
TOM BILLY
LARRY SIMPSON, GSMFC
KEN ROBERTS
HEATHER MCCARTY

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OTHERS PRESENT:

PHIL CURCIO (North Sea Aqua Farms, Inc.)
MARY GLACKIN
TOPHER HOLMES
MARGO JACKSON
MICHAEL KELLY
REBECCA LENT
SAM RAUCH
ALAN RISENHOOVER
MICHAEL RUBINO
GARY REISNER
JESSICA KONDEL

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

2 (9:09 A.M.)

3 MR. DILERNIA: Well, good morning,
4 everyone. I hope as I begin my last day as
5 your Chairman, today, I hope everyone enjoyed
6 yesterday evening and were able to take
7 advantage of our city and all the things New
8 York has to offer to you.

9 MR. BALSIGER: This is your last
10 day, so we will we see you tomorrow at all so
11 we can say nice things to you, or are we going
12 to have to do it today?

13 (Laughter.)

14 MR. DILERNIA: Tomorrow I plan on -
15 - everyone is invited to July 4th, and I have
16 some housekeeping with regard to July 4th that
17 I'd like to get to in a few minutes. But as
18 of right now, I'm scheduled to do lots of
19 moving tomorrow. I have to move about 40
20 cases of beer and soda, about 200 pounds of
21 shrimp, about 1,000 hot dogs and hamburgers.

22 (Laughter.)

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1 MR. DILERNIA: A band, and a few
2 other things. So, I'm going to be driving
3 around quite a bit. So, with your permission,
4 Assistant Administrator, I'd like to be
5 excused from tomorrow's meeting.

6 MR. BALSIGER: For sure. I just
7 wanted to make sure we have a time to
8 recognize what you've meant to the MAFAC and
9 we'll get that on the agenda little later,
10 perhaps. But just checking your schedule.

11 MR. DILERNIA: Thank you, sir.
12 Thank you.

13 We have a couple of housekeeping
14 items for us and then we have some guests that
15 we would like to introduce. Mark, first about
16 the room rates and all.

17 MR. HOLLIDAY: Yes. There was some
18 question about the room rates that were being
19 charged at the hotel. And originally we had
20 negotiated a rate of \$214. A week or so
21 before the meeting started, we got a call from
22 the hotel saying they made an error in what

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1 the government rate was. So, they are
2 charging us the Federal Government rate.

3 Unfortunately, it changes as of --
4 well, fortunately, it changes as of July 1st.

5 So, for the days in June, it's \$240 a day.
6 That's the Federal rate to be charged. And as
7 of July 1st, 2nd, 3rd and so on, it's \$220 a
8 night. So, this was non-negotiable and at
9 that point in time, I really didn't have much
10 leverage to say we'll go somewhere else. But
11 it was an honest mistake on their part. They
12 looked at an old GSA schedule, apparently,
13 when they offered us the original rate, and
14 they wouldn't honor it.

15 But given the discount they are
16 offering us on the meeting room rates, I
17 thought it was a reasonable trade off.

18 MR. DILERNIA: Thank you. Again,
19 the reason we have to put up with a few, I
20 guess, uncomfortableness items such as the
21 very long table, and perhaps not a very, very
22 fancy hotel, is because we can get government

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1 rate in New York City, which is exceedingly
2 difficult.

3 New York City is running around a
4 97 percent occupancy rate. And thanks to the
5 Euro, rooms go for typically about \$400 a
6 night. So, because this hotel offered a
7 combination is used to, for airline crews, and
8 for some reason, we were able to get the
9 government rate.

10 MR. HOLLIDAY: And we did check
11 other hotels and not only was the rate
12 available, but the occupancy. We couldn't
13 find any other hotel that would accommodate us
14 at this point in the summer. I think it's a
15 decent deal.

16 MR. DILERNIA: Thanks, yes. Plus,
17 you're a block and a half from Penn Station
18 for those folks coming up from D.C. It's not
19 far. Anyway, that being said, next item, July
20 4th, everyone is invited. You've heard a lot
21 about it, and this will probably be the last
22 you'll hear of it before July 4th itself.

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1 Again, what we do is, Macy's will
2 base their fireworks in the East River. And
3 the East 23rd Street Marina, where I'm docked,
4 and where the managing consultant, is the
5 center of where the barges are. The New York
6 City Police Department, bases their
7 enforcement effort right around that area.
8 That's the dispatch area for the fireworks.
9 And it's high security. And there's tens of
10 thousands of people. But you'll be out on a
11 pier along with three or four hundred of your
12 closest friends and no one else.

13 What we need to do is, we need to
14 get you passes. We need to know, make sure
15 you know where to go, and what time to get
16 there. I cannot guarantee access to anyone
17 after 6:00 p.m. New York City -- NYPD will
18 close off the streets probably a block before
19 the pier, around 6:00 p.m.

20 So we recommend that folks that are
21 arriving arrive between five and six p.m.
22 Now, the fire works don't go off until 9:15.

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1 And so, you have three hours and fifteen
2 minutes or so before the fireworks. But we
3 try to keep you entertained.

4 We have -- there will be a magician
5 there for the children. There will be a
6 balloon person to make balloon hats for the
7 adults. There will be some -- some of you who
8 have been to New York before have gone to
9 Don't Tell Mama's with me, which is a piano
10 bar in the theater district. That staff will
11 be there. We'll have them there at the pier.

12 We'll have a piano player there and there
13 will be performers there. So, we'll keep you
14 occupied. There will also be a barbeque
15 going.

16 There are sponsors listed on the
17 invitation that are helping sponsor this
18 event. And also it's being sponsored by
19 United Boatmen of New York, and the New York
20 Fish & Tackle Trade Association, which are
21 just -- which I'm a member of. So, you're
22 invited to that.

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1 Let's see what else. I need to
2 give you passes. I need to know, I'm going to
3 pass around a list. If someone could just put
4 down your last name on a piece of paper and
5 send it around, how many people. This way --
6 because Luanne's been asking me, how many from
7 MAFAC and I keep telling her I don't know.

8 All right. If we could just -- or,
9 send that around and put down next to your
10 name the number of guests you'll have. So,
11 you're going to get an invitation and a pass.

12 Please have both when you arrive at the -- to
13 get past the police line, you may have to show
14 this to the cops to get past the police line
15 to get to the front gate, or at the front
16 gate. I probably won't be at the front gate.

17 Keep in mind everyone who is
18 working this event at our pier is a volunteer.

19 No one is paid. The kids that are working
20 the barbeque, the kids that are working the
21 bar as well, that no one is paid. So, if
22 there's a cup out and you want to give them a

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1 couple of dollars in the cup, that's entirely
2 up to you, but that's just to go to the kids,
3 and that's their money if you want to give
4 them something.

5 But there is no admission. We
6 don't charge anything. It's free to everyone.

7 So I'll pass out the -- make sure everyone
8 has passes. And for the folks behind me --
9 yes, Tom.

10 MR. BILLY: Is it clear on that
11 information where it is?

12 MR. DILERNIA: The address, East
13 23rd Street in the FDR Drive. Okay, that's
14 the address. You can tell any New York City
15 taxi driver, he'll know where to go.

16 The FDR Drive, for those of you who
17 don't know, the FDR Drive is an elevated
18 highway, and it runs right along the East
19 River. So, when you're under the highway
20 looking at the river, you'll see a Gulf gas
21 station, a parking garage, and to the left, a
22 marina.

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1 Actually, what happens is, the
2 parking garage goes out into the river. And
3 so what we did was, once the parking garage
4 went out into the river, we put slips on the
5 side of the parking garage. You'd never get
6 away with that in today's environment,
7 regulatory climate. But in the 1960s when it
8 was built, you could do things like that.

9 And so Gulf gas station, parking
10 garage, to the left is the marina. At the
11 left at the marina, you'll see a sign, Captain
12 Tony's Party, or whatever, and you'll see
13 folks there. Yes.

14 MR. BILLY: Closest subway stop,
15 Tony?

16 MR. DILERNIA: Closest subway stop
17 is the 23rd stop on the Lexington Avenue line.

18 MR. BILLY: 23rd and Lexington.

19 MR. DILERNIA: 23rd Street, of
20 which we are docked at, is one of the major
21 cross streets in Manhattan. The major cross
22 streets are Canal Street, Houston Street, 14th

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1 Street, 23rd Street, 34th. And so 23rd Street
2 is a major thoroughfare and just walk east.

3 It's probably from here -- from
4 here it's probably a -- if you have three
5 people going, it's the same price to take a
6 cab. The subway is two bucks a piece. And
7 it's probably a \$6 cab ride. So three, four
8 people for sure, it's probably cheaper to take
9 the cab than the subway. And it's less of a
10 walk if you take a taxi.

11 MR. BALSIGER: How early can we
12 arrive?

13 MR. DILERNIA: I'll be there at
14 noon. I mean, if you want to go to work, I
15 mean you know -- I mean, God bless Ralph.
16 Ralph and I would show up at 10:00 o'clock in
17 the morning and start boiling shrimp and
18 getting the barbeques going.

19 MR. BALSIGER: Would we be in the
20 way, or could we help?

21 MR. DILERNIA: Your help will be
22 more than welcome. If anyone wants to show up

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1 and go to work, yes.

2 MR. BALSIGER: Can I light the
3 firecrackers?

4 MR. DILERNIA: I tell you what, the
5 barge is way out in the middle of the river.
6 So, we'll try to get you a really long stick
7 to use.

8 Don't plan on leaving right after
9 the fireworks. The fireworks will be over at
10 10:00 o'clock. The highway behind you, that
11 you won't be able to -- you'll be on a parking
12 garage. Even if it's raining, don't worry
13 about it. Because the different levels of
14 parking garage will protect you. You can see
15 the fireworks even if it's raining.

16 There will be tens of thousands of
17 people on the streets behind you. So, when
18 the fireworks are over, it's like Times Square
19 after New Years Eve. Everyone's leaving at
20 the same time. You don't want to part of
21 that. So what happens is, everyone comes back
22 downstairs and we continue to party until

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1 about midnight. So if you want to stick
2 around until then, I'd recommend it actually.

3 I recommend not leaving at least until 11:00
4 o'clock. There's just too many people.

5 All right. Any other questions?

6 Yes, Dorothy.

7 MS. LOWMAN: So you said to bring
8 folding chairs?

9 MR. DILERNIA: Well, I don't have
10 -- we don't have chairs for three, four
11 hundred people. Actually, Alan, you and
12 Laurel were --

13 MR. RISENHOOVER: Yes. We just
14 went over to a CVS, or some little dollar-type
15 store, and bought like \$3 little chairs and
16 donated them to whoever wanted them on the way
17 home.

18 MS. LOWMAN: Yes, that's what I
19 thought.

20 MR. DILERNIA: One of the biggest
21 and best dollar stores in the world, and I
22 know, I'm a fan of dollar stores, is on 31st

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1 Street. Go down a block and make a right, and
2 there's a huge dollar store. And you could
3 probably find the only chair there.

4 It's just, we don't have --

5 MS. LOWMAN: Yes, no, no, that's
6 fine.

7 MR. DILERNIA: So, if you want to
8 bring a folding chair.

9 MS. LOWMAN: You know, if we donate
10 them, if you have a place to store them.

11 MR. DILERNIA: Yes.

12 MR. RISENHOOVER: Actually, I think
13 I donated it to the cabbie on the way home.

14 (Laughter.)

15 MR. DILERNIA: Any other questions?

16 Okay. Well, wonderful. Thank you. We all
17 have -- please just put down the number of
18 guests you'll have, or total number of people
19 in your party as that comes around. And if
20 you need a pass, folks behind me, from this,
21 whoever, please give them the passes. Great
22 so, I guess we'll see you on July 4th, take

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1 care of today, and see you July 4th. Okay.

2 Our next order of business. Yes,
3 introductions. Jim, could you please. We
4 have some guests here.

5 MR. BALSIGER: Of course. As we
6 mentioned yesterday, Deputy Undersecretary for
7 Oceans and Atmosphere, Mary Glackin has joined
8 us today, will be here all today, and I think
9 part of tomorrow.

10 Mary is a career person in NOAA.
11 She's been in several line and program
12 offices, including running the planning shop
13 at one time. So, part of -- not only because
14 of that, but consistent with that, she pretty
15 much knows all of the programs and operations
16 where money goes. And that's everything we
17 do. So she's broadly knowledgeable of
18 everything that happens at NOAA, a perfect
19 person to be the senior career person in this
20 transition. She knows where all the pieces
21 are in everything that everyone does. She a
22 good person. She's also my boss, so --

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1 (Laughter.)

2 MR. BALSIGER: I'm not sure, were
3 we -- did you have some things that you wanted
4 to say just now, Mary?

5 MS. GLACKIN: No, I think I'll sit
6 tight now. Just to be real clear though,
7 because I don't want anybody to think I'm
8 really that great on budget. My background is
9 actually atmospheric sciences and computer
10 sciences. I actually came out of the Weather
11 Service, for a couple decades there, and then
12 I've been trying to hold a job elsewhere until
13 they gave me this one. But I have some time,
14 I think, on the agenda tomorrow.

15 MR. BALSIGER: Yes. Excellent.

16 MR. JONER: What's the weather
17 forecast for tomorrow?

18 (Laughter.)

19 MS. GLACKIN: I was just saying to
20 Tony, how good did we do for this meeting in
21 New York City in July. We'll take the credit
22 today anyway.

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1 MR. SIMPSON: To Mary's credit, she
2 does know a lot about budgets because that was
3 in one of those -- circuits of budget field
4 briefing on the Mississippi grant. She knows
5 a lot about budget.

6 MR. BALSIGER: I wasn't trying to
7 impress you with her knowledge of budget as
8 much as the fact that when you do the budget
9 and every line is there, you know what all the
10 programs are.

11 MS. GLACKIN: Yes, now I know.

12 MR. BALSIGER: So, she's on top of
13 everything was my point there. But next to
14 Larry is a woman named Margo Jackson who works
15 in NOS, -- National Ocean Service, one of the
16 NOAA line offices and in the sanctuary
17 division in particular and is on the agenda
18 for a little bit later.

19 No one else at the table, I don't
20 think. Dr. Rebecca Lent, over here, who is
21 the head of our International Division, and in
22 the back, it's Jessica Kondel who works with

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1 Mary Glackin, and - Mr. Sam Rauch, Esquire.

2 (Laughter.)

3 MR. BALSIGER: ..who I think you've
4 all met. He's the head of -- Deputy for
5 Regulatory Affairs in the Fisheries Service.

6 MR. DILERNIA: Phil, would you
7 introduce yourself?

8 MR. CURCIO: My name is Phil
9 Curcio. I'm an attorney and also a principal
10 in an aquaculture start-up on Long Island.
11 And I'm an attorney for the United Boatmen of
12 New York, and the New York Fish & Tackle Trade
13 Association.

14 MR. BALSIGER: So you were
15 apparently responsible for our reception last
16 night?

17 MR. CURCIO: Well, my clients were.
18 I can't say I was personally, but I'll take
19 the credit for that.

20 (Laughter.)

21 MR. BALSIGER: Thank you for that.
22 And please pass it on to your clients. It

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1 was very nice, we appreciate that.

2 MR. CURCIO: I will do that, thank
3 you.

4 MR. BALSIGER: You're welcome.

5 MR. CURCIO: Thank you.

6 MR. BALSIGER: And I think that's
7 all of the new people that are here today.

8 MR. DILERNIA: All right. First
9 order of business for today, is our briefing -
10 -

11 MR. BALSIGER: Tony, you know,
12 Michael Rubino in the back was part of our
13 subcommittee yesterday, but I don't think
14 Michael was here when we started the meeting.

15 So, in case some people weren't at this
16 session, that's Michael Rubino back there who
17 runs our Aquaculture program for NOAA.

18 MR. DILERNIA: Yes. And he's very
19 first up. So, thank your for the introduction
20 and the segue. Mike, you're on. Aquaculture.

21 MR. RUBINO: Good morning.

22 MR. DILERNIA: Good morning,

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1 teacher.

2 MR. RUBINO: Thank you very much
3 for this opportunity to give you an update on
4 where we've come on aquaculture, where we are
5 with your charges to the program and to NOAA,
6 and giving some time on your thoughts on where
7 we should go from here.

8 You've heard about the re-
9 authorization of Magnuson-Stevens. The other
10 thing that happened this year was the Farm
11 Bill. And the Farm Bill re-authorized the
12 National Aquaculture Act of 1980, which
13 charges the Department of Commerce along with
14 Interior and U.S.D.A with developing
15 aquaculture in the United States.

16 So, our Agency actually has a
17 Congressional mandate to work on aquaculture
18 both on the commercial side and the stock
19 enhancement side, and that's been re-
20 authorized periodically in the Farm Bill.

21 I wanted to thank all of you again
22 for pushing us to develop this ten-year plan

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1 for the program and for your guidance and
2 thoughts. It was a great experience going
3 around the country for a year and just
4 listening to what the people thought we should
5 be doing as an aquaculture program.

6 And it's been a great outreach
7 document for us in terms of explaining sort of
8 the vision of where this country could go on
9 aquaculture, what NOAA's particular role of
10 that is, and some, I think reasonably
11 achievable objectives over the next ten years.

12 So again, thank you for that.

13 And we work in four primary areas,
14 you've heard me say this before, with the
15 regulatory/management side, research and
16 science outreach and international.

17 Two years ago, you asked NOAA to do
18 a couple of things. One was to -- I'll go
19 through each one in more detail. One was to
20 adopt this program, the plan, substantially
21 increase budget resources and institutionalize
22 aquaculture within the Agency, launch a broad

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1 marine aquaculture initiative and revisit the
2 Ocean Commission recommendations with perhaps
3 the thought of adding some additional things
4 to it.

5 So, where are we? The agency
6 adopted this 10-year plan last Fall. So, we
7 got that done. And I think, as I said, it's
8 been a great tool for us.

9 We've made modest steps in terms of
10 budget and institutionalizing aquaculture
11 within NOAA. We now actually, in addition to
12 an aquaculture line in the OAR Sea Grant
13 budget, which is the competitive grants
14 program, we now have an aquaculture line in
15 the NOAA Fisheries budget.

16 The amount of money for the program
17 was not increased substantially, but at least
18 as a budget line item now which will allow
19 perhaps for program -- for increases in the
20 future.

21 That budget covers the
22 administrative and management costs of the

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1 program and will gradually be used for beefing
2 up budgets at the science centers to do
3 aquaculture work, starting with the Northeast
4 Science Center and the Northwest Science
5 Center, the bill for the Manchester Labs where
6 we have traditional aquaculture expertise.

7 In addition, we're starting to hire
8 some regional aquaculture coordinators in the
9 regional offices, starting with the southeast,
10 the northeast and the southwest. Again,
11 there's not enough work to set up whole
12 divisions in the regional offices, but at
13 least with a coordinator in the region, there
14 will be a traffic cop, in a sense, for
15 aquaculture, an outreach person, someone who
16 can work with the other parts of the Agency in
17 terms of permits, issues that come up and so
18 on.

19 So I think those are important
20 steps in terms of the science center
21 activities and the regional offices. If this
22 is going to work in the Agency, this has to be

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1 a de-centralized program eventually. And most
2 of the people and resources have to be at the
3 regional level and the science centers to do
4 the work close to the projects.

5 The internal grants -- the external
6 grant funding, the national aquaculture issue,
7 has not increased in terms of budget
8 resources. It's still sitting at 1.6 million
9 in the President's budget. Some Senators have
10 topped that up in recent years to about \$4
11 million, \$5 million. The current round of
12 grants which will be announced later this
13 summer amount to about \$4 million.

14 They will go out to about 20 to 30
15 projects around the country, everything from
16 pilot demonstration projects, to research on
17 shell fish and the environment to development
18 of hatchery technologies to marine stock
19 enhancement. And I'll get to legislation in a
20 minute.

21 A year ago, Secretary Gutierrez
22 hosted a National Marine Aquaculture Summit to

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1 which all of you were invited and a number of
2 you attended. And I think that was a great
3 opportunity for those of us in Government,
4 science, academia and nonprofits, to listen to
5 the business community in terms of what would
6 it take for you to invest your money, your
7 careers and your sweat-equity in domestic
8 marine aquaculture.

9 I think it was the first time we
10 sort of brought together the business and
11 investment community. Everything from, you
12 know, guys who have made billions in the stock
13 market for dot com companies to fishermen who
14 were looking into getting into aquaculture.

15 Nothing's been done on revising the
16 Ocean Commission Report. So, that's a quick
17 overview of where we are with your charges. I
18 wanted to just quickly give you an update on
19 what we're doing in terms of implementing this
20 10-year plan, one year into the plan.

21 Again, we -- on the regulatory
22 side, we're trying to do a better job under

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1 existing laws and regulations for mostly
2 aquaculture in coastal waters. So these are
3 principally shellfish farming. The Corps of
4 Engineers is assured jurisdiction in the Clean
5 Water Act for shellfish farming. So, NOAA
6 Fisheries is working with the Corps and the
7 other Federal Agencies on what's that going to
8 mean, how's that going to work on a permanent
9 basis.

10 And we've been charged with looking
11 at what to do with federal waters. And you've
12 heard a lot about the Off-Shore Aquaculture
13 Act. That Act has been through two version,
14 2005 and 2007 version. It was introduced in
15 both Houses of Congress.

16 The Senate held hearings on the
17 first one. The House held hearings -- the
18 Senate held hearings on both of them. The
19 House held hearings as well. But the bill has
20 not been enacted. I think there's interest in
21 Capitol Hill, but this is an election year.
22 Congress has a lot on its plate.

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1 In the mean time, we've worked with
2 industry groups, environmental groups and
3 others on sort of the language of the bill,
4 the details in the bill. And I think we've
5 come to some broad agreements on the language
6 in the bill on almost all of the issues with
7 exception of two sort of key sticking points.

8 With all the States-rights issues,
9 the environmental requirements, the procedural
10 requirements, there's broad agreement now on
11 it in the bill. The two sticking parts are
12 length of permit, should it be five years, ten
13 years, twenty years, and how long a permit you
14 need for financial security versus the
15 public's right to be able to think about
16 things over a period of time.

17 The other one is a question of
18 environmental liability. And in addition to
19 posting a bond to remove equipment and to
20 remediate a site, should there be additional
21 environmental liabilities for unforeseen
22 things that happen? This is a nonstarter for

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1 the commercial sector, and it's not something
2 required in any other use of the marine
3 environment, except for the oil and gas
4 industry which is a little different. So, how
5 could you define or draw a box around
6 environmental liability.

7 Those are the two sticking points.

8 I mentioned the grants programs in terms of
9 working on aquaculture technologies on best
10 practices, on environmental effects of
11 aquaculture. We're also looking around NOAA
12 within the Science Centers, that the
13 capabilities that the Science Centers have in
14 aquaculture and what types of capabilities and
15 activities they could be doing, or should be
16 doing given our current and future mandates.

17 So, that's sort of a planning
18 exercise that's going on internally. And I
19 think then the idea is to link that to the
20 planning and the budget process in terms of --
21 suppose we did get future budget increases in
22 aquaculture. Most of that goes to science,

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1 what would we spend it on? What's our plan?
2 How do you integrate that with the regular
3 fisheries research plans of the Agency and not
4 just in NOAA fisheries, but also the National
5 Ocean Service.

6 This year we've additionally done
7 two sort of very visible initiatives. One is
8 to work with USDA on this whole area of feeds
9 for aquaculture. We've all heard that --
10 well, maybe we haven't all heard, but FAO is
11 projecting the world's going to need another
12 40-million metric tons of seafood by the year
13 2030. Most of that's going to come from
14 aquaculture.

15 Even though the supply of meal and
16 fish oil worldwide has stayed relatively
17 constant in the past 20 years, you're going to
18 have this huge increase. Where is that protein
19 going to come from? So, even if you're -- put
20 the concern of forage fish and the ecosystem
21 aside, if you're going to grow more seafood,
22 there needs to be protein for that. And

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1 there's not enough fish meal or fishing oil
2 out there for that.

3 So, what are the alternatives? You
4 know, the price of fish meal and fish oil has
5 doubled in the past two years. So, that tells
6 you something. Everyone is scrambling for
7 alternatives, you know, from algae to yeast,
8 to using fish processing waste to soy beans,
9 to animal rendering products. So, what should
10 the Federal Government, you know, USDA has
11 research programs around the country, NOAA has
12 programs. What should the Federal Government
13 be doing with partners in developing these
14 alternative feeds.

15 It could mean a group of science in
16 January. It could mean a stakeholder meeting,
17 about three or four weeks ago, to sort of help
18 listen in terms of what the Agencies should be
19 doing, and we'll put together sort of a
20 blueprint for the Federal Government on feeds.

21 A couple weeks ago, we also had a
22 shellfish in the environment symposium. At

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1 the request of the shellfish industry, again
2 coming from these emerging regulatory issues
3 with the Corps, how do you define net
4 benefits, what are the issues with shellfish.

5 We had a range of scientists from around the
6 country and the world and then several days of
7 workshops going through these issues of
8 shellfish in the environment.

9 Like the summit, we'll produce a
10 summary of that. It will lead to additional
11 recommendations on research projects and what
12 there needs to be done.

13 MR. BALSIGER: Mike, should I hold
14 my questions?

15 MR. RUBINO: Yes. I'll be done in
16 two seconds and you can jump in.

17 We've also been working with the
18 USDA on a National Aquatic Animal Health Plan.

19 Very important in aquaculture, health
20 management. In terms of diseases, there are
21 very few drugs and chemicals approved for use
22 in this country, movements of animals in and

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1 out of the country.

2 Over the past several years, the
3 Federal Agencies have worked on a plan which
4 we will now encourage all of the various
5 states and other agencies around the country
6 to adopt as well in terms of procedures. That
7 plan's been finished. It's now going through
8 sort of an Agency approval process. It should
9 be signed by NOAA, NOAA Fisheries in the next
10 couple of weeks.

11 So, I think given your charge,
12 we've made some very good progress. We have
13 still a long way to go in terms of making that
14 quantum leap in terms of Agency resources,
15 allocated aquaculture. I think we still have
16 a lot of work to be done if this country is
17 really going to produce more seafood through
18 aquaculture.

19 As I go around the country, with
20 fuel prices at 4.50 a gallon, there are a lot
21 of boats at dock everywhere. I also see a lot
22 of people in coastal communities asking

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1 questions. I see marine extension agents at
2 the local university, other friends about,
3 what about using aquaculture as a tool to
4 produce seafood to compliment what I'm doing
5 now in the seafood business.

6 So you see guys who have been
7 seafood for five or six generations in North
8 Carolina now setting up clam hatcheries in the
9 clam business. You've got people like Randy
10 here, who started out in the fishing business
11 looking and actually doing quite well with
12 cage catching.

13 And that -- in New England, that
14 mussel long line technology for offshore,
15 pioneered by the University of New Hampshire
16 and fishermen in Portsmouth. The guys from
17 Maine down to Cape Cod were looking at this.
18 And I think there are about four or five more
19 projects about to go in off Martha's Vineyard
20 this year, they're applying for State permits.

21 So, there's a lot of activity going
22 on, but to make that quantum leap, in terms of

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1 production, you know, we're not there yet. So
2 your advice during this transition, your
3 advice on where we should go from here would
4 be greatly appreciated. So, let me stop
5 there. Thanks very much.

6 MR. DILERNIA: Thank you, Mr.
7 Rubino. Questions. Larry.

8 MR. SIMPSON: Thank you, Mr.
9 Chairman. It's not so much a question, just a
10 comment. Mike, on the issue of feed. One of
11 the major feed suppliers, is menhaden in the
12 Gulf, where the bulk of it is. And I don't
13 want people getting confused and we're getting
14 a lot of questions and concern by uneducated,
15 not ignorant, just uneducated folks about will
16 there be an expansion of the menhaden fishery.

17 Will there be more boats coming in. No, no,
18 no, no.

19 You know, the fishery has been
20 relatively stable at a certain amount and what
21 they will then decide is where they will
22 supply, you know, based on price, what they

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1 catch. I mean, instead of poultry feeds and
2 so forth, they might go into aquaculture.

3 But the issue when you talk about
4 feeds and price going up and everything, I
5 just don't want anybody to be confused that
6 there's going to be a tremendous expansion in
7 that fishery. There just may be a redirection
8 of where they sell. We're getting a lot of
9 questions about that.

10 MR. RUBINO: Well in terms of your
11 advice, one of the things we plan to do with
12 the feeds initiative is to have an outreach
13 component over the next year. So the
14 initiative will produce a white paper. But
15 then out of that, I think we'll have websites,
16 other articles you can go to, experts to going
17 to conferences and meetings around the
18 country.

19 Because environmental groups and
20 fishing groups are very concerned about this
21 forage fish question. So, you know, not only
22 do we need to get the facts straight about

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1 what's going on, but also talk about where we
2 are with these alternatives and how quickly
3 they can come along.

4 MR. SIMPSON: Just something to --

5 MR. RUBINO: Yes. No, I -- that's
6 why we're doing it.

7 MR. DILERNIA: Mr. Cates.

8 MR. CATES: Regarding this issue of
9 feeds and alternatives, I would strongly
10 caution the concern about it. It's a very
11 complex issue. And there's a great push to
12 vote alternatives. But also, when we are
13 making those alternatives, the consumer is
14 getting confused. And actually there is a bit
15 of a backlash recently of some of the
16 alternatives, for example, chicken meal.

17 Some of the aquaculture products,
18 Whole Foods for example, has dropped carrying
19 that product, because of what they're feeding
20 into it now. So to me it's very similar to
21 ethanol. Ethanol is a great idea, maybe not
22 well thought out, and now we're having a

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1 problem worldwide.

2 Similarly with feeds, as we
3 progress into alternatives, we've got to be
4 very careful in how we do that, and we got to
5 make sure the consumer is very educated that
6 the alternative is what it is, and that it's
7 safe.

8 MR. SIMPSON: Good speech. I'm
9 from the fishing, I'm not --

10 MR. RUBINO: Randy poses the
11 challenges. To reduce the fish meal and
12 especially the fish oil too low, the feed,
13 then they -- those Omega 3 fatty acid benefits
14 don't translate. So, until you find
15 alternatives for that, that's also a concern,
16 balancing that.

17 MR. DILERNIA: Eric.

18 MR. SCHWAAB: Mike when you talk
19 about this idea of sort of a lot of fisherman
20 wanting to transfer, at least partly into this
21 business, I mean, you're talking about a big
22 sort of conceptual change and generally I

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1 think a lot of small operations. Have you
2 done anything or are you aware of anywhere in
3 the realm of sort of business planning or
4 model business development that can be sort of
5 modularly handed to some of these people who
6 might have that interest?

7 MR. RUBINO: Next week, we are
8 finally going to issue a pre-publication draft
9 of a study on the economics of offshore
10 aquaculture. It focuses on offshore, in
11 Federal waters, but it's really a proxy for
12 all of marine aquaculture in terms of both the
13 macro issues, what's going on in terms of
14 supply and demand and markets, and the micro
15 issue of the firm level of, can you make any
16 money at this.

17 And there are some models in there
18 and a lot of references to other models, both
19 for things like mussel farming, or the cage
20 culture in Federal waters. Both on small,
21 medium and large scales. And I think we'll
22 see a whole variety of these things if in

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1 Federal waters that we are given permission to
2 develop something in the Federal waters.

3 We'll see ten years of
4 experimentation on a commercial level, but on
5 different scales. I mean, the U.S. soybean
6 industry is working on a small cage that's
7 being deployed off of an existing fishing
8 boat. And maybe fishermen using that as they
9 would with mussel farming. They work that
10 into, I mean, the lobster one day, they catch
11 their quota, they tend their cage another day,
12 live haul that, either live, or fresh to
13 market, in a niche market.

14 That's not going to solve the sort
15 of big commodity need as well. I think that
16 will be served more by larger, where the
17 innovative companies that maybe employ
18 fishermen. So I think we'll see a bit of both
19 models.

20 MR. DILERNIA: Okay. I have Mr.
21 Roberts, Ms. McCarty and Mr. Fletcher. Ken.

22 MR. ROBERTS: Mike, I want to

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1 congratulate you and compliment you on being
2 totally responsive to MAFAC. It's very
3 impressive what you achieved -- what you have
4 done in the last year with some urging and
5 prodding from us and you've been very
6 responsive and we appreciate that.

7 I'm thinking about your long term
8 bullet there, the Vision for U.S. Marine
9 Aquaculture. Coming from the University
10 environment, there's one thing that I think we
11 had trouble at administering our research
12 people. Research projects are one thing with
13 outside funding, but it's -- you don't get a
14 pace to it. A professor will get a grant for
15 two years, or three years, and either the
16 grant focus will shift or that professor's
17 unsuccessful the next round.

18 So, you don't get the -- you don't
19 build up the talent and get the timeline going
20 on some of this stuff. One thing that has
21 impressed me in my university career and at my
22 university, fish and wildlife service has

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1 these co-op fishing units. I'm sure you're
2 well aware of it.

3 And I'm wondering for the long term
4 vision, that maybe it would be worthwhile to
5 run that idea through the process in NOAA and
6 see if there wouldn't be some value in having
7 a co-op aquaculture unit at selected
8 universities around where there's a base of
9 funding that's there and you're able to build
10 that expertise. You have to pick the
11 expertise very carefully. Because I know your
12 resources are quite limited.

13 I know you don't have the money to
14 do that now, but maybe in the long term
15 somebody could kick that around up in, people
16 who known aquaculture could see if the model
17 that Fish and Wildlife Service uses to build
18 research activities at key universities might
19 be useful when you get the money.

20 MR. RUBINO: I think some of your
21 colleagues around the table recommended that,
22 it's in your 10-year plan as well, to think

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1 about how that would be structured either on a
2 five-year regional basis, or if it's a five-
3 year grant money, competitively bid once every
4 five years.

5 The Senate Committee draft of this
6 Marine Aquaculture Bill has \$65 million for
7 research penciled in. There's a lot right
8 there. Even though it hasn't been enacted, it
9 still would have to be appropriated, but it
10 gives you an idea of the scale that some
11 members of Congress are thinking about.

12 MR. ROBERTS: Let me follow with
13 the thought fishing -- there are federal
14 employees on the campus. They are in the Fish
15 and Wildlife Service and have that young
16 professorship serve on graduate committees and
17 all these sorts of things. So it's -- it may
18 be a step past that. I see what you're
19 saying.

20 MR. RUBINO: You could see some
21 partnership with NOAA Science Centers and the
22 University we've got. Thank you.

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1 MR. DILERNIA: Heather.

2 MS. MCCARTY: Thank you gentlemen.

3 Along the same lines, speaking of outreach
4 and education, it would seem to me to be a
5 huge part of this. Have you got any
6 partnerships with Sea Grant or anything like
7 that? Because that's sort of their bailiwick
8 and I know that you don't have the resources
9 to do the kinds of things that really need to
10 be done on the scale it needs to be done.
11 Have you got any designs on Sea Grant on that?

12 MR. RUBINO: The Sea Grant Office
13 at OAR is part of the aquaculture program.
14 Andy Lazur is the current leader of the
15 aquaculture program there. So, he administers
16 the grants, but he also serves as the liaison
17 with the extension program.

18 So he, and Gary Jensen, USDA who is
19 the extension leader at USDA, many of these
20 marine extension agents have joint-
21 appointments, or joint-funding with NOAA and
22 the USDA. And they've met several times over

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1 the past couple of years, most of the focus on
2 this question.

3 Most recently, at the recent
4 Aquaculture America in Orlando. They had a
5 full afternoon meeting on extension and the
6 marine component of that is a big part of it.

7 So it's -- we're well aware of it. I think -
8 - anytime I visit around the country, I call
9 on the Sea Grant extension agents. But we
10 need to use that network better than we have
11 been.

12 MR. BALSIGER: On that point, you
13 know, one of the statements you make, and made
14 here, and often is, and often have used in
15 your talks, is this gap, that's clearly
16 identified, 40 million tons of seafood that's
17 going to be needed and can't be produced in
18 the wild.

19 I think those kind of sound bites,
20 and that's -- that's probably the wrong way to
21 put it, but for the Sea Grant extension
22 people, if they started characterizing

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1 problems with producing seafood around the
2 coastline with the people they know, I think
3 that would be huge.

4 I know that the Sea Grant people
5 are good people, and they work on a particular
6 project, and they might have an outreach
7 program, produce a brochure and have a
8 meeting. But if each of the agents could
9 understand that we're looking at this gap and
10 ability to produce protein for the global
11 population, I think if it was part of their
12 vocabulary every day, that would be big.

13 And I'm not quite sure how you
14 accomplish that through the Sea Grant group
15 and they're very -- they're different in every
16 state. So, in Alaska, they've got agents in
17 some coastal villages, and getting that
18 message to them would be so that they could
19 use that, it would be different than the way
20 you do it in Florida. But somehow, considered
21 policy to get the same few bullet points or
22 talking points to those people -- we often

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1 talk elevator speeches you know, in
2 Washington, D.C. because you might be in an
3 elevator with somebody important. These Sea
4 Grant people need to have an elevator speech
5 on this gap coming up. Because once people
6 recognize that, that jumps ahead in the
7 dialog.

8 MR. DILERNIA: I have Bob Fletcher,
9 Tom Billy and Larry Simpson. Bob.

10 MR. FLETCHER: Thank you. First of
11 all, I've talked to Don Kent yesterday and he
12 sends his best to everybody here on MAFAC.
13 And one of my questions would be, where is the
14 pilot program for HVS in this process.

15 And then the other one is, I've
16 seen some rather restrictive legislation
17 coming out of the State of California relative
18 to aquaculture in general. How much effort
19 has your office done in trying to educate just
20 kind of similar to what Jim had to say about
21 this gap and about how important it is for
22 responsible aquaculture and offshore

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1 aquaculture to be considered versus the kind
2 of restrictive kinds of bills that have been
3 coming out that make it more and more
4 difficult for anybody to begin?

5 MR. RUBINO: Off of San Diego is
6 one of the potential mother lodes for
7 production of both fin fish and shell fish in
8 this country in Federal waters, or in State
9 waters. You know, calm waters, close market,
10 technology's right there.

11 A research institution like HVS is
12 about hatchery capability. They're having to
13 do their grow out across the border in Mexico.

14 But I think they're on the verge of applying
15 to the Corps of Engineers for permits to do a
16 three-year pilot demo project in Federal
17 waters. But as a commercial spinoff. So,
18 we'll see whether they actually go through
19 that permit process.

20 They're proposing to use non-
21 managed species. So they wouldn't necessarily
22 need a permit from NMFS, but they would be in

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1 consultation with them. I think their biggest
2 challenge is going to be the California
3 Coastal Commission. But -- which couldn't
4 stop it, but which could delay it for several
5 years if they assert jurisdiction. So, I know
6 they're working with Peter Douglas and others
7 to explain what they'd like to do.

8 On the broader issue in California,
9 yes there is a California bill that when you
10 first read it, may seem restrictive, but it's
11 really the same list of issues that we have to
12 deal with in marine aquaculture in the Federal
13 bill. There's really not much difference.
14 And they as well will have to grapple with
15 this question of liability, which is I think
16 the concern of some of the industry in
17 California.

18 We've -- myself and my colleagues
19 have spent a fair amount of time talking with
20 people in California, you know, from the
21 Packard Foundation with Julie Packard, to
22 there's a meeting in September that the

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1 aquarium in Long Beach, the Aquarium of the
2 Americas is hosting, to talk about aquaculture
3 and bring together various parties.

4 So there's a new aquaculture
5 coordinator for the State of California. One
6 of our regional aquaculture coordinators will
7 be in California. So there's stuff going on.

8 MR. DILERNIA: I have Tom Billy,
9 Larry Simpson, John Connelly and Bill Dewey.
10 Tom.

11 MR. BILLY: Thank you. I too want
12 to acknowledge the progress that's been made
13 and the fact that there's been some success of
14 getting very small, incremental increases into
15 the budget for enhancing the current efforts
16 in both the grant program and the programs in
17 your office and so forth.

18 But the thought that keeps
19 reoccurring to me is, the need for a national
20 initiative. I believe that the way to sell
21 this both from the demand for seafood in the
22 future, and the health benefits of seafood,

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1 are there. There's a clear need for research,
2 and you're identifying a lot of the different
3 areas of research that will be important to
4 further development of aquaculture.

5 We've got some pilot demonstration
6 projects, but I think they can go a long way
7 in teaching people in the coastal communities
8 and fishermen and consumers alike, how this
9 can work and be not harmful to the environment
10 and beneficial to their health and well-being.

11 There's an opportunity of
12 restoration of fish stocks and all that that
13 represents in terms of helping NOAA doing a
14 better job in management of the fisheries.
15 And finally, the regulation area, the
16 legislation that's pending. That's an
17 important component particularly in the --
18 with regard to permits and the investment in
19 the private sector of money to put in place
20 larger-scale commercial operations.

21 And it just seems to me that the
22 need is clear and the opportunity for the new

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1 administration to be associated with a
2 national initiative that's in the \$50- to \$100
3 million range, the kind of approach, maybe not
4 normal in NOAA, but typical in agriculture to
5 get something started in the foods arena.

6 A 50 to \$100 million initiative
7 would be a good possibility to -- would create
8 the opportunity to make this kind of thing
9 happen. So I think it's important to have
10 something along that line in the transition
11 documents and new administrations look for
12 areas where they can make their mark in how to
13 accomplish things.

14 I don't know Mary is involved in
15 that arena. I assume she is. And maybe this
16 is something that could be tied together as
17 part of what is put forward to the new
18 administration after the election.

19 MR. DILERNIA: I have Mr. Simpson,
20 Mr. Connelly, Mr. Dewey and Mr. Cates. Larry.

21 MR. SIMPSON: Thank you, Mr.
22 Chairman. Back to Jim's comment about this

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1 formalized Sea Grant arrangement and tying in
2 some of Ralph's legacy.

3 One of the last things that Ralph
4 did was he was the chairman of the commission
5 when he passed. One of the last things that
6 Ralph and I were working on, and I still got
7 the last few emails and I can't delete them,
8 was the issue of formalizing the Sea Grant
9 cross-fertilization with fisheries.

10 And we had established in the Gulf
11 all the head Sea Grant extension agents to at
12 least once a year come together and they have
13 their meeting, and we have our meeting, and we
14 have cross-fertilization. And we saw the
15 benefit of that a good while back. And I'm
16 committed and we will continue to set that
17 procedure.

18 And hopefully this will be a
19 perfect useful example of how they could carry
20 that message and a uniform message and a
21 coordinated message. And it would provide
22 that ability to give that standardized message

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1 that you had -- that was one of the last
2 things that Ralph and I were working on. And
3 it's -- we've got a white paper and the
4 commission has passed it and we're doing it.

5 MR. DILERNIA: Mr. Connelly.

6 MR. CONNELLY: Just one suggestion.

7 Mike, Tom yesterday during a subcommittee
8 meeting, talking about what the recreational
9 picture might be interesting -- the
10 recreational community. Because I think when
11 we talk about the 40 million pound gap, or FAO
12 gap on aquaculture, I think we can add in that
13 request Tom, that he talked about for
14 recreational fishermen, he just doesn't leave
15 it as a commercial interest, he brings in a
16 recreational.

17 I'm not sure, Tom, if you want to
18 explain a little bit more.

19 MR. RAFTICAN: Well, I think on a
20 number of issues, one, you know, Bob mentioned
21 the program that Sea World's got. We could
22 require a replenishment program going on very

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1 successful in California with white sea bass.

2 And I think we've seen some others, you know,
3 throughout the Gulf States on red drum and
4 others.

5 They're working on a couple in
6 Florida right now, I think, initial stages of
7 cobia and again, red Drum there. And it just
8 makes it -- obviously a tremendous partnership
9 there. And you need grassroots -- aquaculture
10 needs grassroots support. And we've kind of
11 passed over this and that recreational fishing
12 hasn't taken any of the lead on this.

13 But the first thing is, we've got
14 to be able to -- when I say we, people
15 interested in assuring a future of stable
16 seafood, have to start helping bring
17 recreational anglers along on this. As
18 recreational anglers, we haven't always been
19 the most visionary people, and a little help
20 there doesn't hurt.

21 MR. CONNELLY: Just a suggestion,
22 as you talked, add in the direct side as well.

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1 MR. DILERNIA: Mr. Dewey.

2 MR. DEWEY: Thank you, Mr. Chair.
3 Michael, I'd also like to acknowledge the
4 progress you guys are making, and specific to
5 my industry of the shellfish, working with
6 your team of people on the Shellfish and the
7 Environment Symposium. I just want to say
8 thank you. You did a great job, very
9 professional, a great symposium, and I think
10 that's really helping out as far as making
11 sure that we have responsible public policy
12 the way -- to shellfish regulation in the
13 country. So, I appreciate that.

14 Also related to that, on the new
15 Army Corps programmatic permit, the nationwide
16 48-per-shellfish farming around the country,
17 the efforts there of NOAA on the consultation
18 involved, have been appreciated as well.
19 There's been some great oversight there and I
20 think that process is going smoothly because
21 of that, and we appreciate that.

22 At our -- at the December MAFAC

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1 meeting, there was some discussion about CZMA
2 re-authorization and we saw a draft direction
3 the administration was hoping to go with re-
4 authorization of CZMA and there was some
5 correspondence that came after that MAFAC
6 meeting from Dr. Hogarth to NOS, specific to
7 trying to get aquaculture planning as a
8 component of CZMA re-authorization in state
9 waters.

10 And that's an area -- you and I
11 have talked about that. It's near and dear to
12 my heart as we try to grow our businesses in
13 state waters, the use conflicts are really
14 problematic for us. And some sort of
15 comprehensive state planning effort that help
16 designate and zone for aquaculture could help
17 address some of those use conflicts.

18 And has there been any additional
19 communication between your office and NOS,
20 David Kennedy along those lines? And if not,
21 can there be, or how can we help facilitate
22 that? We met with David Kennedy, the

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1 Shellfish Growers did back in January,
2 February, and had that conversation. I was
3 just wondering if any more progress is made
4 there?

5 MR. RUBINO: A couple of things.
6 I've put up one more slide. In addition to
7 our -- the NOAA aquaculture program has
8 activities with four different agencies within
9 NOAA, and one of them is the National Ocean
10 Service. And Paul Sandifer some of you may
11 know, is my counterpart at NOS for
12 aquaculture.

13 And so Paul and I and Andy Lazar
14 and a team meet periodically to talk about
15 some of these questions. And Paul's well
16 aware of this. We have been in touch with
17 David Kennedy and his staff and Susan Bunsick
18 also is following the sort of re-authorization
19 of the Coastal Zone Management Act and the
20 provisions that are in it.

21 So I think we're staying on top of
22 it internally. We probably should communicate

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1 all of that to legislative affairs as well so
2 that they're aware of that.

3 MR. DILERNIA: Mr. Cates.

4 MR. CATES: Chairman, I've heard
5 some talk today about Sea Grant, some of the
6 research projects.

7 My business is the result of the
8 Sea Grant Project and I'm very grateful for
9 that. I've noticed after nine years now, Sea
10 Grants kind of walk away. And we've tried to
11 engage them again and they haven't come back.

12 The underlying reason is, there's just no
13 funding.

14 That's the reality of today.
15 Currently we have two, or three offshore
16 operations in the U.S. Two of the three have
17 announced plans to leave. We have two others
18 in Hawaii that are trying to get in business.

19 University of New Hampshire is basically
20 closing down operations.

21 MR. DILERNIA: Really?

22 MR. CATES: Oceanic Institute

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1 announced layoffs yesterday. The funding is
2 basically for aquaculture, it's just drying
3 up. And it's a very concern right now. Now,
4 while we hear you know, where we're at, the
5 reality is different. And we're in a very
6 troubling situation right now with
7 particularly offshore aquaculture.

8 It's going to be a tough road
9 unless funding comes back up a little bit, to
10 the level at least we were a few years ago.
11 And we're just maintaining what little we have
12 right now. I just want to put that on the
13 table that it's a tough time for this
14 industry.

15 MR. DILERNIA: I'm going to
16 exercise my prerogative as chairman and
17 actually ask a question to Randy before I go -
18 - Steve please indulge me.

19 Randy, I'm open in my capacity here
20 in New York, and folks that I associate with,
21 investors, bankers I see very often. And the
22 concept and the talk often comes around to

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1 aquaculture. The folks ask me, what is the
2 time line before they see return on their
3 investment.

4 Now, as being someone who has done
5 it from the ground up and you're successful at
6 it, what would be an answer that you would
7 give an individual like that? Say, I've been
8 approached by banks regarding, you know, that
9 have been asked to fund aquaculture projects,
10 and it's new. And they're uncertain. But the
11 common question they ask is, folks that know
12 what they're doing, what's the turnaround time
13 before you see a profit?

14 MR. CATES: It really depends on
15 scale. It's a tough business. I will say
16 that I was very fortunate. I saw a return in
17 two years initially.

18 MR. DILERNIA: Really?

19 MR. CATES: And John Forster
20 probably would be the person to ask this, I've
21 reorganized and I've got a new investor. And
22 I've a new partner on my business, Steve Case.

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1 I pick my partners carefully.

2 (Laughter.)

3 MR. CATES: We hope to see a return
4 in about four or five years. But we're
5 putting a lot more money in it. So I've seen
6 -- although a company like Kona Bluewater is
7 not -- nowhere near seeing a return on their
8 investment. They're four years into it.

9 So, it really depends on your
10 business plan and the scale. And that's the
11 key thing. And you've got to be smart about
12 it. It's all -- it's like any business,
13 location, location, location. It's not a
14 matter of if you can sell your product. It's
15 about production and your production costs.

16 MR. RUBINO: Mr. Chairman.

17 MR. DILERNIA: Thank you. Yes.

18 MR. RUBINO: Just for a second. I
19 think Randy makes some very good points. So
20 the initial generation of offshore projects
21 that received some public funding and grant
22 funding to help them get started are now at

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1 the point where it's up to the private sector
2 to step in if these things are going to be
3 viable.

4 And as we said, we're seeing mussel
5 farming take off in New England. Randy
6 received a substantial investment based on his
7 initial several years. There are a couple
8 projects that are struggling. You have one in
9 Hawaii and one in Puerto Rico. And I think
10 part of their struggle is not money, it's not
11 necessarily production. It's ability to be
12 able to expand to get the permits to expand.

13 So, as we heard at the Summit, the
14 biggest constraint is still the permit and
15 regulatory structure, both the confusing one
16 that's in state waters in terms of lots of
17 overlap, and the lack of the regulatory
18 structure in Federal waters.

19 I can't tell you how many visits I
20 get in my office from potential investors.
21 Some from board members, or agents of board
22 members from the National Fisheries Institute.

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1 They're all looking at aquaculture in this
2 country and around the world and love to be
3 able to invest close to home at a variety of
4 scales.

5 Are we going to make room for that
6 in our regulatory structure?

7 MR. DILERNIA: I can see we have
8 enough -- Jim, Randy, Bill -- Steve, I sort of
9 co-opted the discussion.

10 MR. JONER: Did I lose my spot?

11 MR. DILERNIA: Steve, why don't you
12 jump in there, then we'll jump back to -- it
13 leaves a spot, you've got your spot back
14 there.

15 MR. JONER: Mike, you're going to
16 get tired of hearing me say the same thing
17 over, and over, and over again. I want to
18 follow up on what Tom Billy said. That's, you
19 know, there's really a need for this national
20 initiative to convince most of the community
21 this is good, this could help them.

22 Ten years ago when the sablefish

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1 population was in decline and that was kind of
2 a mainstay of the Makah Tribe Fishery, I got
3 to deal with Mike Rust and the folks at the
4 Science Center to try to develop an
5 aquaculture of sablefish program.

6 And it went to the point that you
7 know, we were -- Mike was able to produce a
8 fish to spawn, and capture brood stock. The -
9 - excuse me -- one of the individual fishermen
10 was investing his own money in it, to help
11 keep it going.

12 But the funding kind of dried up,
13 and unfortunately for that, unfortunately for
14 long term, sablefish rebounded and there are
15 plenty of fish to go around, and so the
16 conditions were right. And we're kind of
17 seeing that again in the cycle where it's
18 starting down again.

19 Now, with high fuel prices, I think
20 that might be what may put it over the top.
21 But unfortunately, there's still a lot of
22 existing -- back at that time, when Katie

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1 Dalton was the member, we talked about doing a
2 pilot program to
3 -- she asked, what will this do to the fishing
4 community? What's their response.

5 And the answer was, well, they're
6 the ones who should be growing the fish to
7 supplement their wild capture and maintain
8 their markets. And there's so much to be
9 done. And I won't take much more time. But
10 just maybe just basic economics of what market
11 share means to a fishery. And that generally
12 more is better.

13 And yet, the fishermen see it as,
14 falsely a supply and demand thing. If there's
15 more of a certain species, the price will go
16 down. But that's not been the case for a lot
17 of these fish. Halibut, for example, as the
18 halibut population increased, the market share
19 increased, the price went up.

20 So, one avenue to do this outreach
21 would be through the regional Councils. And
22 when Mike Rust and I made this presentation on

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1 replenishment, that was the other part that we
2 wanted to get involved in. I guess I know how
3 a Martian would feel if we showed up at one of
4 these meetings because that's kind of the
5 response we got. Is, that's a crazy idea.
6 And it was across the board.

7 And there just wasn't enough
8 support for it. And we were looking at stocks
9 such as Cow cod, and yellow-eye rockfish.
10 It's a lot worse now than it was several years
11 ago. Those -- in the case of yellow-eye
12 rockfish, the yellow-eye is going to be about
13 half. And the sector keeps getting sued over
14 it.

15 And the question was, how can you
16 help a fish for long -- that will take so long
17 to replace these stocks, why do it? Well, you
18 know, what takes so long is to get started.

19 So, I think this has to come from
20 headquarters down that this needs to be done.

21 You know, conditions are better now than they
22 were then. And John Forster can tell you I've

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1 been on a yo-yo on this, up and down. And I
2 feel like we're back up again.

3 Then the other thing that's going
4 to be a major consideration, especially for
5 areas such as the Washington Coast, is we have
6 a sanctuary there. I'll save most my thunder
7 on this for this afternoon, but for the poor
8 Washington Coastal Tribes, they're burdened
9 with a sanctuary right smack in the middle of
10 their traditional grounds.

11 And that's presented a lot of
12 problems. And that's something that has to be
13 addressed through NOAA, is, where does
14 aquaculture fit in there as far as the
15 sanctuary is concerned.

16 MR. DILERNIA: Very quickly, Jim,
17 Randy, Bill and then we'll try to wrap it up
18 and try to stay on schedule. Gentlemen.

19 MR. BALSIGER: Mr. Chairman, I was
20 going to note that we've kind of blown our
21 schedule and there's lots of loose ends here
22 and the suggestion of a \$90 million initiative

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1 and Randy Cates points that the money's going
2 away, we need more discussion on that.
3 Because I don't think we're interested in
4 long-term federal subsidization of aquaculture
5 programs.

6 A pilot program, or the research to
7 allow private industry to go forward, is what
8 we want to talk about. But I don't know if we
9 can gather those terms here. So, I was
10 looking for a way to sort of end the
11 discussion, but not drop the issue and help us
12 put together what -- how a proposal or an
13 initiative, what the elements of that might
14 be, rather than just telling someone we need
15 \$100 million. It sounds like we're going to
16 buy fuel for the people. And that isn't a
17 seller, I don't think, in appropriation to
18 fund that.

19 MR. DILERNIA: Randy, Bill,
20 quickly. Yes, Randy.

21 MR. CATES: A couple of bullet
22 points. One is, I started my business with no

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1 grant money. I don't think it's grant money
2 that feeds this. You need a good loan
3 program.

4 You do need long term vision with
5 research. You need the research institutions
6 to have five year funding level, and not a one
7 or two year level. It's just purely and
8 simple, the nature of our business, you can't
9 get the fish the spawn in one or two years.

10 So, it's -- and finally, you need
11 fishermen to do this industry. We're not
12 going to be successful until we get that skill
13 level. And we have not reached that point
14 yet. We have with one company, but it's not
15 grant money. It's loan, a good loan program.

16 MR. DILERNIA: Bill.

17 MR. DEWEY: Just responding to your
18 question, Mr. Chair. Return on investment as
19 far as shellfish goes, it depends on the
20 species and scale. But generally, I would say
21 two to six years, in that range, for shellfish
22 aquaculture.

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1 MR. DILERNIA: That's the spread.
2 I'm often, very often approached by hedge fund
3 investors. I've been approached by some of
4 the major banks regarding aquaculture projects
5 that they've been pitched, to comment on.

6 John, you had your hand up. You'll
7 have the last word in aquaculture.

8 MR. CONNELLY: I'm very
9 appreciative. But Randy's point about
10 research and the real money in research is at
11 the USDA. And I think hopefully we'll have a
12 discussion about the farm bill during the
13 legislative update. And what the threats to
14 NOAA fisheries are with USDA getting more
15 engaged in fisheries, and on the other side,
16 there is an attraction to using USDA money on
17 aquaculture research, although, they're going
18 to want to inland the aquaculture.

19 So, I guess, Mr. Chairman, I'd just
20 like to put a marker out there that I'm hoping
21 at some point in the next day and a half,
22 we're going to talk about these relationships

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1 between USDA and NOAA fisheries and what
2 threats and opportunities there are in each of
3 those. Because I -- we're seeing it in three
4 different areas.

5 One is here, second is the catfish
6 situation, the third is the squid situation
7 that's more serious.

8 MR. DILERNIA: Catfish? Is it
9 squid?

10 MR. CONNELLY: I'll get to that
11 when we get to the bottom.

12 MR. DILERNIA: Really. I misspoke.
13 I have one person left, and then we are going
14 to end aquaculture and return to it later.
15 We're way behind schedule. Phil.

16 MR. CURCIO: Okay, thank you, Mr.
17 Chairman. Just one other point that I've
18 noticed, which is, kind of acts as a
19 disincentive for investors coming into
20 aquaculture programs. It is the lack of
21 protection against risk of loss.

22 There is one private underwriter

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1 out there that's underwriting certain
2 shellfish programs. Other than that, the
3 Federal Government who obviously offers a
4 great deal in the way of crop insurance for
5 inland farming, has some limited federally-
6 subsidized insurance available, but it's
7 extremely limited geographically, and with
8 respect to what species it applies to.

9 So, I would just suggest that that
10 would be another area to develop in order to
11 attract investment into the aquaculture
12 industry. Thank you.

13 MR. DILERNIA: Well, as always,
14 thank you very much, Michael. You've always
15 been -- I think MAFAC is probably your biggest
16 cheering group for aquaculture overall. Most
17 folks around the table understand and support
18 the need. And thank you very much for your
19 hard work and continued good luck on what
20 you're doing.

21 MR. HOLLIDAY: Tony, do you want to
22 take a very short five, ten minute break, let

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1 people go to the bathroom?

2 MR. DILERNIA: Yes, five to ten
3 minutes. Ten minutes.

4 MR. HOLLIDAY: Because we're ready
5 to go, but I just want to give people a break.

6 MR. DILERNIA: Ten minutes, and
7 then I'm going to hit the gavel. So we're
8 adjourned for ten minutes.

9 (Whereupon, the afore-mentioned
10 proceeding was on break from 10:18 a.m. to
11 10:33 a.m.)

12 MR. DILERNIA: Our next order of
13 business this morning, sorry we're running a
14 little late. Alan Risenhoover, and Magnuson-
15 Stevens re-authorization.

16 MR. RISENHOOVER: Thank you, Tony.

17 MR. DILERNIA: It's all yours.

18 MR. RISENHOOVER: I'll run through
19 things fairly quickly. So, just stop me if
20 you want to. But I thought I'd kind of cover
21 three broad topics this morning. One is just
22 a general overview of where we are on

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1 implementation. It's somewhat of a laundry
2 list, point out some high points and places
3 where we still have some work to do and the
4 status of those.

5 And then, depending on time, maybe
6 cover a little bit on our new ACL rule, the
7 Annual Catch Limit Rule, and a little bit on
8 our new NEPA procedure rule. So, I won't go
9 into too much detail on those two proposed
10 rules we have out right now. But on your
11 MAFAC website, there's two presentations that
12 do go into detail, 30 or 40 pages each.

13 My initial thought was, why don't I
14 just do 30, 40, 50 pages of stuff for you, and
15 then changed my mind on that. But if you do
16 have an interest in those two proposed rules,
17 we've got presentations on your website that
18 walk you through those. We're under a comment
19 period on each of those. You can give me a
20 call, or my staff will help you with specific
21 questions. So, I'll give you just a little
22 flavor of that.

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1 My slides aren't in your briefing
2 book, that way nobody could prepare for me. I
3 was originally just going to talk, and then
4 the thought of talking for 45 minutes without
5 a Power Point presentation one was scary, and
6 two, probably would have bored you.

7 But let's just go ahead and get
8 started here on a couple things. If you will
9 recall, the Magnuson Act that passed at the
10 end of 2006, and the President signed at the
11 beginning of 2007, had four broad goals from
12 our perspective that I've put up here.

13 The biggest of which, is ending
14 over-fishing, which was a Presidential
15 initiative he had talked about several times.

16 And the way that Congress enacted that was
17 through these annual catch limits, and I'll
18 talk a little bit more about that proposed
19 rule.

20 But it also included improvements
21 in how the sciences worked in the Agency. It
22 talks about peer reviews, it talks about a

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1 different and expanded role for the science
2 and statistical committees, the SSCs that they
3 now provide information to the Council, that
4 the Council will use. And I'll go through
5 that real quick in the ACL discussion.

6 Gordon Colvin talked to you
7 yesterday about the recreational-registry rule
8 that's out, but also there's the larger
9 recreational data collection program that the
10 Act required. The Act
11 -- the big part of it, seemed to be limited
12 access privilege programs. There were about
13 22 pages in the original bill on limited
14 access. That was also something the Agency
15 was working on trying to double the number of
16 those programs. So that fit very well with
17 the administration's decision.

18 And then finally, the other big
19 part that came in was enhancing international
20 cooperation, and Rebecca here, in a minute
21 will talk to you more about IUU fishing
22 provisions, as well as some of the by-catch

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1 marine protected species provisions.

2 So that's -- that was a quick
3 overview of what was in the bill. As far as
4 where we are, I included in your briefing book
5 something that looks like this, which is just
6 a basic laundry list of trying to capture what
7 is going on and a quick status of what's going
8 on. And so this is taken from materials that
9 are on our website.

10 We have a team that manages the
11 implementation that each office has a
12 representative on. They meet either, I think
13 it's about every three weeks, and keep that
14 website up to date. And I'll have the website
15 address at the end.

16 So if you're really interested in
17 one of the 50 or 60 items on this list that
18 just gives the status of complete or on-going,
19 you want some more information, that website's
20 the first place to start digging. So, what
21 I've done is, just kind of included some of
22 the summary level information to give you an

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1 idea of where we are on things.

2 And we divided the Act into three
3 priority areas. Priority One items were those
4 that the Act listed a specific deadline. It
5 said the Secretary or the Agency shall do "X"
6 by such a date. And there were about 30 of
7 those. And you can see the breakout of where
8 we are on those. We've got 15 of them
9 complete. We've 10 more that are on-going,
10 and we're dragging a little bit on five of
11 them.

12 When I went through this morning, I
13 thought, what are those five. People may want
14 to know that without sorting through the
15 laundry list. I came up with six.

16 (Laughter.)

17 MR. RISENHOOVER: So, a lot of this
18 and near as I can tell, it's how you count it.

19 They actually said, do something in six
20 months and do something in a year and it's the
21 same something. So we hit one but missed one.

22 Does that mean you're behind or you're ahead.

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1 So, it's five or six or delay.

2 And four of those -- I'm sorry,
3 three of those are reports. There was an
4 ecosystem management considerations report we
5 haven't quite completed, a fisheries education
6 report we haven't quite completed, and a BMS
7 report that's not completed. Those are in
8 process and are in final review with the
9 Agency and should be coming out soon.

10 The other three were, there was a
11 requirement to a proposed, or a rule on IFQ
12 Referendums in the Gulf and in New England.
13 You have to have a referendum there
14 specifically before you do an IFQ program. We
15 do have a proposed rule out on that, but we
16 haven't gone final. So I'm not sure if we
17 missed that deadline or we hit it. We made
18 the first deadline, but we haven't made the
19 year requirement yet.

20 And then there was also the NEPA
21 procedures I'll talk a little bit about
22 briefly, that required an actual six-month and

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1 then within a year. We're only at the
2 proposed rule stage on that, so we're behind.

3 And then there was also an exempted
4 fishing permit rule that the Act would have
5 required within six months. We have that out
6 as a proposed rule. Our comment period's
7 closed, comments are being analyzed and we
8 hope to go final with that soon.

9 So, yes, we've completed some of
10 the actions, but not fully yet. The Priority
11 Two and Three tasks are ones -- the Priority
12 Two tasks were one that the Act said do it,
13 but didn't tell us by when. So there's a
14 number of those. And then the Priority Three
15 tasks are those that the Secretary was
16 authorized to do. And if you look at those,
17 there's about 50 of those that we've combined.

18 Our original list, we had about 75
19 items in that category, but we started trying
20 to combine them to do several things at the
21 same time. And you can see where we've got
22 about half of those done too. Some of those

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1 were very simple where it said, you know,
2 prohibit the feeding of sharks in Hawaii, off
3 Hawaii.

4 Well, there was no regulatory
5 action we needed to do. We just needed to
6 inform the public, talk to the Council, and
7 people shouldn't be feeding sharks off of
8 Hawaii anymore.

9 We're delayed on four of those, and
10 we're lacking funding on two others. Those
11 are on the back page of your laundry list.
12 Again, a number of studies we didn't have
13 funding for to do those studies. Where the
14 Act authorized funding, the funding was never
15 provided.

16 And then there's several that are
17 delayed, one of which is like some hurricane
18 grants. Well, until we get the money for the
19 hurricane grant, we can't issue them. And
20 then a couple others we are delayed on that
21 I'll talk about a little bit more.

22 So some key actions today. What

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1 have we accomplished of those 15 and those 24
2 Priority One, Two and Three. Just from
3 keywords, we've published a definition of IUU.

4 The International Office did that. She'll
5 talk about the next steps. We issued the
6 Klamath River Coho Salmon Report for the West
7 Coast.

8 We implemented a new training
9 program for Council members. All new Council
10 members will have to take this training now.
11 So that's been implemented.

12 We've done a series of reports as a
13 result of Katrina, Rita and Wilma Hurricanes
14 on commercial recreational fishermen, and then
15 a separate report on habitat. Those are out.

16 We've submitted the Deep Sea Coral
17 Report to Congress. There's still some more
18 work to do there. We've submitted an Excess
19 Harvesting Tasking Report to Congress, and
20 we've established a by-catch reduction
21 engineering program.

22 Again, the detail of all of those

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1 are on that little laundry list I handed out.
2 There are a number of actions that are still
3 in progress. So, we may have met some of the
4 early deadlines in the Act, but we're still
5 trying to finalize these. I mentioned the
6 exempted fishing permit rule. That we're
7 working on in the final regs now and we should
8 have it out in the next month or two.

9 The program for recreational data
10 collection, we do have the registry program
11 out for public comment, but there's a lot
12 going on behind the scenes of that, and many
13 of you are involved in that. So, it's the
14 whole program that's moving forward as well as
15 the registry itself.

16 The referendum guidance as I
17 mentioned, we've taken comments on that.
18 We're working on putting a final rule together
19 now. That comment period just closed about a
20 week or two ago. So, that's just underway.
21 Rebecca's going to be up next to talk to you
22 about the IUU reports and procedures that are

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1 coming up.

2 So there's a lot that we've got
3 starts on. Some of the other ones, we're
4 working on some guidance relative to the
5 disaster provisions in Magnuson. As you know,
6 it included a whole new provision on
7 catastrophic disasters and included some
8 additional language in the 312 provisions as
9 well. So we're working on that.

10 And then a number of these other
11 things, such as multi-year research plans with
12 the Council, we've started working on those
13 with each individual Council and our Science
14 Centers have always worked on, well, what's
15 our research plan. The Act formalized that
16 and asked for some five-year research plans.
17 So, we're trying to get those going.

18 A few other things that are still
19 in progress. Revision to the Council
20 operating procedures, their SOPPs, their
21 Statement of Operating Procedures and
22 Policies. Several changes need to be done

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1 there. The Act added some financial
2 disclosure requirements. It talked about
3 stipends for SSCs or advisory panels.

4 And for the Deep Sea Coral Programs
5 more or less have been established, but what
6 they're trying to do now is do a strategic
7 plan for that program. They're also trying to
8 get some additional funding for that. We'll
9 talk about funding here in a minute.

10 And then the revised NEPA
11 procedures are currently out for public
12 comment and the annual catch limits guidance
13 is also out for public comment. So, we've
14 done a number of proposed rules. We've got
15 some of those final and we need to move some
16 others into that.

17 That's just kind of some of the key
18 things that are going on. On the other side
19 of this of course is always the funding. The
20 Agency had a number of mandates when this all
21 started. And thinking back, I was part of the
22 '96 re-authorization, which doesn't seem like

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1 12 years ago now.

2 But in '96, we got a number of new
3 requirements as well in the Act. But I don't
4 remember the budget coming with that. We
5 never really got those budget bump ups, you
6 know, in '97, '98 that we're looking at now.
7 So I find that it's kind of interesting to
8 start looking at, well, what has this
9 administration done budget-wise. What have we
10 been able to put on the table to implement
11 these new provisions.

12 And just over the last two years,
13 we've got over \$45 million of either new money
14 that's been appropriated or that's been
15 requested. So, there's a big chunk, almost
16 \$50 million of new funding that we're seeking
17 to implement.

18 So, it's one thing to turn the
19 Agency, you know, its direction toward ending
20 over-fishing and it's another to fund it. And
21 so we've got some real dollars on the table
22 here.

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1 In 2008, this year, we had a \$13.5
2 million increase for Magnuson implementation,
3 specifically. There are additional increases
4 the Agency got, now there's also some
5 decreases we got, but some increases needs
6 that we got for other things. Like I didn't
7 include the Regional Councils got a \$2.2
8 million increase in `08 that isn't attributed
9 specifically to new Magnuson activities, but
10 obviously, it will help.

11 So, we got a million for LAP
12 development. The recreational data program
13 got 3.5 million. IUU, ACL and economics also
14 got some. The economics is very important.
15 The Act also included economic and social data
16 collection and analysis at several points in
17 the Act. So there was a string of that
18 running through. Some additional 6 million
19 bump there.

20 What we really have got to bump is
21 in the 2009 President's request of about 31-
22 32 million. And you can see the numbers

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1 there, big increases for LAPs, rec data,
2 expand stock assessments. If you think about
3 how we're going to have to implement annual
4 catch limits in the future, we need more stock
5 assessments. We need more data. And 845 will
6 help with that.

7 So, and then there's a few others
8 here I've mentioned. May I can -- we can go
9 over budget tables on the left to see where
10 all that money is. But then there's also some
11 associated funding that's not included in this
12 table. But these are the ones we've
13 attributed.

14 MR. SCHWAAB: Just a, Alan, a quick
15 question of clarification. The 31.7 million
16 increase over the -- does that include the
17 13.5?

18 MR. RISENHOOVER: That's above it.

19 MR. SCHWAAB: So the net increase
20 is 44 or 45?

21 MR. RISENHOOVER: Forty-five,
22 right.

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1 MR. SCHWAAB: Got it, thank you.

2 MR. RISENHOOVER: Plus a number of
3 other increases that will indirectly help us
4 with the Magnuson Act. So, as we're
5 implementing this Act, we've got about a \$50
6 million increase on the table. The House and
7 the Senate have both marked recently, and the
8 majority of this funding is in there. We're
9 still going through those budget lines, you
10 know, you've got to subtract out earmarks and
11 whatnot, but the basic bottom line is, it
12 looks like most of this funding is in the
13 House and the Senate bill.

14 Hopefully, that will hold in
15 conference and sometime in the distant future,
16 we'll actually get a budget. But again, the
17 key I'm trying to make here is, I don't
18 remember this kind of investment, if you will,
19 after the '96 amendments. So, hopefully we'll
20 get that funding.

21 So that's it. That's a quick
22 update. Does anybody have any specific things

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1 on how are we doing on implementation?
2 Otherwise, I'm going to do a real quick ACL
3 and NEPA overview.

4 MR. DILERNIA: John.

5 MR. CONNELLY: Just very briefly
6 Alan, and I'm not sure if it's here or another
7 place. But you just talked about the need for
8 surveys to make sure good data was in
9 discussions of ending over-fishing. And with
10 the fuel costs doubling and tripling, there
11 had been some noises of shifting surveys or
12 canceling surveys. How would we plan on that,
13 and is that more appropriate for someone else
14 to answer.

15 MR. RISENHOOVER: Yes, that might
16 be the other end of the table than me. But I
17 --

18 MR. CONNELLY: And I don't know if
19 you want take it here or another place.

20 MR. RISENHOOVER: Yes, obviously
21 the fuel costs --

22 MR. DILERNIA: Obviously there's

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1 something -- go ahead.

2 MR. RISENHOOVER: Fuel costs are a
3 big issue. When these budgets were put
4 together, you know, we plan a year or two in
5 advance. We're working on 2011 right now
6 fairly hard.

7 So, one, it's kind of impressive to
8 get these kind of increases for something that
9 happened in 2007, the package. So I know
10 folks and Mary, you may want to chime in or
11 give it the latest, but I know folks are
12 concerned about fuel costs and I think the
13 Senate may have mentioned it even in the
14 report, or?

15 MS. GLACKIN: Yes. There's, well,
16 when you talk about it, it's in two parts, '08
17 and '09. With respect to fiscal year '08,
18 we've been working through our issues there
19 and we've been basically moving some money
20 around and it looks like we're only going to
21 cut one cruise, which was the Gordon Gunter
22 Marine Mammal Cruise in the Gulf there. We're

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1 going to be able to cover the other expenses,
2 you know, by moving some other money around
3 within NOAA.

4 We're very concerned about '09,
5 because this problem as Alan just referred to,
6 when we formulate our budget, we're under
7 certain restrictions about what assumptions we
8 can make, and we're doing that almost two
9 years before the execution year.

10 There is money in the Senate mark
11 for '09. I don't know that the House has
12 money in there yet. But it is an active area
13 of concern we have, that if we're not able to
14 support the days at sea, that's going to be a
15 problem. So we're -- I think bottom line,
16 we're okay in '08, but we're still concerned
17 in '09.

18 MR. DILERNIA: Follow up John.

19 MR. CONNELLY: Yes. Mary thank you
20 very much for -- there were some surveys that
21 were upcoming again in June, and that were
22 being considered, so we appreciate the re-

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1 programming of money to be able to accomplish
2 those. And I'm sure there will be a range of
3 folks that would be interested in helping
4 ensure that the `09 work gets done through
5 appropriately funded money.

6 MS. GLACKIN: Thank you, yes.

7 MR. DILERNIA: Any other questions
8 for Alan? Dorothy.

9 MS. LOWMAN: A couple of things.
10 First of all, I am one of the ones who thinks
11 that more money will have to have to come.
12 We're finishing project development for the
13 West Coast one and it's very crazy to get 40
14 in that there is a lot of up front investment
15 that's going to be needed to have the
16 infrastructure to have this program in order
17 to be effective, and to realize the longer
18 term economic returns on that investment will
19 result in.

20 So I really hope we can keep that
21 in mind and while I think of it, it's probably
22 going to need to expand for a few years as

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1 more programs come on line. One of the things
2 that's been delayed has been, you know, the
3 guidelines and other LAPP issues. And I was
4 wondering if you could speak a little bit
5 about that.

6 MR. RISENHOOVER: I think I glossed
7 over that. One of the things that we do need
8 to go is get some guidance out on LAPP. I
9 think I did speak a little on that.

10 Yes, and we did last year ask the
11 public to comment on the LAPP provisions of
12 the Magnuson Act and what they thought needed
13 to be addressed in guidance. We did get about
14 2500 comments, folks had gone through that.
15 For example, Topher here has been helping out
16 on that honing through those comments and
17 trying to help us decide, Okay, what do we
18 need to do guidance on.

19 And where we are right now is,
20 we've got kind of a structure in mind for that
21 draft guidance. We just need to move people
22 off other projects on to it. So, as the ACL

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1 rule came out, that allows me to move folks
2 toward the LAPP guidance development. As this
3 EFP rule goes final, that will allow me to
4 move staff to that LAPP link. So that's the
5 next major one we're going to start working on
6 internally to get some draft guidance out.

7 MR. DILERNIA: Bob.

8 MR. FLETCHER: Was the budget item
9 on economics and social science from the 2008
10 enacted?

11 MR. RISENHOOVER: Yes.

12 MR. FLETCHER: I'm kind of curious
13 where you are planning on spending those
14 dollars. Because in the West Coast, economics
15 information, especially on the for-hire vessel
16 industry is sorely lacking. And in fact, when
17 the Pacific Council developed their HMS FMP
18 they had almost no information on the
19 percentage of the year's revenues that are the
20 result of fishing HMS by the fleet out of
21 Southern California.

22 Have there been any thought about

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1 helping to expand on the work that needs to be
2 done in the regional councils and the Science
3 Centers in this area?

4 MR. RISENHOOVER: Yes. And I don't
5 know the specifics of where that money is
6 going. But you see 6 million and it sounds
7 like a lot. But by the time you divide that
8 among six regions, eight councils and
9 headquarters office, or so, it doesn't go far.

10 So, yes it has helped, but I don't know the
11 exact allocation of that funding.

12 But the economics is a big thing,
13 and there's a big increase for us in '08.

14 MR. FLETCHER: Three years ago,
15 they actually assigned an economist in the
16 Southwest Fishery Science Center and with the
17 understanding that he was working on
18 recreational fisheries economics in the for-
19 hire industry. And then it appeared that
20 there were higher priorities for his time.
21 And three years from the time he was brought
22 to the Center, he has yet to really focus on

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1 those issues.

2 And I only bring that up because
3 it's so important, especially today, with the
4 crisis with the fuel costs and what's going on
5 in the industry, there needs to be some work
6 done on surveying just what's going on out
7 there. So far, it really hasn't gotten
8 started. So I hope that we can find some way
9 to do some of that.

10 MR. RISENHOOVER: I know that's a
11 continuing concern.

12 MR. DILERNIA: Jim.

13 MR. BALSIGER: NOAA's Science
14 Advisory Board, meets in a couple of weeks in
15 Cleveland. And they also have been looking at
16 the economic and social science line item and
17 the economics and social science that's done
18 by the agency.

19 Their focus is on, we're spending
20 all of our, all of the 6 million in the
21 regions and the headquarters, and we're not
22 spending it on economic -- I'm not an

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1 economist, I'll end up with the wrong word --
2 but we're not spending on an economics
3 research. We're not advancing the field.
4 We're spending too much of it on just
5 accumulating statistics, but not doing base
6 level economic research, finding out how to do
7 things better.

8 So, there's competing people for
9 that money beyond what Alan mentioned. Just
10 the regions and headquarters and the councils,
11 the Science Centers want to hire economists
12 and make advances on the field. So, it's
13 important that this group, which I think that
14 there's a lack yet, on the management side, as
15 you're pointing out, that that come through
16 here.

17 Because we will have to make some
18 considerations on how to spend those monies.

19 MR. RISENHOOVER: And I don't
20 recall right now if there was another
21 economics increase in '09. I just kind of
22 went until I ran out of slide space here on

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1 some of the big ones.

2 What I thought I'd do then, is run
3 through real quick, some concepts from our
4 annual catch-limit rule. Again, this is out
5 for public comment right now. The public
6 comment period ends September 8th. So, if you
7 do have comments, definitely getting us a
8 letter written is the way to go instead of
9 telling me. Get it down on paper and get it
10 in.

11 But I wanted MAFAC just to get an
12 idea of some of the concepts and then that
13 also relates to budget. Again, there's a full
14 presentation on the MAFAC website that will
15 fill in a lot of details I'm going to leave
16 out.

17 So the annual catch limits, you
18 know, this was kind of the 17-words that
19 really shape the Act here. And if you look at
20 what it said about catch limits, there's four
21 basic things that we need to take into account
22 into our rule. So first it was, you need to

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1 establish an annual catch limit. So we --
2 that was an undefined term. So we need to
3 define that.

4 That it prevents over-fishing, so
5 we've got to make sure the catch level
6 prevents over-fishing in the fishery. So, the
7 term fishery is used differently by different
8 councils with different FMPs. So, we have to
9 specify what is this annual catch-limit that
10 prevents over-fishing on what? So we need to
11 be working a little bit on a fishery
12 definition and then measures of
13 accountability.

14 So those were the four broad things
15 that our rule, proposed rule, is going to look
16 at. You can read this. They're required for
17 all managed fisheries except those two
18 exceptions, International and Annual Life
19 Cycles. The big due date on this one is
20 implementation by 2010. So that's what the
21 councils are working on. That's what our
22 guidance is targeting.

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1 Right now, we talked a little bit
2 yesterday about our latest status of the
3 stocks report where we have 41 stocks that are
4 currently subject to over-fishing. So, that's
5 17 percent of those we have data on, we've got
6 to have annual catch limits in place by 2010.

7 And then for everything else by the next
8 year.

9 So that's the two goals. And then
10 finally we also talked a little bit about the
11 new science requirements in the Act, that
12 these can't exceed the recommendations of
13 their statistical committees.

14 So this is the one thing you've
15 probably seen the most, to summarize the rule,
16 it's some reference points for the councils to
17 use. We've tried to use those reference points
18 in position to encourage nomenclature that the
19 NSY. But basically the councils need to have
20 a system of limits and targets to stay under
21 these annual catch limits.

22 So, the over-fishing level is

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1 basically the amount of catch that corresponds
2 to the mortality rate that would lead to over-
3 fishing, the maximum fishing mortality
4 threshold.

5 Then the council -- not council,
6 I'm sorry, the SSC, would set this allowable
7 biological catch. So the difference between
8 the over-fishing and the acceptable biological
9 catch is what we kind of terms as where the
10 science uncertainty exists.

11 So on the science side of the
12 council, they'll look at what's the over-
13 fishing level, and then how certain are we
14 about that, and then set their annual -- their
15 acceptable biological catch. Then on the
16 council's side, they will take that ABC and
17 set the limit.

18 So, what's the annual catch limit,
19 and the annual catch limit could be the same
20 as the ABC, or it could be less. And then
21 they need to set a target. Because if you set
22 your target at the limit, you're probably

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1 going to miss half the time, right? So if you
2 think of a target out there and you're
3 shooting at it or something, you know, you're
4 around it.

5 So that's where we're looking at
6 the management uncertainty. How tight of
7 management do you have? So, you have a limit
8 that you don't want to exceed, because that's
9 going to trigger these accountability measures
10 which are going to be fast days, people don't
11 like those. So you set your target ideally
12 below that. You don't have to, but we would
13 recommend that you do, so as you vary around
14 that target, you don't exceed your limit.

15 So, real quick, that's kind of the
16 basis of that. The other thing I mentioned is
17 we need to determine what a fishery is.
18 Traditionally we've managed on a stock by
19 stock basis in the FMPs. But FMPs may include
20 a large number of stocks, or a large number of
21 species.

22 The Hawaii FMP, for example, just

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1 basically states it's everything on the coral
2 reef. Well, it's going to be hard to set
3 annual catch limits for everything that lives
4 on a coral reef. So, what we're trying to do
5 is define the fishery.

6 The fishery initially is going to
7 be defined of what is in the FMP for managed
8 stocks. But then the council, through public
9 comment or a process that we'd approve, could
10 remove stuff from that fishery. So the
11 fishery that we're proposing here is new
12 target stock, things people go out and catch,
13 sell, they want to harvest, they come.

14 Non-target stocks, I found it, but
15 it's edible, or I could sell it to so I'm
16 going to keep it, or other non-target stocks
17 that we're concerned about for by-catch
18 reasons or other things. And many of those
19 are currently managed. Some of those final
20 ones are managed in other FMPs.

21 So that's what we would say
22 initially the fishery is, are those three

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1 broad groupings that you need to have an
2 annual catch limit on. But then we've added
3 this idea of an ecosystem component species,
4 for those things that may be included in the
5 FMP, that is everything on the coral reef.
6 And so to promote kind of this ecosystem
7 approach that we've been talking about, where
8 you look at those things and consider them, we
9 want those kept in the fishery management
10 plan.

11 We don't want the councils to say,
12 well, you know, I can't put an ACL for
13 everything on the reef. I'm going to kick
14 them out of the management plan. Well, then
15 you loose something. So we've created this,
16 or proposed this new category of ecosystem
17 component species that would not require an
18 ACL, but could still be in the fishery
19 management plan.

20 And then the final thing of those
21 four broad areas I mentioned is the
22 accountability measures. And that's you know,

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1 if you have your annual catch limit, you have
2 a target somewhere below that or equal to it,
3 but you exceed your limit. That was where we
4 would propose that the annual -- or, that the
5 accountability measures would kick in.

6 And the accountability measures
7 would be things like in-season actions, if
8 you've got the data. That is, if you're
9 managing the fishery such that the information
10 is coming in on say, a weekly, bi-weekly or
11 monthly basis, where you got, you have good
12 land needs data, then you could manage on an
13 in-season basis.

14 If you don't have that information,
15 and it's only on an annual basis, well, then
16 maybe then you look at your accountability
17 measure at the end of the year by lowering the
18 harvest in the next year, changing your bag
19 limits, shortening your season, closing the
20 areas where people can fish.

21 So, accountability measures are
22 those things that are going to keep us under

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1 the over-fishing level in the future. And
2 then the final thing I'll mention on the ACL
3 rule, is just the idea of sectors.

4 So, a lot of fisheries have a
5 recreational and a commercial sector. The
6 councils can, it's not required, but if they
7 want to, they could give each of those sectors
8 a separate ACL, commercial and a recreational
9 sector, that have associated accountability
10 measures with each of them.

11 That way, if the commercials go
12 over, there's an accountability measure that
13 bring them back into compliance. Same thing
14 with the recreational. But what we really
15 want to make sure is for the stock as a whole,
16 that you don't exceed those catch limits, and
17 if you do, there's a mechanism in place
18 approved by the council that can be
19 implemented in a short time frame to take care
20 of that problem in the following year.

21 One other example of this would be,
22 think of state fisheries. So, we can say you

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1 set the ACL for the whole fishery, part of
2 that may be in state waters, and then we have
3 a ACL sub-sector, ACL for the Federal portion
4 that has accountability measures to keep the
5 Federal portion in check and then hopefully
6 the states would work with us to do that as
7 well.

8 So, that's the five minutes on ACLs
9 and that sort of stuff. So, let me just cover
10 the -- shall I run through the NEPA real
11 quick?

12 MR. DILERNIA: Heather has a
13 question on the ACLs.

14 MR. RISENHOOVER: Okay.

15 MR. DILERNIA: Good.

16 MS. MCCARTY: Thank you, Mr. Chair.
17 You talk about ecosystem component species.

18 MR. RISENHOOVER: Yes.

19 MS. MCCARTY: Can you give us an
20 example of what that might mean? Does that
21 include only fish species, or does it include
22 seaweed, or?

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1 MR. RISENHOOVER: We've left that
2 very open to the councils. But it's typically
3 -- or, not typically, but could be by-catch
4 species that aren't retained. But you know
5 they have some value to the ecosystem. So you
6 want that addressed in the FMP, but perhaps
7 those aren't managed.

8 So these will typically be non-
9 managed species. It's just a way to keep the
10 council's focus on the whole ecosystem,
11 instead of really ratcheting down to the
12 stock-by-stock management. So we haven't
13 really contemplated exactly what those would
14 be, other than something the council's could
15 place these stocks or species in, so that they
16 wouldn't need an ACL initially.

17 Our concern is, if you try to have
18 an ACL for every thing in the water, it's just
19 going to dilute our research, dilute our
20 management. We need to focus on those stocks
21 that need the management first, but then still
22 have a consideration of these other species as

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1 an ecosystem component.

2 MS. MCCARTY: Would it include
3 corals?

4 MR. RISENHOOVER: It could, yes.

5 MR. DILERNIA: Vince, then Chris.
6 Vince.

7 MR. O'SHEA: Alan, just a few
8 seconds ago you mentioned that when you were
9 talking about the sectors that you had the
10 commercial and the recreational and optional
11 accountability, potentially optional
12 accountability. But then, you acknowledge
13 that some of these species that the state
14 harvest is significant, and you said that
15 you're assuming or you're hoping that the
16 states would work together with the Service.

17 But I'm just wondering if you've
18 had any thoughts or discussions about ways to
19 help ensure that that happens. Because as you
20 know, quite frankly, you could probably -- you
21 and I could probably rattle off five species
22 right now where that's not happening.

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1 MR. RISENHOOVER: Right. And we
2 were hoping that through kind of, if you think
3 of this as split between the state and the
4 Federal, that the management the Federal
5 sector will also put some pressure on the
6 state sector. As in closing the Federal
7 waters. So, if we have a Federal annual catch
8 limit, once that's reached, that's going to be
9 closed.

10 But our charge is, we have to look
11 at that entire stock, that entire fishery and
12 take into account. So we have some areas where
13 it seems to be working, other areas where it
14 doesn't. Some of the shark fisheries, we've
15 managed in the Gulf, you know, there were very
16 large harvests of sharks in state waters.
17 We've written letters to those states and so
18 far they've changed their management or closed
19 their state fisheries to come in -- not
20 compliance, but to be complimentary of the
21 Federal management.

22 So it is -- there is no hammer per

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1 se, but it is going to be, need to be closely
2 coordinated.

3 MR. O'SHEA: Right. Because the
4 result has been a de facto reallocation by the
5 states to -- the state fishermen, state
6 permitted fishermen, in some cases, to the
7 sector, you know, that state fishery is
8 dominated by the recreational component for
9 example. And it's a significant shift -- I
10 guess what you're counting on, that
11 theoretically is the state-Federal permit
12 holders could potentially generate the
13 political steam to drive a reconsideration of
14 the state policy to do that. Because those
15 are the people that are going to be
16 disenfranchised by the state's action.

17 MR. RISENHOOVER: Who are residents
18 of the state as well.

19 MR. O'SHEA: Correct.

20 MR. RISENHOOVER: So, yes, this is
21 where there's going to be some -- need to be
22 some close coordination. We have the Atlantic

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1 Coastal Act that will help some. Other areas,
2 we just ask for complimentary regs. Sometimes
3 it works, sometimes it doesn't. And in the
4 Gulf, there's a few issues now where it
5 doesn't seem to work as well.

6 MR. O'SHEA: So my last point, and
7 probably to you Jim, is that we're concerned
8 that we're out of alignment on this, at least
9 on the Atlantic side. And that we need work
10 with Pat Kurkul, and your folks to try to
11 address this, because I think without putting
12 any effort into it, just on its own, it's not
13 going to go away. Thanks.

14 MR. RISENHOOVER: And the
15 establishment of you know, kind of an ACL in
16 the Federal zone may focus the debate on it
17 more than it has in the past.

18 Okay. I'm going to run through the
19 NEPA stuff real quick.

20 MR. HOLLIDAY: Alan, we're running
21 up against the time limit, could you actually
22 make it a couple of minutes at most.

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1 MR. RISENHOOVER: Yes. Because I'd
2 prefer not to answer questions on the NEPA
3 rule.

4 (Laughter.)

5 MR. DILERNIA: Actually, we're
6 going to eliminate NEPA. I guess, we're not
7 eliminating NEPA.

8 MR. RISENHOOVER: You might want to
9 vote on that. Chris, did you have --

10 MR. DORSETT: I just wanted to
11 encourage you, considering the new rule of the
12 SSC as to -- I know you guys have reached out
13 to the Council and provided presentations on
14 the new rules. Also reach out to the SSCs,
15 because at the last SSC meeting I was at in
16 the Gulf, there was considerable confusion.
17 And granted, not everything is sorted out, but
18 there's significant changes and that's where a
19 lot of work is going to be done in setting
20 these.

21 MR. RISENHOOVER: Right. And we
22 have briefed the majority of the Councils on

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1 this rule already. The rule, you know, is
2 finalized the first part of June. We had
3 seven Council meetings in June. We had some
4 coordination issues. But we have specifically
5 briefed the Western Pacific Council's SSC. We
6 -- think it may be this week, or last week,
7 briefed the Caribbean Council. So there's
8 still time to do that, plus we're having some
9 broader public meetings as well.

10 Okay. NEPA, maybe I'll just stay
11 with this one slide here. Just on the goals.

12 The goals of this were kind of walk the line
13 between keeping the current NEPA regulations
14 in place, but then tailoring those where we
15 could, as much as we could to fit into the
16 current Magnuson act process.

17 And so what it does is, it still
18 retains those basic NEPA things, the ultimate
19 decision and authority is still with the
20 Secretary. We've pushed some of the public
21 comment down to where it can occur at the
22 Council-level. So that if the Council has one

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1 of these new documents I'll talk about in just
2 in a second, or these new IFEMS, Integrated
3 Fishery Ecosystem Management Statements, they
4 can take comment on that before they vote.

5 And that's something that doesn't
6 occur all the time now. So what we're looking
7 at, is trying to get our NEPA regs to help
8 inform decisions at the Council-level. But
9 again, the Secretary still has the final
10 authority on is the NEPA document sufficient
11 for the action that the Secretary would then
12 approve, disapprove or others.

13 So, the other thing is some time
14 changes where there is a process now where the
15 Council could complete one of these documents
16 over a two-meeting process. Where they put it
17 out in time for the public to comment, they
18 then take comment on the draft, they then vote
19 at the final stage. They submit that to the
20 Secretary. The Secretary would then have
21 another comment period.

22 So in some ways, this increases the

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1 public comment period on NEPA at the Council-
2 level.

3 We started with the CEQ regulations as a
4 basis. We worked very closely with CEQ to make
5 sure our proposed rule meets the current CEQ
6 guidelines.

7 The four major parts of this were
8 content, documentation, public involvement and
9 timeline. I haven't talked much about the
10 documentation. It retains the EA/FONSIs and
11 categorical exclusions. If the Secretary will
12 want to do that, or the Councils want to do
13 that, it can. Otherwise, it offers some other
14 ones I'll mention very briefly here.

15 It talks a lot about reasonable
16 alternatives, what those are, what a no action
17 item was, or a no action alternative, that it
18 doesn't mean no fishing, it means that the
19 current state will continue.

20 The major one is this Integrated
21 Fisheries Environmental Management Statement,
22 IFEM for short. And that's a document that's

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1 going to be comparable to an EIS. It
2 integrates all of the analyses under Magnuson
3 and NEPA into a single document. But the
4 procedural requirements would be a little bit
5 different. That is, the Council would have to
6 take comment on it, and then vote after they
7 take that comment.

8 Then it includes the other stuff,
9 framework implementation procedures, puts in
10 place something that if you have done a NEPA
11 analysis on something, and have one of these
12 frameworks, then you don't have to do
13 additional NEPA analysis again. And that's
14 held up some regulations in the past.

15 As I mentioned, there's more public
16 opportunity to comment, specifically at the
17 Fishery Management Council level and that's
18 all I'm going to say about NEPA. Here's our
19 website. Again, all the NEPA background
20 documents are up there. The presentation I
21 mentioned is on the MAFAC website. Our
22 tracking is up here. Background documents,

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1 summary of public comments that we've taken to
2 date on everything, not just the NEPA and ACLs
3 are on this website.

4 So it's where I go for my
5 information, then hopefully you will too. Any
6 questions?

7 MR. DILERNIA: Quickly, questions.

8 MR. RISENHOOVER: NEPA in a
9 nutshell.

10 MR. DILERNIA: No?

11 MR. RISENHOOVER: Comments on the
12 NEPA rule end, I think it's August 11. So get
13 those in. And if you do have questions, catch
14 me later. We'll find somebody who knows
15 answers. Thanks.

16 MR. DILERNIA: Very good, Alan.
17 Thank you. As always, you're very thorough
18 and very helpful. Thank you very much. We
19 can always count on you. Yes, our next,
20 Rebecca.

21 MS. LENT: Good morning. Thank you
22 very much.

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1 MR. DILERNIA: Good morning.

2 MS. LENT: Thanks to MAFAC for
3 having International Issues on your agenda. I
4 know it's in your mind because it's in your
5 strategic vision for 2020. It's in your
6 transition plan. You talk about issues like
7 importance of ports access rule making,
8 importance of fisheries management, here's
9 species, and even capacity building. We'll be
10 touching on that.

11 So, I'm skipping my 45 minute
12 speech and I'm going to make it in 15 minutes.

13 I'll go very swiftly. So, what I'm going to
14 talk to you folks about it -- slide please --
15 International Magnuson-Stevens Re-
16 authorization Act a lot, unprecedented amount
17 of attention to international. I'll go
18 through that fairly quickly to update you.

19 I want to talk about the port
20 access rule making. A few people here have
21 heard about the vessel Polestar, \$10 million
22 went to the last pot kept hostage. If we

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1 hadn't done our homework -- we were quite
2 ready for that.

3 The EU Certification Scheme.
4 Anybody here export seafood to the European
5 Community? Okay, you're going to be required
6 to prove that you're innocent in order to get
7 your product into the market. We're working
8 on that.

9 Swordfish petition. We've been
10 petitioned by our friends in Indio-community
11 under not very well known part of the Marine
12 Mammal Protection Act that says you can't buy
13 a product from another country unless they
14 have the same standard on marine mammal by-
15 catch that we do. It's buried in the tuna-
16 dolphin part. We've been so obsessed with
17 tuna-dolphin, we haven't really paid attention
18 to it. Here we go.

19 Same mention as any place else,
20 just doing it international through
21 partnerships. That's our office. I'm at the
22 top. It's a great place to be.

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1 (Laughter.)

2 MS. LENT: But most importantly, I
3 have a wonderful crew. They're very talented
4 and I'm so proud to be working with them. We
5 work bilaterally with a number of countries.
6 I'm kind of in a panic because I don't
7 remember. which blank it is, the top or the
8 middle. Can somebody help me? Okay, I'll get
9 back to you on that.

10 We work bilaterally with several
11 countries. Every single year we have a
12 meeting with them. Other countries it's off
13 and on. As Bob knows, we have a number of
14 issues right now with Mexico. We haven't met
15 with them in two or three years on a policy
16 level. Luckily, the science continues, but
17 not so good on the policy.

18 Canada, we're meeting with at the
19 end of the month. And Vietnam, we'll be
20 meeting with them next month. Keep going.

21 The world is divided into this
22 alphabet soup of many, many organizations.

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1 Some are fish, some are protected species,
2 some are economic-type entities. But we are
3 involved in a lot of these. Next slide.

4 We're involved in three out of the
5 five tuna organizations and we'll be covered
6 for tuna and swordfish. So that's the good
7 news. We're involved in a number of the non-
8 tuna organizations. Some of you around the
9 table, raise your hand, have been or are
10 currently a Commissioner for the United
11 States. Don't be shy. One of our more
12 productive organizations.

13 MR. FLETCHER: It used to be.

14 MS. LENT: Protected species. I
15 can't forget the protected species. I get
16 into a lot of trouble when I say International
17 Fishing is the fish. My whaling people and my
18 dolphin, my turtle people say, Come on,
19 Rebecca, we're doing all the living marine,
20 that's out there, that's right.

21 Trade and Economic, true to my
22 heart. I participate in the OECD organization

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1 for economic partnership zone. They have a
2 committee on fisheries that does some great
3 policy work. Very forward thinking. Let's
4 look at copyrights, let's look at how to do a
5 good decommissioning scheme in your country,
6 provided case studies including the NGO buyout
7 that we've had in California. Only one in the
8 world. So, happy to Chair that WTO.

9 You made mention of WTO in your
10 strategic vision. Glad to see that. And of
11 course, the global outfits that are mostly
12 like volunteer measures, but again, guidance.

13 We don't do this just because it's
14 glamorous and challenging. We do it because
15 we're required to do it by Congress. This is
16 not optional work. A lot of times people say,
17 Oh, we're having a budget crunch, let's cut
18 back what Rebecca's funding. Don't you dare,
19 because Congress told us to pay a lot of
20 attention to this.

21 Through our regional organizations,
22 through all of these big management aspects,

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1 mammals and protected species, and even the
2 President's Ocean Action Plan mentioned
3 International. Why? Because it's important.
4 We can't do it on our own.

5 Okay, Magnuson, I'm going to go
6 real quickly. Magnuson says, work with other
7 countries, work through the international
8 organizations to strengthen management,
9 particularly focus on IUU. Anybody know --
10 anybody not know what IUU is? Okay, I'll just
11 -- it's Illegal, Unreported and Unregulated.
12 And don't get those U's backwards, you'll get
13 in a lot of trouble. And by-catch, by-catch
14 of living marine animals. We had to
15 write a report to Congress in January 2009.
16 That's a kind of a funky time to have to give
17 a reports due. We're going to talk about how
18 all the shared stocks are doing, protected and
19 partnered stocks. But most importantly, this
20 is the sticky part, we have to actually name
21 countries whose vessels are engaged in illegal
22 fishing or by-catch. It's subject to a lot of

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1 caveats, but that is step one in addressing
2 country-by-country in these types of problems.

3 We have to say, is there an
4 international organization dealing with this?

5 For example, the RFMOs, the Regional Fishery
6 Management Organizations have IUU vessel
7 lists. Are those parties -- are those
8 countries actually a party, or do they have
9 their own program, domestically to deal with
10 IUU to a by-catch.

11 Okay. Obviously we're going to let
12 those countries know if we identify them. In
13 fact, what I have right now in my office, is a
14 list of nations of interest. I'm going to
15 start my calls now, working with the State
16 Department, to these countries to say, you
17 might be identified in January and already
18 work with them.

19 We'll be consulting with the
20 nations if they are on that identified list
21 and working on international agreements.
22 They're not busted yet when they're

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1 identified. They're just put on notice.
2 Because there's steps. Keep going.

3 Then we have to do certification.
4 Once a country's identified, we have to decide
5 if we are positively certify them, are they
6 doing the right thing, you know, have they
7 sort of come around since we gave them that
8 phone call, or, should we negatively certify
9 them. Keep going.

10 To get a positive certification,
11 you basically have to do the right thing.
12 Keep going. If you have a negative
13 certification, it's really up to the
14 President, whoever that will be, to decide
15 whether or not to slap on port access and
16 trade sanctions. It's pretty much required
17 under the Act, but it still has to be the
18 President to make that decision.

19 Now is that important denial of
20 access to U.S. fishing ports, you might say,
21 no, we because we don't allow foreign boats to
22 offload in our ports anyway. But the big

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1 exception is the territories in the Pacific.
2 And I know Jim Balsiger is in denial on this,
3 but the biggest port in the United States is
4 Pago Pago, an American satellite. He's still
5 in denial, put that hand down.

6 So a big whammy if you can't get
7 into that port and those are fisheries where
8 we have a lot of problems. And of course,
9 well, U.S. seafood markets, pretty good
10 markets. So we really want to squeeze them
11 where it counts.

12 Now we have to do a rule making.
13 We've been working on this rule making since
14 got the Act. It's really difficult because
15 it's brand new stuff and everybody's sensitive
16 about it. State Department, USTR, but we have
17 a proposed rule that's in the works.

18 Now, we're only required to do rule
19 making on our certification process. But we
20 decided to be really sharp and snappy and do
21 it on the identification process too.
22 Obviously, we're not going to have a final

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1 ruling in time for January. So, we're just
2 using a legislative language for the first
3 round. Please MAFAC, send us your comments
4 individually, or as a group once this rule is
5 out.

6 Bi-annual report, we did a progress
7 report in January of 2008. It's on our
8 website, come and get it. And we also wrote
9 to the public saying, send us any dirt that
10 you have. What are you seeing out there on
11 the water.

12 Keep going. And obviously, there's
13 other parts of the international, working with
14 other countries, working through their
15 regional fishery management organization. Big
16 thing that's new to us is capacity building.
17 Again, very happy to see that MAFAC has a
18 focus on that. We've been doing some
19 workshops on by-catch. We're doing a lot of
20 stuff with our enforcement on improving
21 monitoring and patrol surveillance, preventing
22 IU fishing, working a lot in West Africa and

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1 Central America and many other countries in
2 the world.

3 Okay. West Africa, in particular
4 in January of 2009, we're going to have
5 workshop with a number of countries. We'll
6 probably have it in Ghana just to help again
7 with enforcement. A lot of countries,
8 developing countries, have really good rules
9 on the books. But they can't enforce it. Or,
10 there may be some corruption in the country.

11 Or, there may be some funky things,
12 like, China gave a certain West African nation
13 a number of patrol boats, 10 patrol boats.
14 They said, these are yours to use. Go out
15 there and enforce access in your EEC. But
16 there's just one caveat, don't bust any
17 Chinese boats.

18 (Laughter.)

19 MS. LENT: Well, we've got a
20 problem with that. So, we'll be working in
21 Ghana on this in January 2009. So, anyway, a
22 lot of opportunities, some challenges.

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1 Congress told us, where ever you can, work
2 multi-laterally. Because that's really the
3 best way. We don't want to be the heavy on
4 this. We want to do a multi-lateral approach.

5 But we always have in our back pocket and we
6 can always kind of hint around at it when
7 we're at meetings, and we're really frustrated
8 that we can't get anywhere. That we have
9 this for example, at IFED, year after year
10 after year, we have countries like France or
11 Spain or Italy that are entirely capable of
12 controlling their fisheries who are going over
13 their quota.

14 And within ICATT, there's a
15 mechanism for punishing those countries but we
16 can't get anybody to back us up, when we say,
17 you know, we might want to go through this
18 identification process for ICATT. So, we get
19 really frustrated, we may come home and do
20 this. And now people know we have this tool.

21 I think that's the way Congress intended it.

22 Let's keep going. Okay, you know

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1 the website. Keep going. I've got port
2 access -- here's the thing. We're members of
3 RFA monitors and they pass measures saying, we
4 can't let vessels that are on our IUU list,
5 the key charter has their list own list of bad
6 boys. You can't let them into your ports, or
7 you should not let them, or you should do
8 certain things.

9 Well, we haven't been really strict
10 about that, because it's mostly fishing boats,
11 and we really didn't have a concern. The ship
12 could say, in NAFO, you know, those boats
13 aren't going to show up in Pago Pago,
14 whatever. So we didn't pay a lot of attention
15 to it.

16 And we actually had plug, there was
17 a clause in the recommendation that said we
18 didn't have to do it. Then we got into
19 trouble. Because non-fishing boats ended up
20 on this list. A large cargo vessel called the
21 Polestar ended up on the list in NAFO and
22 somehow way over there, from the Atlantic,

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1 they came all the way around to the Pacific,
2 because it can support those, and took this
3 \$10 million worth of product.

4 It went over the Germany, and they
5 said, whoop, you can't come into this port and
6 you can't offload because you're on this IUU
7 list, and the EU is a member of NAFO.

8 So, they said, just go to Morocco.

9 So the ship went to Morocco to offload to
10 ship to another place. They offloaded it, and
11 the Polestar took off. Three days later,
12 Moroccan navy is out there bringing these back
13 into port. Why? Because Morocco has a bi-
14 lateral agreement with Norway, who has an
15 agreement with NAFO.

16 Talk about multi-lateral. And so
17 then we're quite embarrassed. I see John has
18 gone out. Hopefully there's not another
19 Polestar that are on their way right now. But
20 we realized we were going to have to do
21 something about this.

22 We finally got it liberated mostly

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1 because the Alaska industry knew what to do.
2 What we did at home, what you can do right
3 now, if you ship seeking -- you can go to our
4 website and you can hotlink to all of the IUU
5 vessels in the world. It would be really hard
6 for us as a government to maintain that list.

7 But we just hotlink you to the actual boats.

8 And I know, that the big shippers in Alaska
9 will not do this as we're getting as we're
10 getting into this. It's a smart idea.

11 Nevertheless, we are planning a
12 rule making. We are doing a rule making that
13 would say, how do you want us to treat these
14 boats when they come into our ports.
15 Sometimes it's better to let them in, and then
16 do a thorough inspection. We did do those
17 inspections, get the log book, find out what's
18 going on, check the hold. So that rule making
19 will be coming out. It's an umbrella rule
20 making that's going to cover all of our
21 implementation requirements from all of these
22 as you see them.

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1 Okay. I already explained all
2 that. Let's keep going. All right. This is
3 the EU certification. You know, the way I
4 paraphrase this, we had a workshop at the
5 Global Ocean's Forum and there was woman from
6 the European Community there was me. And I
7 talked about Magnuson-Stevens, and she talked
8 about the EU Certification. I said, you know,
9 when you think about it, with the EU, you are
10 guilty until you prove yourself innocent. And
11 with our system, you're innocent, we'll keep
12 taking your product until we prove you're
13 guilty.

14 Of course, they took great offense
15 of this. We understand that they have passed
16 a measure just at a recent meeting. We are
17 taking a look at that, and we are thinking
18 about how we're going to do this. Should we
19 do it through super-inspection, should we work
20 with our friends at Trace Registry, maybe you
21 guys have talked to those guys.

22 We've got to figure out some way to

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1 stamp our product to say, Yes, this is non-
2 IUU. Apparently there are provisions for a
3 blanket exemption for a country. But so far,
4 the indications we have, is it's only for the
5 developing countries.

6 Now, if the dollar continued to
7 devalue, maybe we can plead to the EU that we
8 should get this exemption, but for crying out
9 loud, I mean, can you think of a more closely
10 monitored and better managed fishery than in
11 the United States. So, yes, we have vessels
12 that go to Australia, but we find them and we
13 handle -- we do a good job with our IUU
14 issues.

15 We're still figuring out how to do
16 this. We will be in touch with you. MAFAC,
17 as well as the U.S. Secrets experts are --
18 Jim, have you got a shipment block now again?

19 (Laughter.)

20 MR. GILMORE: Just a quick
21 question. There was talk that the
22 implementation that EU was doing would require

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1 that fish products be traced to your vessel.

2 MS. LENT: Correct.

3 MR. GILMORE: So, if you sent over
4 -- if Americans sent over loads from five
5 different vessels worth of product production
6 on each box, each shipment, how would you
7 identify that, each -- which vessel produced
8 which fish?

9 MS. LENT: Yes. It's going to be a
10 huge dynamic. The tracing aspect, that's a
11 easy example actually. What about several
12 shipments of product grown in China coming in
13 fish sticks, and then going back to the
14 European community. Every single box is going
15 to have to say which vessel this came from.
16 And maybe we can handle it, but all this pre-
17 processing in a globalized fishing industry
18 where you've got fishing here, and processing
19 here, and there's a market over there, and
20 ownership every which way, it's going to be
21 quite a challenge.

22 MR. BILLY: There are commercially

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1 available trace, product tracing systems in
2 the U.S. and Europe and Australia, that could
3 easily be adapted to help solve this problem.

4 MS. LENT: Yes. Tom and I think --
5 I mentioned the Trace Registry.

6 MR. BILLY: Well, if you want to be
7 consistent, that's always available.

8 MR. DILERNIA: Any other questions
9 for -- there are three -- I'm sorry.

10 MS. LENT: One more thing. We have
11 this petition to ban imports of swordfish from
12 countries that don't have the same standards
13 on by-catch. So -- and we import about five
14 to seven times as much swordfish as we produce
15 here. We are going to publish a notice that
16 the fish has come in, ask for comments. We've
17 actually got a study out on these MCS
18 requirements and then we'll read comments on
19 that as well.

20 I think we're done. So, we're
21 busy. And we're excited. And we have a lot
22 of challenges. Thank you for your interest

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1 and your report. Please contact me if you're
2 interested in being on any international
3 advisory committees or setting yourself up for
4 commissioner, whatever. It's a lot of fun,
5 right, John?

6 MR. CONNELLY: Randy thinks it's a
7 lot of fun, not me.

8 MS. LENT: There you go. All
9 right. Thank you. I am done, Mr. Chairman.

10 MR. DILERNIA: Thank you. You know
11 there are three women in this world that go by
12 their first names, but Madonna, Cher and
13 Rebecca.

14 (Laughter.)

15 MR. DILERNIA: Dr. Lent, thank you
16 very much. It's always a pleasure to have you
17 here. Congratulations on your success with
18 putting together this office. It was a big
19 task that you were given to do, and you've
20 done it very well.

21 MS. LENT: Thank you.

22 MR. DILERNIA: We've known each

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1 other professionally for almost 20 years.
2 Always a pleasure to work with you.

3 MS. LENT: You bet. You bet. And
4 I'll be around the next couple of days. I
5 look forward to any questions you have.

6 MR. DILERNIA: Questions for Dr.
7 Lent. Okay, Steve and then Vince.

8 MR. JONER: I don't see Pacific
9 Whiting on your list here. Is that because it
10 hasn't been fully implemented or you're not
11 going to handle that?

12 MS. LENT: We are overseeing that.
13 We did finally get Canada to sign. That's
14 the bi-lateral agreement.

15 MR. JONER: Right. And now I
16 understand we have our own problems with the
17 conflict of interest question.

18 MS. LENT: Yes, with -- according
19 to the commissioners. We're dealing with
20 that. We're -- it's a little odd. They say
21 appoint commissioners that have an interest
22 and knowledge of the industry, then they say,

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1 but they can't be in conflict of industry.
2 That's a little rough. People have to be in
3 the business to understand it.

4 MR. JONER: Will that be done in
5 time for 2009, do you think?

6 MS. LENT: Well, I think we'll limp
7 along as best as we can without that full
8 implementation. But like I said, the lawyers
9 are looking on that. Thank you. And I'll
10 give you an update.

11 MR. DILERNIA: Vince.

12 MR. O'SHEA: Thank you, Mr.
13 Chairman. Thank you, Doctor. Great
14 presentation. Two questions. When I hear
15 things about port access, after 9/11, there
16 was a tremendous shift by the Coast Guard to
17 pay attention to who's coming into our ports.

18 I didn't see anything in your presentation
19 about linkages between what you're doing and
20 work that may already be done to increase
21 maritime awareness of this by the Coast Guard
22 and the Department of Homeland Security.

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1 And then the second question would
2 be, what's the shorthand version of the
3 operating rule, if you will, about where your
4 responsibilities stop and the State Department
5 intersects. Because there was no mention of
6 the State Department in any of what you're
7 doing. So, I'm curious on both of those
8 issues.

9 MS. LENT: Okay. Well, maybe I can
10 answer both of those questions sort of
11 globally. We do work very closely with State
12 Department and with Coast Guard, particularly
13 on this IUU stuff. Because the only access
14 important in the high seas is the Coast Guard.
15 And we're also working with the Navy,
16 interestingly enough, mostly on capacity
17 building.

18 So I think it's pretty clear where
19 our responsibilities lie. The State
20 Department's in charge of negotiating new
21 agreements. Once they're adopted then NOAA
22 Fisheries is in charge of implementing them.

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1 So, with one exception, which is CCMLAR, we
2 have all the lead on the commissioners and on
3 the fishery management and protective species
4 issues, for the most part. So that's pretty
5 clear.

6 Nevertheless, we serve on each
7 others' delegation, whether we're negotiating
8 or implementing and it's a very good
9 relationship. We work very well with
10 Ambassador Altman. And the Coast Guard,
11 they're very closely involved with this whole
12 IUU initiative.

13 MR. O'SHEA: So just a follow up
14 there. There's a liaison, a Coast Guard
15 liaison guy at National Marine Fisheries
16 Service.

17 MS. LENT: Yes.

18 MR. O'SHEA: You interact with that
19 construct?

20 MS. LENT: Chris Sherman. He's at
21 all my staff meetings. He's very good at
22 reaching out as to the Coast Guard. And on

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1 the Maritime Security, that will be a part of
2 the whole port access issue. There's an
3 international negotiation getting underway
4 with FAO on port access and tact. Because
5 most countries of the world don't have the
6 restrictions that we have on fishery output.
7 And this is a great place to catch the bad
8 guys.

9 MR. O'SHEA: Thank you, Mr.
10 Chairman.

11 MS. LENT: Thank you.

12 MR. DILERNIA: Bob Fletcher.

13 MR. FLETCHER: Rebecca, for years
14 the Fishery Commission appeared to be able to
15 work out agreements. I think part of that
16 might have been because it was a very unique
17 individual that was running the Fishery
18 Commission for years. You seem to have that
19 ability.

20 We're struggling now. Has there
21 been much talk about increasing the level of
22 bi-lateral discussions to try to come to some

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1 agreements in advance of these meetings?
2 Because it didn't appear that that was the
3 case here lately. And seems to me one way to
4 approach this problem is to isolate some of
5 these countries and try to put some pressure
6 on them from their peers to try to get them in
7 line. And I didn't sense there was a lot of
8 that.

9 And Dave Hogan is a brilliant
10 fellow. But it appeared that he was
11 struggling to have enough time to do any of
12 that and he was just there at the meeting.
13 So, just --

14 MS. LENT: We did, after we had
15 some bi-laterals in Mexico, we've had some
16 video conferences with Mario coming in and we
17 had broad piped in from the West Coast. So,
18 we tried that. I think we had two or three
19 rounds. The last round, Mario didn't show up.
20 So, we're making efforts.

21 I think in the case of IATTC, where
22 we're really stuck, and this is a Commission

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1 where you have to reach consensus, you can't
2 call votes like you do, we just have to raise
3 the diplomatic pressure. I've already seen
4 the email traffic with David Farrman and the
5 embassy's people, demarching that's the way
6 that one or two countries that are holding up
7 on the game. You just have to elevate it and
8 put the pressure.

9 Advance preparation is important
10 for ICATT. We will have advance meetings with
11 three, four countries, North America, Europe
12 and Japan and try to get some joint proposals
13 that we can take to the table that are already
14 adopted. We keep working on those.

15 MR. DILERNIA: Again, thank you.

16 MS. LENT: Thank you.

17 MR. DILERNIA: Thank you, Dr. Lent.

18 We have our legislative update, and then
19 we'll turn our attention towards the election.

20 Sam.

21 MR. RAUCH: Thank you.

22 MR. HOLLIDAY: Just by way of

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1 introduction --

2 MR. DILERNIA: Oh, I'm sorry.

3 MR. HOLLIDAY: Why we're holding --
4 why we're including legislative updates, at
5 the December meeting, one of the action items
6 that the Committee asked us to follow up on,
7 was to provide materials giving the state of -
8 - a status report on - where different
9 legislative pieces were.

10 And so, we put together under Tab
11 I, a summary of a whole host of legislation
12 before the House and Senate in this Congress.

13 Sam's going to go through some of the more
14 important, or more interesting ones that might
15 be of interest to the Committee. But I would
16 be interested in your feedback about the type
17 and delivery of information that you want to
18 receive with respect to legislative updates
19 and legislative strategies.

20 We can go deeper and in more
21 detail, we can provide less detail. But this
22 was our first attempt to respond to your

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1 request to be briefed on some activities that
2 are on-going on the hill. Sam, thanks.

3 MR. RAUCH: All right. And I was
4 asked to do that this morning. So, I
5 apologize if my presentation is a little
6 rough.

7 Some of these you've already heard
8 of. As Mark said, we can go into detail on
9 any of these that you want. The ones I was
10 going to talk -- let me give you a brief
11 overview of sort of where we are in the Hill
12 right now, which is not a lot of time left in
13 the session.

14 It's the summertime. They're going
15 to be dealing with election issues. If any of
16 these bills are not passed in one of the
17 Houses so far, and none of them that we talk
18 about really have, then chances of them being
19 passed by the Congress before the end of the
20 session are slim. It's not that it couldn't
21 happen, but it's unlikely to happen. If they
22 haven't gotten out of Committee yet, it's even

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1 further and more unlikely that anything is
2 going to happen to the bill.

3 Most of these bills, NOAA, or the
4 Commerce Department with one exception, the
5 aquaculture bill, does not have a position
6 with the -- on the Hill. So the Hill is going
7 -- we provide technical assistance, but we
8 don't have a stated position that we're trying
9 to argue for.

10 The one exception, there are any
11 number of bills, the fact that some them we
12 undoubtedly do have positions on, but of the
13 one's we're talking about, the one exception
14 is aquaculture, which Dr. Rubino talked about.

15 Has been the -- there is an Administration
16 bill. And it's been introduced in both the
17 House and Senate.

18 There is movement on the Senate
19 side. We still expect to see some additional
20 work with the Senate on the aquaculture bill.

21 I don't expect the House to take it up again
22 this term. So, I think a reasonable goal, it

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1 would be if the Senate passed the aquaculture
2 bill by the end of the session, that would be
3 about the best you could hope for for
4 aquaculture.

5 There are a number of seafood bills
6 out there. Most of them would transfer our
7 seafood inspection program from the National
8 Marine Fisheries Service to Agriculture. One
9 of them, which is being developed by the
10 Senate staff, would actually reinforce NOAA's
11 role in seafood inspection and facilitate our
12 work with FDA to do their health-related
13 inspection.

14 I don't know that any of those are
15 going to go anywhere, but they might. Rebecca
16 talked about the IUU issues. There are a
17 number of bills. There's at least one in the
18 Senate and one in the House dealing with IUU
19 fishing, trying to strengthen our enforcement
20 of the international obligations.

21 In particular, on the House side,
22 they are adding sharks to that, to that bill.

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1 And they have a finning provision in there
2 which prohibits finning of sharks at sea,
3 similar to what we currently are proposing to
4 do on the -- which we just have done on the
5 East Coast. And those may actually move
6 somewhat. It remains to be seen whether they
7 will be passed, but those seem to be moving
8 through the paths.

9 The HR21, is moving in the House.
10 It's unclear whether anything will happen in
11 the Senate on that. That is the big oceans
12 bill which authorizes, provides an organic act
13 for NOAA and is Congress's response to the
14 Ocean Commission Report, which identified
15 ocean governance as a big concern and had
16 outlined some measures in which the various
17 agencies could work together and create a
18 superstructure for ocean governance.

19 This has -- this is -- Congress
20 doesn't adopt all the Ocean Commission's
21 Report, but is more measured. It does provide
22 for coordination among various Federal

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1 agencies in ocean governance. It is moving in
2 the House, but I don't know that it is going
3 to go through anything in the Senate.

4 There are a number of individual
5 species-related bills in the Atlantic with
6 striped bass, blackfish and menhaden, which
7 don't appear to be moving. There's the
8 rebuild -- the Rebuilding Flexibility Act,
9 called various different things, which will
10 extend the time for rebuilding fish stocks
11 within the Magnuson statutory time frames out
12 further, which is also of interest to a number
13 of the East Coast fishermen. It doesn't
14 appear to be moving through Committee, and
15 it's only on the House side. There's no
16 companion bill on the Senate side.

17 You heard a little bit about the
18 CZMA. That's a bill in which the
19 Administration has been working on a position
20 on a bill, but has not introduced one. But
21 Congress is moving forward in their hearings
22 on the CZMA bill. It's unclear to me whether

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1 that will, or actually, how far they will get
2 on CZMA. But they are working on that.

3 There had been early in the
4 session, some thoughts about re-authorizing
5 the Sanctuaries Act. But that has not
6 progressed. There is currently no activity on
7 the Hill. There's some isolated hearings on
8 an overall re-authorization. And NOAA has not
9 -- Congress has not introduced a bill.

10 There is a small bill dealing with
11 the Farallones and Cordell Banks, extending
12 the boundaries. And at one point, they had
13 banned aquaculture activities and some other
14 activities in there. But that appears to be
15 taken out.

16 Those are the overview of the ones
17 that I thought were of most interest. There's
18 some other ones we can talk about, they're in
19 there, if you'd like, but that's a brief
20 summary of where we are.

21 My general view though, is this
22 late in the session, unless it is fairly far

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1 along, it's unlikely that any of those will be
2 passed. Some of them may be acted on by one
3 chamber or the other, and provide a starting
4 point for next year. But most of those that I
5 talked about will not be passed. Mr.
6 Chairman, any questions?

7 MR. DILERNIA: Ms. Glackin.

8 MS. GLACKIN: Just a comment
9 actually. And that is under the other
10 legislation. Like Sam said in the other
11 parts, we don't expect this to pass, but
12 debate on the Lieberman-Warner Climate Change,
13 I just want to highlight to this group. This
14 is the cap and trade legislation that creates
15 a fine. And we have been kind of working the
16 Hill hard, because it started that most of the
17 money that would be generated there would go
18 to the Department of Interior for climate
19 impacts. And it's the belief of many of us
20 that we're going to see significant climate
21 impacts at the coastline and in marine and
22 ocean resources.

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1 So, we think that you know, it's
2 not in the right position right now. I think
3 it was originally submitted that five percent
4 would come to NOAA for distribution. And I
5 think we argued it up to 12 percent or
6 something like that. I forgot where it was.
7 But we think it's just completely skewed from
8 where it needs to be.

9 So, I just highlight that to this
10 group. It's not going to happen in this
11 Congress, but it will be reborn in some
12 fashion in the next Congress, some mitigation
13 -- you know, some legislation or mitigation.

14 MR. DILERNIA: Other question's for
15 Sam? Randy.

16 MR. FISHER: Sam, have you been
17 involved at all in that whole issue of MPF
18 permits and the hold that's on the bill for
19 recreational boating and commercial boating?
20 Have you guys been involved in that at all?

21 MR. RAUCH: We have not been
22 involved in that issue. Is that the McCain

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1 boating bill?

2 MR. FISHER: Yes. But I heard --

3 MR. RAUCH: So, it's in that list,
4 but we --

5 MR. FISHER: There's a hold on it
6 now by Senator Murkowski on whether or not
7 there's a -- you know, they're going to have a
8 rolling hold, or whatever they're doing.

9 MR. RAUCH: You know, that's, deals
10 more with marine discharge. It's clearly an
11 EPA issue.

12 MR. FISHER: Yes.

13 MR. RAUCH: The fisheries are upset
14 about that.

15 MR. FISHER: Okay. Thank you.

16 MR. RAUCH: I was about to say NOAA
17 --

18 MR. DILERNIA: Any other questions
19 for Sam? John.

20 MR. CONNELLY: Sam, any other -- on
21 the food safety legislation which gets a lot
22 of attention in both the Senate and the House,

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1 and certainly the Farm Bill was a direct
2 threat to NOAA and NOAA fisheries, the seafood
3 inspection program. To move catfish and any
4 other amenable species to USDA would
5 essentially gut the seafood inspection program
6 at NOAA. And any thoughts on how the
7 legislation, you folks are concerned about
8 there, or taking action on to inform?

9 MR. RAUCH: Well, there are -- yes.

10 There are a number of pieces of legislation
11 on the list in here. There's one that we've
12 been working with the Senate staff on, is this
13 last one right above the -- right in the House
14 and Senate, the Import Seafood Safety and
15 HASMAT of 2008. In fact, it started as an
16 addendum to the Senate's aquaculture bill and
17 then was separated out.

18 That's the one which would clarify
19 that there is a rule for NOAA and seafood
20 inspection and strengthen that. So we will
21 work closer on that. We have not been asked
22 to provide comments to any other bills which

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1 include seafood inspection, completely out,
2 similar, to FDA.

3 We have concerns about those. And
4 about how you would operate through the
5 channels to try to try to look at those, but
6 we haven't been asked directly by the Hill for
7 a comments. And we've been -- we're going to
8 go indeed to try to -- and like I said, to
9 make these known. But I --

10 MR. CONNELLY: Just as, I think,
11 Randy -- to reflect back on Randy's comments
12 about MAFAC not being a passive recipient of
13 things and to more aggressively communicate
14 what MAFAC's positions are to the Secretary
15 and the head of NOAA, we at least view these
16 kinds of threats to NOAA to move things over
17 to USDA as means to gut out parts of NOAA's
18 program and the attendant budget that goes
19 along with that.

20 So, I think it would be important
21 for in the meeting report to have some
22 discussion about, or some note that MAFAC is

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1 concerned about continuing efforts to move
2 parts of NOAA into the USDA, particularly as
3 it relates to seafood inspection or other
4 programs.

5 MR. CONNELLY: I will note it seems
6 the section 22 programs speaks for itself. It
7 seems cleared by his staff. It's funded under
8 contract.

9 MR. DILERNIA: John, we'll make
10 that part of the official record, if you could
11 come back with a resolution after lunch. And
12 we'll take a motion on it and pass right after
13 lunch. Tom.

14 MR. BILLY: Can't we deal with that
15 tomorrow when we have the discussion on the
16 subject.

17 MR. DILERNIA: Oh, fine. There you
18 go. Even better. You've got 24 hours now to
19 write the resolution.

20 MR. CONNELLY: And just -- I
21 wonder, if we could talk a little bit more
22 about it tomorrow, but the threat is not FDA.

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1 FDA are not the professed bureaucrat king
2 fighters out there. The threat to NOAA is
3 USDA. It's the Department of Agriculture
4 wanting to get deeper into seafood issues,
5 particularly in the inspection area. And for
6 those that deal with Senator Cochran, Senator
7 Chambliss, you're dealing with folks that have
8 --

9 (Laughter.)

10 MR. CONNELLY: -- that are well-
11 versed in populating those agencies and those
12 departments also. USDA is a greater threat to
13 NOAA than the FDA is.

14 MR. DILERNIA: To me, it seems like
15 this is -- I was -- I was skinny with hair
16 when this first came out, first became an
17 issue.

18 (Laughter.)

19 MR. DILERNIA: This turf battle has
20 been around forever. But yet, a resolution
21 for tomorrow.

22 MR. CONNELLY: Someone's getting a

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1 turf thing. Some piles grow and some piles
2 get lower.

3 MR. DILERNIA: So, for tomorrow.
4 Any other questions for Sam? Sam, as always,
5 again, thank you. Very thorough.

6 (Off the record discussion
7 regarding agenda.)

8 MR. DILERNIA: Okay. The other
9 things we have to do before lunch today is an
10 election for a chair. And we have some other
11 legislative issues that we have to get through
12 that Mark has for us.

13 Right now, we have -- well, are
14 there any nominees -- I guess we'll put it
15 this way. We have one nominee for the
16 position of chairman as of right now, and that
17 is Dr. Tom Billy. Do we have any other
18 nominees for the position of chair?

19 I'm going to ask three times just
20 to make sure, and we'll just -- we do have the
21 councils, and then move on.

22 Are there any nominees? Are there

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1 any nominees? Okay.

2 Well, then, Jim, seeing the fact
3 that there are no additional nominees for the
4 position of chairman, I will close the
5 nominations. And I would move that the
6 Committee declare by acclamation their next
7 Committee liaison or chairman and the
8 individual to succeed me to be Dr. Tom Billy.

9 (Applause.)

10 CHAIR-ELECT BILLY: Thank you all
11 very much. I understand and respect the
12 important role that this Committee plays, as
13 well as the role of the Liaison Chairman and I
14 look forward to working with all of you and
15 continuing to strengthen our input and
16 hopefully the results of the causes. Thanks.

17 MR. DILERNIA: Thank you. Tom, I
18 won't be here tomorrow. I'll be here in the
19 morning for the first hour or so. But after
20 that, I will not be here. So, if you would
21 please after tomorrow morning, or tomorrow
22 morning, please take over the position here at

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1 the front, I would be honored. Thank you,
2 sir.

3 MR. BALSIGER: Well, Captain, I
4 just -- didn't we just elect a Chairman. I'm
5 not sure that you get to be here in the
6 morning. I mean --

7 (Laughter.)

8 MR. DILERNIA: I'm still a member
9 until you cross me from that.

10 (Laughter.)

11 MR. DILERNIA: I meant, I'm going
12 to be here for just -- I'll just stop in for a
13 few minutes. All right. Mark, you have
14 stuff?

15 MR. HOLLIDAY: Yes. So just a
16 couple of items. First, on the agenda, we're
17 going to try to do next meeting time and place
18 at the end of the business day today. So add
19 that to your agenda because we wanted to
20 capture that discussion while everybody was
21 still present.

22 And before we close for lunch, I'd

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1 like to take a moment with Dr. Balsiger to
2 acknowledge outgoing member class of MAFAC,
3 where this would be their official last
4 meeting. And Jim has a few words and
5 acknowledgments for the -- those committee
6 members.

7 MR. BALSIGER: Well, I hadn't done
8 the math until right now, so I might be wrong
9 on this. It's the Class of 2002, I guess.
10 Starting 2002. So it is my honor and it's my
11 privilege to be able to acknowledge the
12 contribution of six members of this Committee
13 that have completed their second term with
14 MAFAC. And NOAA appreciates, NMFS
15 appreciates, I appreciate, the time that's
16 been put in.

17 It's a voluntary service. We pay
18 for your room and some meals, but you don't
19 get any other compensation for it. So, we
20 appreciate that. Thank you for the expertise
21 that you've had and the thoughtful
22 contributions you've made.

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1 As I mentioned yesterday, I do
2 think that this group is making an impact on
3 how we go forward. I think right now, its
4 impact is likely to be as big as it's been at
5 any other point because of the transition
6 between Administrations. So, this is the
7 group that's done that for us. And I want to
8 thank you.

9 So we have some plaques made for
10 the out-going members. We also had a
11 discussion yesterday that consistent with the
12 -- actually, we voted on that -- goal of some
13 continuity and not overturning the entire
14 Committee at one time, that we will look at a
15 -- complete a process to extend perhaps for
16 one more year, some of the out-going members,
17 but we don't know who those people will be
18 yet. So, just as a chance to identify you in
19 front of other peers on this group, we're
20 going to give a plaque to those six members

21 So, the first one I have here is
22 Chris Dorsett. He's -- read, "In recognition

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1 of your exemplary public service while
2 advising the Secretary of Commerce on living
3 marine resource matters, as a member of the
4 Department of Commerce Marine Fish Advisory
5 Committee 2003-2008."

6 So, I did the math wrong. You
7 started in 2003.

8 (Applause.)

9 MR. BALSIGER: Alphabetically,
10 Captain DiLernia.

11 (Applause.)

12 MR. BALSIGER: Robert Fletcher.

13 (Applause.)

14 MR. BALSIGER: John Forster.

15 (Applause.)

16 MR. BALSIGER: Jim Gilmore.

17 (Applause.)

18 MR. BALSIGER: And Ken Roberts.

19 (Applause.)

20 MR. BALSIGER: So, these voluntary
21 services are not to be overlooked. We do get
22 people nominated, self-nominated for it. So I

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1 know that these are jobs that are meaningful
2 to you, but as you go through a dozen meetings
3 or so, I know it's an impact on your personal
4 self. So, thank you very much. And let's
5 see, we're going to have Dorothy Lowman.

6 MR. HOLLIDAY: Dorothy has the
7 floor at this point.

8 MS. LOWMAN: So, Tony. You know,
9 when I started MAFAC three years ago, somebody
10 -- I was saying, oh, this is going to be
11 great. And somebody said, you have the new
12 MAFAC member disease. You think you're going
13 to make a difference. But in my experience in
14 those three years, that's not been the case.
15 And a lot -- I credit a lot of that as your
16 leadership as Liaison. Because I think we've
17 created some products here. We've clearly, I
18 think, in the -- today, during aquaculture
19 that the recommendations that MAFAC has made
20 has been heard by the Agency and it's made
21 some difference.

22 I think that also -- yes, move up

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1 here. Look me in the eye here.

2 (Laughter.)

3 MS. LOWMAN: And you know, we've
4 had -- you know, you've played an instrumental
5 role in having Vision 2020 come to fruition.
6 And I think you've help guide and inspire us
7 to also to continue to work on this transition
8 document that we'll be talking about more
9 tomorrow.

10 So, but not only that, but from the
11 moment I've met you, you know, you've been
12 full of life and full of love for your MAFAC
13 family. And that's been clear many, many
14 times when I see you reach out and do a little
15 extra for members

16 MR. DILERNIA: Thank you.

17 MS. LOWMAN: So, as your MAFAC
18 family, we wanted to return that. And as a
19 small token as our appreciation, and also the
20 way you hosted us here, we thought at some
21 point, you and LuAnn are going to be able to
22 take a breath, and we hope that you'll enjoy

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1 dinner at what we think is one of your
2 favorite restaurants, By the Line, from your
3 family.

4 MR. DILERNIA: Thank you.

5 (Applause.)

6 MR. DILERNIA: Sit down, please.

7 Boy two days in a row I've been emotional.
8 This is a record for a guy like me from
9 Brooklyn you know. Thank you very much. It's
10 been a pleasure and an honor to serve the
11 Agency and the Committee as both a colleague
12 and as your Chair.

13 The -- we all know sitting around
14 the table, that the Agency is made up of a lot
15 of very good people, trying to do an
16 impossible job. We're all given mandates by
17 Congress, and the minute they try to follow
18 those mandates, they get letters from members
19 of Congress saying, no, no, that's not what I
20 meant. And they're often placed in a very
21 impossible position. And we have to realize
22 that.

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1 For our ability to -- it's been a
2 pleasure and an honor for me to work with you
3 and to be in the position of being able to
4 give the Agency advice. It -- that's what we
5 do. We work for the Agency, we're their
6 advisors. Sometimes they don't want to hear
7 what we have to say, but we would be remiss if
8 we did not tell them what we thought, what we
9 honestly thought was appropriate and what
10 would be useful.

11 Again, I am the better for all of
12 this, for having your friendship and having
13 your professional, our professional
14 associations and our friendships I know will
15 continue well beyond our work here on this
16 Committee. And I look forward to continued
17 working with you in the future, perhaps not on
18 an official capacity, but if there's any kind
19 of work that we can do here, we would like to
20 do it and help you.

21 Again, welcome to New York. I will
22 be here in the morning for Ms. Glackin's

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1 comments and then after that, I'll be off to
2 getting things ready. And thank you very much
3 for this and thank you for your professional
4 associations, and most importantly, for your
5 friendships. Thank you very, very much.

6 (Applause.)

7 MR. DILERNIA: And we get an hour
8 and twenty minutes for lunch, 1:30, we'll be
9 back. Correct? We're so adjourned.

10 (Whereupon, the aforementioned
11 proceeding went off the record at 12:04 p.m.
12 and resumed at 1:49 p.m.)

13 MR. GILMORE: Now, the only thing
14 worse than having somebody kill time, is when
15 they don't kill enough time. And I'm afraid
16 that might be where we end up here. Because -
17 - order, order. Sergeant at Arms. It's like
18 C-SPAN.

19 This was -- this agenda topic was
20 originally allocated I think, 75 minutes. And
21 I spoke with the Chairman this morning, the
22 real Chairman this morning, and I told him I

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1 thought we could cut this down to 15 minutes,
2 not because we're efficient, but because we
3 seem to be going backwards on this project
4 instead of forwards on this project.

5 So, we're going to go back to the
6 future here. And let me just give a brief
7 update on where we are with this project to be
8 sure we're figuratively on the same page. And
9 then we can turn to being literally on the
10 same page in a second.

11 This was an idea that was floated
12 at the December meeting, that we would prepare
13 a document intended for either a transition
14 team, or the new Undersecretary that would, to
15 inject my bias, provide some recommendations
16 on a way forward for the Agency on key issues.

17 We had some support materials that
18 Mark Holliday and others at NOAA had put
19 together for us tiering off the Vision 2020
20 document, and the Ocean policy -- the Ocean
21 Action Plan and other documents. And we came
22 out of St. Petersburg, I think in reasonably

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1 good shape with an identified list of items
2 that we wanted to look into.

3 The Strategic Planning Subcommittee
4 had a teleconference a couple months ago. And
5 it sort of refined the list a little bit more.

6 People took writing assignments and we came
7 up with the document that is in the book under
8 Tab K, I think. So we had the Subcommittee
9 meeting yesterday, and I had sent an email,
10 and it's the annotated agenda item in the book
11 there.

12 I had sent an email saying that,
13 where I thought we needed to go with this
14 transition document was to significantly
15 narrow the number of issue areas we were
16 looking at and focus on sharpening the
17 recommendations that came out of it.

18 After two hours yesterday, we had increased
19 the number of issues and not discussed any
20 recommendations.

21 So I think we're -- I think it's a
22 close call as to whether we're worse off than

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1 we were before we ever took up the subject in
2 December, or just about where we were the day
3 after we took up the subject. But I wouldn't
4 say that in the six months we've picked up a
5 lot of ground.

6 So, at three o'clock this morning,
7 I turned to the computer, and I said, well,
8 I've got to come up with something between now
9 and then besides shortening this to a 15-
10 minute conversation. And so, you can ignore
11 the transition document that's in your book.
12 And the editorial -- the only comment I'll
13 make on this document is that the -- in
14 transmitting this from my computer to the NOAA
15 computer, suddenly it came up with a lot of
16 numbers that they were all supposed to just be
17 blacked in bullet points.

18 And if you're saying, well, geez,
19 Jim, you know we have a lot of bullet points
20 here, but they don't seem to have any text
21 attached to them. And the answer would be,
22 that's correct. That is the status of the

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1 recommendations that I think we have right
2 now.

3 And so, my proposal, in trying to
4 get this project moving forward, is a homework
5 assignment. That, take this document home
6 with you, look through these issue areas,
7 decide which ones you think -- let me back up.

8 Put yourself in the place of an in-
9 coming Undersecretary of Commerce. Think of
10 all the briefing materials you're going to be
11 handed. Think of all the interest groups that
12 are going to be pounding on your door. Think
13 of everything in this brand new job of yours
14 that you're going to be faced with and what's
15 going to make you pick up an interesting and
16 provocative document from an Advisory
17 Committee that you have that you didn't know
18 existed.

19 I'd say, take these issue areas for
20 the ones that you think belong at the top of
21 the list for an Undersecretary, with
22 recommendations. And I think this is where I

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1 fell down on the job here, was that we kept
2 arguing about what were interesting issue
3 areas. I don't think that's the issue.

4 Just as a hypothetical,
5 aquaculture. Obviously a hot issue. But if
6 we don't have any immediate recommendation for
7 an Undersecretary, I don't think we need to
8 worry that the Undersecretary isn't going to
9 find out that aquaculture is a big issue in
10 the Agency.

11 So, again, focus on what the
12 recommendations are along with what the issue
13 area is. So, I would say, by August 1st,
14 email to me and Mark, the recommendations that
15 you want to fill in on the issue areas, on the
16 recommendations that you think an
17 Undersecretary should have, on the issue areas
18 -- under the issue area here.

19 If you want to add an issue area,
20 knock yourself out. If you have other
21 recommendations in an issue area that isn't
22 here, go ahead and submit them. And what I'll

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1 do is, I'll collate this. I'll send it back
2 out to the Committee within a week, and then
3 we'll do it with a score sheet and we'll ask
4 people to prioritize.

5 I don't know exactly how we'll do
6 it, but -- Randy?

7 MR. CATES: What's driving getting
8 away from the draft document?

9 MR. GILMORE: We don't have -- I
10 don't think we have meaningful recommendations
11 in the draft document at this point. I don't
12 think we have anything that isn't communicate,
13 cooperate, spend money -- I don't think we
14 have policy instructions to the -- well, let
15 me back up this way and say, the reason there
16 are a couple of bullet points filled in here -
17 - on the LAPP issue, Dorothy and I had a
18 offline back and forth during the development
19 of the transition document. The transition
20 document came in with everybody's text, at
21 about 12 or 13 single-spaced pages. My vision
22 for this is a three, four, five-page tops

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1 memorandum.

2 So, I took the 12 pages, and I
3 edited it down to seven. I didn't really do
4 justice to Dorothy's comments, and we swapped
5 notes about you know, what she was trying to
6 get at. And so I think we came up with some
7 pretty good priority recommendations to an
8 Undersecretary.

9 MR. CATES: I guess what I'm
10 questioning is, is that really a wise thing to
11 do? I mean, managing the nation's ocean
12 resources is a complex thing, with -- do you
13 think NASA is going to hand somebody a similar
14 thing? Do we need to reduce it down to that?
15 Is that effective, or should we have more of
16 a comprehensive document?

17 MR. GILMORE: Mark.

18 MR. HOLLIDAY: Well, Jim, did you
19 want to speak first?

20 MR. BALSIGER: Well, go ahead
21 first. I have a thought, but you'll probably
22 say it.

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1 MR. HOLLIDAY: I think the
2 Administration, has an active transition
3 preparation process underway. So, within
4 NOAA, within the Department, there are dozens
5 of people writing different papers and
6 strategies for the new Administration. First,
7 to inform them about where things stand now,
8 and what's likely to happen in the short term,
9 as well as longer term initiatives for the
10 future of you know, burgeoning issues.

11 So, I think the notion was, what
12 can MAFAC from its perspective, advocate or
13 promote from a strategic level that would have
14 something different than what the
15 Administration and people already know,
16 whether it's NASA, NOAA or the Department,
17 many hours are being spent on preparing
18 transition material.

19 So, we don't want to duplicate that
20 effort and just have another voice saying the
21 same exact thing. But if there's something
22 that, from MAFAC's perspective, your

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1 expertise, your background and your
2 opportunity and ability to say something, but
3 in a different way perhaps than what the
4 Administration and the existing federal sector
5 people could say. That would be valuable to
6 hear.

7 So, I know it's difficult for you
8 to understand all of the different things that
9 are being prepared, but you should know that
10 there are tons of people who are working on
11 transition and both inside and outside
12 government. Let's face it. Everybody's
13 looking at this as an opportunity for change
14 and a window to try to influence what the
15 future Administration will focus on.

16 And I think the advice to Jim and
17 the Subcommittee was: what could MAFAC
18 uniquely try to contribute that would be of
19 value that wasn't already being covered by
20 somebody, wouldn't be covered by somebody else
21 in the Administration.

22 MR. BALSIGER: I know Randy's hand

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1 is up, but just to enlarge on Mark's point.
2 Part of your difficulty is, we're not going to
3 share with you our internal transition
4 documents.

5 (Laughter.)

6 MR. BALSIGER: So how do you know
7 whether if it's going to be unique or not.
8 And that's hugely difficult for your
9 committee. And to that end, I think as you've
10 started to prepare here, with the short,
11 bulleted things, you might have an idea of
12 what might be something unique from your
13 perspective, but these are the kinds of things
14 that may relatively easily be worked into one
15 of the other seven transition documents that
16 Fisheries is preparing for Mary Glackin,
17 basically.

18 Because if you produced 40 pages,
19 she's not going to be able to work that in,
20 probably. But if you have a fairly tightly
21 described points, like these one or two
22 sentence ones under limited access privileges,

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1 such as showing up there, those are the kinds
2 of things that can be checked by someone to
3 see if they're in, and may be added into the
4 documents.

5 And Mark's point, maybe that, maybe
6 there's a place for an 8th transition document
7 that be the MAFAC's part. But undoubtedly,
8 some of your comments are going to be included
9 in what the other transition documents
10 contain. So, I think this is good, the way
11 it's starting to go.

12 MR. GILMORE: Randy.

13 MR. FISHER: On this kind of -- I
14 was going to talk a little bit about Vision
15 2020. It seems to me, if you read Vision
16 2020, and you think you did a relatively good
17 job at it, which I actually believe we did,
18 it's almost the start of a report card on
19 where you want to be in 2020.

20 But it should start now. And it
21 seems to me that that is as good a transition
22 document as you're ever going to find. And

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1 what you could do, is to look at that document
2 in terms of what is here and figure out
3 whether they're the same sorts of thing. And
4 then, call it square. Because I believe that
5 is a pretty good document to look at,
6 especially viewing a transition situation.

7 Because it says, this is where we
8 think we're going, then you can say, here's
9 where you think you are right now today
10 getting there, and you're done.

11 MR. GILMORE: Let me ask Mark to
12 follow up on that, then we'll go Heather and
13 Tom.

14 MR. FISHER: I think the plan --

15 MR. HOLLIDAY: Yes.

16 MR. GILMORE: Okay.

17 MR. BILLY: If you back one tab, to
18 the 2020, turn to page 6, as an example, and I
19 agree with Randy completely, Section 3,
20 Summary of Recommendations, it's a little over
21 two pages. You will find here a set of pretty
22 good recommendations that this committee has

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1 embraced. We've had public input on it from
2 participants. And you might want to tinker
3 with the wording a little bit to put it into a
4 little different context for transition, but I
5 think there's a lot here that has been thought
6 through pretty thoroughly. And I agree with
7 your recommendation.

8 MR. HOLLIDAY: I simply was just
9 going to raise a point of information that you
10 go back to the December MAFAC meeting and the
11 charge that led to this activity on the
12 Subcommittee. It was to tier off of 2020. It
13 was to take what the long term Vision of 2020
14 was, and find those things that, in the early
15 part of the new Administration, you wanted to
16 highlight for them in order to achieve the
17 outcomes you wanted, you anticipated seeing
18 for U.S. Fisheries in 2020.

19 So in the first 100 days, or in the
20 first 12 months of the new Administration,
21 what could be done, what would be a window of
22 opportunity, what would be low-hanging fruit,

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1 whatever cliché you want to use, that the
2 Administration could do to help achieve those
3 2020 outcomes. That's the context of why we
4 were going from our long term vision to a
5 transition plan that said, here's an
6 opportunity to strike early to move us along
7 the path of where we wanted to be in the long
8 term.

9 MR. GILMORE: Heather.

10 MS. MCCARTY: Yes. Thank you.
11 That's one of the things I was going to say,
12 is that the Committee consciously used the
13 Vision 2020 document and just in answer to
14 Randy's question as to why are we moving away
15 from the original document that was in the
16 book. A couple of reasons in my mind was the
17 request is that it was put together by a
18 different people. And it was really, truly
19 apples and pears.

20 You know, it was, you know, a group
21 of thoughts from one person, and then maybe
22 some other thoughts from another person, but

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1 some of the same things kind of reappeared.
2 And so we kind of reorganized it is all we did
3 in the sense of grouping together issue areas.

4 Then I think, as far as the
5 recommendations themselves go, I think we
6 realized number one, we didn't have time to go
7 through all the discussion that it would take
8 at that Subcommittee level to arrive at
9 agreement on what the recommendations on those
10 issue areas might be.

11 It didn't mean that we weren't
12 going to, it just meant that we didn't even
13 have time to do it in the time that we had.

14 MR. GILMORE: And my -- you know,
15 my thought on this going forward is that it's
16 just going to have to be done electronically.

17 You know, there's just no way to swap this
18 many ideas in a two-hour session. And so,
19 things will come in, things will go out,
20 decisions will get made electronically and
21 we'll see if we can't get something together
22 by November. Tom.

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1 MR. FLETCHER: To complement that
2 kind of an exercise would sound, sounds like a
3 good approach. I was thinking at the
4 appropriate time I was going to suggest that
5 we think about having a meeting of the
6 Committee in December in Washington, and maybe
7 devoting a day to taking what your committee,
8 Subcommittee comes up with, further polishing
9 it, remitting to it and then sitting down with
10 the transition team and sharing it with them,
11 answer their questions and make sure that
12 we're clearly communicating what we think are
13 the important things for the first 100 days,
14 or four years, or whatever.

15 MR. GILMORE: I like that. Mary
16 Beth, you have a comment?

17 MS. TOOLEY: Yes. Just one
18 thought. I mean, certainly the idea was to
19 tier off 2020 Vision. I think you should look
20 under the fisheries number six and number
21 seven. It speaks to matching fleet capacity
22 with available progress, and limited access

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1 privilege programs. And you know, so that is
2 -- has been around for two -- the
3 Administration on that particular issue. So
4 I'm assuming the 2020 document is going to
5 move forward with transition documents as
6 well.

7 Then what do we want them to do to
8 get there in the short term? That's our
9 vision of where we want to go. So, when they
10 come in, what is it we think is the highest
11 priority for them to be acting on off the bat.

12 So, kind of thinking in those terms.

13 MR. GILMORE: Bill.

14 MR. DEWEY: So timing-wise, I'm
15 sure is big, regarding Balsiger's comments
16 earlier, is November-December an appropriate
17 time line when we expect to maybe have some of
18 these recommendations incorporated into your
19 transition documents, which I'm assuming will
20 be done sooner.

21 MR. BALSIGER: I think that -- I
22 haven't been in D.C. during a transition. But

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1 I expect both McCain and Obama camps, once
2 they're nominated, will have transition people
3 in town well before the election, as soon as
4 they're there. So, I think December's kind of
5 late, to tell the truth. Like I said, I'm a
6 rookie on this. So maybe Mark has a different
7 thought.

8 MR. HOLLIDAY: Well, your
9 observation's correct, that the -- there will
10 be transition teams prior to the election. I
11 think the mechanics of it really are, there's
12 2020 that is already being accepted and
13 incorporated into transition documents being
14 prepared by NOAA.

15 So, we're -- Tony wrote the letter
16 that delivered it to NOAA, NOAA acknowledges
17 receipt, so people are already looking at it
18 from the long term. But from the strategy
19 standpoint, I'd say, December probably is a
20 little bit too late. I think the November
21 time period is going to be very busy, you
22 know, right post after the election.

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1 But you have to have your thoughts
2 organized. And because of the time line that
3 you're on now, here it is July, from a
4 practical standpoint, I think that's going to
5 drive it more than anything else.

6 Even if you wanted to do it a lot
7 faster and a lot earlier, doing it
8 electronically over the next couple of months
9 where people are going to be, have already
10 made commitments, leave, travel and everything
11 else, I think that November-October period is
12 probably as practical an early time as you can
13 hope for.

14 I think December might be pushing
15 it to the outer limit of its utility to get in
16 early, to get in line early.

17 MR. GILMORE: And I think that a
18 couple of things will happen. One is, I will
19 try to push it from a time line standpoint to
20 get stuff out, get the comments back, collate
21 it.

22 And I think to the extent that I

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1 can try to move it quickly, then people will
2 pay more attention to it than seeing something
3 every couple of months. So hopefully that
4 will be one outcome.

5 And the other thing is, oftentimes,
6 these things get led by the folks that stay
7 involved. And so if four people decide
8 they're really interested in this, it will
9 move faster than if 21 people decide they're
10 interested in it. And so it -- a lot will
11 depend on how much involvement there is.

12 Obviously we encourage everyone to
13 be involved. But we'll try to keep to a
14 sprightly schedule for the reasons that Jim
15 and Mark have laid out. And we won't say,
16 we're going to hold off two more weeks and
17 wait for comments. We're just going to --
18 we'll move it with the comments that we have
19 and we'll go from there.

20 Dorothy and Tom.

21 MS. LOWMAN: Well, I think -- I
22 mean, I think we have a -- hope the people

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1 have a good idea what we're trying to do is to
2 you know, get to the office, get more specific
3 on whether the first -- some specific first
4 steps to get to the long-term vision. But I'm
5 thinking if we did have 75 minutes, that maybe
6 we could at least for some of these, and I
7 suspect that -- I think I know what some of
8 the aquaculture guys probably have some really
9 specific things that they would see as first.

10 You might kind of start to flesh
11 some of this out now, and then continue it
12 electronically. It's just an idea. I know
13 it's probably not what you want to hear, but
14 you know.

15 MR. GILMORE: After yesterday?

16 (Laughter.)

17 MS. LOWMAN: Hopefully with this
18 idea that you know, kind of like, we tried to
19 do it with limited access privileges and say
20 what are some really specific steps you
21 probably want to do pretty soon, especially
22 since you're going to have something to

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1 implement here, quick push.

2 And you know, but try to do that
3 maybe for one, or maybe we could choose one
4 other section to try to do that a little bit,
5 too. To get, again, a sense of a feel for
6 people so when they come back electronically
7 of what's being looked for.

8 MS. MCCARTY: That's a good idea.

9 MR. GILMORE: And which one did you
10 want to pick? Let's just hold on for one
11 second. Do we have any other general comments
12 before we -- okay. So, folks get the idea of
13 what it is we'll -- Heather.

14 MS. MCCARTY: I think you already
15 asked the question, and maybe nobody answered
16 yet. But you said, are there any others that
17 people would like to see on the list in terms
18 of issue areas. Did you already say that?

19 MR. GILMORE: I said you're welcome
20 to submit if you have other areas. You're
21 welcome submit an issue area and
22 recommendations. And it will go out on the

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1 same piece of paper with anything that we get
2 on any of these issue areas. So there will be
3 no prejudging that, well, that came in on a
4 submission on July 27th, it wasn't on this
5 piece of paper today.

6 MS. MCCARTY: Well, wait a minute.
7 If I may. I actually think that at least
8 that would be agreed upon at this meeting. At
9 least the list we could and should be agreed
10 upon at this meeting.

11 MR. GILMORE: This --

12 MS. MCCARTY: You know what I mean.
13 Rather than try to put it off.

14 MR. GILMORE: My -- well, I guess I
15 don't think it matters whether we end up with
16 ten more issue areas beyond this. Because I
17 don't -- my vision, again, is this is a three
18 to five-page memo with specific
19 recommendations or a good point was made
20 yesterday, alerts, look out, this baseball
21 bat's getting ready to hit you upside the
22 head.

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1 And so, you know, I don't think any
2 of these issue areas are sacrosanct. I think
3 they're all on the -- every one of them's on
4 the chopping block for not making the final
5 cut. And we'll just have to figure that out
6 when we go back out. So, I don't care if more
7 -- if people want to come in the market place
8 of ideas with specific recommendations. If
9 you just send in an issue area and no
10 recommendations, that doesn't really do us any
11 good.

12 And I think the problem was, we
13 kept talking about issue areas. Well, that's,
14 that one's important, well, that one's
15 important. But we're talking about what do we
16 want an incoming Undersecretary to do. So,
17 I'm not -- you know, go off and think about it
18 for a couple of weeks. Are we missing an
19 issue area here? Are there specific
20 recommendations you have? And then submit
21 back. Yes, Bill.

22 MR. DEWEY: Well, in that spirit of

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1 trying to keep this focused around our 2020
2 document, I wonder if it's worth having a
3 footnote reference with each recommendation
4 that takes them to the appropriate section of
5 the 2020 document for more information if
6 they're interested.

7 MR. GILMORE: I think, yes. My,
8 you know -- not to get too caught up in what
9 the final document would look like, but I
10 think, it will have to be more than just three
11 bullet-point recommendations. I mean, there
12 will have to be a little background paragraph
13 there. And so, hence my interest in keeping
14 this to more like three issue areas with a few
15 recommendations per issue area, rather than
16 getting into the box that we found ourselves
17 in now where we think there are ten issue
18 areas with untold recommendations.

19 But I think we have to have a
20 little explanatory text with it and to the
21 extent that we can link it to 2020, I think
22 that's more helpful to everybody.

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1 MR. HOLLIDAY: I don't know if this
2 helps or hurts. But, you could -- the
3 structure of 2020 is sort of this progressive
4 framework approach of what the issue is, and
5 then it goes down to a recommendation for the
6 long term. You could just write for each one
7 of these 24 recommendations, or however many
8 you chose to, what's your immediate action in
9 the next 100, 120, 100 or 100 days, or first
10 year that would be useful in moving forward on
11 those recommendations.

12 So, when you go to construct your
13 final document, you already have the context
14 and you can easily lift material from 2020 to
15 support the progression of how you got to the
16 final recommendation. Rather than try to
17 recreate it, you've already spent a lot of
18 time structuring where the idea came from and
19 what the issue is and what the trend is and
20 what you're trying to address.

21 So, that automatically references,
22 sort of an auto-reference, to its origin.

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1 Just to help manage the diversity of things,
2 the subsequent recommendations that might come
3 forward.

4 MR. GILMORE: Let me ask the real
5 chairman. Where are we from a time
6 standpoint? I mean, what --

7 MR. HOLLIDAY: We have until 3:00
8 o'clock to do this and then 2020. So that's
9 sort of our time frame.

10 MR. GILMORE: Okay. And you wanted
11 a half an hour for 2020.

12 MR. DILERNIA: So, we need about
13 half -- Randy, a half hour for 2020?

14 MR. FISHER: Yes. Since we're
15 already talking about it, it could be going
16 fast, probably. Because it is related to this
17 directly, as far as I'm concerned.

18 MR. DILERNIA: This is -- you know,
19 when I accepted the Chairman's position, my
20 number one thought or opinion was, what MAFAC
21 should be, should be a general policy group.
22 We don't want to be down there in the weeds.

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1 You want to be way up here as far as
2 suggesting policy and big picture kind of
3 stuff.

4 And so, and I think that's what
5 2020 does. Now, it's been suggested, I forget
6 who said it, but listening to the
7 conversation, don't know who suggested it, but
8 suggested that perhaps your transition
9 document, our transition document, should be
10 one that identifies for the first 100 days, or
11 the first year, perhaps what aspects of 2020
12 should be addressed right away.

13 And I think that's a great idea.
14 You -- I wasn't there for most of the
15 discussion yesterday, Jim, so you have a
16 better sense of how that discussion would go.

17 We have a half an hour now, you know, about
18 35, 40 minutes left to do both this and for
19 2020. If you think that there's enough time,
20 or perhaps we should go through 2020, look at
21 that rollout, and then come back to your
22 transition document.

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1 MR. GILMORE: I think the only --

2 MR. FISHER: I think that's
3 important. Because it depends on how we view
4 what you want out of 2020. To me, it actually
5 is a good document and it spells out a lot of
6 stuff that you think is going to happen.

7 There's a couple of questions that
8 came up when I started thinking about this
9 stuff. Mary Hope and I talked a lot. She
10 said, well you won't -- you know, you've got
11 to talk about transition. Then I got
12 thinking, do we own this document. The fact
13 that Jim Balsiger sits at the end of that
14 table as part of this committee, does that
15 mean that he is part of the -- that NOAA
16 Fisheries then owns part of this document.

17 And the only reason why it's
18 important is, when you start thinking about
19 whether they're going to come back and comment
20 on what they think of this document as an
21 agency. Because what we've said is, here's
22 what we think is going to happen. This is what

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1 we think is important. And there is something
2 that we would make a recommendations on how to
3 deal with some of these issues.

4 Now, if we present this to the
5 Secretary of Commerce, is NOAA Fisheries
6 involved in part of that or not? In other
7 words, is it our document as a Committee, and
8 separate from our document meaning NOAA in our
9 document, and therefore, that we are requiring
10 and requesting certain things out of them on a
11 transition -- as a transition document, that
12 is one question.

13 The other question is, if we look
14 at this as a transition document, have we've
15 already submitted it to the Department of
16 Commerce, I don't even know.

17 MR. DILERNIA: No, not yet.

18 MR. FISHER: Okay.

19 MR. DILERNIA: Well, we sent it to
20 -- 2020 has gone to, we've sent it to Jim
21 officially. All right. It hasn't gone to the
22 Admiral yet, or to Commerce yet.

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1 MR. BALSIGER: We haven't briefed
2 Mary on it, you haven't brief --

3 MR. DILERNIA: Yes. We haven't
4 briefed anyone else on it yet. It's only been
5 delivered to Jim.

6 MR. FISHER: Okay. So then if you
7 look at a rollout, then the question obviously
8 is, are going to deal with this Secretary of
9 Commerce, or do we wait until the next one.
10 And if we do it as a transition document, we
11 could pull out those things that we believe
12 should be in the short term which would be
13 useful for a transition document, then take it
14 to the Secretary of Commerce so they have it,
15 and then we as a Committee have done what we
16 said we were going to do.

17 And then we can figure out what you
18 want to do as a, quote, rollout for past that.

19 I mean, what do we want this thing to really
20 do. And I think that's a question to discuss
21 for a couple of minutes or more.

22 MR. DILERNIA: You want to tackle

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1 it?

2 MR. GILMORE: Yes. I'd say the
3 only sort of issue on the floor with regard to
4 the transition document was Dorothy saying, do
5 we want to grab one issue area and try to
6 develop recommendations now. I guess maybe
7 what I'd say is, why don't we do the 2020
8 discussion, see how long it takes. If you've
9 got time and you want to grab one of these
10 bulls by the horn, we'll do that.

11 Otherwise, we'll just expect folks
12 some work assignment by August 1st.

13 MR. DILERNIA: Why don't we switch
14 these. Thank you, Jim. Thank you to the
15 transition group. 2020, I know there's a
16 rollout plan that's been developed that's
17 quite impressive. I'm going to turn it over
18 to Randy in a moment.

19 Randy did ask a question, though,
20 regarding, does it belong to the Agency, does
21 it belong to MAFAC, does it belong to MAFAC
22 and the Agency. You may recall that one of my

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1 -- one of the intents of developing 2020 and
2 one of the charges that was given to the
3 Committee members, was to ask folks to list
4 things that they really felt were important
5 that perhaps the Agency could not list.

6 At times, we were hoping and wanted
7 to try to give the Agency some cover, so that
8 we could get -- there's always an elephant in
9 the room that no one wants to acknowledge on
10 an issue. And as an independent advisory
11 panel, we could get away with recognizing that
12 elephant and give the Agency the cover that it
13 needed.

14 Because let's face it, there were
15 times when the Agency needs that they're --
16 understand that there's something that they
17 need, they just can't say it politically,
18 whatever, they can't get it done.

19 And so I said, okay, we'll take the
20 hit for it, and let us say, get it out there.

21 So, perhaps Randy, in answer to your
22 question, if NMFS becomes, in a sense, like, a

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1 part of it in making the presentation to
2 transition, do they lose the cover that I was
3 hoping that we could be able to create for
4 them. So, keep that in mind.

5 And having said that, perhaps turn
6 it over to you for the next few minutes.

7 MR. FISHER: And the argument is --
8 Mary Hope and I talked and she created this
9 fairly long list of a potential rollout you
10 know, of how we want to do that. And the more
11 I thought about it, the more I thought, I
12 think it would be worth a couple minutes to
13 say what people really believe they think we
14 should do with this thing.

15 Because that will sort of set the
16 stage on whatever kind of rollout we want to
17 do, and then I'd be happy to work on that
18 after that. But the question really remains,
19 number one, should we present -- the first
20 stage, obviously, is to present it to the NOAA
21 family. And we've presented it to Jim
22 already.

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1 But do we present it to Mary as a
2 separate thing, or do we present it directly
3 to the Secretary of Commerce where we try --
4 you try to get a meeting as a Chair with the
5 Secretary of Commerce and say, this is it, and
6 we go through the whole thing, or part of it,
7 which I think would be a good thing.

8 And then from there, what do we
9 want to do? I mean, do we want this to be in
10 every college and university that teaches
11 fisheries? Maybe. Because it's got some
12 interesting questions in it.

13 Do we give it to the Councils that
14 are already up to their eyeballs in stuff and
15 they would go, well, you're right and we
16 already know it anyway.

17 So the question then comes down to,
18 what do we want this thing to do? What is our
19 vision of what we want it to do. Is it
20 something that's beyond just giving it to the
21 Secretary of Commerce, or the congressional
22 folks on the Hill. And if we do that, we can

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1 set up meetings and do that.

2 And that's where I've left it. So,
3 I thought it would be worthwhile to have a
4 little discussion, and then we can figure out
5 from there what we wanted to really do.
6 That's it.

7 MR. DILERNIA: Perhaps I'll take
8 advantage again of my position as chairman to
9 speak first and I'll invite others.

10 I'd do a little of both. My
11 suggestion would be, would be to take the
12 document, to brief the senior career folks at
13 the agency, which would be Jim and Mary.
14 Okay? And then I think the Committee should
15 then lay back and wait for the next
16 Administration.

17 The career folks will still be
18 there. But we will have new political -- and
19 put it on their calendars as early as possible
20 after the transition has occurred, where we
21 could then brief them also. Now, again, I'm
22 talking about whomever's in the Admiral's

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1 position, and whomever is the Secretary.

2 So that our friends at NMFS and
3 NOAA, the career folks, know what we're
4 saying, what's coming out, what's happening,
5 what we're going to do. They're prepared for
6 it. And then once the new Administration,
7 with whom they have to work with, is in place,
8 we deliver it a second time, or later on to
9 them. Then they know what we said.

10 If there are issues with what we've
11 said, perhaps they'll let us know before we go
12 talk to the new Admiral and the new Secretary
13 and then let it go there. That's how I would
14 do it.

15 Now, as far as the Regional
16 Council's are concerned and all, that's
17 something for all of us to, I'm open to
18 suggestions there. But my suggestion would be
19 to do it that way, a two-stage process.

20 Okay, Randy.

21 MR. CATES: I agree with everything
22 you said. The only thing I would go back, our

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1 sole job is to advise the Secretary of
2 Commerce. Are we at liberty to get that
3 document out beyond that? To the Councils and
4 --

5 MR. DILERNIA: It's been posted for
6 comment and we've -- and it's been -- it's on
7 the MAFAC website at this time. So, now that
8 we've delivered it and we've signed off on it
9 and it's been produced with public funds, I
10 believe it's a public document. I'll look to,
11 you're charging me money here, but -- and I
12 think it's a public document. I think we're -
13 - I think we're good. I think we can give it
14 to anybody we want, you know.

15 As far as who we brief officially
16 on it, I think that's up for discussion. But
17 it's open to anyone who wants it. Jim.

18 MR. BALSIGER: Up above.

19 MR. FLETCHER: You know, to some
20 extent, at least for my industry, the things
21 that have happened in the last year have kind
22 of overtaken what we developed. And were I to

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1 start over again, there would be some
2 differences between what's in here and what's
3 going on right now.

4 The cost of fuel for my industry
5 has changed the face of that industry forever.

6 Unless we get a return to the way back down
7 to where we used to be just last year, this
8 industry is no longer the same. And so I
9 guess, all I'm saying is, what's in 2020 is
10 really not a short-term, high-priority issue
11 to provide as part of the transition
12 information to the new Administration. So, I
13 really feel that.

14 MR. DILERNIA: Well, is your fuel
15 issue something for the transition team, that
16 is going to produce -- that's going to look at
17 the 2020 and say, okay --

18 MR. FLETCHER: I'd say it
19 definitely is, because it's changed the way
20 that fleet's going to operate. And to an
21 extent, maybe a lesser extent, it will change
22 the way recreational fishing is going to

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1 operate.

2 MR. DILERNIA: And so, I don't
3 think it's a conflict, to answer your
4 question, I don't think it's in conflict with
5 2020.

6 MR. FLETCHER: No, it's not in
7 conflict, but that issue, that's not in 2020.

8 MR. DILERNIA: That becomes one of
9 Jim's transition points.

10 MR. FLETCHER: I know. But that's
11 why I brought it up. I didn't know if, are we
12 just going to deal in 2020, and ignore Jim's
13 transition document, or are we going to go
14 here first and then talk about that? Or --
15 because I kept hearing talk about picking
16 parts out of 2020 to use as a transition
17 document. My point is, it's not in there.

18 MR. DILERNIA: Jim?

19 MR. GILMORE: I would just say that
20 to the extent that we can tier off 2020, you
21 know, I think that organizationally, it works
22 fine. But you know, I think we're in the idea

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1 business here with the new Undersecretary.
2 And we're into the hot topics and what's going
3 on and what you need to know when you hit the
4 ground running. So, as I say, my thought is
5 collect everybody's recommendations.

6 If they want to put them under new
7 issue areas, knock yourself out. And then
8 it's going to go back out for everybody's
9 consideration. So, I say, you know, let the
10 best ideas win. If they miss 2020, but it's a
11 better idea than something that's in 2020 for
12 right now for what we want, we're going to use
13 that idea.

14 MR. DILERNIA: Heather.

15 MS. MCCARTY: As far as the
16 question as to the ideas, it might be the
17 transition document. I guess what I was
18 trying to get at before, and when I was making
19 the suggestion that we at least talk about the
20 ideas and sort of maybe agree on some general
21 ideas now, otherwise, I'm not sure that we're
22 going to have the opportunity to meet as a

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1 group and do that timing-wise, you know.

2 And so how is the group, this
3 group, going to get together again and agree
4 on the transition document in person. Are you
5 thinking that we may not?

6 MR. GILMORE: I don't think we will
7 be able to you know, to meet the -- if they
8 wanted the relevant document, I don't see us
9 sitting in a room together and doing it. I
10 think it's going to be an Internet process
11 done by email.

12 MR. DILERNIA: Jim.

13 MR. BALSIGER: It's awkward, but
14 you know, iterative email exchanges and then
15 maybe a conference call. Because sometimes a
16 conference call can get rid of five iterations
17 or something like that. So, MAFAC may be able
18 to pay for one of those. It probably won't
19 pay to get you all back together again, even
20 if we could schedule it.

21 But I think you're right. I think
22 the timing precludes waiting until the next

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1 MAFAC meeting and then still being useful, as
2 useful.

3 MS. MCCARTY: If I may just
4 continue that. I think you know, we run the
5 risk of going wildly in different directions.
6 And then maybe not getting back together, you
7 know, is the only thing I'm worried about.
8 Not that we haven't already done that a
9 little bit. But I think --

10 MR. GILMORE: Getting together
11 obviously didn't work. I mean, we have a test
12 case on that. I guess what I'd say is, I
13 think the risk that's being run is that
14 somebody's got to pass for the word processor.

15 And somebody's not happy, not that happy.

16 MS. MCCARTY: Yes.

17 MR. GILMORE: But I think we see
18 how that works. Because I think unless we
19 have specific recommendations going along with
20 the issue areas in front of us to judge, I
21 just don't -- we couldn't get even close to
22 that yesterday. We didn't even tip the water

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1 yesterday with that in our meeting. I just
2 don't see any signs that you're going to talk
3 about it and say, you know, okay, let's do
4 that.

5 MS. MCCARTY: You're right, it's
6 difficult timing-wise.

7 MR. DILERNIA: It took us two years
8 to get some type of consensus on 2020. If you
9 think from the time we started to the time --
10 it was two years to get some type of
11 consensus. And that was with meetings,
12 separate meetings, emails, conference calls
13 and a staff person devoted to it. Jim.

14 MR. GILMORE: And on this one, I'm
15 sort of reminded of the old Mark Twain
16 expression that, I wrote you a long letter
17 because I didn't have the time to write you a
18 short letter.

19 And you know, we need to write a
20 short letter. So it's going to take a long
21 time to write -- a lot of work to write a
22 short letter.

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1 MR. DILERNIA: Eric.

2 MR. SCHWAAB: Just a couple of
3 comments. I think one, I don't take, I guess,
4 the bleak view on our progress that maybe our
5 last quote, Chairman did. I did think we
6 began to identify some big dramatic areas that
7 are going to be very important and fairly
8 significant transformational opportunities in
9 the early days of the new Administration.

10 I think just a place where we began
11 to experience some disconnect was when we got
12 into the area of you know, specific
13 recommendations and how specific might those
14 recommendations be, or do they necessarily --
15 do they need to be. And I think that we're
16 not going to solve that problem by going off
17 and doing you know, the kind of you know,
18 email iterative process that we're talking
19 about, because there are going to be some
20 people that in this group, by virtue of where
21 we come from, that know a lot of detail about
22 what specifically might need to happen, or

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1 should happen in a certain area. And there's
2 going to be a bunch of people that either --
3 some other people that disagree with that, and
4 some that just don't even know if whether
5 that's the right next step or not.

6 I think we're going to have to be
7 challenged if we try to focus too much on too
8 many specific steps, when in fact, the group -
9 - what this group might bring best to this
10 transition is, look, we've talked about
11 aquaculture as a big issue for the next
12 Administration. Yes, there are some things
13 that we have already talked about that need to
14 be done in the short term on aquaculture.

15 But, you know, it's perfectly
16 legitimate advice from this Committee to say,
17 this is a big opportunity you shouldn't drop
18 the ball on. And there are some, you know,
19 Magnuson-Stevens, some fishery management
20 issues that are big opportunities. We've
21 talked about some of them yesterday on correct
22 data.

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1 Well, there's a whole bunch of
2 people working on the details of what the next
3 steps are. But for us to say, that's a place,
4 based on our view of the world, where we don't
5 want the next Administration to drop the ball.

6 If they do, it's going to be embarrassing.
7 That's worthwhile advice.

8 And I just think -- and I don't
9 have the answer to it, because I think the big
10 part of our disconnect yesterday was, this
11 discrepancy between that kind of, really,
12 here's this thing you need to do on January
13 the 21st, versus, you know, here's a big
14 opportunity that is so important that you need
15 to focus on it all day long.

16 MR. DILERNIA: I'll let -- you just
17 said a mouthful, and I really want to talk
18 about that. I've got other members first.
19 I'll come back to you Eric. I think you --
20 other members. Let's see, Randy and then Tom.

21 MR. CATES: I just was going to add
22 -- I thought the document that I read over was

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1 pretty good.

2 MR. DILERNIA: Which document?

3 MR. CATES: The transition
4 document, the draft. I mean, that's why I
5 questioned early on. Why are we trying to
6 shorten this down. I don't know if you can
7 and get a meaningful message.

8 MR. DILERNIA: Tom.

9 MR. RAFTICAN: I'm kind of jumping
10 on what Eric was saying. You know, the
11 advantage here is, you've got a new
12 Administration coming in and you've got an
13 outside signpost, that's what we are, is an
14 outside signpost that has -- that is not the
15 existing Administration, but has worked with
16 the existing Administration, that brings in a
17 lot of outside expertise.

18 What Bob said about fuel prices,
19 incredibly important, because it changes the
20 face of recreational and commercial fishing.
21 It will change the face of aquaculture to some
22 extent. This is the thing that they need to

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1 hear. We're putting together a signpost for
2 the first 100 days.

3 Beyond that, they'll have their own
4 experts in. But we need something that gets
5 it out there right out in front.

6 MR. DILERNIA: Whomever takes the
7 political positions, Secretary's position,
8 whomever takes that is going to sit in the
9 chair and say, Okay, what am I dealing with?

10 You know, I won't say which, but
11 there was one Secretary of Commerce that
12 didn't even know that fish was in his shop.
13 Didn't even know that you know, he got to do
14 fish. And so, if we're putting together a
15 transition document, it should be something
16 that answers that question when they sit in
17 that chair, okay, what's the first thing I do
18 today? Where are we going to go maybe the
19 first 100 days in office?

20 The 2020 document gives a big
21 picture. I really think there's a place for
22 both. But you know, if you're going to make

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1 that transition document, it's going to be you
2 know, here's what's going to happen the first
3 20 days, 40 days, 50 days, 100 days. Just a
4 few buzzwords I would suggest, a line, a
5 sentence.

6 The folks are going to be bombarded
7 with information, bombarded with information.

8 And there are only a few things he's going to
9 remember. We can only expect him to absorb so
10 much. And so I think what the transition
11 document has to do is just identify a few of
12 those pieces and say, here's what's going to
13 happen. Just get ready for that, key words.

14 I mean, I'm reminded of ecosystem
15 management. When the Admiral, Admiral
16 Lautenbacher took over, and there was some
17 discussion about it, but Admiral Lautenbacher
18 became of ecosystem management and that became
19 for the next eight years, that's where we've
20 been. Heather.

21 MS. MCCARTY: I also see this
22 transition document as like an opportunity to

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1 give the new people a feel of the public's
2 view of some of these issues. They're going
3 to be getting a lot of information from
4 Agencies and from the whole suite of federal
5 government. But we are the public, most of
6 us. We represent public points of view and
7 constituencies. And I think if I was sitting
8 in a political seat in the new Administration,
9 I'd want to know what the public, what the
10 constituencies wanted and what they thought
11 about some of the issues that's he's seen, he
12 or she has seen from the Agencies and from the
13 bureaucracies.

14 So, I think that's the difference.

15 So I don't think it's the same thing as the
16 NMFS document or the NOAA document, or
17 whatever. It's uniquely a constituency
18 document.

19 MR. DILERNIA: Tom.

20 MR. BILLY: That process is
21 occurring now. There are meetings between
22 different constituent groups. For example, I

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1 know that consumer groups have been meeting
2 with representatives of both candidates,
3 providing that kind of input now and help with
4 -- trying to help shape general policy
5 directions for the new Administration.

6 Quite frankly, when the new regime
7 comes in, they're not very trustful of the
8 career people and the people that are there
9 initially. It takes some time for that to
10 build. And so in a way, MAFAC has a unique
11 opportunity because of what we represent.
12 There's a pecking order for appointing the
13 secretaries, and getting them through
14 confirmation.

15 It starts with State, Defense and
16 Homeland Security. And commerce is eighth or
17 tenth on the list or something. So, it's
18 going to be two to four weeks after January
19 20th before you're going to have a Secretary
20 of Commerce. And then it's going to be
21 another four to eight weeks before you have an
22 Undersecretary for Oceans and Atmosphere.

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1 And then you're going to -- it's
2 going to be another four to eight weeks before
3 you have an assistant administrator for
4 fisheries. So you're -- timing-wise, and
5 that's based on a number of times through this
6 process, you're into the spring before you're
7 really going to have the actual people in
8 place at those levels.

9 There are -- they will be
10 interested in getting heads up information on
11 what might come up at their confirmation
12 hearing, starting with the Secretary, then the
13 Undersecretary and so forth. So, our heads up
14 kinds of stuff, look out for these issues,
15 getting that kind of information in their
16 hands before their confirmation hearings could
17 be very helpful to them. Because they might
18 get questions about it, and they want to be
19 prepared to the extent they can be.

20 But the 100-day kind of strategy, I
21 think there's -- we need to think a lot about
22 that. I was thinking about the aquaculture

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1 bill as an example. Where pressing the new
2 Administration you know, take the existing
3 bill, take a look at it and get it into the
4 hopper as one of the early pieces of
5 legislation from a new Administration, would
6 be an important signal on something they could
7 do.

8 If there are some things on
9 Magnuson that we'd like to see happen early on
10 in that first 100 days or a year, similarly,
11 we could identify those or an issue, whatever
12 area. So there -- maybe what we need to do in
13 part is sort of divide this up and tie it to
14 the events as they actually occur.

15 While there are transition people
16 being identified, they're going around now
17 asking people, are you willing to consider
18 being part of a transition team. And they're
19 starting to get at the pretty high levels of
20 those people identified, vetted, and just --
21 and then oriented to the major policy views of
22 the candidates.

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1 But the first people to show up in
2 Commerce will be within a week after the
3 election. And then, at NOAA Fisheries, it
4 will be another week probably where you'll
5 have actual warm bodies. So you're talking
6 around November 15th to November 20th for
7 someone that's named, identified and you can
8 start to interact with.

9 And they're -- they have a green
10 light to do that from the new Administration.

11 So those are the key time periods and
12 opportunities it seems to me as we think about
13 how to work through this and use what we come
14 up with to influence what the new
15 Administration is trying to -- or may wish to
16 do.

17 MR. DILERNIA: John.

18 MR. CONNELLY: I think the people
19 that are in the policy teams and the campaign,
20 are the people that matter in the first 100
21 days. You can call them transition teams or
22 whatever, but it's the people who are in the

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1 policy teams right now in the campaigns that
2 matter. Because they will be the ones pulling
3 what happens in the first six months.

4 And my view is the first 100 days
5 would be more what Tom and Bob were talking
6 about. I think an Administration would want
7 to point to something that we provided relief
8 to the public in a way that the Bush
9 Administration couldn't on big issues, whether
10 it be fuel prices, food prices, whatever it
11 is, they want to be able to show that they
12 made a dramatic and clear, distinct difference
13 than the Bush Administration.

14 And it's the one or two things that
15 really can make a difference that allows them
16 to claim public credit in a break, in a new
17 way of doing things. It's just my personal
18 view, political view of where a new
19 Administration would want to go. So I don't
20 personally, as much as we support aquaculture,
21 I don't think aquaculture is the kind of thing
22 where they're going to say, that's going to

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1 provide us some kind of clear break where
2 we're going to get huge credit in the public.

3 And so I would be in favor of
4 having one or two item, kind of transition.
5 Here's something that if you want to make a
6 difference, if you want to make the news, if
7 you want to clearly and distinctly separate
8 yourself from the last eight years, here are
9 some things. Fuel certainly has impacted us
10 all, rec, aquaculture and commercial fishing.

11 And absolutely changes processing also.

12 And then the 2020 document is more
13 -- as Heather said, this is a public -- this
14 is a public group that's providing a lot of
15 different perspectives on some challenges
16 within the fishing and seafood community,
17 broadly defined. And here's our views of
18 what's going to be happening over the next 15
19 years.

20 So, I would limit a transition
21 document to one or two items that can be
22 headline items for them. The people that we

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1 would want to talk to are already in the
2 campaign. And then leave the 2020 document to
3 be this, this is a public effort to try to
4 help you understand where we think things are
5 going in the next 15 years.

6 And I would nominate fuel as the
7 thing that binds this all together.

8 MR. DILERNIA: Comments on either
9 document, transition or 2020 or the rollout.
10 Comments from the members, either 2020 or
11 transition and also we're trying to focus also
12 on rollout of 2020. I don't know folks --
13 Bill.

14 MR. DEWEY: Just to John's point.
15 I'm concerned. I don't necessarily disagree
16 with the two-item approach, or trying to
17 really get focused on where they can make a
18 difference. But I worry about putting the
19 fuel issue forward without a solution. You
20 know, just everybody --

21 MR. DILERNIA: Could you speak up,
22 Bill.

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1 MR. DEWEY: I'm worried about
2 putting the fuel issue forward without a
3 solution. You know, just to raise it as an
4 issue, everybody in the country is raising
5 that same issue right now. To make that one
6 of our top items for a transition team without
7 a proposed solution, I don't know if that --

8 MR. DILERNIA: Eric, and then Tom.

9 MR. SCHWAAB: I just think there's
10 a distinction between -- I mean, I take your
11 point John. But I think there's a distinction
12 between the kind of things that McCain or
13 Obama might want to take interest in the 100
14 days, versus the maybe four or five things
15 that we might want a new Secretary of Commerce
16 to say, hey, these are things that are
17 important to the broad consistencies, probably
18 less so in the political world to the citizens
19 of the country.

20 But at least to the fishery
21 constituencies and the fishery resources, here
22 are the things that are important that you

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1 need to pay attention to early on. And maybe
2 here's a few ways that we think you might be
3 able to pay attention to. And I think there's
4 a distinction there just between the level of
5 advice we're talking about.

6 MR. CONNELLY: And maybe we're
7 saying the same thing, Eric. I guess --

8 MR. SCHWAAB: I don't think at the
9 senior level they're interested in fisheries
10 issues in the first 100 days. In the first
11 100 days, they're not interested in fish
12 issues at those -- that point. Because it's
13 not going to get them any credit from the
14 press. It's not going to get them any credit
15 with the public.

16 And fuel, whether we have a
17 solution or not, addressing, or understanding
18 that, in understanding that the seafood and
19 fishing community, recreational and commercial
20 and processing, are -- need to be part of this
21 fuel solution. We're not going to solve
22 something for fisheries in a vacuum.

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1 It's going to be part of a broader
2 entity whatever it is. And I hope they come
3 up with it. I don't have the answer, that's
4 for sure.

5 MR. DILERNIA: We've got to --

6 MR. SCHWAAB: Just one more thing I
7 left out.

8 MR. DILERNIA: Real quick, because
9 I have a list.

10 MR. SCHWAAB: I just think these
11 are less political concerns, and what we
12 should be talking about are more operational
13 concerns, things that would be important to
14 the Agency.

15 MR. DEWEY: More of a charge.

16 MR. SCHWAAB: Right.

17 MR. DILERNIA: Okay. With the DOW
18 down 3000, since it's high, I'm not sure
19 Commerce is going to worry about fish as much
20 as the rest of the general economy, right
21 away, right off the bat.

22 Okay, I've got Tom and then

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1 Heather. Tom.

2 MR. BILLY: As far as the fuel
3 strategy, I would go and find out what they're
4 trying to do for the farmers, and then say, me
5 too.

6 MR. DILERNIA: Okay.

7 MR. BILLY: Because I guarantee
8 you, there's going to be a fix for the farmers
9 and they've got the political wherewithal to
10 make it happen. It may even happen before the
11 end of this Administration. And it will be a
12 subsidy strategy of some sort, and the
13 fishermen and the recreational, commercial,
14 ought to get the same thing. So, that's --
15 there's your political strategy.

16 MR. DILERNIA: I've got Heather and
17 I've got Randy.

18 MS. MCCARTY: Just, as a -- John
19 Connelly makes a good point. I think that,
20 maybe not fish in the 100 days, but the
21 environment. I think that depending, perhaps
22 a little bit on who gets elected, I think

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1 environmental issues will be talked about
2 close to up front. And I think we can attach,
3 you know, the mission and the agency to those
4 kinds of things, I think we have opportunities
5 to be heard.

6 MR. DILERNIA: Randy.

7 MR. CATES: Thinking in line as a
8 body that's supposed to be advising, I think
9 the fuel issue is a real issue. The impact of
10 fuel on fisheries, I don't think we -- I don't
11 think this group fully understands it yet.
12 And it's hard for us to give advice, a) a
13 recommendation, which I don't think anyone can
14 come up with, but what's the impact. We're
15 going to have changes in the seafood industry.
16 It's happening today.

17 And that might be an important
18 topic is, here's your 2020 document, but fuel
19 problem is changing all this at a rapid pace,
20 and we don't really have a handle on it yet.
21 I can tell you in Hawaii, the seafood industry
22 has dramatically changed in the last two

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1 months.

2 MR. DILERNIA: How so? Just give
3 me an example, quickly.

4 MR. CATES: An example, 80 percent
5 of our product is imported. Fifty percent of
6 our catch is exported. When the housing
7 market bubble burst, the export shut out. So
8 the price of fish went down. The fuel price
9 went up, the import from Vietnam, Micronesia
10 and all those other areas, they just stopped
11 fishing. So now all the imports stopped, and
12 the price of fish has come back up.

13 So I believe the trend is going to
14 happen, it's happening in Hawaii, and maybe
15 around the country is, seafood production will
16 be more localized, directly related to fuel.
17 You're going to have, you know, Gulf Coast,
18 the pulled product is going to be consumed in
19 the Gulf Coast.

20 And that's -- but it's happening in
21 a rapid pace that never has happened in the
22 last 15, 20 years. So it's dramatic.

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1 In aquaculture, everything is
2 talking about freezing capability now, no
3 longer airfreight. Airfreight is out. It's -
4 - we want freezing capability. Even though we
5 can produce a fresh product, the consumer
6 doesn't -- the retail doesn't want it in that
7 format because they can't afford it. And the
8 green movement is all about shipping in non-
9 air miles.

10 These are things, the issues that
11 have never before been an issue for me and in
12 the last two months, it's hey, are you going
13 to put a nitrogen freezing plant in for your
14 product. It's dramatic and it's across the
15 board.

16 MR. DILERNIA: Thank you. Tom.

17 MR. RAFTICAN: A couple of things.
18 First of all, I think rollout of 2020 is a
19 different item. You know, see if you get
20 together, if we could work something with the
21 Secretary, and you know, it's a perfect place
22 for a joint press conference and get everybody

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1 to come in and sing kumbaya, and you lay out a
2 plan.

3 MR. DILERNIA: This Secretary or
4 the new Secretary?

5 MR. RAFTICAN: This Secretary. I
6 think the new Secretary is going to look at it
7 differently. I suspect I may be helpful for
8 him to set the stage, but I doubt that they're
9 going to celebrate anything from the last
10 Administration, very much as John said.
11 They're going to do everything they can to cut
12 ties from the last Administration.

13 I think if it doesn't go out now, I
14 suspect it won't.

15 MR. DILERNIA: No, I think --

16 MR. RAFTICAN: On a tepid stage.
17 And one other thing. Fuel will be the
18 deciding factor of the face of virtually
19 everything we do, but again, very much what
20 John is saying, you look at how you -- you
21 know, this is what's projected out there and
22 what they're doing.

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1 They're going to look for a secure
2 food supply. They're going to look for you
3 know, the environmental carbon foot print.
4 How does -- you know, let's touch on how this
5 increase of fuel that we can deal with that.
6 And I think those are the thing that incoming
7 Administration -- I could point the areas out,
8 I don't have the solutions for you,
9 unfortunately.

10 MR. DILERNIA: Dorothy, you had
11 your hand up.

12 MS. LOWMAN: Well, I was just
13 responding to something that Tom said. I
14 actually disagree. I think it's important
15 that this does stay our document, and that we
16 can look at the rollout to the new
17 Administration because I think it does have
18 the sense of a stakeholder document and could
19 be valuable to a new Administration.

20 So I'd hate to have it, sort of a
21 big press conference with this Administration.

22 MR. DILERNIA: Excuse me for a

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1 minute. It's related to party.

2 (Laughter.)

3 MS. MCCARTY: I think Dorothy's
4 right about the rollout timing. It depends on
5 what you want to accomplish of course. If you
6 want to accomplish something that's going to
7 go into the food chain, I think the new
8 Administration make more sense.

9 MR. BALSIGER: Well, Tony suggested
10 just as I came back from a different call, a
11 sort of a two-phase thing by MAFAC, may be
12 appropriate where you brief, basically Mary,
13 who is going to be the senior career person
14 hanging over in NOAA and others at that level
15 now. And then, the new people, when they come
16 in after November, in January. And that makes
17 sense to me, your two-step deal.

18 MR. DILERNIA: Thank you.

19 MR. BALSIGER: So I think it's
20 important to keep some continuity there. I
21 hadn't thought about the new group coming in
22 being so opposed to the old group's ideas that

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1 they're throw them out without consideration
2 just to demonstrate there's a break. So I
3 hadn't thought about that until someone
4 mentioned it here, if that's a danger.

5 MR. DILERNIA: Wouldn't it be their
6 first new idea? Look at this, look what we
7 just found out. Look what we discovered. We
8 just woke up this morning, and poof, this all
9 popped into our head, this 2020 document, we
10 just thought about this.

11 Again, the career people we know.
12 Again, we're working, yes. But the
13 politicals, wow, gee, we can make politicals
14 instant experts on fish, I think. I really
15 think that we could make them professionals
16 inside of a few days with a short -- with the
17 2020 document. That's -- everybody wants to
18 look like a professional and talk, speak our
19 speak. John.

20 MR. FORSTER: Mr. Chairman, I hate
21 to say this really, but if that is the goal, I
22 completely agree, the new Administration would

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1 be the target for this. I really think it
2 needs to be reviewed in the light of the fuel
3 issue. I mean, it covers so many aspects of
4 what's been recommended. And if we get into
5 the whole question of food, and food pricing
6 and health and food, which is another sort of
7 issue which is general and broad based, and
8 energy is a fundamental part of that equation.

9 And going backwards in time,
10 slightly to me, if it was my document
11 personally, I would say, I need to review this
12 an rewrite this in the light of what's --

13 MR. DILERNIA: Would it be too much
14 of a homework assignment for folks to review
15 it this evening and come back tomorrow with
16 any type -- it's been published. So, I don't
17 know how much you, we can, if we can change it
18 at all. I don't want to change it. I mean,
19 when I was reading this stuff and I remember
20 how many times we had to change it and review
21 it, and change it and review it.

22 Perhaps you put, you know, an

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1 addendum sheet to it that says, well, you
2 know, now that fuel is there, these blue items
3 may -- rather than changing it, you may want
4 to put an addendum and attach that. But I
5 wouldn't -- again, you'll be in charge
6 starting tomorrow, pal.

7 But I wouldn't walk out of this
8 meeting and leaving that hanging. I would
9 have it decided by tomorrow. And if you're
10 going to make an addendum, and if the addendum
11 is going to be a fuel issue, say it up front
12 and have it attached to the document.

13 MR. CONNELLY: My only suggestion
14 is make it the forward and not the addendum.

15 MR. DILERNIA: However. Randy,
16 we're going to try to wrap this up real quick.

17 MR. CATES: I agree with what
18 you're, an addendum. Only I'd caution, I
19 think the fuel issue is going to be an on-
20 going issue that's going to take some thought.

21 It's something for a future of MAFAC to deal
22 with.

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1 MR. DILERNIA: I mean, I've got
2 analysts to fish with me, Wall Street analysts
3 that are talking about \$80 barrel of oil four
4 or five months from now.

5 MR. CATES: Eighty, it's already
6 130.

7 MR. DILERNIA: I know. I know.

8 MR. CATES: That's going down.

9 MR. DILERNIA: I'm talking -- I
10 know. Today it's a 140, and I've got analysts
11 that will project, that will stay out of the
12 futures market. They're saying it's going
13 back to 80. So, you know, that's -- we're
14 really rolling dice there, and people are
15 shaking their heads and they're not sure.

16 MR. CATES: Then I won't have
17 anything to worry about.

18 (Laughter.)

19 MR. DILERNIA: And again, I really
20 misspoke with that, but I've had analysts
21 actually say that where they're looking at 80.
22 You know, and -- yes, go ahead. How do we

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1 want to proceed.

2 My recommendation would be to
3 again, with 2020, just trying to wrap this up,
4 with 2020, is to deliver it to Jim and Mary
5 officially, as briefs, and then with -- to the
6 new Administration if they're the, a) if
7 they're the NOAA administrator and we know
8 we're going to have the same A.A., so that's
9 good. We won't have to do that twice. After
10 the NOAA administrator and Secretary's in
11 place. Is that good Bill, or you, and that's
12 enough of a summary here?

13 MR. HOLLIDAY: Well, if it -- if
14 you're sure. Part of the reason for bringing
15 this back to the Committee was, even if you're
16 going to defer to the next Administration, you
17 need to have a strategy and you have to plan
18 for who's going to be briefed and you have to
19 have your ducks in a row, even though the
20 people haven't been named yet, who's going to
21 do the briefing, what's the collaboration
22 between NOAA and MAFAC, what committees do you

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1 want to get in front of.

2 Do you want to go back to your own
3 constituency groups that you represent and
4 brief them on this document? How do you want
5 to -- what's your strategy. It's not just
6 deferring it to the next Administration.

7 So, at some point, maybe it's not
8 today, but at some point, you have to come up
9 with a strategy that answers those questions.

10 MR. DILERNIA: What about the --

11 MR. HOLLIDAY: Otherwise, by the
12 time these -- the time to come up with a
13 strategy is not when the people are in place,
14 it's ahead of time.

15 If you want to develop a press or
16 communications campaign, you want to develop
17 some one pagers, you want to develop a Power
18 Point or whatever, that all has to get in line
19 before those people show up on your doorstep.

20 And this is the face-to-face meeting where
21 you could discuss that strategy and agree that
22 we're going to have a strategy.

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1 MR. DILERNIA: Do we present it to
2 the Regional Management Councils?

3 MR. ROBERTS: No.

4 MR. DILERNIA: No? Really? Wow,
5 that's a surprise.

6 MR. FISHER: You can have this
7 rollout. If you came up with a rollout
8 strategy that's a mile long and it's a hell of
9 a lot of work.

10 MR. DILERNIA: Yes.

11 MR. FISHER: So to me, it's like,
12 what do you really want to use this for? You
13 know? And that's why I said early on, you
14 want to use it to put it to all the
15 universities? You want to go with the
16 Councils? You can cover this country if you
17 feel like it. But what is it for?

18 MR. DILERNIA: Well, I would say
19 that it's for the policy folks. And the
20 policy folks start at the Regional Management
21 Councils, it goes to the Agency, and then it
22 goes to the politicals.

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1 So, I'm -- there's a bunch of
2 people, when I said, Do we give it to the
3 Councils, said no. And so I'd like to know
4 why.

5 MR. ROBERTS: I'll respond to that
6 because I'm one of the people that said no. I
7 didn't say you don't give it to the Councils.

8 What I'm saying is, I guess my view is, given
9 time constraints that tend to focus impact,
10 you want to have your major effort within the
11 Secretary of Commerce in the Fishery Service.

12 Everybody else can get on websites and
13 whatnot.

14 It's not that you hide the document
15 from them. But in terms of developing a full-
16 blown strategy to go from everybody from ocean
17 conservancy up to every one of the Councils, I
18 think it's -- I don't think we're going to be
19 effective at that personally.

20 I think what we can be effective is
21 focusing on the people who are decision-makers
22 on the actions that we recommended and I think

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1 they lay in the Secretary's office and the
2 NOAA Fisheries office.

3 MS. TOOLEY: And I agree with that.

4 I mean, my concern would be that you, you
5 know, went around the country and gave
6 presentations to the Councils, that you'd just
7 get sort of critical feedback. And the
8 document's done. I mean, the time for that
9 has already gone by.

10 And so I think that probably that
11 would be an exercise that wouldn't worthwhile
12 and I don't think I would do that.

13 MR. DILERNIA: Do we mail them?

14 MS. TOOLEY: Yes, you could mail
15 them. I mean, I think that they should have
16 it.

17 MR. DILERNIA: Okay.

18 MR. ROBERTS: Well, I don't have
19 any problem just giving it to them. It's
20 where we put time resources and energy.

21 MR. DILERNIA: Vince.

22 MR. O'SHEA: I agree with what Mary

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1 Beth said. You know, a lot of this is what
2 your view of the future is. And it's almost
3 impossible to think that our view, this
4 group's view of the future is going to be the
5 same as all the -- a whole bunch of other
6 groups.

7 So the issue of putting this out
8 there in a formal way, is going to invite them
9 to either agree with it, which is not likely,
10 or to respond back and say, you got it wrong.

11 And if the Secretary of Commerce
12 wants to know what the Council's think he can
13 go ask the Councils what they think. So, I'm
14 in -- I strongly agree with both what Ken said
15 and Mary Beth.

16 MR. DILERNIA: Mark? No?

17 MR. BALSIGER: I guess, you know, I
18 would have been inclined to be a little bit on
19 the other side of that issue. This group, we
20 rely on to kind of give us a feeling of the
21 constituents across a fairly broad spectrum of
22 people. You know the way we interact with the

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1 Councils for example, as you know, we can't
2 make up rules, fish management rules, unless
3 the Council tells us that ahead of time.

4 So taking a document like this with
5 the suggestions on LAPPs or aquaculture or
6 those kinds of things, we can go to the
7 Regional Administrators and say, you know,
8 construct your rules with this in mind,
9 because this is what MAFAC told us. Or, MAFAC
10 could tell the Councils, here's things you
11 ought to keep in mind as you make
12 recommendations to the Fishery Service.
13 That's where our rules come from.

14 So I'm a little surprised that we
15 don't think that this group is in a position
16 to give Councils instructions. I know they're
17 a bunch of obstinate people and they've been
18 around for 30-some years.

19 (Laughter.)

20 MR. BALSIGER: But, they may be
21 amenable to some ideas from this group. But
22 like I said, it's a new idea. So I'm thinking

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1 about it now as --

2 MR. DILERNIA: Ken, Tom, Randy.

3 MR. ROBERTS: Jim, I don't disagree
4 with what you said and I think it's consistent
5 with what the last three people spoke about.
6 We're advising you. You in turn just as you
7 said, you're going to talk the Council, and
8 other people around about what some of the
9 things were that were in this document, that
10 may be of relevance to what things they're
11 doing in feeding back to you. I just
12 think the conveyor of the information would
13 just come from more powerful group, the
14 Secretary's office and the Fishery Service as
15 opposed to a place again meeting, assistance
16 committee. That's just my idea.

17 MR. DILERNIA: Tom, Randy.

18 MR. BILLY: I keep having this
19 reoccurring thought in the last hour, which is
20 --

21 (Laughter.)

22 MR. BILLY: -- we did our work in

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1 developing the 2020 document, that lays out
2 our best view of trends, granted we missed
3 one, and we need to fix that somehow, it's
4 very significant. Maybe we can do that in a
5 separate document of some sort.

6 We even went so far as to make
7 recommendations. And then we've agreed to do
8 something in this transition arena. And what
9 I keep thinking is, that's NOAA's job. You
10 guys ought to be responding to this 2020 and
11 telling us what you think ought to be done in
12 the first 100 days and the first year, and the
13 first four years, or whatever.

14 And if you want our reaction to it,
15 we'll react and say, yes, you got that right,
16 not enough emphasis here, you missed
17 something, that kind of thing. I keep coming
18 back to the part that you guys should be doing
19 the transition document, and we -- you can ask
20 us to review it.

21 We've done what we're good at, what
22 we can do. And --

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1 MR. FISHER: I agree. Because it
2 goes back to the point of ownership almost
3 early on. I mean, we owned it for a while,
4 we've given it to you. Now you should really
5 tell us whether we're out to lunch on some of
6 these things, it seems to me.

7 MR. BALSIGER: I have two thoughts
8 on that, I guess. One is that, of course,
9 we're relatively limited, for example, in
10 talking to lawmakers, whereas, you guys are
11 not. And so you produced this document and as
12 much as there's instructions in there, we'll
13 help Congress write laws or appropriate money.
14 We are going to do that part of it.

15 Secondly, you know, it isn't as if
16 we've ignored what's in the transition
17 document. If you look at the proposed rules
18 for annual catch limits, the proposed rules
19 for the other things, they pick pieces of this
20 stuff. So, we've done that.

21 And I do think that you're right
22 that if you're disinclined to as MAFAC members

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1 bring to the Councils, through the Fishery
2 Service we can do that. And as meetings go
3 on, identify priorities and proposals in here
4 and bring those to the Council's attention as
5 they make motions and pass laws.

6 MR. DILERNIA: Let me ask this. I
7 feel pretty strongly on the fact that 2020 was
8 in a way for things that the Agency couldn't
9 say, we were able to say for the Agency in
10 2020.

11 And so they're there. And so for
12 the Agency to, they can distribute it as a
13 product that was produced by our Committee,
14 but you know, we were to take the heat for it.

15 That was our -- one of our objectives was for
16 us to take the heat to get things done, to put
17 things out there that folks may not have
18 liked, but you know, again, the elephant in
19 the room.

20 Everyone knew it was there, folks
21 just couldn't talk about it, and we were able
22 to talk about it; 2020 gave us a way to speak

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1 about it. So that's why I think it's
2 important for us to -- and I would give it to
3 the next Administration. I really would. The
4 plan that I tried to lay out with Jim and Mary
5 and then, they know what we're going to say to
6 NOAA administrator and the Secretary and do it
7 that way.

8 As far as the Councils is
9 concerned, if the Councils invite us to come
10 and give a presentation on it, we'll go and
11 give them a presentation. Are they going to
12 throw rocks at us, absolutely. There are
13 things in that document that every single
14 Council will have a problem with. Absolutely,
15 without a doubt.

16 But again, why did we write it? To
17 say, Hey folks. Here's reality. Here's where
18 we think the things are going to go. If
19 politically people can't say things, but we as
20 an independent body, we're going to say them.

21 Now, you want to stick your head in
22 the ground, go right ahead. If you want to

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1 pluck your head above the ground and look
2 forward to see where you're going, well, read
3 the document, and that's where you're going to
4 go.

5 So, you know, that -- I'm getting a
6 little light on this one here. A little
7 feisty on this one here.

8 (Laughter.)

9 MR. DILERNIA: That's where I would
10 go with it. And I would, you know, in the
11 transition document, again, things are going
12 to be hot in the first couple of weeks of the
13 Administration, but that in there. Attach
14 that. Get in the front door. Get -- make an
15 appointment with the new Secretary, the new
16 NOAA administrator, even before we know what
17 their names are. Get something there.

18 Get an appointment, sit down and
19 say, Hey, listen. Here's our long term
20 vision. Here's what's going to happen at the
21 end of your Administration and here's what's
22 going to happen the first few days. And if

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1 you want to listen to us, great. And if not,
2 well, see you later. I'm going out and have a
3 cocktail, talk to you later. And that's it.

4 They can't say we didn't serve
5 them. We did it. All right. I'll get off my
6 soapbox. Randy.

7 MR. CATES: Along those lines, I
8 would encourage to have your staff have access
9 to the document. Because a lot of the
10 obstacles we have, especially in aquaculture
11 are within fisheries. And it's the -- as
12 you're going along and getting permission in
13 process, if they have a clear understanding of
14 what that document says, a clear vision, I
15 think it's going to go a long way, it's going
16 to help.

17 Because sometimes, that's the
18 problem we have.

19 MR. HOLLIDAY: Just information, to
20 that point, every senior leader in the
21 National Fishery Service met in May, and this
22 was a topic of discussion, 2020.

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1 MR. DILERNIA: Okay.

2 MR. HOLLIDAY: We made a
3 presentation to all Regional Administrators,
4 Science Directors, Office Directors, the front
5 office staff. Response to receipt of the
6 document from MAFAC, and we're looking for
7 this meeting to discuss a strategy for going
8 forward in collaboration with MAFAC on how to
9 utilize it to its best purposes for advocacy
10 and communication of these ideas.

11 MR. DILERNIA: Mary.

12 MR. HOLLIDAY: So we are sharing it
13 with people.

14 MS. GLACKIN: And just another
15 comment. You know, NOAA is preparing
16 transition material and priorities for the new
17 administration. I'll talk more about that. I
18 intended to talk more about that tomorrow.
19 And we're going to be pre-sharing that
20 material with our Science Advisory Board and
21 it could come, be applicable sections if
22 desired, could come here as well, for comment.

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1 MR. BALSIGER: Would there be
2 sections that would be inapplicable for this
3 group that they're not smart enough to get, or
4 what?

5 MS. GLACKIN: Well, if you want to
6 do high impact weather and improving hurricane
7 forecasts, have at it you know, if you have
8 extra time. But you would probably want to
9 look at the -- I'll mention them tomorrow, the
10 climate, you want to look at are coastal
11 stuff. But you know, about our next
12 generation of satellites.

13 MR. CONNELLY: Of the relevance,
14 yes. Of the relevant.

15 MS. GLACKIN: You're welcome to
16 look at any of it.

17 MR. CONNELLY: That's correct,
18 right.

19 MS. GLACKIN: Yes. Because it's
20 all -- if it goes to our Science Advisory
21 Board, it's public domain anyway. It's a
22 backup plan. So, I'll talk more about that.

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1 MR. ROBERTS: I don't if we've
2 resolved that. I have another aspect of 2020
3 I want to go on. So, just beg your
4 indulgence.

5 MR. DILERNIA: Distribution and
6 dissemination. I'd like to leave -- Mark's
7 looking for us as -- let's face it. When we
8 can go home on Saturday or Friday or whatever,
9 he's going to go and do something. And he
10 wants to know from us what we're going to do
11 with this. So, if it's to that point, the
12 distribution, I'd like to --it's not to it.
13 So let's give Mark some instructions here
14 right now as to what we do.

15 MR. ROBERTS: I thought we already
16 have agreed.

17 MR. BILLY: We already --

18 MR. DILERNIA: We've agreed then?
19 You're good? You're good with that?

20 MR. BILLY: -- Mary and the new
21 Secretary and the Undersecretary.

22 MR. DILERNIA: Okay. And it's

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1 available to the Councils if they want it, and
2 we can --

3 MR. BILLY: I heard that that's
4 going to be taken care of.

5 MR. DILERNIA: Okay, so we're good.

6 MR. BILLY: You want anything else?

7 MR. FISHER: No, my God no.

8 (Laughter.)

9 MR. DILERNIA: Okay, great. Very
10 good. Take a break. We've got to leave at
11 four for the --

12 MR. JONER: Tony, one question, a
13 final one on distribution. Is this
14 appropriate to peddle this around the Hill, if
15 you can't do it but we could?

16 MR. BALSIGER: Well, this is a
17 public document. So, if we go to the Hill, we
18 can say, here's MAFAC 2020 document. But, if
19 you're going to look at the aquaculture thing,
20 and make Tom's point saying we need \$100
21 million for aquaculture initiative, we're not
22 going to do that. But if it helps you people

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1 to have this vision document with you as you
2 talk to your Congressional people, if it's
3 useful for you, that's all. I didn't want to
4 rule out the idea that it might be something
5 you want to carry and be able to use.

6 MR. DILERNIA: All right. I'm
7 going to try to -- we are running late. We
8 have a whole presentation from NOS on
9 monuments, sanctuary. So, Ken, Larry, and
10 please, Ken.

11 MR. ROBERTS: The issue of fuel
12 prices, or energy prices, brings up an
13 observation that as I said previously, of many
14 years I had to serve four years on government
15 of economic development committee for
16 Louisiana. We had a vision 2020 document.
17 One aspect of the energy thing brings up that
18 our document has, and it doesn't -- and at
19 some point, I think, not today, but at some
20 point, a new chair, and a new committee will
21 have to deal with is to make sure that this is
22 a living document, not a static document.

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1 Right now, there's no provision in
2 here, and maybe it wasn't decided that it
3 needed to be in this document, but the
4 Committee needs to do a certain how to do an
5 annual appraisal of the status of fisheries in
6 relationship to what we see in 2020 and make
7 adjustments. Otherwise, it's going to go on a
8 shelf somewhere and in three years because of
9 issues like energy and something else that
10 happens, it's going to be irrelevant.

11 So I would urge the Committee, the
12 next chairman, to at some point, maybe the
13 fall meeting, assign some time on how to make
14 it a living document and not a static one.

15 MR. DILERNIA: Larry, we're done.

16 MR. SIMPSON: I think I'm okay.

17 MR. DILERNIA: Thanks. All right.

18 We'll take a ten minute break. Ten minute
19 break, and we'll come back for our NOS
20 presentation.

21 (Whereupon, the afore-mentioned
22 proceedings went off the record for break from

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1 3:22 p.m. to 3:37 p.m.)

2 MR. DILERNIA: We have two more
3 items of business for today. One item of
4 business will be planning for our next set of
5 meetings coming up, rotation, times, along
6 those lines, and we also have a presentation
7 from Sam and Margo, here? Okay. Margo
8 Jackson, from NOS, on interaction, monuments,
9 sanctuaries, and marine-managed areas. So,
10 Sam, we'll turn it over to you and Margo.
11 We've got until about 4:30 today. Please,
12 it's all yours.

13 MR. RAUCH: What we're going to do,
14 the topic which MAFAC suggested us to talk
15 about is monuments, sanctuaries and marine-
16 managed areas. The marine-managed areas part
17 is really a discussion of the draft MPA
18 framework and those kinds of issues. And so
19 we're going to separate that out.

20 We've got Margo from the
21 sanctuaries program here, and she will lead
22 the discussion on the sanctuaries part of it,

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1 and then we should finish whatever, any type
2 of discussion you want to have on that and
3 then we'll transition to the second part,
4 which is the marine-managed area part.

5 MR. DILERNIA: There was so much
6 background noise, you've got a two-part
7 presentation, go right ahead.

8 MR. RAUCH: We've got a two-part
9 presentation. So it is the first part with
10 Margo, and then I'll take over the rest of it.

11 MR. DILERNIA: Okay.

12 MR. RAUCH: All right, Margo.

13 MR. DILERNIA: Margo.

14 MS. JACKSON: Thank you. Good
15 afternoon. I was introduced earlier today,
16 but Margo Jackson, with the National Marine
17 Sanctuaries office with NOS. I've been with
18 NOAA for many a year, started out as assistant
19 general counsel for ocean services before
20 moving to marine-management side where I've
21 been since `98.

22 My boss, Dan Basta was invited, and

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1 would have loved to have been here today. He
2 sends his greetings. However, he's at a
3 memorial service for one of his family members
4 and couldn't make it.

5 What I hope to do is give you a
6 brief overview of our program. I would
7 imagine there are different levels of
8 knowledge about the sanctuary program. I'll
9 try to make this quick for those of you who
10 already know a lot. If you have any questions
11 or want to talk to me at the end, please feel
12 free.

13 What are National Marine
14 Sanctuaries. Well, they're areas in the
15 marine environment that are set aside for
16 special conservation, recreational,
17 ecological, historical and other uses.
18 They're located around the Coast, including
19 the Great Lakes and the far Pacific.

20 I'll just briefly run through these
21 because of the time factor. Just starting
22 around geographically with Stellwagen Bank off

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1 the coast of Massachusetts, a big whale
2 habitat area. A Monitor sanctuary which was
3 our first ship sanctuary, was the wreck of the
4 USS Monitor off of North Carolina.

5 Thunder Bay Sanctuary, our second
6 completely historic ships sanctuary, after the
7 Monitor, is our newest sanctuary. It's in
8 Lake Huron, in the Great Lakes, our only Great
9 Lake sanctuary.

10 Gray's Reef, off the Coast of
11 Georgia, temperate reef areas, they have their
12 own reef. The Florida Keys, a large sanctuary
13 of coral reefs and many historic wrecks and of
14 course many marine mammals and other marine
15 treasures.

16 Flower Garden Banks, a discrete
17 areas quite a ways off the Texas Coast, in the
18 Gulf of Mexico. It encompasses some oil
19 industry as well as surrounded, totally
20 surrounded by oil industry as well. So, we
21 co-exist with them very well there.

22 Olympic Coast, this is an isolated

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1 shoreline area with a lot of kelp forests,
2 established in the mid-90s. Cordell Bank off
3 the coast of California. We have four
4 California sanctuaries off the Coast of
5 California. Cordell Bank is an underwater sea
6 mount, relatively small area, but important to
7 us.

8 Gulf of the Farallones, with its
9 coastal beaches and tidal blasts as well as
10 marine, marine animals. Monterey Bay, another
11 large sanctuary, with submarine canyons and
12 kelp forests and so forth and just in process
13 of including Davidson Sea Mount on that.

14 Another part, on Channel Islands,
15 rocky reefs and marine mammals, been with us
16 now since 1980. Fagatele Bay, our smallest
17 sanctuary in American Samoa, a tropical coral
18 reef area.

19 Hawaiian Island Humpback Whale
20 sanctuary is our only sanctuary that's
21 dedicated to one species at this time, clearly
22 an area where we do have jurisdiction along

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1 with NMFS and work very closely with them when
2 we were setting this up.

3 And then lastly, and certainly not
4 least, it's huge, the Papahānaumokuākea Marine
5 National Monument which was established by
6 President George Bush in a year ago, about a
7 year ago. And it's primarily an uninhabited
8 reef atolls, including the Midway atoll.

9 What do we do? What are we
10 mandated to do? We are mandated to identify
11 and designate structural marine areas as
12 sanctuaries, provide comprehensive and
13 coordinated management for them, maintaining
14 natural biological communities and enhance the
15 public awareness and understanding the marine
16 environment.

17 We're supposed to include
18 management and research, monitoring and
19 characterization, facilitating uses that are
20 compatible with the primary objective of
21 resource protection, create models of marine
22 research protection through innovative

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1 management techniques, and talk about the way
2 we're doing the programs, the national
3 programs, encouraging marine conservation.

4 How do we do this? We do this
5 through working with many, many partners. We
6 could not be successful if we didn't work with
7 so many partners, both within the government,
8 within NOAA, within other Agencies,
9 experimental in terms of academia, a lot of
10 different academic institutions and of course,
11 private organizations as well, such as Sea
12 Whales Conservancy et cetera.

13 Public participation is a very
14 important part of what we do. Every part of,
15 part of our actions involves the public,
16 sanctuary designation, where we're considering
17 whether or not it should be a sanctuary. It's
18 a very public process. We have sometimes
19 literally hundreds of meetings. Certainly in
20 the keys we get, and so forth, to meet with
21 folks to discuss how we're going to move
22 forward.

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1 We establish sanctuary advisory
2 councils, I'll get into that a bit more in a
3 minute, and we do management plan reviews.
4 We're mandated to review our management plans
5 every five years. We actually have not been
6 able to keep that schedule, but we're trying
7 to do that and update them.

8 Our sanctuary advisory councils,
9 they represent the community and management
10 priorities and planning. They're made up of
11 diverse members from across the community,
12 interest, tourism, fishing, government,
13 conservation et cetera. All of our 14 managed
14 areas have sanctuary advisory councils that
15 are chartered and operational. They are
16 staffed by 230 members, again, all volunteers
17 like yourself, they're not paid, and 160
18 alternates.

19 So, across the country, we have a
20 number of people extremely involved in our
21 program to help us as well as advocate for us.

22 Additional public participation

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1 comes in when we do scoping meetings to
2 identify issues that we need to deal with to
3 meet our mandates. We develop working groups
4 to advise on major issues, such as
5 enforcement, water quality, et cetera. And
6 all our council meetings are open to the
7 public.

8 So that's it for the brief rundown
9 on what we do and who we are. One of the
10 things that I was asked to speak on was the
11 Office of the Inspector General's Report,
12 which was issued in February 2008. They
13 looked at our site core programs, met with
14 maybe some of you all, constituents, across
15 the country visited many sites, met with
16 people within government and externally and
17 put out a report with recommendations.

18 Part of the recommendations that
19 are germane I think to us and NMFS, particular
20 observation that sanctuary program
21 collaborates with many partners, but stronger
22 coordination is warranted in some cases.

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1 They came up with three
2 recommendations about what we needed to do on
3 that. This one is basically that the
4 sanctuary program and NMFS needs to develop an
5 issue guidance on how they're going to work
6 together on a lot specific matters dealing
7 with fishery management in sanctuaries,
8 basically. How we're going to do it, how
9 we're going to work with fishery management
10 councils et cetera. I'll talk about those a
11 little bit more in a moment.

12 The other two recommendations were
13 that sanctuary programs and NMFS senior
14 officials bring the headquarters and regional
15 leadership and staff together to discuss this
16 guidance that we'll put out regarding how
17 we're going to work together, and that we in
18 meeting, discuss how we're going to move
19 forward in implementing that et cetera.

20 We are in fact talking about how to
21 do that. Sam will be attending one of our
22 executive committee meetings in August, where

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1 we will discuss how to set up a larger meeting
2 with all of our senior folks across the
3 country.

4 We're on number 19, and that's the
5 NOS and NMFS senior persons need to
6 disseminate specific examples of successful
7 collaboration between the programs to people
8 in both line offices. And that's because we
9 have a lot of opportunities and a lot of
10 successes where we work together. Those folks
11 out in the field are keenly aware of them, and
12 what we've agreed to do is on a quarterly
13 basis, kind of gather that information and
14 share them across our lines so that people are
15 aware of them.

16 One of the things that that will
17 help do is really give people ideas of other
18 ways in which they can work together, have
19 success stories really at all our sites in
20 terms of working with NMFS and how things have
21 actually improved quite a bit.

22 Going back to 18, I'm sorry, 17,

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1 the original, the first recommendation that we
2 put in writing, how we work together to
3 implement both the National Marine Sanctuaries
4 Act, and the Magnuson-Stevens Act, regarding
5 fishing and sanctuaries.

6 We actually began working on a
7 document called Regulation in Fishing in
8 National Sanctuaries, a few years ago, when
9 this kind of issue came up and we realized
10 that we were having, meeting some snags. And
11 we have a document which we have in draft
12 shared with the councils, we've shared with
13 our sites, we shared with the federally-
14 recognized Indian tribes.

15 We received comments from all of
16 them. We have taken them into account. We've
17 incorporated them. We're in the process of
18 clearing that document. Then we'll need to
19 get back to the tribes, which we plan to do,
20 and then hopefully get it out publicly. But I
21 can talk to you a little bit about it, since
22 the early draft of this was out publicly.

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1 What the document does, is details
2 in some great length, our individual
3 processes, that is how we work under the
4 National Marine Sanctuaries Act. We have
5 about eight pages of that. And then along
6 with a diagram of how that works, as well as
7 then about eight pages of how fishing
8 regulations are done under the Magnuson Act.

9 What we've also done is then
10 explain in great detail, about how we're going
11 to work together to increase those
12 opportunities for us to talk together early
13 and often, and make sure that we're on the
14 same page, and that our individual interests
15 in these common resources are dealt with.

16 It includes our primary statutory
17 participants, certainly talk about the
18 counties, fishery service, of course, the
19 regional fishery management councils, our
20 sanctuary advisory councils, and of course,
21 the program, I mentioned before, we recognize
22 any parts, and of course, the public.

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1 This is our attempt to mesh the two
2 diagrams, just to give you some view of how it
3 works. Okay, and as I mentioned, we have one
4 side that indicates how it works under the
5 sanctuaries Act, there's one for the Magnuson
6 Act.

7 As you can see, at the beginning,
8 we have kind of similar processes in terms of
9 data coming in, deciding what needs to be
10 done, scoping, issue prioritization et cetera,
11 or the regional fishing management council
12 takes initial action.

13 This box here, is really our
14 attempt to talking about how we're going to
15 work together much more than we had in the
16 past, consult and work together early so that
17 we can decide up front how things are going to
18 work.

19 As far as sanctuary regulations, we
20 have non-fishing regulations that come down
21 from regulatory. We meet, set a process, and
22 then final action. With the fishing

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1 regulations, we are required, under our
2 National Sanctuaries Act, Section 304.85, to
3 give the Fishery Management Councils the first
4 opportunity to write any regulations having to
5 do with fishing and sanctuaries.

6 And by and large, the fishing
7 management councils do all the -- most of the
8 regulation of fishing in sanctuaries. We have
9 very little actually regulations of fishing in
10 sanctuaries. I'd say, 99.9 percent of fishing
11 regulations are done through the normal
12 process under Magnuson-Stevens Act.

13 So that opportunity has to be given
14 to the councils. The Councils can deliberate,
15 and they can decide write the regulations that
16 we are requesting that we think need to be
17 done. They can decide it's not needed, they
18 can decide to one under the Magnuson-Stevens
19 Act. They can decide to do it under the
20 Sanctuaries Act, or they can decide it needs
21 to be done, but they want someone to do it,
22 and have us do it.

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1 They make a decision, eventually
2 that goes to NOAA, and NOAA as an agency as
3 both the sanctuaries and the Magnuson process,
4 decides what to do. In the case of Channel
5 Islands, just to give you an example, there
6 was a decision that it could be done best by
7 using both of those two. So the Marine
8 Reserves was implemented partially under the
9 Magnuson Act, and partially under the
10 Sanctuaries Act.

11 Then the normal way of doing it,
12 the Councils act, the Secretary does review,
13 and then there's the final Agency action. So,
14 just to talk briefly about some of the things
15 we put in this document to highlight where
16 we're going to try to work together more
17 closely, front loading.

18 That concept describes us
19 communicating in an on-going fashion with
20 respect to issues that could arise in the
21 National Marine Sanctuary regarding fishing,
22 or if things come up within the councils that

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1 they think are going to effect sanctuary's
2 resources for them to work with us as well.

3 In the scoping process, in the
4 sanctuary program, has said, and we will,
5 instruct and notify and include personnel from
6 NMFS and the Regional Fishery Marine Councils
7 in a process of developing the goals and
8 objectives of what it is we're trying to
9 accomplish.

10 If we're dealing with fishing in a
11 sanctuary, also the Council will directly
12 notify and include some of our personnel on
13 the fishery management action teams. And this
14 is early in the process that they get started,
15 so that we can have some input, and you know,
16 basically avoid problems down the line.

17 Action Development, as NMFS and the
18 Council decide what they're going to do,
19 again, it's a matter of inviting applicable
20 staff, sanctuary staff to work with them again
21 so all concerns can be addressed as well.

22 So, I won't go over all of that,

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1 but basically this document, which we're
2 working towards finalizing and getting out,
3 and we've already been implementing really in
4 the way we've been working together for some
5 time now, expresses our intent and the
6 Admiral's statement already, that he intends
7 to us whatever statute works best for what
8 we're trying to achieve. Whether that be the
9 Sanctuaries Act, or the Magnuson Act, and use
10 all the tools in the tool box because we all
11 have a great deal of work to do together and
12 we can't really afford not to use things that
13 are our disposal to do that job.

14 MR. RAUCH: I wanted to, for the
15 NMFS from this perspective, and they agree
16 with all of that. And we recognize that
17 historically our relationship with the
18 sanctuaries program in many areas has been
19 very good. But in terms of fishing
20 regulations, just recently have been
21 controversial in some and not on all of the
22 sanctuaries.

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1 And the IG recognized that, and
2 issued a report, and we were working through
3 the fishing, and hopefully by early
4 communication, we will improve that. We
5 recognize as the sanctuaries does, that we
6 each have our independent authorities, and no
7 one is going to set aside their authorities
8 and you'll do what the Admiral says.

9 Use all the tools in the toolbox to
10 achieve the goals that we have. So, we've
11 started working together on all these
12 sanctuary issues. We hope to avoid the kind
13 of controversies that have developed in the
14 past where we were practically fighting
15 against each other. We're not going to do
16 that. We want to come in with a more unified
17 approach.

18 So, with that, I think on this part
19 of the program, that concludes that
20 presentation. We can take your comments and
21 then we'll go on towards after this is over,
22 about the marine protected areas discussion.

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1 MR. DILERNIA: John.

2 MR. CONNELLY: And on the sanctuary
3 program, I see repeatedly the concept of the
4 priority being conservation. And for the
5 Service, it's conservation and management,
6 which means they're tasked with actually
7 producing something out of that. How does --
8 how do the two Agencies or Service and
9 Program, de-conflict a program that's designed
10 to conserve something, versus something that's
11 designed to conserve and manage, has the
12 implication they're helping produce a product?

13 Does that question make sense?

14 MS. JACKSON: I think so. I would
15 put it a slightly different way, but I think I
16 understand what you're saying. And I think
17 that's why we have to work a lot together.
18 Clearly, we have similar missions in terms of
19 protection. We do have slightly different
20 missions in terms of use of some protected
21 species or some of the limited resources that
22 we're trying to protect.

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1 Clearly, our Act recognizes, by
2 having us have to do regulations through the
3 Councils, because the Councils have the
4 expertise of how to manage fish. And no one's
5 denying that.

6 So, we do work that, like I said,
7 99 percent of the time, the regulations in our
8 sanctuaries are done by the Councils, and you
9 know, really it's not an issue.

10 The rub has come when we in using
11 our signs, or recognize an issue, or habitat
12 or something we think needs special
13 protection, and perhaps fish, fishing may have
14 been indicated as part of the problem in terms
15 of deterioration of the area. There, we've
16 got to work together to figure out, one, is
17 there agreement in the Agency that this needs
18 to be dealt with. And then, two, if there is,
19 the best way to deal with it, and whether
20 that's move out of fishery management councils
21 and the Magnuson, you know Act.

22 Which frankly, I'm going to give

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1 you an example, krill. In Monterey Bay, we
2 looked at the ecosystem and decided the krill
3 was so important to that ecosystem, that even
4 though there was no fishery at the time, we
5 wanted to make sure that a fishery didn't
6 develop. That would really kick bottom kind
7 of out of the ecosystem.

8 So, we raised that. We went to the
9 Council, the Council agreed. So the Council
10 moved forward on it. We were looking at it
11 only in our sanctuaries. They moved forward
12 on it in the entire West Coast, which is
13 great. And I think that just recently got
14 cleared in order to be put out.

15 So, there's an example where, you
16 know, we brought something to attention. It
17 was considered, they agreed, and we worked
18 together and decided that Magnuson was the
19 best way to go. It all depends on what
20 the issue is, and how it arises. But I think
21 what we learned is that we have to start early
22 together as we identify issues. Work

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1 together, figure out the best way to proceed.

2 Some cases that we manage, they have some
3 cases that might be Sanctuaries Act, or it
4 might be both.

5 MR. DILERNIA: Okay. I've got
6 Fletcher, Randy and Steve and let's try to
7 stay on. Bob Fletcher first, Randy, Steve.
8 Mary Beth.

9 MR. FLETCHER: Margo, I had a
10 question. Usually parallel tracks for both
11 the Magnuson Act and the Sanctuaries Act.

12 MS. JACKSON: Right.

13 MR. FLETCHER: And then you said
14 that most of the time, there's no problem.
15 The Councils follow on through with fishing
16 regulations. Let's assume that there was a
17 case where the Council decides there's not a
18 problem, and doesn't want to pursue fishing
19 regulations. This is based on the expertise
20 of the Council, with all the science that
21 includes fisheries management scientists, with
22 the expertise in managing fish.

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1 I'm not aware that the sanctuaries
2 have fisheries management biologists that have
3 that same kind of expertise. So, would that
4 be a case where even though the Council
5 chooses not to go forward with the regulation,
6 that you would pursue it through the
7 Sanctuaries Act, even without the expertise of
8 fisheries management on your side?

9 MS. JACKSON: Well, firstly, when
10 we look at what needs to be done, a lot of
11 times, we're relying on fishery's expertise.
12 We're relying on the fishery's side. Not all
13 the time, but largely. I mean, we'd be
14 foolish not to.

15 In addition to fish, however, we
16 may be looking at habitat, or other, you know,
17 water quality and other things that we think
18 impact the situation that might in our opinion
19 call for a change. If the Council doesn't
20 agree, it is ultimately the Secretary
21 requirements and has been delegated down to
22 the Administrator's decision as to whether or

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1 not to accept the Council's decision, and not
2 proceed, or whether to say, you know, despite
3 that we think this needs to happen, and we'll
4 do it on the Sanctuaries Act.

5 So this ultimately, the
6 Administrator is the implementer of both the
7 Magnuson Act and the Sanctuaries Act. So, if
8 we really felt strongly after the Council
9 decided there wasn't a need to move forward,
10 we would raise it within the agency and the
11 decision would have to be made.

12 MR. FLETCHER: But am I right, that
13 you don't have fisheries management biologists
14 as part of the sanctuary, so that you're
15 really not focused on the management of those
16 fisheries, you're more looking at protection
17 than management in terms of the one you're
18 mandating.

19 MS. JACKSON: You're absolutely
20 right. We're not looking at it from a
21 management standpoint, and certainly not of
22 the huge, you know, entire ecosystem or large

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1 areas that you may be. We're looking at our
2 sanctuaries, which no matter how large, are
3 discrete.

4 In addition, we do, however, use
5 scientists, both biologists and others,
6 fishery scientists as well. But they may
7 certainly not be looking at things in the same
8 way that you may be in order to come up with a
9 totally allowable, total allowable catch, is
10 it?

11 So, you know, our end points are
12 different. But a lot of times, we start with
13 the same information. It's basic, good
14 information. But we also look at habitat,
15 what's happened as a result of the different
16 fishing gear that's being used and so forth.
17 So we do do a lot of science and peer review
18 science and so forth as well.

19 But again, we're one Agency, and
20 when we do disagree over something like that,
21 we basically have to raise it within the
22 agency and let the Administrator make the

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1 decision.

2 MR. DILERNIA: Okay. I have Randy
3 Cates, have Steve Joner, Mary Beth and Tom
4 Raftican. Randy.

5 MR. CATES: In Hawaii, we have the
6 humpback whale sanctuary. And it was
7 originally designed to be compatible use with
8 existing industry. We're having a bit of a
9 conflict with aquaculture in SAC and within
10 the sanctuary. We have two problems, that's
11 one.

12 And the other is mission creep
13 where the sanctuary is now exploring expanding
14 their role beyond humpback whales. They want
15 to get into other areas. My question is, I
16 haven't heard you clearly say that the
17 decisions by the sanctuary is based on
18 science.

19 And that's one of the conflicts
20 we're having with aquaculture and humpback
21 whale sanctuary. Is there is no scientific
22 evidence that there's a conflict. Yet the

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1 staff is basically determined there's a
2 threat, so we don't want it in our sanctuary,
3 but no science backing it.

4 And my question is, is the
5 sanctuary's decisions based on science, or how
6 do you come up with your decisions?

7 MS. JACKSON: We certainly try to
8 base the sanctuary decision on science. You
9 mentioned the SAC. The SAC -- it's
10 insignificantly different than fish and
11 management Council, but they are a body that's
12 constituted to advise us. So, you may hear
13 something from the SAC, but as far as what the
14 sanctuary program does, you'll have to hear
15 that from the sanctuary program, as opposed to
16 the SAC.

17 I know they've made certain
18 recommendations and I know there are those in
19 even our program who have certain feelings,
20 but at least at headquarters, we certainly
21 understand the importance of aquaculture to
22 commerce and to NOAA. And you know, follow

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1 the NOAA process in decisions on aquaculture.

2 That does not mean that we might
3 not give you as a comment, that we would
4 prefer if you would site your aquaculture
5 somewhere else, especially if we happen to
6 know that the particular habitat you've
7 chosen, you know, is of particular importance
8 to the humpback whale.

9 And again, that should be based on
10 science, on the information that we've pulled
11 together. So it certainly shouldn't be
12 random. But I'm not aware that aquaculture
13 has not been ready to be done in the humpback
14 whale sanctuary.

15 I know we've asked for a re-siting
16 in some places, but --

17 MR. CATES: It's been twice now in
18 three months they've blocked -- we have an
19 issue on-going as we speak. And the SAC has
20 basically said, we're not going to -- we're
21 going to do everything we can to not allow it.

22 And so, my question back to the SAC was, is

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1 this decision based on what?

2 MS. JACKSON: Right. And have you
3 heard anything back from our program?

4 MR. CATES: Not yet, they just --

5 MS. JACKSON: Well, let's talk. I'm
6 aware of the issue in Hawaii, and you know the
7 concerns of the SAC, but that's a little bit
8 different from whether our program has given
9 any comment on a permit or something, you
10 know, we don't even permit you on this. We
11 may, you know, be asked our opinion in regards
12 to someone else's permit, but we don't permit
13 you.

14 As regards to mission creep
15 question, yes, it's a humpback whale
16 sanctuary, but a couple of years ago now, the
17 Governor of Hawaii requested that we look at
18 including other species in the sanctuary. So,
19 basically in, you know, most of the sanctuary,
20 two parts, actually, are in state waters. So,
21 they're requesting that we do that.

22 We're in the process of beginning

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1 that. We're obviously working with NMFS,
2 because again, we've had to walk together with
3 them on this, because we're talking about
4 similar resources. We think we probably can
5 bring some more resources and some expertise
6 to the table to share some things that they
7 haven't had as many resources to deal with,
8 particularly the endangered Monk Seal, where
9 they're doing a lot of work.

10 And we've tried to help them out
11 with that et cetera. So I don't know where
12 that will go, but yes, we've been asked to
13 look at it, and we will as we do our five-year
14 management strategy.

15 MR. DILERNIA: Okay. I've got
16 Steve, Mary Beth, Tom and we are running short
17 up against time-wise, so please folks.

18 MR. JONER: Margo, I may have
19 missed it, when do you expect this whole chart
20 to be completed and implemented?

21 MS. JACKSON: Again, I've worked so
22 long, I hate to even come up with a -- you

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1 know, hazard a guess. We're actually scheduled
2 to brief NOAA leadership in the next week or
3 two. After that, hopefully the next step
4 would be to get back to the Indian tribes as
5 we have to do. And then after that, we'll get
6 back to the Councils and the SACs with the
7 plan, then back to make corrections to those
8 who have expressed an interest in this.

9 So, I'm hoping soon, but don't hold
10 me to that.

11 MR. JONER: It would likely be
12 implemented before the Sanctuary Act is re-
13 authorized.

14 MS. JACKSON: Likely, yes.

15 MR. JONER: So there would be a
16 potential for something coming out of
17 Sanctuary Act re-authorization that could
18 change this?

19 MS. JACKSON: It probably --

20 MR. JONER: So, that's another
21 issue, I won't go over it right now. But you
22 know I just want to point out, that for this

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1 to work, there's a lot of distrust that's
2 developed, particularly in some of the folks,
3 over what's gone on in the sanctuaries and the
4 way they've done things.

5 And the sanctuary people have
6 expressed distrust of the Council, and you
7 know, it turned out, you know, I started
8 digging into this. Because I deal with both
9 of them. I'm very involved with a sanctuary
10 through the monthly coast governor policy
11 council, and having sat on the SAC, and that
12 involved, it's completely a Council process.

13 So, I've found I've read a lot of
14 communications. So I kind of initiating
15 getting this roundtable event that we had in
16 San Diego about a year and a half ago, brought
17 the five sanctuaries into the Council, and it
18 was so strange because they were all shaking
19 hands like greeting each other, you know.

20 So, it was a little bit of
21 "kumbaya". But there was an agreement made
22 there, a commitment that we'll start working

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1 together, no more surprises. Well, surprises
2 are still happening.

3 And that's got to change. You
4 know, it's -- progress will be difficult
5 unless those that are harassed can -- and
6 again, there's a lot of folks on the Pacific
7 Coast, don't want stock to just -- strictly
8 Californian. We're dealing with our own
9 issues up in the middle of the Coast relative
10 to the tribes' sovereignty and management
11 status and so on.

12 But you know, that's got to be --
13 you have to mandate to people down the chain
14 that this will happen. And having dealt with
15 that for so many years, you know, that's the
16 only way it will work.

17 MS. JACKSON: I absolutely would agree.
18 And let me thank you for setting up that meeting.
19 You're right. It was a good meeting to have.
20 You're right. They hadn't gotten together in one
21 room like that. You know, we had individuals go
22 to Council meetings, but not all the legal

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1 players, so that was helpful, and I think it
2 taught all of us, that you know, well all pretty
3 much put on two shoes and walk the same way et
4 cetera.

5 And the more we do that, I think the
6 easier it will be. Frankly, we have mandated the
7 things that I've been talking about. There
8 shouldn't be surprises. We -- I'll need to
9 probably talk to you about some of those things
10 on-line. I don't know whose being surprised,
11 because certainly, NMFS is being -- we're talking
12 with them often.

13 The Council, we also, you know, we have
14 Regional Directors. We regionalize. Not anything
15 in the way of NMFS, we're talking about small,
16 regional offices, one, two people, whatever. But
17 we have a Regional Director. And out there, it's
18 Bill Borroughs, who has made it a point to get
19 together with Rod McGinnis and the Council members
20 regularly to keep them from having surprises. So,
21 I'm surprised to hear that and if I'd like to know
22 more specifics.

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1 MR. DILERNIA: Mary Beth.

2 MS. TOOLEY: Thank you, Mr. Chairman.

3 I appreciated the part of the presentation when
4 you talked about front loading. And I live in New
5 England and participate in the National Marine
6 Sanctuary at Stellwagen Bank. And I have sat on
7 some of the working groups, plus some alterations,
8 zoning work, and like that.

9 I think it has been a public process.
10 But I think that now that the draft management
11 plan has come out and gone to public hearing, many
12 of the people who participated in the process felt
13 that they weren't heard throughout the process.

14 MR. DILERNIA: Mary Beth, could you
15 speak up a little bit. I'm sorry.

16 MS. TOOLEY: Yes, I'll try.

17 MR. DILERNIA: You're facing that way,
18 I can't hear you quite.

19 MS. TOOLEY: Can't hear me? So I think
20 there's some concerns about how that worked out.
21 I think the process was in place. It threw people
22 from the Council and the Science Center and the

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1 Regional Office, but I don't know that everyone's
2 particularly happy with the outcome at this point.

3 There was some concerns expressed about
4 the draft management plan and the use of science
5 in that plan. I think they had used peer review,
6 to non-peer review for information and drawn their
7 own conclusions about what that means.

8 And so we're requesting, and we'll do
9 that through the public comment process, for the
10 document to have an unbiased scientific review of
11 the conclusions of the document as made. And in
12 the Stellwagen Bank area, their designation
13 document does not allow them to manage fish.

14 But the draft management plan is their
15 plan moving forward that is all about fish. So
16 people have some concerns about that process and
17 then when I see your flow chart, I do have to
18 wonder in a situation like Stellwagen, where they
19 don't have the authority to manage fish, and you
20 have a flow chart there, it's been very confusing
21 to the public and the fishing communities in the
22 region when we see flow charts like that and get

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1 explanations from both your office in Silver
2 Spring and the sanctuary themselves, and they
3 explain to us how they're going to manage fish.

4 And it's been an on-going, contentious
5 issue with your designation doesn't allow you to
6 manage fish, then you aren't managing fish in our
7 view. But the advice we get seems to be something
8 else. So I think that as this draft management
9 plan goes forward, it's going to be very
10 controversial in the region. And I think that
11 there could be some things done that could help
12 and you know, a peer review of the conclusions
13 would be a start.

14 MS. JACKSON: And thank you. We'll
15 definitely do put that in the public comment
16 period as well, but I will also pass it on.

17 I know we've made efforts to both peer
18 review and get good science. We start as usual
19 with NMFS science. We don't just rely on that. I
20 know we put together a scientific panel that
21 looked at the draft, et cetera. I'm glad that we
22 got, you know, as much public input as we did.

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1 And certainly, that does not mean that all the
2 public's going to like what we come out with.

3 But it is in draft, and we -- this is
4 the time to get all the comments in and we'll see
5 what comes out in final and we certainly will
6 consider all comments received. Regarding
7 sanctuaries where fishing is not a part of what
8 they can -- part of it does mention what they can
9 regulate. If in the future, there's some --
10 there's a need to regulate fishing in a place that
11 currently we cannot, we can only do that by
12 changing the designation document. That's an
13 extra step that goes through more hoops than just
14 normally doing your normal regulation.

15 So, it's not on the table, but that
16 doesn't mean it can never be on the table. So
17 that's why we discuss it. Not to mention, again,
18 just because we're discussing fishing, doesn't
19 mean that we may not work through Magnuson to get
20 whatever, you know, done that we eventually feel
21 might need doing. In the process, we might
22 convince NMFS and the Councils that yes, you know,

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1 that might be something we need to do. I know the
2 sand lance is something that they're looking at as
3 a basic component of the ecosystem the same way
4 they did with krill in the West Coast.

5 It could be that you all end up
6 agreeing and maybe the Council will take some
7 action. But just because we look at the issue,
8 doesn't mean we're going to have to be the ones
9 ending up doing it. It could be NMFS if they
10 agree, or if it's that important and the Admiral
11 and other people agree, we could amend the process
12 so that we could do it if it's that important.

13 But you go through a whole lot of hoops
14 before you get there.

15 MS. TOOLEY: I just think there's been
16 some confusion in that message.

17 MS. JACKSON: I understand that. It is
18 a little bit confusing and you know, people think
19 they've heard things 20 years ago regarding what
20 we might or might not do. But as we review what's
21 happening in the situation, we have to be able to
22 use the tools in the toolbox. We have to do them

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1 legally, and we have to do them pursuant to the
2 regulations and the statues. It may mean changing
3 some things. So we can't put a toolbox, a tool
4 over there and say we'll never use it.

5 MR. DILERNIA: Tom Raftican, and then
6 we're going to go back to Sam.

7 MR. RAFTICAN: Just quickly. I want to
8 follow up really on what Bob Fletcher was saying.
9 And using recreational fishery management,
10 regional fishery management Councils, to get the
11 best fishery management information. Going back
12 to your decision-making flow chart, the decisions
13 all seem to go under the Regional Council.

14 But there was a really interesting
15 thing that I saw afterwards. If you take them to
16 the Council, and if you're moving them to the
17 left-side of the diagram, you take over -- it's
18 unclear where there was a NOAA box in the middle,
19 and then implementing your own regulations there.
20 And I think -- yes.

21 MS. JACKSON: Yes. And that's
22 partially because this is an attempt to shrunk the

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1 two different -- this is a combination of two
2 separate diagrams.

3 MR. RAFTICAN: Right.

4 MS. JACKSON: One totally in the
5 sanctuary practice, and one of the Magnuson. So,
6 it is abbreviated by a --

7 MR. RAFTICAN: I'm sorry. But that's
8 for regulations. What my question is, if you'll
9 notice on the right-hand side, there's a very
10 important thing. We're talking about fisheries,
11 regulations and going through the fisheries area,
12 where the in-house expertise of NOAA is. And that
13 comes directly down to the Secretarial review.

14 If you go to the left-hand side,
15 there's no Secretarial review. Wouldn't you think
16 that if you wanted to put in regulations in place
17 that would want both of those to a Secretarial
18 review.

19 MS. JACKSON: That is a mistake of this
20 particular -- thank you. Which is why we don't
21 like to try to abbreviate things and put them
22 together.

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1 All regs in NOAA have to go -- when we
2 say Secretary review, it's really at the Admiral
3 level. And all regs go to that level. So, yes,
4 sanctuary's regs have to go to that level as well.

5 It's a mistake on this chart, which means I won't
6 use it again.

7 (Laughter.)

8 MR. DILERNIA: Sam, it's yours.

9 MR. RAUCH: All right. Thank you. The
10 sanctuary discussion leads into the next
11 discussion on marine protected areas. And this
12 discussion is -- I don't have any materials, but
13 we did pass out -- I don't have a Power Point.
14 But we did pass out a one-pager from the MPA
15 Center, which is a joint NOAA-Interior project,
16 and dated, the Executive Summary of a draft of a
17 framework for the National System of Designating
18 Marine-Protected Areas.

19 Marine-Protected Areas can be a lot of
20 different things. We have an Executive Order
21 which created the MPA Center and a federal
22 advisory group that advises them, and lays out a

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1 definition for marine-protected areas. And it's
2 not just a sanctuary where you preserve
3 everything, but it could be a managed area that is
4 -- that is permanent, or long term. I shouldn't
5 say permanent. It is long term, but it is
6 designed to protect things less than the entire
7 ecosystem.

8 So, in fishery management closure, if
9 it's something different than a seasonal closure,
10 it can be a marine-protected area. There can be
11 other marine-protected areas. A closure around a
12 shipwreck can be a marine-protected area.

13 State coasts can be marine-protected
14 areas, and we did not have, and we do not have at
15 the moment, have a comprehensive list of what they
16 are, nor any rational way for the public to have
17 input and say, here's the totality of what you're
18 doing.

19 We think there's a big gap in the
20 national framework that there's a critical need to
21 protect this kind of habitat, that nothing out
22 there does that. And we need something to protect

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1 it. And that is the, in a nutshell, the goal of
2 the National System of Marine-Protected Areas. It
3 is to do two basic things. One is, to create the
4 list of existing and new marine-protected areas.

5 And then more importantly in my mind,
6 is to figure out where the gaps are in that list,
7 and provide a way for the public, through the
8 committee, which is similar to this committee for
9 them, and through the -- other process is in the
10 framework document, to recommend additional areas
11 in open, public structure format.

12 The areas can be nominated -- there is
13 a requirement which we've heard that federal
14 entities should avoid harm and there's a lot of
15 confusion about what that mandate means. And what
16 that means is, you avoid harm not -- if you
17 designate an area just to protect spawning stock
18 biomass, that doesn't mean that you have to avoid
19 harm to the entire bottom, or to every structure.

20 But you have to avoid harm to the spawning stock
21 biomass. And it's largely a directive on us to
22 protect what -- why we created it.

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1 And so that speaks to the fact that
2 these MPAs, once you're on the list, they do not
3 automatically become limited use areas, they do
4 not automatically become sanctuaries. They remain
5 designated for the purpose that you designated
6 them, and the designating entity can remove them
7 at any time for whatever reasons that they want to
8 do.

9 But the gap analysis is, in my mind, as
10 I said, the most important feature of it
11 procedurally. And I'm speeding through this
12 because I know we're short of time. Procedurally,
13 we had this draft that is out there. This is the
14 public draft which we've already taken comments
15 on. The comment period is closed on this draft
16 framework.

17 And there's a longer, this is just an
18 executive summary. There's a longer, more
19 detailed version on the website. The public
20 comment period is closed and we're in the process
21 of issuing a final version on this framework and
22 to start populating the list, an initial list, of

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1 all the existing MPAs, which is the first step.

2 We'll take that list once it's done,
3 and start doing a gap analysis. The reason that -
4 - I think the other reason that MAFAC asked me to
5 come up here and talk about that, is there is a
6 lot of concern about how we designate other areas
7 that haven't been subject to this sort of public
8 formal process, this current effort on -- so third
9 parties that approach, the President didn't do
10 what they call legacy monuments or things like
11 that.

12 This is to put it in place. But in the
13 future, when it is in place, this is one way which
14 we would say, you should go deal with that. It
15 should decide what is in need of protecting and
16 then you decide what the best tool is. Maybe it's
17 a sanctuary. Maybe it's a fishing regulation.
18 Maybe it's something else to meet that goal.

19 We don't have that system in place.
20 And so there is not a lot to say when -- as to why
21 you should protect certain areas or not. So, at
22 the end of the Administration, there's always an

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1 effort to approach the President to use the
2 Antiquities Act, or other Acts, to make legacy
3 statements.

4 And there is a similar effort underway
5 now, which we didn't know about, which NOAA has
6 been informed of, but we're not advocating at any
7 particular point in time. I think in general, our
8 view is that if an area is worth protecting for
9 the entirety of the area, we should use the
10 sanctuary program to do that.

11 But that being said, that's an on-going
12 process within the Administration and it's too
13 soon to tell where any of that might end up.
14 That's very quickly what I think MAFAC wanted me
15 to talk about. I'll be happy to take questions on
16 that.

17 MR. DILERNIA: Questions of Sam? Eric.

18 MR. SCHWAAB: I guess not so much as a
19 question, Sam, but an observation. It's one I've
20 made before, but I think the problem persists, so
21 I'll make it again.

22 And I think having these two

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1 presentations together really illustrates, I
2 think, very clearly the fallacy of this marine-
3 protected area cataloging issue. The sanctuary
4 system it is, that's the goal. The goal is, to
5 protect these unique areas, for biological,
6 whatever. Whereas the marine managed areas, or
7 marine-protected areas is just, you know, they're
8 just -- they're strategies to achieve a whole
9 bunch of different objectives.

10 So, to make a catalog of strategies,
11 where they're employed, doesn't to me really tell
12 you -- it doesn't really achieve anything that's
13 meaningful to say, well, you know, we've got this
14 marine managed over here, it's about this
15 objective, and that one over is about a completely
16 different objective.

17 I'm still not getting why it's a
18 benefit. I understand why the sanctuary network
19 is of benefit as a goal. But I don't understand
20 why it's a benefit to sort of catalog these
21 strategies where they're employed for a whole
22 bunch of different kind of goals. So it seems to

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1 me like the goal versus strategy question is the
2 one where we've created this confusion.

3 MR. RAUCH: Well, for instance, you
4 could have -- if there is a need to protect 25
5 percent of a type of marine habitat, you could
6 either say, we're going to create a new protected
7 area, a new management area which is going to go
8 find that and protect it now. Or, I think what
9 the feeling is, is that a lot of the habitat is
10 already protected by various measures. Oil well,
11 protection zone, shipwrecks. That may protect
12 large areas already. And it may -- although they
13 weren't designed to do that, have that protection.

14
15 So if you look at the overlay of all of
16 the -- of all of the protected areas, you may or
17 may not find a need to do additional work. Or you
18 may find that throughout that entire path, you
19 still don't protect what you think you need to
20 protect. And that's the goal.

21 I will admit that it is a difficult
22 task to take all the thousands of potential MPA

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1 sites and the list I think is in the thousands at
2 the moment, on just potential sites, and boil them
3 down and to figure out, well, what really are
4 legitimate things that should be on this list that
5 can provide some benefit to the country.

6 It's not an easy task. But it is
7 designed to get at the -- looking at the multiple
8 resources that -- the multiple ways areas are
9 protected, and whether or not there's a need for
10 an additional action, or maybe you don't need
11 additional action because you're already got it
12 covered by something.

13 MR. DILERNIA: Any other questions for
14 Sam?

15 MS. JACKSON: If I could just add.
16 Just want to make sure Mr. Schwaab understood that
17 the process of doing these, or listing these
18 protected areas was set in place by an Executive
19 Order on Marine-Protected Areas, that call for the
20 government to do this. So the government's doing
21 it.

22 MR. RAUCH: We don't have any choice.

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1 (Laughter.)

2 MR. DILERNIA: Vince.

3 MR. O'SHEA: Sam, maybe if the way I
4 looked at this, and maybe it's a poor metaphor,
5 and that's while I'll ask a question. If somebody
6 was worried about what the national speed limits
7 are around the country, and there was concern
8 about putting speed limits on roads, it would seem
9 like a logical thing to do would be to say, what
10 are the Village speed limits, what are the County
11 speed limits and what are the existing State's
12 speed limits and whether to protect schools, or
13 protect hospital zones, or conditions of the road,
14 it doesn't matter.

15 But you've got that catalog of speed
16 limits. And then if you go in forward with a
17 water policy, before you would implement a new
18 speed limit, you would at least have something to
19 reference back and say, this is already being done
20 in this area because we have it. And that's sort
21 of a crude, my crude interpretation of what the
22 objective is of the catalog in the first place.

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1 MR. RAUCH: And I also -- I think I
2 short-shrifted it. And I would agree completely
3 with that. That another reason for the catalog is
4 so people know. One of the things as fishery
5 managers, we would like to know if a particular,
6 if another federal agency or a state has indicated
7 this particular area is special for X, Y, Z
8 reason. You should pay attention, fishery
9 management may or may not be impacting that, but
10 you should think about that when you're designing
11 it.

12 And by having that coordinated list, we
13 can be better able to do that. We do that in many
14 cases already. I mean, there's sort of,
15 particularly to some animals that they do that,
16 and that is that coordination function is one of
17 the main reasons to do this. And also I think
18 that there is a belief that if you can group areas
19 into like-minded activities, it is a better
20 argument for funding those kinds of -- the
21 resources be there to manage those kinds of
22 issues.

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1 So, I think all of those are in general
2 part of it. And then there's also the tourism
3 aspect to say, there are people who go around the
4 country to visit that park. There's a list of
5 National Parks, and they want to go around and
6 visit them. There's an element to that so that
7 you can -- there's a list of -- so you could know.

8 These are areas that you might want to go see.

9 So a lot of folks are being served by
10 this list. You guys didn't like that last one,
11 right?

12 (Laughter.)

13 MR. DILERNIA: Eric, real quick.

14 MR. SCHWAAB: Just very quick. I was
15 buying where you were going, Sam, with Vince's
16 analogy. But as soon as you go back to there are
17 people that want to visit these areas, is where
18 you muddy the waters again between the sanctuary
19 network and the myriad of marine-protected areas
20 that are out there for a whole bunch of different
21 reasons.

22 I mean, nobody wants to go see an area

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1 that's seasonally closed to sea scalloping.

2 (Laughter.)

3 MR. RAUCH: The thing you're struggling
4 with is that this list has multiple objectives.
5 It's trying to achieve multiple different things
6 with different objectives. And that tourism
7 industry, as the sanctuary crew will tell you, it
8 is a valid, important goal, to have these things,
9 to promote these kinds of things.

10 And so, I mean, you guys laugh at that.

11 But it is one of the stated goals of this
12 program. One of the stated goals I believe is why
13 we're doing it.

14 MR. SCHWAAB: Why mentioned it. You
15 may not like it.

16 MR. DILERNIA: Any other questions for
17 Sam?

18 (Laughter.)

19 MR. DILERNIA: I love you, I really do.
20 Okay. Thank you very much Sam. Thank you.

21 The next order of business, I guess
22 Mark, is next meeting, dates and times, locations.

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1 MR. HOLLIDAY: I was going to open the
2 floor for suggestions, recommendations from the
3 Committee with respect to time and place for the
4 next meeting because we need to make sure we can
5 schedule it, budget it and prepare for it.

6 We wanted to do it before tomorrow
7 because during the day tomorrow, certain members
8 will be leaving throughout the day, and I wanted
9 to make sure while we had the full class of folks
10 here today, that we had that. It doesn't have to
11 be long.

12 MR. BALSIGER: I wonder if Mary, who's
13 been down in D.C. through a couple transitions
14 would have a thought to when input from a group
15 such as this might be most effective to NOAA?
16 There is a thought. Maybe we put it off until
17 2009 when the new people are in place I lean
18 towards November-October time frame when there may
19 be issues that come up that they may genuinely be
20 able to answer.

21 MS. GLACKIN: Okay. We're actually
22 grappling with this question in NOAA in terms of

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1 our transition package for the new Administration.

2 And the path that we're I think settling on is
3 one of being pretty flexible in terms of
4 information and who you provide it to.

5 As was mentioned earlier, you know,
6 assuming we have a winner the day after the
7 election, which didn't happen in 2000, there will
8 be somebody in the Commerce Department that will
9 be in my office from that transition team. And
10 you know, that person will be around until the new
11 political appointees come in.

12 There will be opportunities to go and
13 brief people like the -- I think the Commerce
14 Secretary will probably be certainly not
15 confirmed, but identified, I would expect before
16 January 21st, and there are opportunities as was
17 mentioned before to go brief them.

18 Having said all that, so we're trying
19 to be prepared with our high level messages and
20 then more strategies, not talk -- as I said, I'll
21 talk a little bit more about them tomorrow. The
22 thing that didn't come up in your discussion, that

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1 I might highlight here a little bit, is it did
2 come up that you know, that -- this is a nation
3 that's dealing with a lot of challenges right now.

4 And so I actually look at some of the
5 polling data in what people care about. And if
6 you look at the word environment, that's about the
7 sixth or seventh issue on something people care
8 about. So, one of our challenges is to get
9 connected to the things people care about, which
10 this topic certainly can in terms of the economy,
11 to do that.

12 The other thing though that wasn't
13 mentioned here that I think that we're certainly
14 thinking about being very nimble about, is you can
15 be in the forefront of issues, but then mother
16 nature does something to us. So, that certainly
17 happened with Katrina. And you know, if you
18 remember when the 2000 election happened, the big
19 issue at that time was energy in California. And
20 we were having brownouts. So I think part of what
21 we're trying to do is really watch the kind of
22 overall national picture, and then to have layers

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1 of things.

2 And you know, I don't know how helpful
3 that is now, but tomorrow I'll tell you the topics
4 that we're working on and we're going to have
5 prepared. And as I alluded to, they're all
6 available and we would welcome your comments on
7 them prior to the election.

8 So, we're going to have a whole set of
9 what are our priorities and our strategies, and
10 then we're going to have stuff prepared in one-
11 pagers, and in Power Point presentations, and then
12 for the people that want to take it home and read
13 the thicker documents, we'll have that as well.

14 MR. DILERNIA: Okay. Thank you. Jim,
15 that's good?

16 MR. GILMORE: Yes. I personally remain
17 inclined to try to schedule something for the
18 fall. And I guess if it turns out that as it gets
19 closer that we don't think we can have any impact
20 on transitional people or meetings, we can always
21 cancel it. But I think something ought to be
22 scheduled for --

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1 MR. DILERNIA: Committee meeting, you
2 mean a full Committee meeting of the full
3 Committee?

4 MR. GILMORE: Of the full Committee,
5 yes. Six months from now, like we usually do
6 Spring and Fall, and not to say that we're going
7 to idle until we have a whole new Administration
8 in place.

9 MR. DILERNIA: So you're saying,
10 December? November, December?

11 MR. GILMORE: I would say October,
12 November. But I'm not -- it's very tough to
13 schedule things in those months, so.

14 MR. FLETCHER: What about between the
15 election and Thanksgiving sometime

16 MR. GILMORE: Would that be October,
17 November?

18 MR. FLETCHER: No, November 4th and
19 beyond.

20 MR. GILMORE: Okay.

21 MR. DILERNIA: Okay. So, let's start
22 with that. Week of November 10th?

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1 MR. FLETCHER: Perfect.

2 MR. DILERNIA: How does that look?

3 MR. FLETCHER: Perfect, yes.

4 MR. DILERNIA: That's they way -- so
5 the West Coast just said yes. What about the
6 Gulf.

7 MR. SIMPSON: We'll get there.

8 MR. DILERNIA: Northeast? Vince, East
9 Coast?

10 MR. JONER: I'm looking.

11 MR. BILLY: Devices are pretty slow.

12 MR. DILERNIA: Week of the 10th,
13 November 10th.

14 MR. SIMPSON: Clear.

15 MR. DILERNIA: That's great. I'm
16 loving that.

17 MR. JONER: Does somebody have a copy
18 of, Jim, of your schedule? That's what we ought
19 to be looking at. Because it's a pretty good list
20 of everything that's going on in fisheries.

21 MR. DILERNIA: Well, where's -- I guess
22 we've got to get on the phone to go get the --

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1 MR. BALSIGER: It's an email. You
2 know, I don't like to have everybody know
3 everybody I talk to. Because then someone says,
4 well you talk to two commercial fishermen on
5 Tuesday, and not one rec guy the whole week.

6 MR. DILERNIA: I'll just speak to you
7 about that.

8 (Laughter.)

9 MR. DILERNIA: November 10th looks good
10 all around so far.

11 MR. BALSIGER: Rebecca's dialing up the
12 November meeting stuff.

13 MR. DILERNIA: Yes?

14 MR. CATES: While we're waiting to
15 decide on the dates, I have to estimate where I
16 go. On the where part, we talked about having one
17 in D.C., and one somewhere else. That would be
18 whether we should choose D.C. this time frame, or
19 would it be wiser if we, the next one would be in
20 D.C.

21 MS. GLACKIN: I would say it would be
22 wiser to have the next meeting in D.C. if that's

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1 what you're going to do. No, I'm sorry, the one
2 in the Spring, in D.C. Yes.

3 MR. CATES: And along with that, do we
4 want to -- do we have consensus that we're going
5 to try and have contact with the Secretary of
6 Commerce, or at least the Chairman?

7 MR. DILERNIA: Yes. Can't we just call
8 Gloria?

9 MR. GILMORE: I can get it for you in a
10 minute. I'm turning my computer on.

11 MR. DILERNIA: All right. While we're
12 waiting for the date, New Orleans, is that the
13 location we'll say at this point? So that would
14 be -- put us back in D.C.?

15 MS. GLACKIN: If you're meeting in
16 November, I really don't think actually you're
17 going to get a transition team. And I don't
18 actually think the person that's there for
19 transition team is necessarily the one you want.

20 MR. BALSIGER: Topher says that there's
21 nothing on the list for November 10th except the
22 COP meeting in Rome.

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1 MR. DILERNIA: We could hold the
2 meeting in Rome, could we pull that one?

3 (Laughter.)

4 MR. DILERNIA: Okay. November 10th.

5 MR. BALSIGER: Week of.

6 MR. DILERNIA: Week of November 10th.
7 And New Orleans? Is that the Gulf?

8 MR. BALSIGER: Well, say Gulf. We'll
9 try New Orleans, and then what, Ken what would be
10 our second choice if we can't get in there?

11 MS. FOY: Alaska.

12 MR. DILERNIA: That's not the Gulf.

13 MR. BALSIGER: Not that Gulf.

14 MR. ROBERTS: Corpus Christi, maybe.
15 But it's tough to get into.

16 MR. DILERNIA: All right. So, November
17 10th, week of November 10, New Orleans. Is it
18 premature to set the summer date also?

19 MR. FLETCHER: Well that would be in
20 D.C. in the Spring.

21 MR. DILERNIA: That would be D.C., that
22 would be Spring. So that would be -- okay, so.

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1 If we did November, April, May?

2 MS. BILLY: Well, someone said the time
3 to do NOAA awards in the fishery.

4 MR. DILERNIA: Jim.

5 MR. GILMORE: I thought the point of
6 meeting in the spring was to do talking with the
7 incoming powers.

8 MR. DILERNIA: Right. So then when
9 would that -- when would be a good time to do
10 that? I'm going to look to my left.

11 MS. GLACKIN: For, I think Admiral
12 Lautenbacher -- well, Jim Baker in the beginning
13 of the Clinton Administration, he was in office in
14 May. Admiral Lautenbacher wasn't there until
15 December. So, I don't -- read what you will into
16 the tea leaves of that. Our hope is that we have
17 somebody by June, you know, May or June kind of
18 time frame. But you know, there's no -- I'm from
19 the weather business it's hard to make forecasts.

20 (Laughter.)

21 MR. DILERNIA: So, we're back to
22 Ocean's Week. Randy.

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1 MR. CATES: Shall we just reserve that
2 decision until the next meeting?

3 MR. BALSIGER: Well, I'm not sure that
4 -- maybe we can do it by email, talk about it a
5 little bit.

6 MR. DILERNIA: So locations though are,
7 locations for the next two meetings are New
8 Orleans, and then back to D.C. When will we have
9 new members appointed? In -- for the New Orleans
10 meeting, correct?

11 MR. HOLLIDAY: It would be, that would
12 be their first week.

13 MR. DILERNIA: Okay.

14 MR. JONER: When will a decision be
15 made on the continuation of the outline?

16 MR. BALSIGER: Well, we have a little
17 process to run. It isn't just Mark and me. But I
18 think it would be clever if we could get it done
19 before the, or at the time of the ending of the
20 nomination process with the other one, so we'd
21 know where we're going with that.

22 If all six get extended, for example,

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1 or only gets extended, and depending on the
2 expertise of the sector of that person, it may
3 have something to do with the choice of the new
4 ones. So, we want to do it in that sequence.
5 Again, pending discussions up the chain to make
6 sure they agree with that.

7 MR. DILERNIA: Okay. Any additional
8 discussion?

9 MR. BALSIGER: Which date is July 21, I
10 should have said, when the nominations end.

11 MR. DILERNIA: Seeing none, I guess my
12 last action as your chairman, would be to turn to
13 my right and to thank our Executive Director.
14 He's been a tremendous help to me, tremendous
15 staff. He's a great guy to work with. He's a
16 pro. He's perfect for the job, because if we're
17 supposed to be doing long term vision, his shop of
18 policy and long term vision is where MAFAC should
19 be.

20 It's been both a pleasure and an honor
21 to work with you, sir. Thank you very much.

22 (Applause.)

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1 MR. DILERNIA: Hospitality this evening
2 is sponsored by the Fishermen's Conservation
3 Association in the next room. And we are
4 adjourned.

5 (Whereupon, the afore-mentioned
6 proceeding was adjourned at 4:47 p.m., to resume
7 the following day.)

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