

UNITED STATES of AMERICA
NATIONAL OCEANIC and ATMOSPHERIC ADMINISTRATION

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MARINE PROTECTED AREAS
FEDERAL ADVISORY COMMITTEE

THIRD MEETING, DAY 3 OF 3

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THURSDAY, APRIL 8, 2004

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KEY LARGO, FLORIDA

The Committee convened at 8:05 a.m. in the African Queen Room, at the Holiday Inn Key Largo, 99701 Overseas Highway, Key Largo, Florida.

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Committee Members Present:

Dr. Tundi Agary
Mr. Robert L. Bendick, Jr.
Mr. David Benton
Dr. Daniel W. Bromley, Chairman
Dr. Anthony Chatwin
Dr. Michael J. Cruickshank
Dr. Rodney M. Fujita
Dr. John R. Halsey
Dr. Mark A. Hixon
Mr. George D. Lapointe
Dr. Bonnie J. McCay, Vice Chair
Mr. Melvin E. Moon, Jr.
Mr. Robert J. Moran
Dr. Steven N. Murray
Mr. Michael Nussman
Dr. John Ogden
Mr. Terry O'Halloran
Mr. Lelei Peau
Dr. Walter T. Pereyra
Mr. R. Max Peterson
Ms. Barbara Stevenson
Dr. James P. Ray
Dr. Daniel Suman
Captain Thomas E. Thompson

Ex-Office Members Present:

Ms. Mary Glackin
Ms. Jacqueline Schafer
Mr. Merlin Bartz
Ms. Lisa Phelps
Mr. Jeffrey Pearson
Mr. Randall Bowman

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Also Present:

Dr. James Kendall
Lauren Wenzel

From the National MPA Center:

Ms. Ginger Hinchcliff, Director, Training & Technical
Assistance Institute
Mr. Joseph A. Uravitch, AICP, Director
Dr. Charles Wahle, Director, MPA Science Institute

Panel Members

Billy Causey, Superintendent, Florida Keys
National Marine Sanctuary
Kacky Andrews, Director, Florida Department of
Environmental Protection, Coastal and Aquatic
Managed Areas
Linda Canzanelli, Superintendent, Biscayne
National Park
Bill Kruczynski, US Environmental Protection Agency
Program Manager, KFNMS, Water Quality Protection
Program
Bob Howard, Resource Manager, Everglades and Dry
Tortugas National Bank
Rick Spinrad, Assistant Administrator for National
Ocean Service

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

(8:05 o'clock a.m.)

CHAIRMAN BROMLEY: I think we ought to get started. Terry, can you see if there are other principal parties out there in the room? Yes, thank you. Round them up. A quorum would be one more than half, is that right?

Who in the room can count?

I declare us in session.

There are some announcements before we get started. The first announcement is that we appear not to have any individuals who have signed up for public comment. So that liberates a half an hour on the program and I have suggested that if you have the agenda in front of you, my proposal would be that we move everything from the 10:15 time slot forward with the exception of the Subcommittee Reports, so that we will discuss the next meeting, we will discuss timing, logistics and any other items that would come before us. Do that in this period.

And then the subcommittees will meet and they will have their -- whatever time we scheduled for them, I think an hour and twenty minutes or an hour and forty minutes, I guess -- twenty minutes, and then come back for the full Committee reports, and then we

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1 can adjourn.

2 So if that's all right with people, we'll
3 make that adjustment. Fill in this immediate half
4 hour with other business.

5 So Lauren has -- yes, Tony?

6 DR. CHATWIN: Good morning, Mr. Chairman.
7 Thank you.

8 I think that sounds fine, but I think it
9 would be a good idea just to ask if there's anybody in
10 the audience who hasn't necessarily signed up but
11 would like an opportunity to speak. There may be
12 nobody but I think it would be important just to cover
13 our bases.

14 CHAIRMAN BROMLEY: Okay. Joe, can we do
15 that? People can speak without having first
16 registered; is that correct?

17 MR. URAVITCH: Yes.

18 CHAIRMAN BROMLEY: Okay. Are there
19 individuals in the audience that wish to make a public
20 comment for our consideration?

21 (No response.)

22 CHAIRMAN BROMLEY: Seeing no indication of
23 that, we'll proceed. Thank you, Tony. That's fair
24 enough. That's good.

25 So Lauren is here. She's going to pass

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1 around a large sheet of paper and we ask you, to the
2 extent that you know your schedule -- here she comes -
3 - to the extent that you know your fall schedule --
4 and I believe that the time that we're looking at is
5 September; for two reasons, that will give us enough
6 time to get beyond the August period which is usually
7 a difficult time to get people together, allow
8 subcommittees time to do their work, and it comes
9 before this magical date of September 30th, which for
10 the Federal Government has overarching significance.
11 It has something to do with the fiscal year. And I
12 think Joe has money he needs to spend before September
13 30th and I think we can help him spend it.

14 So, a sheet's coming around. We would
15 like, to the extent that you know it, your conflicts
16 in September. We do need to have a bit of a
17 discussion about the time frame for our spring
18 meeting. So if it's all right with you I'd like to
19 just open up that discussion for a minute, then we
20 have a few other things to do here.

21 Joe, what -- you know, do you folks have
22 any ideas about a spring date? I mean let's skip over
23 the September. That seems to be rather locked in.
24 But what constraints and priorities confront us about
25 the spring?

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1 MR. URAVITCH: I don't really see any
2 difficulty in terms of timing. I think February or
3 March might make sense, late winter or early spring.
4 March, the only thing I can -- potential conflict in
5 March is the annual Manager's Meeting for the Office
6 of Ocean Coastal Resource Management. And I think
7 those dates have been picked. I don't know what they
8 are but I believe those were picked. I think the
9 February through April time frame is pretty much open
10 at this point. I can't think of any large conferences
11 or anything else.

12 The biggest difficulty we have seen so far
13 is that given the number of regional Fishery
14 Management Councils, almost inevitably someone's
15 meeting.

16 MR. BENTON: That's why you've got to plan
17 ahead, Joe.

18 MR. URAVITCH: Literally every week
19 someone's meeting. Well, when you see the September
20 list, what you'll see is three out of four weeks
21 there's some Council meeting somewhere and two
22 Councils that haven't even set up their meeting time
23 yet. I think the best thing we can do is we need to
24 make sure that anybody who's on the Committee who's on
25 a Council, you know, lets us know if they know when

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1 that Council is going to meet so that we can try and
2 schedule around that. Because I think it is important
3 for us to do our best to avoid conflicts for you as
4 individuals who are trying to serve on two different
5 Committees or Councils, and that we can do, but we
6 can't avoid Council meetings in general because
7 they're every week.

8 CHAIRMAN BROMLEY: Good. And we are clear
9 that when we meet in September, when we meet next
10 spring, we intend to invite the Chairs of the
11 Fisheries Management Councils to come and meet with
12 us, those that can. So that's clearly on our agenda.

13 I guess what I would propose is that this
14 sheet that Lauren's going to pass around, that's the
15 September period, and that as soon as you get back to
16 Washington, Lauren, if you could compile for the
17 spring period, let's say February through -- Joe, let
18 me ask you this. Do we run any risk if we push it
19 further into the spring. I mean June `05 is a date
20 that is on our mind. How close to the end of June can
21 we go?

22 MR. URAVITCH: Well, it would then be
23 difficult to do two meetings in the next fiscal year
24 because we would have sponsored a June meeting and
25 then where do you go from there? That takes us, say,

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1 six months later into the fiscal year `05 -- `06.

2 CHAIRMAN BROMLEY: I see, right.

3 MR. URAVITCH: So it's really a matter of
4 sequencing to make sure that you at least do two a
5 year. We probably ought to schedule, if we can, the
6 next three meetings. The reason I say that is because
7 I think it makes it easier for people to plan and it
8 allows us to go forward with locating facilities in
9 the various cities, and the longer time we have the
10 better places we'll get and the more likely we are to
11 get something.

12 CHAIRMAN BROMLEY: Good. Then could we
13 ask Lauren to look out, let's say until December 31st
14 of `05; is that right, in the sense of seeing what you
15 can find about meetings scheduled off into the future
16 that we would wish to avoid. And I know that will
17 take some time, Lauren, and then if you can send an e-
18 mail to all of us and we'll try to get these -- let's
19 see, we need to pin down basically three future
20 meetings, don't we? September and location.
21 September of `04, the spring of `05 and the fall of
22 `05. And the fall of `05, is it correct, Joe, that
23 you'd like to have that meeting before September 30th
24 of `05?

25 MR. URAVITCH: Yes.

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1 CHAIRMAN BROMLEY: Yes. So not running
2 into a new fiscal year.

3 Yes, David?

4 MR. BENTON: Thank you, Mr. Chairman.

5 Is there any -- I'm trying to recall, and
6 I cannot right at the moment, about when the terms of
7 all the members here expire?

8 CHAIRMAN BROMLEY: I think it's June, '05.

9 MR. BENTON: It's June, '05. So in terms
10 of continuity and trying to get our job done and you
11 know, expecting that maybe there's a turnover here, I
12 think that we really should consider trying to
13 schedule the spring meeting early enough that if a
14 subsequent meeting before that June, '05 date rolls
15 around, could finish a product. It's really worth
16 doing. And let them worry about the fall meeting. We
17 could have that discussion in the spring. I'd leave
18 enough latitude to finish up the job before that other
19 date.

20 CHAIRMAN BROMLEY: I like that, David, yes.

21 This group, it doesn't do us a lot of good to pin
22 down a September, '05 meeting if a third of us or half
23 of us won't be here, and Joe, would that be okay
24 legally if we --

25 MR. URAVITCH: Oh, yes, that's no problem.

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1 You might want to consider then the February time
2 frame, I think, which would then give you a few months
3 before June. We might actually want to plan on having
4 a meeting in say February and in June to make sure
5 that the thing's complete.

6 CHAIRMAN BROMLEY: All right. So that
7 would be February of `05 and then June of `05, or
8 approximately, something like that.

9 John?

10 DR. HALSEY: Well, I would certainly
11 recommend that whatever mechanisms are necessary to
12 get people re-appointed, if they want to be re-
13 appointed, certainly should be initiated as soon as
14 possible.

15 CHAIRMAN BROMLEY: Yes. How does that
16 work, Joe; do you know?

17 MR. URAVITCH: Sorry?

18 CHAIRMAN BROMLEY: Re-appointment and
19 continuation. Do you have any idea about that?

20 MR. URAVITCH: That's something we're going
21 to have to discuss in the two departments, starting
22 fairly soon. It's time for us to start looking at the
23 renewal of the existing charter which expires next
24 December, as well as membership. And there's some
25 issues relating to that from the charter in terms of

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1 staggered terms that need to be dealt with. But under
2 the current charter existing members may be re-
3 appointed for another term of two years, and, you
4 know, that's the standing rule that we have, but we
5 have not yet begun discussions on re-appointments.

6 DR. HALSEY: That doesn't require any kind
7 of re-submission of interest or --

8 MR. URAVITCH: No. No, it does not. I
9 think once you --

10 CHAIRMAN BROMLEY: On second thought. So
11 then, Lauren, I think your task is simplified
12 somewhat. We're looking at conflicting meetings,
13 commitments, for February and maybe the first two
14 weeks of March of `05; is that right, or maybe
15 February and March of `05, perhaps. Let's do it that
16 way. And then May and June of `05. I know that
17 sounds close if you think of March and May, but let's
18 give ourselves two months, February and March, and
19 then May and June of `05.

20 MS. WENZEL: Let me just ask, if people
21 already know that they have a conflict in that period,
22 they can let me know.

23 CHAIRMAN BROMLEY: Okay. Since we're on
24 this, let's discuss venue. Is that okay with people?

25 The sheet that Lauren's passing around has off to the

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1 right of it, as I recall, Lauren, it has -- how do you
2 have that set up, locational preference, by Northeast,
3 Northwest, Pacific, South of France? No France.

4 (Laughter.)

5 CHAIRMAN BROMLEY: Is that how it is,
6 Terry, it's asking for general --

7 MR. O'HALLORAN: It's asking for the --
8 available in the fall and then your preference, one,
9 two, three.

10 CHAIRMAN BROMLEY: Yeah. Okay. So let's
11 have a little discussion, not about the September
12 meeting, although we have a kind of a recursive
13 problem here, but depending on where we meet in
14 September, it might have some bearing on the two
15 meetings for the spring of '05. Are there thoughts
16 about that, any independent of where we meet in
17 September? Do you have any -- I will say my arm has
18 been approached by the Pacific Island contingent about
19 considering the Pacific and I think the place is
20 called Hawaii, is that right, Terry, for September
21 meeting. But we've also had a discussion about
22 meeting in New England at some time, perhaps I thought
23 it was this fall but I may be mistaken in a sense of
24 some of the Fisheries Management Group because I
25 believe they're meeting in the fall in New England.

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1 But I'd like to have a little bit of a discussion
2 about how you think we ought to think about that
3 location for upcoming meetings.

4 Any thoughts on this? Yes, Dan?

5 DR. SUMAN: I would recommend that one of
6 our meetings in 2005 be back in Washington, because if
7 you remember, we really have never had a great deal of
8 public participation, but of the meetings we've had,
9 the greatest was in Washington, the very first
10 meeting.

11 CHAIRMAN BROMLEY: Yes.

12 DR. SUMAN: I think many national
13 organizations would be represented there and would
14 like to hear what we're doing.

15 CHAIRMAN BROMLEY: Yes, good. Terry?

16 MR. O'HALLORAN: Regarding public
17 participation, frankly I'm a bit surprised that we had
18 a significant lack, you know, of participation here.
19 One thing I can say to the Committee, I think that if
20 you do come to Hawaii, I think that you will find a
21 lot of public participation and that if we do that,
22 that we should adequately plan for that. I think that
23 there would be a lot of interest in the public in
24 Hawaii to speak and interact with this Committee.

25 CHAIRMAN BROMLEY: Maybe the absence of

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1 public comment in this neighborhood suggests that
2 things are working rather well and that all of the
3 deeply vested stakeholders, I believe we call them,
4 have come to grips with it and rather like it. Is
5 that possible?

6 MR. O'HALLORAN: That was my
7 interpretation, that Billy Causey has done such an
8 excellent job here and everyone is totally happy.

9 CHAIRMAN BROMLEY: All is not well. I
10 mean Dan Clark and Stephanie and others, you know,
11 pointed out some problems, but --

12 MR. O'HALLORAN: Mr. Chairman, you just
13 used -- you called them stakeholders again.

14 CHAIRMAN BROMLEY: You didn't notice the
15 smile on my face? Sorry.

16 MR. O'HALLORAN: I think that's a very good
17 word actually.

18 CHAIRMAN BROMLEY: You do? Okay, we'll
19 have to talk later.

20 George? You're fine, okay.

21 Yes, Mark?

22 DR. HIXON: Thanks, Mr. Chairman.

23 The thoughts I had were that the last
24 meeting of this iteration of this Committee, I'm not
25 sure exactly if we're all going to be re-appointed or

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1 what, should be in Washington. I agree with Dan that
2 that makes sense. It also seems that we've sort of
3 done the Northeast, the Southeast, if you want to call
4 San Francisco the Southwest, so maybe the remaining
5 areas in my mind are the Northwest which would be
6 Oregon, Washington, Alaska, that's how I define the
7 Northwest, and then the Pacific region for September,
8 to get regional coverage.

9 CHAIRMAN BROMLEY: Yes. Max?

10 MR. PETERSON: I'm thinking about two
11 meetings. Maybe the ideal thing would be to meet in
12 New England and then September, I'm thinking if we
13 want to do anything outside, February and March is
14 still winter time in the Northeast, and -- so if we
15 met, say in New England in September and then met
16 either the Pacific Northwest or Hawaii in March, then
17 we could meet in D.C. in June.

18 I would also point out that September will
19 be in the middle of an election year and going to
20 Hawaii might be considered a -- might be on a radar
21 screen of people looking for junkets. Keep that in
22 mind.

23 CHAIRMAN BROMLEY: Could I just ask, is
24 there any reason -- I mean Dan's proposal and several
25 of the rest of you have said that our last meeting

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1 might be in Washington. Would there be any reason to
2 have our next to the last meeting in Washington so
3 that the groups that Dan mentioned, the interest
4 groups, the Federal agencies, whoever else is there,
5 so that we do have a chance to hear from them before
6 we've crafted our, you know, before we go the final
7 step, because perhaps June -- we meet in June, that
8 might be a bit late. So I just throw that out for you
9 to think about.

10 Okay, now we have George, we have Barbara,
11 we have Mel, now we have Tony, and Bonnie?

12 MR. LAPOINTE: I'm less interested in the
13 Washington interest groups than I am in getting out
14 into the rest of the country. We'll get our interest
15 and they'll have their in-put, you can rest assured.
16 So I'm less interested in going to Washington for them
17 because there are ways for them to make their views
18 known. So from that perspective, I'm more interested
19 in the rest of the countryside, regardless of where
20 that location is.

21 CHAIRMAN BROMLEY: Barbara?

22 MS. STEVENSON: Same conclusion, but for a
23 different reason. When you go to Washington,
24 everybody goes, "Oh, since you're going to Washington,
25 can you take care of this, can you do this?" And you

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1 have other interests, and those of us on the Committee
2 are -- and end up doing or having to do or having
3 pressures on us that we don't have in other places,
4 and it's important for the Committee to act as a
5 Committee, so it's important for us to be together.

6 And while I'm pushing for New England,
7 anywhere but Washington is better than Washington.

8 CHAIRMAN BROMLEY: All right, Mel.

9 MR. MOON: Yeah, I think -- I agree with
10 George. I think a better idea would be to get out to
11 different areas and I know we have sort of situated a,
12 you know, a plan earlier on a East Coast/West Coast
13 and are kind of going back and forth. So I think in
14 maintaining that sort of goal we've put out there,
15 when we finalized it, but it was talked about quite a
16 bit, it would be probably prudent to continue planning
17 in that manner.

18 The other comment I had was in regards to
19 the upcoming meeting. If we are to agree on a panel
20 that we've been having discussions on and it were to
21 include Pacific Islanders, would it be logical to have
22 it in their place, along with West Coast tribes? Just
23 some rationale I guess for the vote for the Hawaii
24 meeting in September.

25 CHAIRMAN BROMLEY: Good, thank you.

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1 Tony?

2 DR. CHATWIN: Thank you, Mr. Chairman.

3 I think discussions of what geographic
4 location the next meetings takes place is important,
5 but it's, in relation to the last meeting, the
6 geographic location is secondary to the actual
7 purpose, objective of that meeting. If that meeting
8 is one in which we're going to deliver our report,
9 then I think it makes sense for it to be in Washington
10 since we're advising the two Departments.

11 Another issue in relation -- I have no
12 preference for a geographic location. I do, though,
13 have a comment in terms of length of time available
14 for meeting in sub-groups. And I think that this
15 meeting -- I've enjoyed this meeting very much. It's
16 being very constructive. But I think that we've had
17 too little time to actually build the momentum and get
18 the work done within the subcommittees.

19 So for the next meeting -- and this is not
20 a vote to do away with a field trip, because I think
21 that was very educational, but it is that we focus on
22 getting enough time for subcommittees to do their
23 work, because really we've had -- we can count up the
24 number of hours that we've had at subcommittees. So I
25 make a pitch for making a longer meeting with more

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1 continuous time within subcommittees.

2 Thank you.

3 CHAIRMAN BROMLEY: That's right, I'm a
4 firm believer that we make progress in subcommittees
5 and we know that yesterday afternoon cost us
6 something, but we gained immensely from it, didn't we,
7 and that's right. So that's well taken.

8 Bonnie? Joe, did you want to make a --

9 MR. URAVITCH: Just on that point. One
10 issue, one thing that we've discussed at the staff
11 level is maybe in the future holding these kinds of
12 site visits before or after the meeting so that those
13 who do have the time and do wish to do that can
14 participate. And this way we don't break up the
15 continuity of the meeting itself.

16 CHAIRMAN BROMLEY: Yeah, right.

17 John Ogden, wouldn't you like to join us
18 at the table here? Are you sending us a message,
19 John, by disassociation?

20 (Laughter.)

21 CHAIRMAN BROMLEY: This is a club to which
22 you do not wish to belong. Okay.

23 Bonnie? You pass?

24 DR. McCAY: I pass.

25 MR. BOWMAN: I just wanted to point out

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1 that we need to take the Great Lakes into
2 consideration. All the discussion seems to be ocean
3 focused, but in fact that's a part of our charge and
4 that's an area in which the public is perhaps less
5 used to this term of Marine Protected Areas and the
6 whole thing and that might be more productive from
7 several perspectives.

8 CHAIRMAN BROMLEY: The hotels in Madison
9 are empty in January.

10 (Laughter.)

11 CHAIRMAN BROMLEY: Okay, thank you.

12 And Terry?

13 MR. O'HALLORAN: Two -- three points.

14 One, Max's comment regarding a September
15 meeting in Hawaii being seen as a junket. That's been
16 expressed here a few times, about going to Hawaii as
17 being a junket. It seems that if there were an
18 Advisory Committee to NASA meeting in Hawaii, that
19 certainly could be considered a junket. However, our
20 Marine Protected Areas Federal Advisory Committee
21 meeting in Hawaii seems that it would be very
22 appropriate and I would think someone would have a
23 difficult time making a point that it would be a
24 junket for us to visit Hawaii, which is a very active
25 area in terms of Marine Protected Areas.

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1 Number two, I agree with Tony that we have
2 -- I feel like we are still going through some of our
3 forming/storming stages within our subcommittees,
4 getting to know each other a bit, and I feel like we
5 made a lot of progress here at this meeting, and it
6 would have been nice to actually have more face to
7 face time because we were, I think, getting to really
8 roll and get some things accomplished. So I would
9 endorse more time at the next meeting, which brings me
10 to my third point.

11 If it were to be in Hawaii, I happen to
12 know a few people in Hawaii that we might be able to
13 do field trips either pre, post-Committee meeting so
14 that we can devote full time and consideration to our
15 important work and then after that, give people
16 opportunities to have excursions to Marine Protected
17 Areas in relevant places after.

18 CHAIRMAN BROMLEY: Good, thank you.

19 George?

20 MR. LAPOINTE: Just in the context of
21 where we travel and whatnot, I will tell you the J
22 word was used, junket, with some people in Maine with
23 this trip as well. I mean if you go anywhere where
24 the conditions are better than your hometown, that's
25 going to happen.

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1 (Laughter.)

2 CHAIRMAN BROMLEY: That's why Madison in
3 January would absolve us of any -- that would convince
4 them that we are honest people.

5 We have Mike Cruickshank.

6 DR. CRUICKSHANK: One of my comments was
7 on Hawaii, that I agree with Terry. The first year I
8 was living in Hawaii they had a meeting of the Flag
9 Islands, the principals, and also adjacent country
10 Prime Ministers in Honolulu to which Senator Akaka
11 and Senator Inouye and the principal legislators from
12 the Congress, Congresspeople came over. But they
13 weren't on the plane before there were headlines in
14 the *Washington Post* for the crime of external
15 racketeering.

16 On the other hand, at the meetings there
17 was so much public in-put from the island folks, how
18 great this was to have a meeting and go face to face
19 with the Congress. It decried the idea of this being
20 a junket. I think we just have to face it, that
21 whatever they're thinking in the surrounding -- about
22 a trip like that. I think it's very, very useful.

23 The other issue I have is with regard to
24 the Great Lakes. Would you have Canada involved?

25 CHAIRMAN BROMLEY: Quebec in January?

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1 That tops Madison.

2 (Laughter).

3 CHAIRMAN BROMLEY: Okay. Good, I think
4 I'd like to stop it here. It cannot be in doubt that
5 we will meet in the Pacific region. We have three
6 meetings to settle on, don't we, and so the issue I
7 think is not whether or not we will do it. I think
8 the issue for us to work out is which meeting it will
9 be. Okay?

10 Again, I think that we're not going to
11 settle it now. I don't think it's the right way to do
12 that. What we need to do is let Lauren put together
13 her schedule and let you vote, both on your
14 availability in those future time slots, as well as
15 your preferences for location, and Lauren and Joe will
16 synthesize that for us. The Executive Committee,
17 which is myself and Bonnie and the three subcommittee
18 Chairs, will take that under consideration and I guess
19 we'll just have to make a decision. And if you want
20 us to decide that and then have to defend it before
21 you, we're prepared to do it. If you insist that we
22 give it to you for approval, we'll do that.

23 So, any comments on that? Yes, Steve?

24 DR. MURRAY: I would support that you and
25 the group go ahead and make the decisions and inform

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1 us. We've all had our in-put. All the issues have
2 been laid out on the table and logistics are going to
3 be a driver for this as well as schedule. So let's
4 leave it up to you and go with it from there.

5 CHAIRMAN BROMLEY: Is that okay with
6 everybody?

7 (MEMBERS): Aye.

8 CHAIRMAN BROMLEY: I promise we will try to
9 mobilize good reasons for the decisions that we
10 reached and those reasons will be available to all of
11 you to disagree with.

12 Okay.

13 MR. O'HALLORAN: One caveat, that Madison
14 is not included.

15 (Laughter.)

16 CHAIRMAN BROMLEY: Yes. That's quite
17 understood.

18 Okay. It is 8:35. If we can burn up five
19 more minutes we can get right back on schedule. I
20 have one more issue that I think ought to be easy to
21 address, and that is, our subcommittee working drafts,
22 the papers that the subcommittees are working with and
23 from, they need to be made available to the observers
24 in the room, and some of you have done this and so on,
25 but each of the subcommittees, and as a group I think

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1 we need to instruct the subcommittees on protocols for
2 making sure that the working materials that you have
3 are available to everybody who chooses to come and sit
4 in and observe our business. That's nice, but I think
5 it's also legally required.

6 Is that right?

7 MS. WENZEL: Actually, because
8 subcommittee materials are pre-decisional, they're not
9 required to be handed out to the public. So it's more
10 a question of what you choose to do.

11 CHAIRMAN BROMLEY: All right. I'd like to
12 urge that as a full Federal Advisory Committee, that
13 we make every effort at the subcommittee level to have
14 sufficient paper that the observers in the room can
15 see what it is being talked about.

16 It's my understanding, Joe, and again I
17 read that yesterday, but I failed to understand it,
18 observers in the room may not take part in the
19 decision making of the subcommittees. May they make
20 comments? Sorry, but yesterday afternoon fried my
21 brain and I forgot what we decided in the morning.
22 What is that wonderful language there?

23 MR. URAVITCH: All right, I will read the
24 language.

25 "Non-members may be invited to make

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1 presentations or comments to the subcommittee" --

2 CHAIRMAN BROMLEY: "May be invited." This
3 seems to me critical language.

4 MR. URAVITCH: -- "but should not
5 participate in subcommittee discussions or the
6 development of recommendations to be forwarded to the
7 full Committee."

8 CHAIRMAN BROMLEY: "May be invited." Okay,
9 that seems the operative clause there; that is, that
10 they may not intervene without invitation.

11 MR. URAVITCH: Right, and they may not help
12 develop the recommendation. If they do, then they are
13 in effect a member of the Advisory Committee and
14 that's not legal.

15 CHAIRMAN BROMLEY: So this means that -- I
16 guess I would ask the subcommittee Chairs and others
17 on the subcommittees to be attentive to the body
18 language of people in the room, and if you believe
19 that the time is right to get their comment on
20 something, you invite them. You don't have to, but I
21 think that's within the letter of the law.

22 And that means that somehow we should have
23 documentation available to them so they can follow
24 along and see what it is that's being done. Some of
25 you, I guess, are working with Power Point things,

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1 some are not. I would just ask subcommittee Chairs to
2 figure out a way to do this.

3 Now the question then becomes, what of
4 this working material that perhaps is handed out to an
5 observer, Joe, that walks out of the room with the
6 observer? Is this a problem? How do we deal with
7 this?

8 MR. URAVITCH: I can't say officially. I
9 don't know. I don't think it should be a problem
10 since it's pre-decisional; it's not a decision of the
11 Committee, but we'll have to check with counsel.

12 CHAIRMAN BROMLEY: I'd like to suggest
13 that subcommittee Chairs, all of the paper work that
14 you produce have a header on it, which those of us
15 that are involved in litigation do, and the language
16 is something like "attorney work product, not for
17 public discussion." You don't need to put the word
18 attorney in there, but if all of your written material
19 could have a header on every page that says "work
20 product, first draft," right? Pardon?

21 MS. PHELPS: Pre-decisional.

22 CHAIRMAN BROMLEY: Pre-decisional. Oh,
23 good. That's a long header. "Pre-decisional work
24 product, not for public discussion, draft, tentative,
25 confused."

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1 Tony?

2 DR. CHATWIN: I think you should add "the
3 contents of these documents will change." "Draft, the
4 contents of these documents will change." Then
5 there's no misinterpretation.

6 CHAIRMAN BROMLEY: Lauren, I have an idea.
7 Max, go ahead.

8 MR. PETERSON: It's not unusual in this
9 type of thing to give something to people who are
10 attending with a condition that they return it after
11 the meeting, because otherwise it's liable to end up
12 in places that people don't understand. So I think it
13 would be better to either use a Power Point to provide
14 material or give it to people and say, "Please return
15 this before you leave the meeting." Because otherwise
16 if you don't, this stuff will be all over and I don't
17 care what it says on the header, people will ignore
18 that.

19 CHAIRMAN BROMLEY: Terry, is your hand up?

20 MR. O'HALLORAN: I think Max had a very
21 good comment there about Power Point. I know in one
22 of our sessions in our subcommittee we did have access
23 to a projector and that worked very well, not only for
24 -- it worked very well for the Committee, but it also
25 brought in the public. So if in future meetings for

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1 subcommittees, if at all possible, it would be a very
2 good tool for us to have Power Point capabilities at
3 our subcommittees.

4 CHAIRMAN BROMLEY: As an ongoing revision
5 process, but you know, people still like to be able to
6 look through the two or three or four pages. You
7 can't get that on a Power Point. So I think Power
8 Point might be a good tool for the dynamic part of it,
9 but for the material that is first developed,
10 something like that.

11 Let me say, I would like to suggest, and I
12 know we have some people in the queue, but let me
13 propose that we ask Lauren and Joe and others to
14 develop a set of language that should go on headers,
15 what words are necessary, which words are redundant,
16 how can we get some language on there, and then
17 perhaps Max's point about not leaving the room, it
18 could say on there that "this document" --

19 MR. PETERSON: Should be returned.

20 CHAIRMAN BROMLEY: Must be returned. Must
21 be returned to the Chair of the subcommittee.

22 So, Mark?

23 DR. HIXON: Thank you, Mr. Chairman.

24 I'm sorry, but my belief is as soon as you
25 put on a document "return," it will be secreted away

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1 no matter what.

2 CHAIRMAN BROMLEY: Because it takes on an
3 extraordinary value.

4 DR. HIXON: That's my belief, yeah.

5 I want to second what Terry said about
6 having Power Point in every Committee room. It's been
7 inconsistent, is what I've noticed, and also sometime
8 there's conflict with the computer. For example, the
9 staff person who's trying to take the minutes of the
10 meeting has one computer that's also that we want to
11 use for a Power Point presentation or whatever. So if
12 the resources can be mustered to have a dedicated
13 computer and dedicated Power Point projector in every
14 subcommittee room, I believe that's by far the most
15 effective means of allowing the audience to see
16 exactly what the subcommittee is seeing.

17 Another reason I mention that is that
18 reiterations, at least within our subcommittee, go so
19 rapidly that making meaningful handouts is just going
20 to be a waste of trees.

21 CHAIRMAN BROMLEY: That's right? Yes.
22 Okay.

23 Barbara? Pass.

24 George? Pass.

25 Okay, David Benton.

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1 MR. BENTON: Mr. Chairman, just a quick
2 comment with respect to my understanding. I can
3 understand that, but I'm also quite sensitive to the
4 pains the staff go through to help organize meetings,
5 get equipment here, get us here, go home, and if that
6 means that staff not having to carry around three or
7 four extra computers and projectors and a lot of extra
8 stuff, over and above what they're already trying to
9 get here, especially given logistics being an issue, I
10 just urge caution in that regard. I'm sensitive to
11 what kind of burden we've put on people that are
12 trying to help us do what we're doing.

13 CHAIRMAN BROMLEY: Yeah, that's nice.
14 Thank you.

15 Do you want to say something, Bonnie?

16 DR. McCAY: I just want to say I think --
17 I fully agree that we need Power Point in the
18 subcommittees, and the flip chart system is -- well,
19 it's primitive, but it's hard to maintain any
20 continuity with that. So I don't really like that.

21 I also think that I do appreciate that the
22 staff has a tremendous burden and I know I carry
23 around my laptop. I'm sure that there are a few
24 others of you around here who do the same thing. So
25 that should not be the limiting factor. I think

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1 having a projector in the room is the limiting factor
2 and critical.

3 CHAIRMAN BROMLEY: Yes, Rod? Pass.

4 Yeah, Terry?

5 MR. O'HALLORAN: And I think that it would
6 probably be -- we could arrange for Power Point
7 projectors at a meeting location so that the staff
8 didn't have to carry them. I think that wouldn't be a
9 difficult thing. Because I think David's comment of
10 sensitivity to the staff is correct and I agree with
11 that, but I think that -

12 CHAIRMAN BROMLEY: Could we arrange for
13 one of the staff to be taking the minutes, as they
14 are, and then let one member of the subcommittee be
15 the Power Point person and so on. Does that help or
16 do people feel that takes them out of the game? We
17 don't need to decide this now, but I think David makes
18 a great point, that we want to be careful of the
19 burdens that we put on them, and Bonnie's right, most
20 everyone here brings a computer with them and it
21 already has Power Point loaded on it. So we ought to
22 be able to handle that ourselves, maybe, and then let
23 the staff take the minutes. That's what they do,
24 right, they transcribe conversation. Is that okay?

25 All right. I think that takes care of

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1 everything that I had on my list. Are there other
2 comments or -- for those of you that came in late, we
3 didn't have any sign-ups for public comments so we
4 went ahead and pulled a few of the items out of the
5 10:15 slot. So now as I look at this, what we have
6 left at 10:15 is for the subcommittees to come back
7 and report to us in a way that will allow us to ratify
8 what you intend to do over the next period between
9 meetings. We'd like for you to come back with
10 concrete points about things you're going to pursue,
11 what you're going to do. I know one subcommittee has
12 a recommendation in terms of a panel for a future
13 meeting, our next meeting. So that, in a sense, is
14 what we'd like to accomplish at 10:15. And we have a
15 resolution that will be introduced at 10:15 for some
16 business and -

17 DR. FUJITA: Mr. Chairman, since we have
18 disposed of a couple of items at the 10:15 heading,
19 would it make sense to move that to be later so that
20 we have a little bit more time in the subcommittees?

21 CHAIRMAN BROMLEY: Yes, we could move it
22 to 10:30. Well, I want to leave time -- the problem
23 is -- no, I appreciate that. My expectation is that
24 when the subcommittee reports come in, we have three
25 of them, and we might like to be able to spend fifteen

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1 minutes on each one, or twenty, maybe not. I mean
2 this is hard. I agree with you, Rod, the more time we
3 have at subcommittees the better, but yet I know that
4 at 12:00 we're going to start to lose people and in
5 fact I already have been alerted that we're going to
6 lose people before 12:00. So we're -- let me ask the
7 three subcommittee Chairs, what sort of time do you
8 think you would like to have? Mark and Mel and Tony,
9 are you sitting in for Lelei? Okay. What -- how do
10 you see your reporting period?

11 DR. HIXON: My presentation would probably
12 take five minutes. The reason I do that is, I'm
13 certain that whatever we present will form the
14 foundation for a considerable discussion.

15 CHAIRMAN BROMLEY: What does that mean?

16 DR. HIXON: Well, there will be a lot of
17 questions and answers and comments.

18 CHAIRMAN BROMLEY: I see, okay. So that
19 means you need an hour; is that right, Mark?

20 DR. HIXON: Well, it's definitely a trade
21 off.

22 CHAIRMAN BROMLEY: Well, we appreciate the
23 five minute part.

24 DR. HIXON: Yeah, and I definitely believe
25 that maximizing the subcommittee time is very

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1 important.

2 CHAIRMAN BROMLEY: Okay. Tony, what is
3 your thought?

4 DR. CHATWIN: I think that the actual
5 presentation of our discussions and our stressing
6 steps is going to be very short. We may have some
7 discussion.

8 CHAIRMAN BROMLEY: So you're sort of like
9 Mark, maybe five minutes to make a presentation?

10 DR. CHATWIN: If that long.

11 CHAIRMAN BROMLEY: And I think we do want
12 to leave a lot of time for discussion. I mean that's
13 why we're reporting back now, so that we do not want
14 to squeeze that down.

15 Mel?

16 MR. MOON: I think Rod's suggestion of
17 10:30 would work well. We have some organization that
18 needs to take place in the committee, but I don't see
19 the report being real long.

20 CHAIRMAN BROMLEY: Any other -- on this
21 computer screen it says "me" announcement. Yes?

22 DR. WAHLE: Someone left a black organizer
23 daybook thing on the boat yesterday. Was it one of
24 you? I have it, so if, I'll bring it back at the
25 break and if it looks familiar you can claim it.

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1 CHAIRMAN BROMLEY: Anything interesting in
2 it?

3 DR. WAHLE: I looked for a name and after
4 that I didn't want to look any further.

5 CHAIRMAN BROMLEY: Okay. All right. Why
6 don't we -- Bonnie and I discussed it very briefly.
7 Why don't we have you come back at 10:30? Is that
8 what we agreed to, Bonnie?

9 DR. McCAY: Uh-hmm.

10 CHAIRMAN BROMLEY: 10:30. And the break
11 part of the agenda is gone. I mean the coffee is
12 there, the calories are there. Help yourself. We
13 won't have a formal break. You have from now until
14 10:30. So it's about an hour and something.

15 Bonnie?

16 DR. McCAY: Could I just raise one more
17 meeting kind of question? Is it possible to get for
18 breakfast something that's a little less sweet and a
19 little more nutritious?

20 (Laughter.)

21 CHAIRMAN BROMLEY: We'll -- that's fine.
22 That's right. We'll talk to Lauren and Bonnie and see
23 what we can do.

24 (Whereupon a recess was taken until 10:30
25 a.m.)

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1 CHAIRMAN BROMLEY: I apologize for one
2 very serious oversight. We tried to think of
3 everything, and one thing I realized we forgot to do
4 is to give the toilet janitor a copy of our agenda so
5 that he or she, and I think in this case it is a she,
6 that she would know when we're going to descend on the
7 loo. And so we did have a line of crises here a
8 minute ago, but a lot of people headed for the
9 bathroom only to find we couldn't use it. So maybe
10 that's an excuse for a little bit of a late start.
11 We'll try to do better next time on that.

12 I have what I would regard as several,
13 excuse me, information items before we get to the
14 subcommittee report, and that is at your place you
15 should have three handouts. Jacqueline Schafer I
16 think brought them to our attention what USAID is
17 doing about coral reefs, Governments and Marine and
18 Coastal Protected Areas. So that's this.

19 I have received what was referred to
20 earlier, I think it's the work product of John Halsey,
21 right, about recommendations for the definition of
22 cultural resources and Marine Protected Areas. I take
23 this as a sort of a submission at this point, John,
24 it's not --

25 DR. HALSEY: All members should have one.

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1 CHAIRMAN BROMLEY: You should have one at
2 your spot. And at this point, it's just for our
3 information and rumination; is that right, John?
4 Thank you.

5 There is, I guess, one action item which
6 I'd like to now -- yes, George?

7 MR. LAPOINTE: This is kind of a trivial
8 item, but do we know when check-out time is?

9 CHAIRMAN BROMLEY: Do you know when check-
10 out time is? We're not going to worry about check-out
11 time. This hotel should be grateful for an enormous
12 amount of business. They will cut us some slack, I
13 promise. If they don't we'll sic Bunny on them. Can
14 you imagine that?

15 (Laughter.)

16 CHAIRMAN BROMLEY: They would do most
17 anything to avoid having Bunny down their throat.

18 So, thank you, George, but we're not going
19 to worry about one. With Bunny on our side, we don't
20 worry.

21 Okay. Terry?

22 MR. O'HALLORAN: Thank you, Mr. Chair.
23 Thank you. I'd like to introduce a resolution. As I
24 mentioned in the first day, there was a regional
25 workshop in Hawaii of the Pacific Islands to identify

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1 -- it was a social science research workshop that
2 Charlie and researchers were doing regionally, and at
3 the beginning of that workshop they -- people were
4 attending from the various Pacific islands and they
5 came to the workshop feeling that it was -- there were
6 some good things that might be able to come out of
7 that.

8 At the end of the workshop, the reason I'm
9 -- I've got a resolution -- at the end of this
10 workshop the enthusiasm, particularly on the part of
11 the managers, that they exhibited that if these
12 research projects that they identified could get
13 funded in terms of understanding the social science
14 side of MPA's, how important that would be to them in
15 order to help them make decisions on planning MPA's
16 and on managing MPA's. And what they did, at the end
17 of the workshop, they wrote a resolution that they
18 asked that we introduce to this subcommittee, or to
19 this Committee, and I'd like to pass that out now, if
20 I might.

21 CHAIRMAN BROMLEY: Yeah, go ahead and pass
22 it around.

23 MR. O'HALLORAN: The resolution is on the
24 front and I've got a motion that is attached as a
25 second page so that you can read the motion. Maybe

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1 while this is being passed out, may I read this?

2 CHAIRMAN BROMLEY: The motion?

3 MR. O'HALLORAN: Read the --

4 CHAIRMAN BROMLEY: The resolution?

5 MR. O'HALLORAN: The resolution.

6 CHAIRMAN BROMLEY: Yeah, quickly.

7 MR. O'HALLORAN: "Whereas, participants in
8 the Pacific Islands Regional MPA Social Science
9 Research workshop met in Waikoloa, Hawaii from March
10 30 to April 1, 2004 and have highlighted the critical
11 importance of social science in the interdisciplinary
12 planning, management and evaluation of Marine
13 Protected Areas in the Pacific Islands; and

14 "Whereas, workshop participants identified
15 social science research projects focusing on
16 governance, economics, attitudes, perceptions and
17 beliefs, cultural heritage resources, use patterns,
18 and communities; and

19 "Whereas, most resource management is
20 largely people management, the findings of the
21 projects will be invaluable to resource managers,
22 resource users and decision makers and the success of
23 Marine Protected Areas insuring the conservation of
24 our marine resources; and

25 "Whereas, effective Marine Protected Areas

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1 management is becoming increasingly recognized as
2 essential to insuring the sustainability of marine
3 resources and the livelihood of those who depend on
4 those resources.

5 "Now, therefore, be it resolved that the
6 recommendations from this workshop, when finalized, be
7 formally transmitted to the MPA Federal Advisory
8 Committee for their information, consideration and
9 endorsement.

10 "And therefore be it further resolved,
11 that participants request the endorsement from the MPA
12 FAC for funding support for projects identified by the
13 workshop.

14 "Finally, be it further resolved that
15 participants request that the recommendations of the
16 workshop be included in the MPA Federal Advisory
17 Committee report to the Secretaries of Commerce and of
18 the Interior."

19 That was the resolution from the
20 participants.

21 My motion is that I wish -- and I'll just
22 read that. "I wish to present a resolution from the
23 participants of the recent Pacific Islands Regional
24 MPA Social Science Workshop and move that the MPA
25 Federal Advisory Committee acknowledge receipt of this

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1 resolution. Additionally, at such time that the
2 recommendations from the workshop are finalized, that
3 these recommendations be transmitted to the
4 appropriate MPA Federal Advisory Committee
5 subcommittee or committees for their review,
6 consideration and possible endorsement to the full
7 Committee."

8 CHAIRMAN BROMLEY: Good, thank you. Is
9 there a second to the motion?

10 MR. LAPOINTE: Seconded.

11 CHAIRMAN BROMLEY: Okay, the motion has
12 been seconded. George Lapointe seconded it. You wish
13 to speak?

14 MR. LAPOINTE: I do. I was going to
15 express some concern about the substance, but given
16 Terry's statement of the motion -- that it be put to a
17 subcommittee for resolution, I'm comfortable with
18 that. It shows good work on the part of people out
19 there, it shows the need for moving forward and we can
20 deal with --

21 CHAIRMAN BROMLEY: Others wish to comment?
22 Jim?

23 DR. RAY: I guess I'm a little puzzled as
24 to the role of this Committee in making
25 recommendations to support funding for programs in

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1 Hawaii. You know, you followed our first meeting, and
2 we had a petition, as I recall, from some fishing
3 organizations on the West Coast to endorse or
4 recommend funding for some of the, you know, programs
5 they were doing, and I guess I'm just concerned, this
6 really opens Pandora's Box if a variety of different
7 folks with very worthwhile programs and projects look
8 to this Committee as a support and make
9 recommendations to the government. I have a concern
10 about that. I think it's probably a great program,
11 but I'm just concerned with the overall precedent that
12 we'd be setting --

13 CHAIRMAN BROMLEY: George?

14 MR. LAPOINTE: That was my concern too in
15 looking at their resolution. I don't think -- I don't
16 want to spend my time looking at competing funding
17 requests. But there's other things in there, and
18 again given the motion to refer to a subcommittee, and
19 if it came to my subcommittee, or a subcommittee of
20 which I'm a member, I would fix that part in a
21 heartbeat, because -- I don't want to get into it, but
22 there's other things in here. So I think we can
23 handle it without getting into the ultimate position
24 of the competing funding requests.

25 CHAIRMAN BROMLEY: Thank you. Wally?

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1 DR. PEREYRA: Mr. Chairman, briefly. I
2 totally agree with George's comments, but the way I
3 read the resolution is that we are not endorsing the
4 outcome of the conference or the funding requests, so
5 on that basis, and assuming that our resolution,
6 support of our resolution, would not infer that, I can
7 support your resolution.

8 CHAIRMAN BROMLEY: Okay, Barbara?

9 MS. STEVENSON: My only problem goes back
10 to our discussion of reviewing other items, and for
11 instance, the subcommittees for their consideration, I
12 would have absolutely no problem. I don't know what
13 review is and I don't know whether that obligates us
14 to a formal comment. Consideration should cover it
15 all.

16 CHAIRMAN BROMLEY: Okay.

17 MR. O'HALLORAN: Mr. Chair, I would be
18 happy to remove the --

19 CHAIRMAN BROMLEY: Put a period after the
20 word consideration?

21 MR. O'HALLORAN: Yes.

22 CHAIRMAN BROMLEY: George, is that
23 acceptable to you?

24 MR. LAPOINTE: Yeah.

25 CHAIRMAN BROMLEY: Okay, thank you.

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1 Yeah? Mike?

2 DR. CRUICKSHANK: Mr. Chair, I think we
3 should -- the motion to come to the Committee for full
4 consideration. It does not imply any responsibility
5 on our part.

6 CHAIRMAN BROMLEY: Okay, yeah that was --
7 I mean, and Terry -- when I talked with Terry
8 yesterday about their resolution, I reminded him that
9 we really couldn't do what they had asked us to do,
10 and Terry understood that and graciously drafted this
11 alternative motion, which in a sense, I understand
12 that we do it on a risk of being seen as a pipeline,
13 yet we can't close, I don't think, we can't close
14 ourselves off from whoever it is that has ideas about
15 research that they think pertain to our deliberation,
16 and I believe the modified motion does precisely that
17 and nothing more, I think.

18 George?

19 MR. LAPOINTE: I agree with the Chairman.
20 I mean this is a very focused type of stakeholder in-
21 put and I think it's important.

22 CHAIRMAN BROMLEY: Okay, Max?

23 MR. PETERSON: Let me just suggest really
24 doing two things, acknowledge receipt of the
25 resolution as being considered. That's all we're

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1 doing. I would, Mr Chairman, call for the question.
2 The question's been called. You're ready for the
3 question.

4 CHAIRMAN BROMLEY: All in favor of the
5 motion as amended so that in a sense the motion that
6 you have in front of you would end with the word
7 "consideration" and the rest of that would go.
8 Everybody clear on the motion? Barbara? Oh, okay.
9 So the motion, I better read it. I'm going to read it
10 from the -- the first sentence is, I think, fine. I'm
11 going to read it from "Additionally, at such time as
12 the recommendations from the workshop are finalized,
13 that these recommendations be transmitted to the
14 appropriate MPA FAC subcommittees for their
15 consideration."

16 Is that right? I'd like to offer now, as
17 I read this, I'd like to offer an amendment. I think
18 it's safe. That these recommendations come to the
19 full FAC for distribution to the appropriate
20 subcommittees. We make the determination which
21 subcommittee is pertinent. Is that all right?

22 (MEMBERS): Yes.

23 CHAIRMAN BROMLEY: Okay. So then we
24 would need that these recommendations be transmitted
25 to the MPA FAC -- I'm speechless now, can you imagine

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1 that -- for consideration by the appropriate
2 subcommittee.

3 Okay. So it would be transmitted to the
4 MPA FAC for consideration -- I think that's where we
5 stop. We can do that. It comes to us and we'll
6 decide which subcommittee gets it.

7 How are we doing? Ten more minutes we
8 won't have any words left in this motion.

9 (Laughter.)

10 CHAIRMAN BROMLEY: And then we can have a
11 good fight about that one, couldn't we?

12 Okay. Is everyone clear about what we're
13 voting on?

14 All right. All in favor of the motion as-
15 - "Additionally, at such time that the recommendations
16 from the workshop are finalized, that these
17 recommendations be transmitted to the MPA FAC for
18 consideration."

19 Is that okay? All in favor of the motion
20 say "aye."

21 (MEMBERS): Aye.

22 CHAIRMAN BROMLEY: Opposed?

23 (No audible response.)

24 CHAIRMAN BROMLEY: All right. Thank you,
25 Terry, very much.

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1 All right, so now we're at the 11:00 hour
2 and we have three subcommittee reports. Which order
3 do you wish to proceed? One, Two, Three?

4 Okay, Mark?

5 DR. HIXON: Thank you, Mr. Chairman.

6 Subcommittee One is grappling with the
7 issue of a National System of Marine Protected Areas.

8 In particular, we're developing a vision and goal
9 statement which will be about one page in length.
10 Previous versions of this are already on the secure
11 web page and the versions we produced here in this
12 meeting will be on the secure web page very shortly.
13 And the most recent iterations, we've added a
14 glossary, which we believe is essential to clarify the
15 meaning of key words and concepts that are mentioned
16 in this particular document. And that's going to be
17 the bulk of our work after this meeting.

18 So again, as we go through each iteration,
19 we will put these on the secure web page, and I don't
20 care -- the Committee does not want to read them to
21 the full Committee at this time, because it is in such
22 a state of flux. However, I would like to summarize
23 the types of things that we've been looking at most
24 recently in this vision and goal statement.

25 One is to clarify the difference between

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1 the vision and the goals. The vision is pretty much
2 the same as we've seen in all the documents we've
3 gotten before us. The specific goals are where things
4 become more particular and we've virtually reached a
5 unanimous agreement on what those goals are, and
6 again, they're already posted on the secure web page
7 or will be shortly.

8 Some of the issues that would be of
9 immediate interest to the full Committee, we believe,
10 are things such as, we concur that there are three
11 broad categories of MPA to be considered, natural
12 heritage, cultural heritage and sustainable production
13 of MPA's, and we're working on the more explicit
14 definitions of those, but we concur that those three
15 categories do exist.

16 And we are grappling with the -- well,
17 we've actually finished grappling with the issue of
18 what lasting protection means in the Federal
19 definition of MPA, and that's what I want to spend
20 most of my time on now.

21 Before I get to that particular issue, our
22 plans for the immediate future are to not only
23 continue our neverending e-mail exchanges, but to have
24 a face to face meeting of our subcommittee between now
25 and September. We're planning that as soon as we can

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1 pull it together, probably at the MPA Center in
2 Monterey, which is sort of a geographically reasonably
3 central place, given the make-up of our diverse
4 subcommittee. At that time we intend to finalize the
5 vision and goal statement and pass it forward very
6 shortly thereafter to the full FAC, well before the
7 September meeting, so that full debate on that
8 particular document can be done at that time.

9 What we'd like to present today is our
10 near-final conclusions based on a huge amount of
11 discussion during this meeting on what does lasting
12 protection mean for Marine Protected Areas. A lot of
13 thought has gone into this and I'm going to distill it
14 down to the point where it may sound simplistic, but
15 believe me, there's a lot behind this.

16 Our intent is to finalize a very short
17 document on these definitions and forward them to the
18 full FAC very soon after this meeting. We just need
19 to have another couple go-arounds on e-mail to really
20 make sure we've word-smithed this as appropriately as
21 possible before full consideration. But we want to
22 put on the table now where we are.

23 The background for defining lasting
24 protection is that the Federal Government at some
25 point has to take the inventory of MMA's that is

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1 already nearing completion and pass it through a
2 filter. That filter will then define what the
3 existing MPA's are in this country, and that filter
4 has to do with the minimum duration of protection for
5 existing MMA's and which of those meet that criterion
6 and therefore can be considered MPA's. We are not
7 talking about the level of protection afforded. We
8 are talking solely about the duration of protection.
9 Has this entity been in existence for a sufficient
10 number of years to be considered to be an MPA?

11 Now when we examine the three categories
12 of MPA, we immediately saw that there could be sub-
13 categories within those that could have different
14 levels potentially or different minimal times of
15 protection potentially. So that's what we've been
16 working our way through.

17 So one last thing before going through
18 that list. In all these, we're considering that
19 adaptive management is in place; that is, that there
20 will be periodic reviews of each MPA that involves
21 public notification, public in-put, peer review,
22 monitoring, things of that sort. And it's also
23 implicit that any MPA can be changed through acts of
24 God, acts of Congress and acts of the public at large.

25 So, with that in mind, I'll summarize this

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1 as well as I can. First, considering natural heritage
2 MPA's. There's a definition given in the many hand-
3 outs we've gotten. We're starting with that
4 definition and clarifying that, but we've subdivided
5 natural heritage into three categories, three sub-
6 categories.

7 One is living natural resources. So
8 natural heritage involves living things. Then large
9 scale non-living natural resources. And then small
10 scale non-living natural resources.

11 So first, starting with living, we're
12 essentially talking about living systems, living
13 organisms and their habitats. And the minimum
14 duration of protection that we believe is appropriate
15 is ten years in this particular case; that is, an MPA
16 that's been established -- or an MMA that's been
17 established to protect living natural heritage would
18 have to endure for at least a decade to be considered
19 an MPA. Our rationale for that decision is based on
20 two different sets of criteria. The first is
21 procedural; that is, that there's time required for
22 public notification, for boundaries to be placed on
23 maps and distributed to the public. That is just to
24 get the information and implementation in place. We
25 envision at least five years of scientific monitoring

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1 required to determine the trajectory and the status of
2 that living system. And that's truly very much a
3 minimal time. Ecologically it was acknowledged that
4 the generation time of key organisms or focal
5 organisms for following demographic trajectories is
6 essential.

7 So after a reasonable amount of
8 monitoring, at least five years, there would be some
9 kind of review and analysis of that monitoring,
10 followed by public involvement and an adaptive
11 management process. And just -- by the time this is
12 done, a decade has taken place anyway. So that's the
13 purely procedural reason for doing that.

14 Then the second region, again, is getting
15 more, focusing on the ecological reasons for at least
16 a decade, and that has to do with the fact that the
17 response rate of populations, communities and
18 ecosystems is determined by generation time of focal
19 or index species. That's a purely natural science
20 reason. And generation times are all over the map.
21 By and large, the larger the organism or the more
22 slowly growing the organism, the longer the generation
23 time. And there's a whole bunch of work that could
24 still be done on that.

25 So that's what we suggest for living

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1 natural resources.

2 Large scale non-living natural resources.

3 We're considering to be geological or geophysical
4 features that are sufficiently large that they're
5 already very well documented. Things like submarine
6 canyons, volcanic features, pinnacle sea-mounts,
7 things of that sort. And they're also prominent from
8 a human perspective. These things are not apt to
9 disappear even with substantial earthquakes and
10 anything short of asteroid impacts.

11 So we believe that if these are found to
12 be sufficiently representative, unique, rare or
13 uncommon, that they are valued by the public to be
14 conserved for present and future generations. That
15 protection should be indefinite for these features.

16 CHAIRMAN BROMLEY: How much more time do
17 you have? You've gone the five minutes. I love this,
18 but --

19 DR. HIXON: I don't recall promising. I
20 said five minutes but I didn't promise five minutes.

21 (Laughter).

22 DR. HIXON: I'll speed up, Mr. Chair. I
23 apologize for going over five minutes.

24 Small scale non-living natural resources
25 may be poorly documented or may be ephemeral from a

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1 human prospective. We're talking about things like
2 hydrothermal events, methane seeps, underwater springs
3 and what not. They may be more common than previously
4 assumed because they're not fully documented, so
5 therefore the rarity may be in question. with
6 additional monitoring, again may be ephemeral. So
7 again, there's time required to get these on maps, to
8 be monitored for the level of permanence, things of
9 that sort, and again, we're suggesting a minimum of
10 ten years, minimum protection time to be defined as an
11 MPA.

12 Cultural heritage, we were extremely
13 hesitant to discuss, because we do not have that
14 expertise on our subcommittee. So for cultural
15 heritage MPA's, our initial thoughts were that the
16 minimum amount of time we're talking is getting up
17 around twenty-five years. But we really didn't want
18 to touch that one. What we are requesting is
19 expertise from other subcommittees to meet --
20 basically that the culture, whatever it is, the
21 cultural ad hoc subcommittee be formalized. Wally
22 Pereyra and George Lapointe have volunteered to be the
23 two members of Subcommittee One to serve on that ad
24 hoc subcommittee and grapple with that issue.

25 Finally, sustainable production MPA's is a

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1 category. These are basically fisheries and fisheries
2 type of MPA's. Again, we're getting down to the same
3 sorts of issues as having to do with living natural
4 heritage MPA's, and we see ten years again as being a
5 minimal time period. Again, because of the procedural
6 constraints that it takes to get these up and running
7 and monitor them for at least five years. And
8 secondly, the ecological constraints of generation
9 times and the time it takes to detect whether or not
10 the goals of that particular MPA are being met.

11 I'll stop there. Thank you.

12 CHAIRMAN BROMLEY: Okay, thank you. David
13 and Tony.

14 MR. BENTON: Just a small point of
15 clarification, Mr. Chairman.

16 On the ten year time frame, was that they
17 had to be in existence for ten years or they had to be
18 designated for ten years and it could start today but
19 the designation was for ten years?

20 DR. HIXON: Thanks for that question,
21 Dave.

22 We wanted to emphasize that Marine Managed
23 Areas that occur or are in existence for less than a
24 decade are extremely valuable entities, especially for
25 sustainable production fisheries type of questions,

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1 emergency closures, temporary closures, things of that
2 sort. So we want to encourage those sorts of things
3 to exist.

4 However, we believe that a Marine
5 Protected Area is a longer term management tool and
6 therefore, to be called that, to be called an MPA,
7 would have the filter of being in existence for at
8 least a decade.

9 MR. BENTON: Mr. Chairman. I'm just
10 curious about the start date, whether or not it really
11 is a start date of when you count the ten years.

12 CHAIRMAN BROMLEY: Charlie wants to get in
13 here.

14 DR. WAHLE: To add a little clarification
15 to that. Basically what we're looking for is a filter
16 which Mark described that will allow us to look at a
17 Marine Managed Area and decide whether it fits the
18 criteria for a Marine Protected Area. And the
19 duration issue is whether it has been established, the
20 expectation of a ten-year life span or a legal
21 mechanism.

22 MR. BENTON: So a designation that is for
23 ten or more years that starts two days ago would
24 count.

25 DR. WAHLE: Right.

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1 MR. LAPOINTE: I think we talked about the
2 MPA designation for ten years, I think for all the
3 reasons Mark said. If you have something up David's
4 way or up in the Gulf of Maine that had already had
5 protection longer than ten years, that doesn't mean it
6 wouldn't fit in this category. But when we eventually
7 put this national network together, that in fact if
8 you're going to go through the trouble of an
9 additional designation, you want whatever management,
10 you know, protections and measures are included in
11 that MPA to continue for at least another decade to
12 make it worth the while.

13 CHAIRMAN BROMLEY: Thank you. Tony, your
14 hand was up.

15 DR. CHATWIN: Thank you, Mr. Chairman, and
16 thank you for the description of your work. It's very
17 interesting.

18 My question, one was on the start date,
19 but -- I have two questions. One is if I understand
20 this concept. If an area is established under
21 fishery's management for habitat protection purposes
22 and the intent that it's a long term area but that
23 it's going to be revisited in three years, so it may
24 change in three years time, what is that?

25 DR. HIXON: If there is an original

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1 designation is that after three years it would end and
2 then be re-evaluated, then it would not be an MPA, it
3 would be an MMA. If there is no designation that
4 would be monitoring, it would exist for at least a
5 decade before the decision would be made whether or
6 not to continue that designation, then it would be an
7 MPA. So in other words, if the entity itself exists
8 for at least a decade before potentially being thrown
9 out.

10 DR. CHATWIN: And my second question,
11 thank you, my second question, is I understand the
12 concept of having a screen that's based on lasting --
13 on the lasting piece, the words in the Executive
14 Order; however, lasting goes to protection and that
15 infers the screen should also have the sort of level
16 of protection associated with it. Have you had any
17 discussions about adding the level of protection to
18 that screen?

19 DR. HIXON: We have not at this time.
20 We've slowly grappled with the issue of duration of
21 protection.

22 DR. CHATWIN: Are you planning to address
23 that?

24 DR. HIXON: Not yet. And the reason being
25 that one can envision the diversity of particular

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1 MPA's being so great that offering specific advice
2 could potentially be meaningless. Especially -- well,
3 the discussion within our group -- George, you want to
4 add to this, and Wally?

5 MR. LAPOINTE: I do. Because it's
6 specifically to this question. The degree of
7 protection would be dictated by the goal of the
8 particular MPA, and so we don't want to dictate up
9 front what that level of protection is. And it would
10 be an inherent part of the governance of the MPA to
11 say we're protecting it for this, and therefore,
12 because of that goal, you need, you know, the degree
13 of protection would have to be dictated by that. So
14 for us to ascribe that up front, we thought was not a
15 useful exercise.

16 CHAIRMAN BROMLEY: Okay, Terry and then
17 Barbara and then Wally.

18 DR. CHATWIN: I had a follow-up point.

19 CHAIRMAN BROMLEY: Okay.

20 DR. CHATWIN: My last one, Mr. Chairman.

21 So, just so I understand it, you have the
22 three categories of Marine Protected Areas. We think
23 of a dump site, okay, that's being designated often
24 for longer than ten years, but it doesn't fit
25 necessarily into one of those, but it may be

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1 sustainable production so that it's not everywhere?

2 DR. HIXON: A dump site is not an MPA.

3 DR. CHATWIN: It's a Marine Managed Area.

4 DR. HIXON: It's not a Marine Managed
5 Area.

6 CHAIRMAN BROMLEY: Terry, Barbara, Wally.

7 We only have about three minutes left for this group.

8 MR. O'HALLORAN: Again, a clarification.
9 We have some sites that are what I call on and off
10 again. In other words, they're protected for a year
11 and then the same area is opened up for some extracted
12 uses for a year, then closed, and there's also
13 consideration of what I would call roving or moving
14 MPA where an area is protected and then it's moved,
15 but it's essentially under the same umbrella. How do
16 you see that fitting in?

17 MR. HIXON: We see those as being very
18 useful Marine Managed Areas, but not Marine Protected
19 Areas.

20 CHAIRMAN BROMLEY: Well, I guess there's a
21 disagreement on the Committee.

22 DR. HIXON: There seems to be disagreement
23 on the subcommittee, but the consensus that was
24 reached at the time was that a particular area would
25 be in place for ten years to be considered an MPA, and

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1 I'd like to defer to Wally for dissension.

2 DR. Pereyra: In this particular specific
3 example, I would argue that the MPA is still in place.

4 It's just that it is being a Marine Protected Area in
5 a, sort of a dynamic sense. If you can vision it from
6 that standpoint. I mean the area itself is not -- and
7 this is going to get into my whole discussion of
8 adaptive management, but I don't know if you want me
9 to make that now.

10 CHAIRMAN BROMLEY: I don't want anybody to
11 do anything now except be quiet.

12 (Laughter.)

13 DR. HIXON: A potential can of worms here
14 is whether or not the protection completely ceases and
15 we've not discussed that yet. If the protection
16 completely ceases, then this is open to debate.

17 MR. O'HALLORAN: Maybe I could ask that
18 your committee consider that as a management regime
19 that might be -- that you might want to discuss a
20 little bit.

21 CHAIRMAN BROMLEY: What I'm going to ask,
22 and we really are out of time, what I'm going to ask
23 is this wonderful discussion indicates to all of us
24 that there's still a lot of work to be done, okay.
25 And I urge that all of you who had your hand up in

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1 hopes of speaking would communicate to Mark your
2 concerns. Is that okay, Barbara? No.

3 MS. STEVENSON: Very, very quickly. My
4 concern was we have MPA's that will fit the filter
5 currently, that are in the process of the areas being
6 redefined. From the point of view of protection, that
7 there would be continuing protection. But under your
8 definition they wouldn't comply. So I'd like you to
9 reconsider that also.

10 CHAIRMAN BROMLEY: And Barbara, could you send
11 Mark this, okay? I mean his subcommittee needs to
12 hear -- and Wally, you are in the queue, so we'll give
13 you a chance. Go ahead. This is the last one.

14 DR. PEREYRA: This is sort of following on
15 Tony's remarks, that we have to keep in mind that this
16 is not a static designation. There is monitoring
17 going on and there's adaptive management. So there
18 can be levels as you go through. It's still a Marine
19 Protected Area, so it's not without potential for
20 change during that time frame.

21 CHAIRMAN BROMLEY: This is great.

22 DR. HIXON: I just want to follow up and I
23 want to reiterate that this is semi-final at this
24 point. We will have a document that will be on the
25 secure web page soon, as soon as possible, and at that

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1 point we definitely want feedback from everyone.

2 CHAIRMAN BROMLEY: Everyone, yeah.
3 Wonderful. Thank you, Mark. Is that okay with
4 people? This is good.

5 Now, as you went through that I heard one
6 kind of decision item, which is you people wish to
7 have a meeting in Monterey; is that correct?

8 DR. HIXON: That's correct.

9 CHAIRMAN BROMLEY: Between now and
10 September. And so I think we need authorization from
11 the full FAC for you to do that. And it seems to me,
12 without Joe here, and maybe Lauren knows this, but we
13 do -- we will have some budgetary implications from
14 this. I don't know what our budget situation is, and
15 so on. So I could imagine us perhaps authorizing the
16 Subcommittee One to meet, and I think they've told us
17 what they would intend to do, but I don't know whether
18 there's money to do it and I don't know, pardon --
19 there is money.

20 DR. HIXON: We consulted with the MPA
21 Center before deciding that we wanted to do that.

22 CHAIRMAN BROMLEY: You did. Is there
23 money if also Group Two and Three wishes to have a
24 meeting?

25 DR. WAHLE: I think so.

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1 CHAIRMAN BROMLEY: You think so. Okay.
2 All right. Then let's do this. Let's -- if you wish,
3 let's hear a motion that Subcommittee One be allowed
4 to hold a meeting in Monterey.

5 MR. PETERSON: I so move.

6 CHAIRMAN BROMLEY: It's been moved. Is
7 there a second to the motion?

8 MR. MURRAY: I second.

9 CHAIRMAN BROMLEY: Second. Subject to
10 budget negotiations and -- let's leave it at that. Is
11 that okay?

12 Yes, David?

13 MR. BENTON: The only problem that I can
14 see with that is the hesitancy by Charlie about the
15 other subcommittees. I think all the subcommittees
16 need to be treated equally in this regard.

17 CHAIRMAN BROMLEY: Yes, they will be.

18 MR. BENTON: So the motion as you stated
19 it has some difficulties, because what it really needs
20 to be is, first I need to go and see if they have the
21 money for all three subcommittees to meet, if they
22 want to. I'm not saying that the others want to.

23 CHAIRMAN BROMLEY: That's right.

24 MR. BENTON: And if that works, then the
25 authorization for Subcommittee One to meet would be

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1 appropriate.

2 CHAIRMAN BROMLEY: I think what I meant by
3 my motion is that the Executive Committee be
4 authorized by the Full Advisory Committee to, once we
5 hear from Groups Two and Three, and we learn more
6 about the budget situation, that we be empowered to
7 authorize them to meet, subject to the consideration
8 that it might -- depending on the budget, maybe a sub-
9 set of the subcommittee would get together if --
10 because I could imagine that perhaps not all ten of
11 your people would be available to go and what have
12 you.

13 So that's what I meant by the motion.
14 George?

15 MR. LAPOINTE: I think the other thing
16 that's important for people to recognize is what we
17 talked about with the subcommittee meeting. We've all
18 expressed the concern that at these meetings we don't
19 have enough time to meet. What we were talking about
20 was starting at eight in the morning and going until
21 eight at night. So trying to maximize people's times
22 and minimize budget as well.

23 MR. PETERSON: I would amend my motion to
24 say that we would -- that we ask that the Executive
25 Committee consulting with the Marine Center look at

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1 all three subcommittees to meet if they wish to do so,
2 if there's funding available, and let you all make the
3 final decision.

4 CHAIRMAN BROMLEY: David, are you -- does
5 that meet your concerns? Who seconded the motion? I
6 forget.

7 MR. MURRAY: I did.

8 CHAIRMAN BROMLEY: Okay, so it's been
9 moved and seconded that we do what Max said. All in
10 favor of doing what Max said say "aye."

11 (MEMBERS): Aye.

12 CHAIRMAN BROMLEY: Opposed?

13 (No audible response.)

14 CHAIRMAN BROMLEY: I knew no one would
15 oppose Max. Thank you.

16 Okay. So we've got that done. Number
17 Two, Tony.

18 DR. CHATWIN: Thank you, Mr. Chairman.
19 I'd like to extend apologies from the Chair of that
20 subcommittee who wasn't able to be here due to time
21 constraint, so I as Vice-Chair claim his role.

22 Subcommittee Two is tasked with
23 stewardship and effectiveness aspects of MPA's. And
24 we too have gone through a process, it's slightly
25 different to the process that Subcommittee One has

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1 gone through. We -- just very briefly. At the last
2 meeting we identified a number of issues that should
3 be examined under the stewardship and effectiveness.
4 We delegated that task to come up with an outline for
5 each of those issues. We compiled those outlines and
6 came here. We discussed those outlines. We re-
7 arranged the outlines and identified and sort of
8 consolidated it into topics. Those topics that relate
9 -- we talked about yesterday -- but they are
10 constituency building, planning, compliance,
11 monitoring, evaluation and adaptive management and
12 we're still working on the term.

13 CHAIRMAN BROMLEY: Could you repeat those?

14 There are a lot of words. How many are there, four?

15 DR. CHATWIN: Four. It could be five.

16 CHAIRMAN BROMLEY: Constituent building,
17 planning and what?

18 DR. CHATWIN: Planning, compliance and
19 then we had monitoring, evaluation and adaptive
20 management as one.

21 CHAIRMAN BROMLEY: As one, monitoring,
22 evaluation and adaptive management.

23 DR. CHATWIN: It's one, but it could be
24 two.

25 CHAIRMAN BROMLEY: That's fine.

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1 DR. CHATWIN: It doesn't really matter.
2 And our idea is not to write a report on these, but to
3 sort of focus into areas that we want to come up with
4 recommendations for, for review of the Committee.

5 And in -- this process has been very
6 useful in that we have come across issues, terms,
7 issues and terms that are -- that require
8 clarification and that are more contentious, and I
9 think we've been working towards identifying those
10 issues so that we can work through them within the
11 subcommittee. And we are very open to hearing from
12 the Committee if there are issues that we are not
13 addressing or if there are concerns among the other
14 subcommittees that we may not be addressing as
15 important aspects of stewardship and effectiveness.

16 We -- in particular we spent a significant
17 amount of time at this meeting talking about
18 constituency building and planning. We weren't able
19 to spend as much time going into as much detail into
20 the other issues. In our discussions we talked about
21 the public, identifying and assessing the public as
22 opposed to stakeholders. Stakeholders is a word that
23 there a different levels of conflict with, and so we
24 have one of our tasks from here on is to define, or to
25 find a term that everybody feels comfortable with.

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1 Actually, there are a number of terms which are tasked
2 for clarification.

3 We also discussed a planning process and
4 the issue of major contention there is who exactly
5 does -- is involved in the planning process. And so
6 we sort of -- you identify the public, you assess the
7 level of interest from the public, and then recognize
8 that a public process -- MPA's have to be either
9 created or managed under a public process context.
10 But there was recognition that for the process to be
11 effective, and this is not the public process of the
12 MPA management, we may require a planning team, and we
13 talked about who should be on that planning team. And
14 this was an area of much debate. And we haven't
15 reached any conclusions on that. But what was
16 recognized is that to be effective the planning
17 process within the public process has to be comprised
18 of people who want to participate in a constructive
19 manner. And that's as far as we got. The idea of
20 having participation of people were there to undermine
21 the process wasn't seen as constructive.

22 It's a delicate issue in terms of
23 political feasibility, because we didn't envision a
24 closed process at all, but if we're going to come up
25 with recommendations how to make planning processes

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1 effective for MPA, this is one of the aspects that
2 we're trying to learn from previous experiences.

3 So we wanted to share this with the
4 Committee because it is one of those hot issues in
5 terms of stewardship and effectiveness that require --
6 so we are working on those.

7 And we also looked at impediments to
8 public participation, things that we need to grapple
9 with as well. One thing, maybe that the process
10 doesn't incorporate enough public participation. It
11 could be that agencies that are involved in MPA-
12 related processes have legal constraints on how much
13 public participation they can allow, and those are
14 issues that we haven't gone into much detail, but
15 we've put them on the radar screen as things that we
16 need to grapple.

17 The other thing, the big area that we've
18 been looking at, and again we need a lot more work on,
19 is incentives. We discussed incentives for
20 participation in public processes relating to MPA's,
21 incentives for Federal, state and local entities that
22 have authority over Marine Protected Areas to be part
23 of the National System. What are the incentives? And
24 these incentives -- and I think there's a lot of them.

25 Incentives to comply, incentives for effectiveness of

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1 Marine Protected Areas as related to compliance, have
2 we insured the processes, include the incentives for
3 compliance.

4 And this is another area that we have
5 again find it needs further work.

6 We have assigned tasks related to these
7 different areas, and we have agreed to have a follow-
8 up conference call on the 7th of May. The different
9 tasks have to be ready by the 2nd of May. We'll review
10 them on the 7th of May and our intent is then to post
11 the information that we have gathered to that date on
12 the secure website shortly thereafter.

13 We did not consider the possibility of
14 meeting in person, which was a shame. I mean, I'm
15 glad that Subcommittee One considered that
16 possibility. I think there may be interest in the
17 subcommittee to follow suit, so we'd like to explore
18 that possibility.

19 We had a lot of healthy discussion and
20 those are the highlights of what we've done to date.

21 CHAIRMAN BROMLEY: Very nice. Thank you.

22 Okay, we have George, Randy, Rod.

23 MR. LAPOINTE: My first question was
24 answered when things were going to go up on the secure
25 website.

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1 The other one, the constituency building,
2 planning process, I have a concern about pre-building.

3 It looks like you're trying to pre-build advocacy
4 into this process and I'm concerned about Government's
5 role in that, but when I see what you've written we
6 can follow up on that more.

7 CHAIRMAN BROMLEY: Okay, thank you.

8 DR. CHATWIN: Just a clarification. We
9 discussed, thoroughly discussed the issue of different
10 interests versus constructive roles, and we
11 differentiated the two. So the idea was not to
12 exclude any interests that should be represented. So
13 it wasn't a question of what shape the advocacy that's
14 going to take place around this process, but it was to
15 insure that the process was going to be a functional
16 one.

17 MR. LAPOINTE: I guess my point stands,
18 I'm not concerned about shaping the advocacy, I'm
19 concerned that we're trying to build it in. I meant
20 the advocacy should come from somewhere else and we
21 shouldn't say, "You will be advocates." That would
22 just be a concern have as I look at the documents and
23 move forward.

24 CHAIRMAN BROMLEY: Randy and then Max.

25 MR. BOWMAN: Actually to follow-up on

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1 that, for better or worse, the role of the public in
2 these matters is provided for by Federal law for the
3 Federal agencies, I presume by state law for the state
4 agencies, similarly, how the comment and the process
5 works and who is involved in it. And there is simply
6 no way which I think you could propose recommendations
7 to us that could possibly be acceptable, or legally
8 acceptable regardless of inclinations of the Agency,
9 that would allow limiting participation to people who
10 the managers or others think are constructive. I
11 think the idea of how to improve or remove obstacles
12 to public participation is an area that could be
13 extremely fruitful, because the Agency tends to get in
14 a rut and just do things the way they've always done
15 them. But the question of how the process goes and
16 how the planning process goes is largely set by the
17 law in the Federal end, I believe it is on the state
18 end, and it's not clear to me that that's a productive
19 use of your time.

20 CHAIRMAN BROMLEY: Okay. Rod and then
21 Max.

22 DR. FUJITA: Yeah. It causes us to wonder
23 what other Federal representatives might think about.

24 We don't want to waste time on this. We've seen that
25 from past experience the -- you know, the structure of

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1 the process is really important, but also the kind of
2 people who are involved in the process are really
3 important as well. And so the attempt here is not to
4 insure that the process is adopted by MPA advocates.
5 The intent is to encourage full expression of all
6 viewpoints, including opposition, to the MPA and major
7 concerns with the design of the MPA, but to insure
8 that all of those interests are represented by people
9 who are going to discuss these issues in good faith
10 and not obstruct intentionally.

11 MR. BOWMAN: Fortunately, that's not
12 legally possible from the Federal end.

13 CHAIRMAN BROMLEY: Max?

14 MR. PETERSON: Randy largely covered what
15 I was going to say. You can't pre-decide who's going
16 to be constructive. Some of your critics may be the
17 most constructive in the end and you can't decide that
18 Rod's not going to be constructive in this case
19 because the last time he was an obstructionist, but
20 this time he might be constructive.

21 Let me say one other thing. State and
22 Federal agencies can create a planning team that's
23 made up of Federal and state and local agencies that
24 have legal responsibility. The minute you start
25 including interest groups, you've created a FACA

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1 Committee, and you cannot designate interest groups to
2 be a formal part of planning groups without running
3 afoul of FACA. Now you can have an open process that
4 has those people involved and they can be involved,
5 but you can't say, "I want to have Joe and George and
6 Mary to be a part of the planning team because they
7 represent a particular interest." That's illegal in
8 our system of involving the public.

9 And so I think Randy's point is well
10 taken, you're kind of -- you can talk about having an
11 open planning process that involves people, but you
12 can't say we're going to select people who we'll allow
13 to be on the planning team. That's where you run
14 afoul of the law.

15 CHAIRMAN BROMLEY: Good, thank you. Rod?

16 DR. FUJITA: We may be getting bulloxed up
17 in terms.

18 CHAIRMAN BROMLEY: Wrapped around the axle

19 DR. FUJITA: Wrapped around the axle.

20 I think what we meant by planning team
21 could also be called an interest -- representative
22 group of stakeholders, if we want to return to that
23 term for a moment. The Marine Reserve working group
24 in the Channel Islands, you know, various other bodies
25 that have been convened to design MPA's, are those

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1 included?

2 MR. PETERSON: Whatever you call them.
3 You can call them a working group, you can call them ad
4 hoc, you can call them anything you want to, but if
5 you formalize them -- now an outside group, an outside
6 organization like Friends of MMA, they can create a
7 group to provide in-put, but the minute the state or
8 Federal Government create a group, they've created an
9 advisory group, regardless of what it's called, that's
10 very clear in the law.

11 DR. FUJITA: I have one other comment.

12 CHAIRMAN BROMLEY: Okay, quickly.

13 DR. FUJITA: He did an excellent job
14 summarizing it, but he left out one thing which I'd
15 love to get Committee in-put on, and that is,
16 Subcommittee Two has agreed to take on the task of
17 addressing the National System, since all have been
18 about individual MPA sites. So what we're thinking of
19 doing is addressing the National System in each of the
20 four categories of stewardship and effectiveness that
21 we're going to focus on. So we'll talk about building
22 a constituency for the National System, we'll talk
23 about planning the National System, we'll talk about
24 monitoring, evaluating, adaptive management, et
25 cetera.

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1 So I just wanted to put that on the table
2 to just let you know that we are intending to address
3 those, and what we'd like to do is use the system
4 attributes -- developing the drive of all that. That
5 will become the criteria that we will focus on.

6 CHAIRMAN BROMLEY: Okay, Tony, you were
7 going to get the last word but you passed, so Terry
8 can have the last word.

9 MR. O'HALLORAN: One of the other
10 considerations that we were discussing was the need to
11 develop a -- or think about rewards for other state,
12 local, tribal jurisdictions, why they would want to
13 belong to a Federal system -- to a National System.
14 In fact, there might be some areas, some state areas,
15 that in fact would not want to become part of the
16 National System, and so we need to consider that, why,
17 you know, what's in it for me? Why would I want to
18 become part of the National System?

19 CHAIRMAN BROMLEY: Thanks. Wally?

20 DR. PEREYRA: Just briefly. In listening
21 to the discussion regarding the National System, it
22 sounds like we're moving in the direction of trying to
23 establish some new authority to create some kind of a
24 coordinated body of MPA's, and I just would like to
25 emphasize that the Executive Order which we are, you

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1 know, charged with making recommendations under, very
2 specifically speaks to that issue, that that is not
3 what they were looking for, all the various regulatory
4 agencies and so forth that have responsibilities for
5 MPA -

6 CHAIRMAN BROMLEY: We're going to have to
7 stop. Thank you. I got to stop.

8 DR. CHATWIN: We're not considering --

9 CHAIRMAN BROMLEY: That's fine.
10 Wonderful. Thanks.

11 Okay, Mel.

12 MR. MOON: We have a Power Point, at least
13 a couple of slides that we want to put up for
14 referencing for the entire group. And we did, too,
15 have lively discussions over the past few days in
16 regards to the inter-governmental coordination issues.

17 What we were able to do was move towards
18 some tasking after the couple of days that we had in
19 terms of talking of the issues in detail, and were
20 able to have subcommittees, sub-subcommittees I guess
21 you could call them, or work groups, that were formed
22 to bring back some additional recommendations back to
23 the full Committee, targeted primarily for the
24 September meetings.

25 But our first discussion was in regards to

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1 the panel that was -- that had provided an idea to be
2 able to provide a panel that deals with indigenous
3 rights and the practices of those people as it relates
4 to Marine Protected Areas. Realizing that this is a
5 section that exists within the Executive Order and
6 that it is a part of the consultation process that's
7 required along with the non-diminishment process, and
8 also that we seem to be mixing up the cultural issues
9 along with the rights issues. And that there needed
10 to be some definition and focus and clarity brought
11 into that.

12 That seemed an ideal opportunity to bring
13 to the full Committee some cross-representations, not
14 all, but partial representations of various parts of
15 the country where rights are firmly in place, or will
16 soon be in place, and the perspectives of those
17 peoples.

18 We had a meeting of a small group last
19 night between four of us and -- myself, Lelei, John
20 Halsey and Bonnie, and tried to get some more
21 definition as to what the purpose of this process
22 would be, and I think we were in agreement that it
23 would be a good opportunity to get into place to
24 incorporate this to the full Committee. And then we
25 talked about the length of a presentation, how it

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1 would fit into the entire full group process. And we
2 are, I guess, about two hours at this point, if we
3 were to include a Great Lakes representative, a
4 Northwest representative, and a Pacific Islanders'
5 representative, from at least a list of three.

6 We are still in discussion about the
7 inclusion of Alaska. It has great diversity. And
8 Dolly Garza is not here and we wanted to have her on
9 the committee as well, ad hoc-wise, to do some
10 planning.

11 So my suggestion I guess right now is that
12 I would like to propose a motion for a panel to be
13 created and developed on indigenous rights, to be
14 formed by a working group. Primarily I would suspect
15 myself, Lelei and Dolly Garza, to put the group
16 together to work with the MPA Center for the next
17 meeting. And also that would be contingent on the
18 meeting taking place in the West. I would say that
19 that would be a condition. I know at some point in
20 time, if we don't have the next meeting in the West,
21 that at some point in time we will, and we'd like to
22 make this a part of that function.

23 So I'd like to make that motion to have
24 the panel.

25 CHAIRMAN BROMLEY: Could we go ahead with

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1 your report and come back to that; is that okay?

2 MR. MOON: That's fine.

3 The other portion deals with the cultural
4 resources definition. We had an assignment of having
5 definitions provided to the full group and everybody
6 got a copy of that for their use. We were a little
7 concerned about the creation of a fourth subcommittee
8 that would take people out of the various committees
9 to work just on social science issues and cultural
10 issues. We felt that it's an important element but it
11 needs to remain inside the three existing committees
12 and we can work on sub-group levels in the future. So
13 we kind of moved off of that track of saying that we
14 needed a fourth subcommittee. Perhaps we can do ad
15 hoc if that need be.

16 But in addition to that, once this paper
17 work is discussed, and I may need to have John come in
18 on this, but John and Bonnie have been working
19 together on the two pieces of this information on
20 definition. And the first piece is a piece that deals
21 more on the natural -- on National Register and
22 Historical Places. And there's an additional piece
23 that would be required in terms of intangible issues,
24 beliefs, values, experiences, that we feel that needed
25 to be, and they felt needed to be included for more

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1 information to the other three groups. But we're
2 suggesting that the second part of this be the
3 cultural resources of those intangible products and
4 that Bonnie and John continue to work on that, and I
5 suspect that this is all going to be put on the
6 website for people to review.

7 The other pieces that we're dealing with
8 of the tasks have to deal with the Ocean Commission
9 Report and an evaluation and the analysis of the
10 sections that are relating to the inter-governmental
11 coordination of MPA's. We expect a two-to-three page
12 report to be provided, and that task has been assigned
13 and we'll expect to have some product by the next
14 meeting.

15 The other two pieces we have, I will ask
16 Bob Bendick and Jackie Schafer to speak on. They're
17 essentially on operational and creation portions. And
18 I guess that we could perhaps start with Jackie.

19 CHAIRMAN BROMLEY: Can we do this in about
20 two minutes, because we want to leave time for action
21 and discussion. Sorry to put you on the spot, but -

22 MS. SCHAFFER: We created a sub-group of
23 the subcommittee that will be working on developing a
24 plan for the inter-governmental coordination to
25 develop the National System of Marine Protected Areas.

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1 The charge of this group will be to prepare draft
2 recommendations on how the U.S. Secretaries of
3 Commerce and Interior should lead the Federal
4 Government's coordination, the Governors and other
5 leaders of states, commonwealths, territories and
6 tribes through their respective designees to
7 successfully engage them in their subdivision, such as
8 counties or cities, in the establishment of the
9 National System.

10 The approach that we're going to take is
11 to identify mechanisms for a successful Federal inter-
12 agency coordination and recommend models for assuring
13 appropriate Federal agency participation in the
14 National System. Once we are able to describe to the
15 other state and tribal and territorial leaders what
16 the vision is, we would outline a recommended
17 communication plan and ongoing coordinating mechanism
18 to facilitate their engagement in creating the
19 National System.

20 The next one will require some
21 coordination with the other subcommittees, of course,
22 because we're focused on process, but substance has to
23 be determined before we can outline the process for a
24 plan of action and milestones for identifying the
25 existing Marine Managed Areas and how they would be

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1 transformed into a Marine Protected Area and then
2 adding new protected areas under the Federal, state
3 and other jurisdictions to become again part of the
4 National System.

5 And then the fourth, to identify
6 opportunities for coordination with international
7 Marine Protected Area programs as is outlined in the
8 Executive Order and brought up yesterday by Tundi.

9 Finally, we would propose looking at
10 identifying barriers to successful participation by
11 state, territories, tribes and others that might
12 require budget or legislative action in order to
13 effect the overall National System of MPA's.

14 We also identified attributes of
15 successful inter-governmental coordination, one being
16 the acknowledgment of the sovereignty or the
17 independent authority or the special expertise of
18 states, territories, tribes and others to a consistent
19 constructive participation by individuals and agencies
20 at a consistent level, respectively. Through
21 transparent communication for user friendly forums to
22 set goals, track progress and correct course and we
23 were working around the edges to get some more
24 specific detail on how to engage these individual
25 entities to participate in this process, and we will

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1 have some suggestions on how to do that.

2 CHAIRMAN BROMLEY: Thank you.

3 MR. MOON: Thank you, Jackie. And this is
4 a working draft that we had some amendments to this
5 morning, so we'll post that on the web as soon as we
6 get done.

7 MS. SCHAFER: Let me also emphasize, I am
8 an ex-officio member, as Mel and Bartz is. Our
9 Chairman, Mike Nussman, of this little sub-group, left
10 early and our other member, Dave Benton, arrived late,
11 so I felt the need to do this drafting.

12 CHAIRMAN BROMLEY: You've done remarkably
13 well with no one to help.

14 MS. SCHAFER: I want to be sure that all
15 of those folks are involved in this process and also
16 we expect to be engaging Mr. Peterson.

17 CHAIRMAN BROMLEY: The fewer people you
18 have the easier it is to get agreement, Jackie. And
19 now we have Bob Bendick.

20 MR. BENDICK: This is stepping down to the
21 inter-governmental cooperation at the operational
22 level, at the MPA level, and it's clear that there are
23 cases where cooperation among agencies can be improved
24 to achieve the goals of MPA's, sort of the issue
25 statement that this sub-subcommittee is working on.

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1 So our purpose of this sub-subcommittee is
2 to make recommendations on how agencies involved in
3 managing MPA's can coordinate and integrate their work
4 better. How we're going to go about this, we
5 identified four areas, planning, enforcement,
6 monitoring and evaluation, education outreach similar
7 to the previous subcommittee, that we need to look at.

8 We defined the attributes of success, what does good
9 cooperation and coordination mean in each of those
10 areas, examine a few case studies, hopefully those
11 already prepared by the MPA Center, to look at
12 successes and failures and extract some lessons and
13 learn from those to propose best practices for
14 cooperation and coordination.

15 Finally, this is an example under
16 enforcement of what we mean by attributes of success,
17 what are those characteristics of a good enforcement
18 program that represent good cooperation and
19 coordination. So all of this, we had a number of
20 additions this morning to our little issue paper and
21 that will all be -- those will all be put into the
22 paper and sent out, posted on the website, I guess.
23 Thanks.

24 CHAIRMAN BROMLEY: Thank you, Bob. Okay.

25 We have a decision item presented to us

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1 and I would like to move on that first and then come
2 back. Is that okay, then we have our discussion. Is
3 that okay, Mel?

4 This Committee recommended a panel at the
5 next meeting and what I would like to do would be to
6 ask for, if I might nudge it just a little bit, Mel.
7 I worry that culture -- let me back up.

8 We lost here from indigenous peoples and
9 interest about this dimension. I would like for that
10 discussion to be embedded in a larger conversation the
11 full Committee has about culture, and I worry that the
12 way I thought I heard it was that it was going to
13 split that off. What I would like to ask, Mel, if
14 your group would be amenable to an approach in which
15 we would designate two hours or two and a half hours
16 at the meeting to be held in the West for a group to
17 work out a program for us which would bring to us
18 conversations, representations, testimonials, about
19 not only indigenous issues, indigenous cultural
20 issues, but the broader spectrum of what culture is,
21 because that is clearly one of the bridging issues
22 that concerns all of us. And I would like to ask your
23 permission to have Bonnie chair a subcommittee
24 consisting of herself, John Halsey, Dolly Garza, Mel,
25 Lelei, Barbara Stevenson and George Lapointe, to

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1 comprise a program planning committee for that two
2 hours or two and a half hours in which we will hear
3 about culture in the broadest possible interpretation,
4 part of which would be indigenous issues and part of
5 which would be the John Halsey stuff and these other
6 things.

7 How do you react to that, Mel?

8 MR. MOON: Well, I'm a little worried that
9 there's a overlay that is combining the cultural
10 issues with the legal principals of the rights that
11 these people have, and so that is really the reason
12 why the -- how it's being brought out, so that you can
13 have a clear definition of the distinction of the
14 differences and how to keep them separate, because
15 often what happens is, you get a draw towards the
16 cultural side of things to describe those people, and
17 there is something there but the reality is there's a
18 legal definition to what rights they hold and how they
19 practice them and how they manage those resources that
20 they have.

21 So they're two different subject matters,
22 and I was hoping to bring that clarity out in the
23 series of panel discussions.

24 CHAIRMAN BROMLEY: Nothing in my statement
25 precludes the panel. Nothing in my statement

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1 precludes the presentation of exactly what you've just
2 talked about. I see you guys getting together to work
3 out a program, two hours, two and a half hours, of
4 which that would be a part, but it would not be the
5 only part, is all I'm asking. I want to broaden, cast
6 a wider net over this thing called culture, if I
7 could, of which indigenous rights and practices and
8 meanings are central to it.

9 David, is your?

10 MR. BENTON: Mr. Chairman. I'm very
11 sympathetic to I think what you're trying to
12 accomplish, and I think that there are very important
13 issues under the heading of culture that are different
14 than the issues that surround specifically indigenous
15 peoples and their legal rights. And what I was going
16 to suggest is maybe the group that you designated,
17 identified, was a good group. They may want to look
18 at setting up one panel at one of our meetings,
19 because we have multiple meetings we're planning for,
20 that would deal with indigenous rights, and a second
21 presentation at a different meeting, especially if
22 we're going to have one on the West Coast and one up
23 in New England, that we look at the other context of
24 culture, the broader context of the Antiquities Act
25 and issues that George and Barbara have brought up, at

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1 a different meeting, so that we have sufficient time
2 to give both of those subject matters adequate
3 attention.

4 CHAIRMAN BROMLEY: Okay, fair enough.

5 Barbara?

6 MS. STEVENSON: I just have a quick
7 question on the process. I haven't been involved in
8 setting up the meetings and we haven't been doing
9 anything at night, and it seemed to me that some of
10 these things would be very appropriate for us to have
11 sessions at night on, in which case we might actually
12 end up having say, in a three day meeting, two nights,
13 one on one and one on the other, and have it very
14 reasonably in-depth. Is there some reason that we
15 don't --

16 CHAIRMAN BROMLEY: Well, yeah, because I
17 hear that the subcommittees want more time and I know
18 subcommittees have worked at night, and I think our
19 preliminary sessions need to be during the day -- I
20 mean my gut says that they ought to be during the day
21 so the evenings are free for subcommittees to
22 elaborate their work, follow up, send off groups to do
23 certain tasks. So I'm a little reluctant, Barbara, to
24 schedule that, but -

25 I guess Rod had his hand up -- Mel, go

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1 ahead.

2 MR. MOON: I was just thinking that that
3 is a good panel that you have put together in regards
4 to dealing with culture, and all facets of culture in
5 the broadest context. So I'm supportive of it being
6 an active ad hoc committee, perhaps working on the
7 second paper that deals with the beliefs and the views
8 and non-tangible types of things, and I would even be
9 supportive of the group helping out in the planning
10 process of the, you know, how the theme is going to be
11 developed and what is the outreach objective.

12 CHAIRMAN BROMLEY: Yes, Max?

13 MR. PETERSON: Mr. Chairman, I am a little
14 reluctant to see us try to develop a program for
15 future meetings as a full group. I would rather see
16 us give the responsibility for looking about how to
17 schedule these things to the Executive Committee with
18 advice from this new committee and so on, but not --
19 and it makes sense to do it in the West, but I think
20 we've heard all that, but I would be reluctant to pass
21 a motion that says we're going to do this when we --
22 one of the things we haven't heard from recently is
23 our -- we're supposed to be giving advice to two
24 departments and we need to look again at what advice
25 they're asking us for and seeing that everything we

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1 put on the program ought to be related to the advice
2 we're expected to give them.

3 CHAIRMAN BROMLEY: Thank you. I would --
4 Rod and then George?

5 DR. FUJITA: I support this motion of
6 separating the cultural presentations or the
7 discussions from those about indigenous rights, but I
8 would ask that subcommittee consider expanding the
9 dialogue or the presentations of the panel to include,
10 not just indigenous rights, but also responsibilities
11 and interests. What are the real interests and
12 responsibilities pertaining to MPA? And the reason
13 it's germane to the mission I think and our
14 recommendations that, you know, to insure an inter-
15 governmental coordination everybody has to be clear on
16 what the rights, responsibilities and interests are of
17 the different Governmental entities.

18 CHAIRMAN BROMLEY: George?

19 MR. LAPOINTE: I'm unclear about it
20 exactly. But as Mel goes forward on the structure on
21 indigenous rights and responsibilities and what not,
22 although our mountains are smaller and our trees are
23 smaller, we do have some tribal interest in these too.

24 So if you could just cycle in, so we can make sure
25 that those concerns are represented as well.

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1 CHAIRMAN BROMLEY: I would like to come
2 back to my proposal, which is that we create a
3 subcommittee on this broader issue and let that
4 subcommittee, under the Chairpersonship of Bonnie,
5 take on board everything they've heard here about at
6 two separate meetings, at one meeting, and let them
7 report back to the Executive Committee of the FAC.

8 Do I have your approval to constitute --

9 MR. BENTON: Do you want a motion?

10 CHAIRMAN BROMLEY: I'd love a motion.

11 MR. BENTON: Mr. Chairman, I move for what
12 you said.

13 CHAIRMAN BROMLEY: Thank you.

14 MR. PETERSON: I second.

15 CHAIRMAN BROMLEY: It's been seconded.
16 And that is, they will clearly take into consideration
17 Mel's position, Rod, all of this, and advise the
18 Executive Committee on how to approach this.

19 DR. McCAY: And it's John Halsey, Dolly
20 Garza, Mel --

21 CHAIRMAN BROMLEY: That's right, Lelei,
22 Barbara Stevenson and George Lapointe. Is that okay?

23 All in favor of the motion say "aye."

24 (MEMBERS): Aye

25 CHAIRMAN BROMLEY: Opposed?

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1 (No audible response.)

2 CHAIRMAN BROMLEY: All right. Now we have
3 to go back to the comments. Wally, I think you had a
4 question about Mel's. Let's try to sort of do it in
5 three or four minutes and then we can go. Wally.

6 MR. PEREYRA: Under the Executive Order,
7 in the purposes section, the last purpose was to look
8 at this whole issue of avoiding the causing of harm to
9 MPA's through Federally conducted, approved or funded
10 activities. And when we're talking about the
11 coordination, inter-governmental coordination, it
12 seems to me we've been trying to get our arms around
13 the various organizations that have responsibility for
14 MPA's and how they interact. This seems to go beyond
15 that to organizations like the Department of Defense,
16 for example, could have activities that would
17 seriously damage, you know, the purpose, function and
18 so forth of MPA's. And I think that maybe that
19 subcommittee or sub-subcommittee needs to look at that
20 issue.

21 CHAIRMAN BROMLEY: Okay, thank you. Other
22 comments?

23 Let me try to summarize where I think we
24 are and what I'd like to see.

25 Each of you is going to post up on the

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1 web, the secure website. Please do so. I would be
2 very happy if by August 1st you have posted there
3 decision items from each of your subcommittees that
4 you plan to bring to us for action in September, and
5 that you also post what I will call early versions of
6 material still in progress, still works in progress,
7 so that by the 1st of August all of us will have a very
8 clear idea, to the extent possible, of what's going to
9 be on our plate in September.

10 Now we have heard an interest in having
11 more time for subcommittee work, but it is also very
12 clear that in September we are going to need time in
13 this setting, the full group, to act on those things
14 that you believe are now ready for action. So do not
15 be surprised in September if you don't have more time
16 for subcommittee work than you had here, because we
17 will need to re-allocate our time a bit so that we're
18 in this room to act on the things that you folks have
19 done.

20 So we cannot promise that you will have
21 any more minutes or hours from what you had this time.

22 We have agreed, I believe, that we would not have a
23 field trip in the middle of our work session so that
24 we would have two and a half days or something, right
25 Lauren, maybe three, depending on that, and then have

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1 a field trip afterwards, wherever we are. But we will
2 need more time as a full group in September, I think,
3 to act and discuss and deliberate. Is that clear?

4 I want each subcommittee to be very clear
5 about the bridging kinds of issues, you know, which
6 things are you connecting with other subcommittees,
7 clearly the cultural issue is an over-arching thing.
8 There are some others. Please be attentive to that.
9 But we want an early warning on the website of the
10 action issues, all right, that in September we might
11 have as our first general preliminary meeting getting
12 those things dealt with, and then you can see if we
13 have struggles with them, we can feed them back to you
14 and you can come back and revise them.

15 So my thinking is as I think ahead to
16 September is, we would want to have a chunk of time
17 the first day to bring those actionable items to us
18 for consideration, and then you'll have a second tier
19 of things that will be -- by the end of our September
20 meeting that will be in the category of actionable
21 decision items, right. Is that okay with people? And
22 we will not be able to do everything, but what are the
23 things we can get our minds around and act on them.

24 Tony?

25 DR. CHATWIN: I think, Mr. Chairman, I

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1 think that it's great that you laid out things with
2 respect to products. I think that's great.

3 I would also like to put once again to the
4 Committee, to request, and I could make it in the form
5 of a motion if you want, but to request guidance from
6 the MPA Center in collaboration with other agencies.
7 I think -- to request guidance on how we can construct
8 useful recommendations, how the recommendations should
9 be structured, because I think we still are operating
10 in some darkness in relation to -- you know, we could
11 provide a list of bullets and say these are things you
12 need to consider, but I don't know how useful that's
13 going to be. So I think we need some guidance.

14 CHAIRMAN BROMLEY: Please remember that we
15 are not advising the MPA Center. We are advising the
16 Secretaries, and I don't -- I guess I might be
17 reluctant to ask the MPA Center to tell us how to
18 structure our recommendations. I would be very
19 comfortable having some feedback, but we -- is that
20 right? We are advising the Secretary of Commerce and
21 the Secretary of the Interior, and other competent
22 Government agencies -- pertinent, I should say,
23 Government agencies.

24 (Laughter.)

25 CHAIRMAN BROMLEY: I knew when I corrected

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1 that, you would notice. That is a term that the
2 Government agencies -- competent this and competent
3 that.

4 DR. CHATWIN: What I can imply from the
5 response is that there is no communication that we can
6 have, the Departments that we're supposed to advise,
7 so we're just supposed to operate --

8 CHAIRMAN BROMLEY: No, no. Mary Glackin,
9 you know the Interior representative.

10 DR. CHATWIN: My request was that the
11 Center staff coordinate this -

12 MR. BOWMAN: It occurred to me after being
13 here, again this being my first meeting, but I had
14 already planned to go back and discuss with the
15 Assistant Secretaries of the Interior whether we might
16 perhaps send a letter to the group that spelled out
17 some of the specific types of advice that we are
18 looking for, not to preclude you from doing other
19 things or telling you how to pass the advice, but just
20 to try to clarify what it is that we are looking for,
21 perhaps even time sequence, some of that.

22 CHAIRMAN BROMLEY: And the format, Randy.
23 I mean you can help us that way as well. That's
24 right. That's good. And Mary, you can be involved
25 with Mary in this discussion.

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1 Okay, David and then Terry.

2 MR. BENTON: Mr. Chairman, you laid out
3 what I thought was a good sort of approach in terms of
4 moving things along. One thing that occurred to me
5 listening to what you were saying, maybe this was your
6 intention, is at some point the work of the
7 subcommittees, the product of the subcommittees, draft
8 product, will obviously be the subject of a lot of
9 discussion around this table, and I think that maybe
10 you -- maybe through you and the Executive Committee,
11 sort of a schedule of events that could be put on the
12 website might be a helpful guide for those of us who
13 are scattered all over the country, in terms of how
14 this might unfold.

15 What I'm really getting at is, I think
16 that we may want to have the work products from the
17 subcommittees, the draft work products from the
18 subcommittees available on that website a few weeks
19 before that September meeting so that everybody could
20 read them and think about them before they show up so
21 you don't get them cold and you can maximize the use
22 of the deliberations at the meeting.

23 CHAIRMAN BROMLEY: Does August 1st meet
24 your condition?

25 MR. BENTON: You're the boss.

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1 CHAIRMAN BROMLEY: I thought I said by
2 August 1st.

3 MR. BENTON: I wasn't clear about work
4 products or --

5 CHAIRMAN BROMLEY: Sorry. I called them
6 decision items, what it is they would like us to
7 deliberate and act on and then the other, I guess I
8 called them works in progress. But I like my
9 terminology better than work product, because I want
10 closure, and work product sounds like, you know, they
11 still want to work on it some more. I want closure by
12 the 1st of August on whichever issues on which they
13 reached closure.

14 MR. BENTON: Okay, absolutely.

15 CHAIRMAN BROMLEY: All right. Terry, your
16 hand up?

17 MR. O'HALLORAN: This is a question about
18 a discussion board on our website. I know some talk
19 had been done about having a discussion board on the
20 secure website.

21 CHAIRMAN BROMLEY: A chat room.

22 MR. O'HALLORAN: A chat room -- well, I
23 don't think it's a chat room, but a discussion board
24 where if you're not on a subcommittee you can make --
25 just throw up some comments, you know, that we can

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1 kind of communicate that way. That might be
2 beneficial to us and I don't know what the feasibility
3 of that is.

4 (UNKNOWN SPEAKER): The Government has
5 problems with software that you can't do that right
6 now. We're investigating ways to make that possible,
7 but the Government has very specific rules about --

8 CHAIRMAN BROMLEY: Part of the Homeland
9 Security.

10 (UNKNOWN SPEAKER:) A person who is not an
11 employee posting something on a Federal website,
12 there's rules against that. So we have been working
13 with our IT department on that.

14 CHAIRMAN BROMLEY: But he means members of
15 the subcommittee. He means us. That's still a
16 problem.

17 MS. WENZEL: Generally, you all have to
18 send us information to post for you on the website.
19 You don't have access.

20 CHAIRMAN BROMLEY: What you can do is, you
21 can e-mail, we can e-mail.

22 MR. O'HALLORAN: If we have a question
23 that we want to post on this discussion board we send
24 it to Dana and she puts them up there. I mean, it's
25 another step, but it could accomplish the same

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1 purpose.

2 CHAIRMAN BROMLEY: Okay. I think in
3 deference to everybody's schedule, Charlie, do you
4 have a gavel available? Are we ready to have Charlie
5 -- do I hear an objection to adjournment?

6 (No audible response.)

7 CHAIRMAN BROMLEY: Hearing none --

8 DR. WAHLE: I adjourn this meeting.

9 CHAIRMAN BROMLEY: Thank you very much.
10 We've had a great time.

11 (Whereupon, the meeting was adjourned at
12 12:15 p.m.)

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