

U.S. DEPARTMENT OF COMMERCE

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NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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MARINE FISHERIES ADVISORY COMMITTEE

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TUESDAY
NOVEMBER 10, 2009

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The Marine Fisheries Advisory Committee met in the Lincoln Room in the Crowne Plaza Hotel, 8777 Georgia Avenue, Silver Spring, Maryland at 8:30 a.m., James Balsiger, Vice Chair, presiding.

MEMBERS PRESENT:

- JAMES BALSIGER, Vice Chair
- MARK HOLLIDAY, Director, Office of Policy
- TERRY ALEXANDER
- TOM BILLY, Committee Liaison
- RANDY CATES
- PAUL CLAMPITT
- PAMELLA DANA
- BILL DEWEY
- PATTY DOERR
- ERIKA FELLER
- MARTIN FISHER
- CATHERINE FOY
- KENNETH FRANKE
- STEVE JONER
- HEATHER McCARTY
- GEORGE NARDI

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MEMBERS PRESENT (CONTINUED):

TOM RAFTICAN
KEITH RIZZARDI
ERIC SCHWAAB
DAVE WALLACE
RANDY FISHER, Advisor
JOHN V. O'SHEA, Advisor

ALSO PRESENT:

LAUREL BRYANT
JASON BLACKBURN
GORDON COLVIN
FORBES DARBY
ABIGAIL FRANKLIN
ADAM ISSENBERG
HEIDI LOVETT
KRIS LYNCH
SARAH MELTON
KATE NAUGHTEN
ALAN RISENHOOVER
BRYCEN SWART
ANDY WINER

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

2 8:46 a.m.

3 DR. BALSIGER: Well, good morning,
4 everyone. I'm Jim Balsiger. I'm head of the
5 National Marine Fisheries Service.

6 Welcome to Silver Spring,
7 Washington, D.C. It's a great place to be.
8 We've had fabulous weather lately. It's an
9 interesting town so hopefully we can show you
10 a good time here.

11 Mark and Heidi have worked on an
12 agenda that gives us a little bit of free time
13 in the afternoon. So that will be good.

14 I'm pleased to see everyone here --
15 all the new members -- a couple of people I
16 hadn't met before and some new members that
17 are old friends. So it's a big crowd.

18 We have six new appointees that
19 were selected by Secretary Locke. And we've

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1 always spent a lot of time on the appointments
2 and worked hard to try to balance geography,
3 balance disciplines, balance personal
4 philosophies to get a broad spectrum. So
5 everyone that's been selected out here went
6 through quite a screening.

7 But these six new people are pretty
8 much hand selected by Dr. Lubchenco, the new
9 Head of NOAA and Gary Locke. They actually
10 had a big hands-on part of it. So all of you
11 should know that the six new people went
12 through that process. So not only are you not
13 felons, they're the kind of people with the
14 personalities and insight that we're looking
15 for.

16 So we do have one of our new
17 members -- we're going to do introductions
18 here in a minute -- but one of the new members
19 -- Tony Chatwin -- will not be here until
20 Thursday morning. New people know that they
21 weren't finally selected until about two weeks
22 ago. So the travel arrangements and changing

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1 plans all had to take place fairly quickly.
2 So it's not a surprise that one of the six
3 people was unable to make it.

4 So this Administration has
5 demonstrated and stated fairly clearly that
6 they're all about transparency. They want
7 input from a large variety of stakeholders. I
8 think that my personal thought would be
9 they're still struggling on how best to bring
10 in public input, how best to make sure that
11 all the stakeholders are represented. But it
12 is pretty clear that they really do want to
13 hear from everyone before decisions are made.

14 So we have a couple of groups in
15 NOAA and NOAA's Scientific Advisory Board is
16 one. Dr. Lubchenco met with them along with
17 most of our principal people. And it's
18 obvious that they're looking for these groups
19 -- FACA groups -- to provide advice to them.

20 So is this the first meeting of
21 MAFAC since Lubchenco was in? Is it the
22 second one?

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1 She didn't make the last one.
2 She's not going to make this one. But I don't
3 think that we should see it as suggesting that
4 it diminishes the importance of this group to
5 her. I think it's pretty clear, as I said,
6 that they are looking to this group for advice
7 and for help.

8 We've used the MAFAC from the
9 Marine Fisheries Service for a number of
10 years. And it's been very helpful to us. But
11 I think this is a step up now in this
12 Administration. They're going to rely on
13 these kinds of groups -- the stakeholder
14 groups -- to buy into. So it's actually a
15 pretty big and important deal. So I
16 appreciate the fact that you are here.

17 As I said, Dr. Lubchenco won't be
18 able to join us during this meeting. We will
19 have several other top advisors here.

20 Today, Andy Winer, who's going to
21 sit right here apparently, will be here. He's
22 NOAA's Director of External Affairs. He's got

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1 a number of interesting aspects to his
2 portfolio, one of which is working directly
3 with the staff of the Marine Recreational
4 Engagement Initiative. This is the first
5 agenda item that we have once I'm done
6 blabbering a little bit. So I'm not going to
7 talk about it very much.

8 But Andy Winer, along with Dr.
9 Lubchenco is overseeing this effort. That's
10 only one of the things he does. But he'll be
11 here.

12 A special advisor -- I thought she
13 was the principal advisor, but it says
14 'special' here to the Deputy Under Secretary -
15 - is Monica Medina. She will be here on
16 Thursday morning representing Dr. Lubchenco
17 and to talk about NOAA's leadership
18 realignment, talk about some of the big
19 initiatives that they've started -- the catch
20 share policy. She'll talk more about how she
21 wants to engage NOAA leadership with the MAFAC
22 Committee. She'll probably talk a little bit

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1 about a few other things including oceans,
2 policy task forces.

3 This meeting is covering some
4 involvement priorities. There have been a lot
5 of folks and a lot of attention has been spent
6 on it in the last little while. As you know,
7 development of a draft policy on catch shares
8 is very close to being completed. Actually it
9 is completed. But we're trying to discover
10 the exact right moment to roll it out. So
11 it's not available yet. So we're going to
12 talk about it a little bit. Mark Holliday's
13 discussing that.

14 I mentioned briefly the new
15 initiative on recreational fishing. This
16 discussion will be led by Interim Senior
17 Policy Advisor for Marine Recreational
18 Fisheries. That's Gordon Colvin. I'll give
19 you some introductions in a second. And a
20 work group chaired by Eric Schwaab.

21 We're looking for significant MAFAC
22 engagement as this recreational initiative

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1 moves forward. From a personal point of view,
2 I think -- the Marine Fisheries Service has
3 been interested in recreational fishing for a
4 long time. But the council process as you
5 know decides most of the allocation decisions.

6 So it's not easy to figure out how and more
7 influence or more attention to recreational
8 fisheries with the councils' assistance. So
9 we're looking for help from MAFAC and we have
10 some recreational people out here, and we have
11 some commercial people as well. So how that
12 should work is something that we need some
13 advice on.

14 On Wednesday we're going to talk
15 about marine spatial planning. This is a tool
16 to improve coastal stewardship and is based on
17 science and ecosystem backgrounds.

18 Sam Rauch, who is my Deputy for
19 Regulatory Affairs has been called away by
20 family issues. And so Steve Murawski will be
21 here to go through the stuff for us on the
22 agenda.

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1 In addition to that, we're going to
2 have invited speakers. Jack Wiggin is the
3 Director of Urban Harbors Institute at the
4 University of Massachusetts in Boston. And
5 Grover Fugate, who's the Executive Director of
6 Rhode Island's Coastal Resources Management
7 Council. So that's something to look forward
8 to.

9 On Thursday, we're going to talk
10 about the National Marine Aquaculture Policy.
11 Dr. Lubchenco and Monica Medina asked us to
12 re-issue that -- reconsider that, particularly
13 in light of the Old Ocean Commissions, Pew
14 Ocean Commission -- included all those
15 elements that they have recommended. That's
16 ongoing and we'll shed some light on this.

17 We have a few other updates for
18 you. Sam Rauch will review the upcoming
19 legislative agenda. As I said, he's not going
20 to be here so I'm going to do that. I'm just
21 going to make up some bills.

22 (Laughter.)

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1 Gary Reisner will be here as usual
2 to talk about the 2010 President's Budget
3 Request. He'll talk about some of the rules
4 that are in the works, policy documents we're
5 developing and a few other actions,
6 particularly the progress that we're making
7 towards re-authorizing the Magnuson Acts
8 requirement for accountability measures.

9 We've got time set aside for the
10 subcommittee meetings. We made time both
11 today and tomorrow.

12 Since we haven't been in the D.C.
13 area since June of 2007 -- so a little while
14 -- Mike [Vecchione], Mark and Heidi have been
15 able to arrange some time to visit the Sant
16 Ocean Hall of the Smithsonian Museum of
17 Natural History. It's been opened for just a
18 year. It's quite a display-- and we have a
19 person that works at the Smithsonian -- Dr.
20 Michael Vecchione, Director of the NMFS
21 Systematics Lab. And he's going to meet us
22 down there and provide a tour and go through

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1 several galleries. It's quite a nice place to
2 visit.

3 And since we're meeting on
4 Veterans' Day, again we've arranged to go down
5 to the Mall and look at some of the memorials
6 honoring those people who have fought for our
7 country.

8 So that's a summary of the meeting
9 very quickly. Your discussions and
10 recommendations are important. As I say, it
11 helps the Agency and it's clear the new
12 Administration plans to use them -- that's all
13 I was going to say.

14 Right on cue Andy Winer came in.
15 We're just going to go around the table and
16 introduce each other. But maybe you'd like to
17 say a few words other than you're solving all
18 our external affairs issues that we have.

19 MR. WINER: Thanks, Jim.

20 DR. BALSIGER: We did get the slide
21 up there. That probably is not legible I
22 guess. But I think that Monica Medina is

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1 going to talk about this a little bit on
2 Thursday. So I just wanted to flash it up
3 here quickly on the first morning so you can
4 think about it a little bit.

5 This isn't a traditional wiring
6 diagram. It shows lines of reporting and
7 lines of authority. We see several
8 significant things. Probably those three
9 little boxes and the three big boxes right in
10 the middle that go halfway up the page, these
11 boxes are three Assistant Secretaries that
12 will report to Dr. Lubchenco-- and Monica will
13 term this correctly when she talks to us --
14 that will run NOAA.

15 The first box on the left is the
16 Assistant Secretary for Conservation and
17 Management. That's a deputy administrator.
18 The middle box is the Assistant Secretary for
19 Environmental Observation and Prediction.
20 That's a deputy administrator. And the third
21 box is a Chief Scientist. So that's a little
22 bit different than NOAA's been in the past.

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1 And so I wanted you to see this morning that
2 the Administration has thought that there's
3 kind of three main spheres of influence that
4 the working group falls under, in case it
5 frames any questions that you might have for
6 Monica.

7 The boxes above those -- there's
8 three names in the one box. The little line
9 between the top box is Dr. Lubchenco, the
10 Administrator. Underneath that is Principal
11 Deputy Under Secretary. That's Monica Medina.

12 And then the third box is Mary Glackin who
13 will work for the Under Secretary for
14 Observations. Mary Glackin is a senior NOAA
15 career person. So those three people kind of
16 oversee the deputies that run the whole
17 organization.

18 I don't think you can read it. So
19 you probably can't ask questions. And I'm not
20 going to distribute it. If you want to read
21 these titles, you can look at this up here.

22 And with that, that's all I was

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1 going to say.

2 MR. WINER: Thank you, Jim. And I
3 apologize for being a little bit a late. I'm
4 still finding my way around Washington and
5 Maryland. I don't have it quite down as well
6 as I should.

7 But Jim introduced me a little bit
8 ago, I think. And I'm the new Director of
9 External Affairs for NOAA. I've been in that
10 position now for about three months. In that
11 position, I'm basically tasked in large part
12 with trying to revive a constituent outreach
13 effort which has been a little bit on the
14 sleepy side for awhile.

15 And so in that capacity, as Jim
16 mentioned, one of the things that I'm working
17 on, and it's by no means the only thing that I
18 am working on, is I was asked by Dr. Lubchenco
19 early on to see about getting some outreach
20 with the recreational fishing community. So I
21 have spent a fair amount of time doing that
22 with some of the faces in this room I'm

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1 familiar with and I've had a chance to meet
2 some of you at conferences and other meetings
3 across the country. By no means though is
4 that the only thing that I am doing and that's
5 not the only interest that is represented here
6 today, so I hope to have a chance to meet you
7 later on.

8 By way of background, before I
9 moved to this area, I lived in Hawaii for 25
10 years. I was a practicing attorney. My areas
11 of practice, I was a civil litigator. I do
12 real estate construction litigation, a lot of
13 work for real estate developers, and also a
14 lot of work for the Hawaiian Department of
15 Land and Natural Resources where I was a
16 hearings officer and mediator and dealt with a
17 lot of issues relating to natural resources
18 and the oceans. So before I came up here,
19 that was a little bit of what I did. And I
20 also learned policy by running some of the
21 political campaigns that I was involved with
22 as well.

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1 So I'm looking forward to having an
2 opportunity to meet with you throughout the
3 course of the day. I'm planning to be here
4 until the early part of the afternoon. And
5 then hopefully during lunch and during some of
6 the breaks, we'll have a chance to talk one-
7 on-one. I'm going to do my best to get back
8 here for at least a little while tomorrow if I
9 possibly can.

10 But thank you all for taking the
11 time to be here. Dr. Lubchenco is very
12 interested and very much wanted to make sure
13 that I was here today and was listening
14 especially to issues that are going to be
15 covered today. But she sends her greetings
16 and to say that there will be some more
17 presentations from Monica Medina later in the
18 week, and she can talk a little bit more about
19 her vision.

20 Thank you for letting me attend.
21 And I look forward to listening and learning
22 from all of you.

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1 DR. BALSIGER: So we are going to
2 go around the table. But for the new members,
3 the Charter for this group -- and I'll get the
4 words wrong -- but it notes that Dr. Lubchenco
5 is the Chair of this Committee.

6 As a matter of practice, this group
7 has elected a person to more or less run the
8 meetings. And that's Tom Billy. I'm not sure
9 what his title is.

10 MR. HOLLIDAY: He's our liaison.

11 DR. BALSIGER: He's the liaison.

12 Before I start the introduction,
13 Tom, you can say whatever else you want about
14 how important you are to the meeting.

15 MR. BILLY: Well, I'm here. I
16 don't know how important.

17 I'm Tom Billy. I retired from
18 federal service in 2003 after 38 years. I've
19 been doing consulting. I'm focused on food
20 safety. But I spent my career -- 23 years --
21 in the National Marine Fisheries Service in
22 various capacities. And with great pleasure,

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1 I serve as the liaison and look forward to
2 this meeting. I think this Committee is
3 important to NOAA and provides the
4 recommendations to help the leadership of NOAA
5 achieve their agenda.

6 Ms. McCARTY: I'm Heather McCarty.
7 I'm from Juneau, Alaska. I'm a fisheries
8 consultant. I own my own business in Juneau.

9 I come from a background of
10 commercial salmon fishing. That's where I
11 started in the fishing industry.

12 Currently, one of my major clients
13 is the CDQ group from western Alaska. CDQ
14 meaning Community Development Quota. It's a
15 feature of the North Pacific, quite an
16 interesting one.

17 I also serve as the administrator
18 of a small research group that is part of the
19 School of Fisheries and Ocean Sciences which
20 is part of the University of Alaska,
21 Fairbanks, and is funded by industry.

22 I've been on this group. This is

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1 the beginning of my second term. And I
2 enjoyed working with --

3 MR. FELLER: I'm Erika Feller. I'm
4 from southern Maryland, but right now I live
5 in Oakland, California. And I work for the
6 Coastal Marine Program.

7 MR. ALEXANDER: I'm Terry
8 Alexander. I'm a commercial fisherman from
9 Maine. And I'm really interested in the catch
10 share allocations.

11 MR. RAFTICAN: I'm Tom Raftican
12 from southern California. I run the
13 Sportfishing Conservancy, and I'm starting a
14 second term. I chair the Ecosystems
15 Subcommittee.

16 MR. RIZZARDI: I'm Keith Rizzardi.
17 I'm an attorney specializing in the Clean
18 Water Act and the Endangered Species Act. I
19 work with the Everglades Restoration in South
20 Florida. And previously I was a litigator for
21 the Justice Department for NOAA in all sorts
22 of cases across the country. I also publish a

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1 blog on the Endangered Species Act.

2 MR. SCHWAAB: Good morning. Eric
3 Scwhaab of the Maryland Department of Natural
4 Resources. I chair the Recreational Fisheries
5 Working Group. We'll hear more about that
6 momentarily.

7 MS. DOERR: Patty Doerr, Director
8 of Ocean Resource Policy of the American
9 Sportfishing Association.

10 MR. CATES: Randy Cates, from
11 Hawaii. I started out as a marine mammal
12 trainer for the Navy -- then I went into
13 commercial fishing. And now I'm in open ocean
14 aquaculture. I have a company in marine
15 salvage that pulls fishing boats off the
16 reefs, and lately into the growing of coral
17 and the repairing of coral reefs.

18 MS. FOY: Hi, everybody. I'm Cathy
19 Foy, I'm a consultant specializing in fish and
20 wildlife service in Kodiak, Alaska.

21 MR. CLAMPITT: My name is Paul
22 Clampitt. I'm a commercial fisherman. I fish

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1 for halibut and sablefish.

2 MR. RANDY FISHER: Randy Fisher.
3 I'm Executive Director for the Pacific States
4 Marine Fisheries Commission in Portland,
5 Oregon.

6 MS. LOVETT: Heidi Lovett, Policy
7 Office for NOAA Fisheries.

8 MR. FRANKE: Ken Franke with the
9 Sportfishing Association of California.

10 MR. DEWEY: Good morning. I'm Bill
11 Dewey with Taylor Shellfish Company based in
12 Shelton, Washington.

13 MR. NARDI: I'm George Nardi of
14 GreatBay Aquaculture. This is my first
15 meeting. I was supposed to be at the previous
16 two but some things got in the way. We have a
17 multi-species hatchery in Portsmouth, New
18 Hampshire and a cod farm in Maine.

19 MR. MARTIN FISHER: Good morning.
20 Martin Fisher. I'm from Florida. I've been
21 involved with commercial fishing since 1979.
22 We do production. I helped co-found the Gulf

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1 Fisheries Association and Fisherman's Advocacy
2 Organization.

3 MR. O'SHEA: Good morning. I'm
4 Vince O'Shea. I'm Executive Director of the
5 Atlantic States Marine Fisheries Commission.
6 And our Commission is the 15 Atlantic coastal
7 states from Maine to Florida.

8 MR. JONER: Good morning. I'm
9 Steve Joner. I'm from Washington on the
10 Olympic Peninsula. For 30 years I've worked
11 with the Makah Indian Tribe.

12 MS. DANA: I'm Pam Dana. I have
13 the SURE LURE Charter Company. It's a full-
14 hire charter in Destin, Florida, and prior to
15 that for eight years I served with the
16 Secretary of Commerce essentially for the
17 State of Florida.

18 MR. WALLACE: I'm Dave Wallace. I
19 represent the commercial fishing industry on
20 the east coast. I've been involved in rights
21 based fishing for a very long time. And I'm
22 looking forward to this rights based issue.

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1 MR. HOLLIDAY: Hi. I'm Mark
2 Holliday. I am the Director of NOAA Fisheries
3 Service Office of Policy. I'm also your
4 Executive Director of MAFAC. And the last few
5 months, I've been helping with Catch Shares
6 Task Force of NOAA as their Executive Director
7 helping produce the policy that we'll be
8 looking forward to seeing.

9 DR. BALSIGER: I'm not sure this is
10 a good sign. There are two recreational
11 scholars at separate tables on the side.

12 MR. COLVIN: I'm Gordon Colvin,
13 serving at this moment as the Interim Senior
14 Policy Advisory for Recreational Fisheries.
15 And I've also been working with the National
16 Marine Fisheries Service in an effort to
17 improve recreational fishing data collection
18 that we'll talk about this morning and I've
19 been heading up our effort to begin a National
20 Saltwater Angler Registry.

21 MR. DARBY: And I'm Forbes Darby.
22 I work with Gordon.

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1 MS. BRYANT: I'm Laurel Bryant,
2 Special Projects Coordinator at the National
3 Marine Fisher Service. And I'm currently on
4 loan working with Andy Winer.

5 MS. NAUGHTEN: I'm Kate Naughten.
6 I'm the Outreach Coordinator for the NOAA
7 Aquaculture Program. I look forward to seeing
8 you all again on Thursday.

9 MS. FRANKLIN: Good morning. I'm
10 Abigail Franklin. I'm in marine policy
11 working with NOAA Fisheries Office of
12 Sustainable Fishing.

13 MR. BLACKBURN: Hi. I'm Jason
14 Blackburn, also Sustainable Fisheries. That's
15 why I am here this morning to listen to the
16 discussions. Thanks.

17 DR. BALSIGER: So thank you very
18 much, everyone. I appreciate you being here.

19 MR. BILLY: Okay. Thanks.

20 Jim did a good job sort of
21 outlining key features of the agenda for this
22 meeting. So I'm not going to repeat what he

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1 said. But what I thought I could do is
2 particularly for the new members share with
3 you sort of the way we've chosen to organize
4 these meetings so you get a sense of what's
5 going to happen and why so that hopefully it
6 will help you participate and we'll be able to
7 achieve what we're looking for in terms of
8 results from the meeting.

9 You'll notice that on all three
10 days, the morning sessions usually are filled
11 with people with particular expertise in a
12 subject area that the Committee has expressed
13 an interest in dealing with or the NOAA asked
14 the Committee to do something in particular.

15 So recreational fisheries is a
16 longstanding area of interest for the
17 Committee, obviously for NOAA and the National
18 Marine Fisheries Service. And over time, the
19 MAFAC has participated in a number of ways in
20 this area and looked forward to doing it
21 again.

22 After the discussion this morning,

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1 the updates, the information that's shared
2 with us, then the afternoon, there's a period
3 where the Recreational Fisheries Working Group
4 will be able to get together and consider
5 that. And that's where the work of the
6 Committee starts in terms of perhaps
7 developing recommendations or other ideas or
8 approaches that will be discussed by the
9 subcommittee.

10 And then if you flip over in the
11 agenda to Thursday, you'll see where there's a
12 report out on the work of the Working Group to
13 the full Committee. So whether you
14 participated in the recreational fisheries
15 discussion specifically or not, you will have
16 an opportunity to provide input. And there's
17 a set of recommendations. And we will
18 consider those and have actually a formal vote
19 in terms of the Committee endorsing what has
20 come out of that working group.

21 And that same pattern re-occurs in
22 other areas. We also last meeting got started

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1 in a fairly detailed discussion on catch
2 shares and learned about the interest of the
3 new administration in focusing on this. And
4 this is a very informed area with lots of
5 issues, lots of need for significant
6 discussion. And I think it's one of the best
7 examples where MAFAC can be of value to NOAA
8 in terms of the experience that's sitting
9 around this table and the input that we can
10 provide as they formulate their policy and
11 implement that policy going forward.

12 So that pattern repeats itself on
13 the second day as well. We get some updates
14 on the budget and legislation. And that's
15 fairly typical.

16 Then we're going to focus in on
17 ocean policy, and particularly marine spatial
18 planning. And we again started that last
19 meeting. Now we're going to focus in more
20 detail. We're fortunate to have some experts
21 here. And then it will be referred to the
22 subcommittee for further consideration. And

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1 that same pattern will repeat itself.

2 So that's all I'm going to say
3 about the agenda. I'm happy to answer any
4 questions. But that's the work plan, if you
5 will, for this meeting.

6 Any questions?

7 Okay. All right.

8 MR. HOLLIDAY: So before we go on
9 to Gordon, I have just a few administrative
10 housekeeping issues just to make everyone's
11 comfortable, again telling you some
12 information how we're going to work through
13 the meeting.

14 Most importantly, the bathrooms are
15 out through the side door at the end of the
16 corridor on the right-hand side as you go down
17 there.

18 We have breaks scheduled throughout
19 the day. One of the things we're going to do
20 is have a working lunch for the new members
21 and others who want to hear the orientation
22 about National Marine Fisheries Service, a

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1 little bit of background about MAFAC, and have
2 a discussion about ethics. You're welcome to
3 attend.

4 But for the five new members who
5 are here, I ask that you work with us at lunch
6 time. I have a menu where you can order lunch
7 that will be brought in -- your choice. And
8 we'll collect these at the first break.

9 There is internet access in the
10 room. The SSID for the internet provider is
11 called LODG, L-O-D-G. You open up a browser.

12 Once you're connected to that, just click
13 accept terms of service. It's free. There's
14 no charge to your room. And just log on.

15 All of our agenda materials, all of
16 the PowerPoints, copies of all of the
17 materials that you'll be seeing here are on
18 the MAFAC website. If you haven't had a
19 chance to look at that or need some assistance
20 in getting to it, please see me or Heidi.
21 We'll help you navigate to them.

22 The subcommittees, as we mentioned,

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1 we have a number of different subcommittees.
2 We'll talk about subcommittee assignments.
3 Those who are on a committee already know the
4 assignments that you've chosen. For the new
5 members, we'll go over that at lunch time.
6 You have to make some choices about one or
7 more committees that you'd like to serve on.
8 And we'll explain how that process works.

9 So I don't want to delay anything
10 further. But I just wanted to touch base with
11 you with basics to help with logistics.

12 Any questions from anybody during
13 and throughout the meeting, please see me, see
14 Heidi. We'll be happy to help you with your
15 hotel, transportation. Any of these issues
16 that you have, we are here to help make this
17 both productive and a safe and a useful
18 meeting for everybody. Thank you.

19 Any questions?

20 Thank you. Eric?

21 MR. SCHWAAB: Thank you, Mr.
22 Chairman. I just thought I would say as the

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1 work group chair a few words of introduction.

2 We're fortunate to have Gordon here. And
3 Gordon's put together a nice program. But to
4 just set that up, as Tom said, we have a long
5 history of recreational fishing interests and
6 work group responsibility. Most recently that
7 has been focused on the process that's been
8 set into motion to approve recreational angler
9 data. And Gordon's going to give a brief
10 update on that.

11 But more importantly, we have this
12 new initiative that Jim referred to from Dr.
13 Lubchenco to really focus on improving
14 relationships and focusing on some key issues
15 with the angling community -- the recreational
16 angling community. And for our purposes, that
17 manifests itself in a very important way
18 because in the press announcement where she
19 initiated that improved engagement of
20 recreational fishing community. She said
21 specifically that NOAA would be asking MAFAC
22 to organize and provide authoritative and

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1 comprehensive national policy advice from
2 marine recreational stakeholders.

3 So Gordon's going to talk a little
4 bit more about what that means. But I think
5 for the purposes of our meeting here this
6 week, there are a number of substantive issues
7 on the agenda over the course of the next
8 three days that recur from the perspective of
9 the interests of the recreational fishing
10 community. But most importantly what I think
11 we're going to be focusing on in the working
12 group meeting this afternoon is structuring
13 the way in which MAFAC will establish and play
14 its role in response to Dr. Lubchenco's
15 charge.

16 So Gordon's got an overview on some
17 key issues. He's got a separate update on the
18 recreational data issue. But I think probably
19 for the purposes of our discussion this
20 morning as an assembled committee, we'll focus
21 on clarification. And then this afternoon I
22 think what we'll really be focused on and

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1 invite, particularly new members who have an
2 interest, to join us in setting forth a
3 structure for a process for MAFAC to meet that
4 charge.

5 So with that, Gordon, thank you for
6 everything you've done to prepare this. And
7 I'll turn the floor over.

8 MR. COLVIN: Thank you, Eric. And
9 thanks, Tom and Jim.

10 As Eric has indicated, we're going
11 to spend a few minutes this morning talking
12 about what we've been hearing about issues
13 that are of key interest to our recreational
14 constituency nationwide, the NOAA response and
15 some discussion of MAFAC's role and the role
16 that we hope MAFAC will pay as we address
17 those issues.

18 At the end of my remarks on those
19 issues, we'll kind of build in a pause to the
20 presentation and provide some opportunity for
21 some initial discussion here this morning
22 helping to tee up the more detailed discussion

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1 that will occur when the work group meets this
2 afternoon. Then we'll resume the presentation
3 to discuss specifically the status of our
4 Marine Recreational Information Program.

5 And we think that there's a great
6 deal of relevance and a good connection
7 between the overall recreational engagement
8 initiative and MRIP because MRIP from the
9 outset has been a program that was designed to
10 address significant concerns of not only the
11 primary users of recreational data, stock
12 assessors, fishery managers, fishery
13 management councils and so forth, but in
14 particular to address concerns raised over a
15 long period of time by constituents and a
16 process that actively involves our
17 constituents, our partners and our
18 stakeholders in the development of the
19 program.

20 And while there are concerns, and
21 we'll hear about them during the course of
22 this meeting, about our progress on MRIP, the

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1 fact that we're hearing those concerns, the
2 fact that we can address them because we have
3 engaged our stakeholders in that process may
4 be a good model and useful one for us to
5 discuss with the engagement initiative going
6 forward.

7 So what are some of the hot topics?

8 What are some of the things that we're
9 hearing about from recreational constituents?

10 Probably not a lot of surprises here. But
11 some of them are issues that we'll talk about
12 this week at this meeting specifically. Some
13 of them we won't.

14 But they certainly do include
15 recreational constituencies' concerns about
16 the catch shares policy and the Ocean Policy
17 Task Force interim report, as well as the
18 Marine Spatial Planning Initiative as part of
19 the task force's response to the President's
20 directions.

21 Also we're hearing a great deal
22 about allocation, and concerns about

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1 allocation underlie a lot of the other
2 concerns. It's the big issue. Administrator
3 Lubchenco has said that it's time for us to
4 take a fresh look at allocation decisions and
5 policy. And I think that will be part of our
6 dialogue -- a big part of our dialogue in the
7 engagement initiative.

8 And that also relates directly to
9 ACLs and accountability. There are other big
10 concerns about accountability in terms of the
11 ability of our data to feed the accountability
12 decisions in the annual catch shares in a
13 manner that's equitable and provides
14 opportunity for management to occur in such
15 ways that fishery disruption is minimized.

16 Generally speaking, we've been
17 hearing that there is a concern from the
18 national recreational constituency that NOAA
19 doesn't understand recreational fishery
20 sufficiently and doesn't sufficiently
21 recognize this constituency in its overall
22 policy and decision-making.

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1 The notion that too often -- and I
2 think Jim referred to this a little bit when
3 he spoke in terms of our work through the
4 council process and Magnuson tends to focus on
5 allocating fish, allocating and setting
6 quotas, and that's going to continue moving
7 forward with catch limits, whereas
8 recreational fishing often is far more reliant
9 for its success and for the expression and
10 feeling of satisfaction on the part of the
11 participants in fishing opportunity, the
12 quality of that opportunity, the nature of
13 that opportunity. And that's harder to
14 measure and talk about than the number of
15 fish. This is going to be a key part of our
16 dialogue as well moving forward.

17 There's also a sense that we
18 haven't communicated enough historically with
19 that constituency, and maybe that some of the
20 disconnects that are perceived are a result of
21 that.

22 On September 2nd, Dr. Lubchenco

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1 issued the statement on improving engagement
2 with the recreational fishing community to
3 reflect these concerns. And that's kind of
4 why we're here this morning, to talk a little
5 bit more about the details of that.

6 Again, the intent is to address
7 some longstanding issues that were brought to
8 her attention and to build a stronger
9 partnership and a sense of engagement
10 recognizing that we will have differences,
11 recognizing that we have tough decisions to
12 make as a regulatory agency still to try to
13 create a constructive partnership and to build
14 a solid foundation of trust through
15 essentially improving the quantity and the
16 quality of our dialogue with the recreational
17 fishery stakeholders.

18 The specific actions that were part
19 of that announcement include the creation of a
20 Senior Policy Advisor to the Assistant
21 Administrator for Recreational Fisheries, as
22 well as tasking Andy Winer to work with us

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1 closely in this initiative. We will be
2 identifying an internal coordination group of
3 staff from each of our regional offices, our
4 fishery science centers and our principal
5 headquarters offices that deal with matters
6 relating to recreational fisheries to work
7 with the senior policy advisor on carrying out
8 the initiative moving forward.

9 There will be as a first major
10 tangible step in this initiative a national
11 summit on recreational fisheries issues. The
12 purpose of the summit will be primarily to
13 define and clarify and refine the issues that
14 are of greatest importance and to try to begin
15 to understand what success would look like as
16 we address these issues, and then to establish
17 an appropriate follow-up process to continue
18 to progress.

19 The announcement suggests that a
20 series of roundtables may be the best way to
21 go with this. And those may be issue-
22 specific. They may be regional. This will be

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1 part of the decision that we'll make going
2 forward with the policy advisor hopefully with
3 input from MAFAC and the results of the
4 summit.

5 Timelines. This fall we have
6 announced the availability of the Senior
7 Policy Advisory position through USAJobs.
8 That position closes this Friday. We are
9 hopeful that we will be able to identify and
10 appoint somebody to the position -- get them
11 on board with us before the end of the year.

12 During the winter, possibly the
13 early spring, we'll have that full-time
14 advisor in place. We'll convene the national
15 summit and develop the process moving forward
16 into the roundtables and other actions to
17 carry out the summit's recommendations and
18 findings beginning next spring.

19 So that's a quick run through on
20 the Recreational Engagement Initiative.

21 Eric, I wanted to turn it back to
22 you at this point to see if you'd like to

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1 offer some thoughts for the general group and
2 anything that we should think about in terms
3 of this afternoon's discussion.

4 MR. SCHWAAB: Thanks, Gordon.

5 In general, as I said, I think that
6 what we are going to need to focus on
7 initially as a committee is what we would
8 recommend to the full committee being put
9 forth to NOAA as to a proposed process role
10 with MAFAC and the Recreational Working Group
11 during a meeting -- specifically, I think it's
12 going to be what role do we have, what
13 relationship do we have with respect to the
14 Senior Policy Advisor, what role might we play
15 in outlining the substance and the process and
16 timing of the national summit, what role we
17 might play in relation to follow-up roundtable
18 discussions that are anticipated. And then I
19 think down the road, that probably would raise
20 some questions about the way we are structured
21 in relation to continuing to aggregate and
22 move forward policy advice on some of the

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1 substantive issues that Gordon mentioned
2 already.

3 I think it's at this point, not
4 only for this meeting, but at least this
5 afternoon have some kind of a recommendation
6 to put forward to the whole committee on
7 Thursday with respect the role in the process
8 issues. I would sort of open the floor to
9 questions or comments or discussions on that
10 topic specifically with an understanding at
11 this point -- this morning are some thoughts
12 that we could carry into the work group
13 meeting this afternoon.

14 MR. BILLY: Gordon, one of the
15 things this committee has done in the last
16 several years on topics like this is to
17 encourage NOAA to develop a strategic plan. A
18 plan that has a vision for the future, in the
19 ideal world, what is it that we're after that
20 this is all about? And then deciding what
21 role it is that NOAA and other interested
22 parties will be playing in achieving that

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1 vision, reaching it.

2 And I've thought for some time that
3 I don't see that here. I don't know if there
4 is an existing strategic plan, if there is,
5 whether it's up to date or not given renewed
6 interest in this area. But it might be
7 something that when you get into your
8 discussions you want to think about in terms
9 of one of the first steps. For example, you
10 want to optimize the opportunity for the
11 citizens to take advantage of recreational
12 fishing. What does that entail? There's sort
13 of a business side of it. There's the
14 resource -- managing resource, and those
15 considerations and so forth. There's a lot of
16 different facets to it. And it just seems to
17 me that ought to be considered one of the
18 early steps along with getting the senior
19 person to improve communications and some of
20 the other things that are being talked about.

21 MR. COLVIN: Thanks, Tom. That's
22 an excellent suggestion. And in fact, we did

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1 develop a recreational strategic plan a few
2 years back when there was a prior version of
3 this kind of initiative underway within the
4 Agency when Bill Hogarth was the AA.

5 And I think it's fair to say that
6 the recreational community would like to see
7 that revisited as part of this initiative,
8 that perhaps that strategic plan didn't lead
9 us to sufficient progress in addressing their
10 core concerns. So I think that it will be on
11 the table for discussion.

12 The other issue, the companion
13 issue, is the current initiative for a next-
14 generation strategic plan at NOAA and how that
15 might dovetail as well. That is also I think
16 an important thing to think about in this
17 context.

18 MS. DANA: I have a question about
19 this position that's kind of to senior
20 advisors. I'd be interested in knowing what
21 NOAA is considering for the qualifications for
22 this person, whether that would be -- whether

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1 it's a political type or whether in fact it's
2 going to be someone who's trusted in the
3 recreational community.

4 I would strongly urge a little bit
5 of both, certainly not the latter. There's a
6 lot of anger right now in the recreational
7 community. I see it and it has grown a lot of
8 distrust. I think this role of a senior
9 advisor could be an important position. I'd
10 be interested to know what we're looking for.

11 MR. WINER: Let me take at least a
12 shot at it. I'm not the only person that's
13 going to have input on this.

14 I think that we're looking at --
15 and John Oliver has been involved in this as
16 well. But I will tell you that it is not the
17 position that this is purely a political
18 position. It's being created as a career
19 position within NMFS. And I think as Jim has
20 described the position before, there are very
21 few positions within NMFS that report directly
22 to the AA. He's talked about this at other

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1 meetings that we've been at. I think the
2 importance of the position shouldn't be
3 underestimated because of the level of access
4 that person's going to have.

5 My own view of it is that it needs
6 to be somebody that does have respect within
7 the recreational fishing community, that it
8 should be somebody who has a broad background
9 in the area. I don't like using the word
10 ombudsman or liaison or anything like that
11 because I think that person fills a
12 different role than just being sort of a
13 conduit between a recreational fishing
14 industry and NMFS. And so I think my own view
15 is that it should be somebody who's very well
16 steeped in the issues that relate to
17 recreational fishing.

18 Gordon, I think in the slide that
19 you put up there where you laid out some of
20 the main issues that are facing the
21 recreational fishing community, I think those
22 are some of the things that person needs to be

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1 able to tackle. Certainly this is a subset of
2 some of the issues relating to research in
3 MRIP, what's not listed there, but that
4 certainly is underlying a lot of the
5 frustrations in the recreational fishing
6 community or the fishery closures. And I
7 think that person needs to be certainly well
8 versed so that they can be an advocate for
9 some of the positions for the recreational
10 fishing community while understanding NOAA's
11 position.

12 So I think that we're open minded
13 in terms of how the process is going to go.
14 It certainly was not put out with the idea of
15 trying to find somebody who's a purely
16 political person. And I think the idea is
17 that it needs to be somebody who has more
18 substance than just a political appointee.
19 And so at least from my standpoint, I'm
20 looking for somebody who's knowledgeable in
21 the areas that we're looking at that Gordon
22 has laid out, somebody that has the leadership

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1 abilities to come in and recognize the
2 strength of the position and to be able to
3 develop that position within the Agency
4 because it's going to be a new position. It's
5 going to be a new start. And whoever that
6 person is I think is going to have some
7 creativity in terms of being able to come into
8 the organization, to figure out how to build
9 bridges with groups like this, but also with
10 other constituent groups that represent the
11 recreational fishing community so that they
12 can serve as a bridge.

13 So it's not maybe directly
14 answering the question because I think that
15 some of it is going to be looking at
16 applicants and really having the opportunity
17 to interview them and talk about what their
18 vision would be for the position because it is
19 such a -- you know, I think that it presents
20 so many opportunities that -- I'm looking for
21 somebody who can be a leader. That's really
22 in my mind. The background is important. The

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1 substance is really important. But I'm also
2 looking for a quality where somebody can come
3 in and actually work within the Agency, work
4 outside the Agency, and continue to build
5 bridges.

6 So I hope that answers your
7 question.

8 MS. DANA: It did.

9 MR. BILLY: Tom?

10 MR. RAFTICAN: Pretty much on that
11 same note, I think for the recreational
12 fishing community there's clearly welcome
13 relief that more is being focused on -- I
14 mean, recreational fishing is more than
15 recreational fishing. It's still open access
16 to public trust resources.

17 I think one of the things is it
18 gets beyond simply allocation. And I think if
19 we go back to what Gordon put up there that it
20 was allocation and access which I think really
21 comes up to opportunity.

22 NOAA fisheries has been

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1 traditionally where this person or this focus
2 has been located. Yet NOAA is bigger than
3 simply NOAA fisheries. You have NOAA
4 sanctuaries which control a considerable
5 amount of near-shore waters open to
6 recreational fishing. And talking about the
7 people at the sanctuaries, they really are
8 looking forward to having some parts of
9 recreational fishing employed within the
10 sanctuaries.

11 My question would be, should this
12 position report directly to NOAA fisheries, or
13 should it be a broader position that looks at
14 NOAA sanctuaries as actually outside
15 specifically the purview of NOAA fisheries?

16 MR. WINER: Well, I think that the
17 way the position has been created is that
18 right now it is in the way that the job has
19 been listed is that it does report directly to
20 NOAA fisheries.

21 That being said, part of what I was
22 trying to say was that at least in terms of

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1 that person coming in and establishing what
2 that position should be, I would venture to
3 guess that they're going to need to go beyond
4 just having a specific relationship with NOAA
5 fisheries.

6 There are other issues. There's
7 sanctuaries. Last week I was in Puerto Rico
8 at the Coral Task Force meeting, and a lot of
9 the discussions there had to do with
10 overfishing and recreational fishing in some
11 of the coral reef areas. So I would expect
12 that whoever that person is is going to need
13 to go venture out and up, spending time
14 outside of just fisheries themselves. When I
15 was talking about somebody who has leadership
16 ability, I think that that's what I'm trying
17 to say, Tom, is that it's that that person
18 needs to understand that you can't look at
19 that issue in a vacuum. You can't just look
20 at it in terms of one aspect of NOAA fisheries
21 without even knowing what else is going on
22 around.

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1 And so those are some of the
2 qualities that I'll be looking for. But I
3 think at least in terms of reporting, I
4 actually think that the fact that it's going
5 to report to the AA is a really powerful thing
6 that allows the recreational fishing community
7 to have some direct input at a very, very high
8 level.

9 So I think as far as where it's
10 placed, it's placed in a place where you have
11 some influence. In terms of how that
12 influence gets exercised, I think it's going
13 to be a matter of that person being able to
14 demonstrate that they have a knowledge of not
15 just fisheries but the other issues within
16 NOAA that are going to impact their ability to
17 lead on these issues.

18 MR. BILLY: One more. Randy and
19 then we'll get to Gordon.

20 MR. CATES: I'm just curious. But
21 are there sectors of our fishing community
22 that have similar positions, for example,

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1 commercial fishing? Are there other positions
2 set up with those issues?

3 DR. BALSIGER: I guess we have the
4 Sustainable Fisheries Division which is headed
5 by Alan Risenhoover that looks at all fishing.

6 And that -- has included a recreational
7 fishing efforts.

8 I think part of the belief is that
9 that group focused and spent more of its time
10 and energy on commercial fishing as opposed to
11 recreational fishing, which is what led to the
12 idea of empathizing with the recreational
13 side.

14 I think the recreational person
15 could have been at single fisheries. But we
16 could have reported -- he or she could have
17 reported directly to the Deputy for Regulatory
18 Affairs, Sam Rauch. Or it could have reported
19 to the Head of Fisheries.

20 So those are the two logical places
21 it could have been. And so the fact that it's
22 in my office directly, I think does send a

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1 strong message to recreational community that
2 it's serious.

3 Specifically to your question, I do
4 think that the Sustainable Fisheries group
5 looks out after -- we do have an Office of
6 Aquaculture, which looks out for aquaculture
7 interests. And they feed up through the
8 normal chain, through the Deputy and then to --
9 -- this jumps those two levels and so it shows
10 the emphasis in this.

11 I'm not sure that that --

12 MR. CATES: You're saying the
13 Fisheries group is still in existence?

14 MR. CATES: It is. I'm not sure
15 we're going to talk anymore about this. We
16 certainly have to figure out how the new
17 person who is going to the head of Fisheries
18 also oversees the recreational fisheries
19 people in the programs that are part of
20 sustainable fisheries.

21 So that's a work in progress. But
22 I must warn you, I know as how that's going to

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1 go.

2 MR. COLVIN: Well, I do think, I
3 mean I'm hopeful that we'll continue to have
4 Forbes and the support of the Recreational
5 Fisheries Coordinator with the program. It's
6 absolutely essential. And that position and
7 that program has been located within the
8 Communications and Partnerships Division of SF
9 for some time.

10 In addition, I referred to the
11 Internal Coordination group which certainly
12 will include SF support from headquarters as
13 well as most of the regions. So we'll be
14 getting that connection to the Sustainable
15 Fisheries programs and I think also through
16 them to the councils and the council process
17 in that fashion.

18 DR. BALSIGER: Just one more thing.
19 We have learned and it has been pointed out
20 here I think three times this morning that
21 recreational fishing is more than just about
22 how many fish you can go out and catch in a

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1 boat. Nonetheless, that has to be part of
2 recreational fishing as well, whether it's
3 taken commercially or recreationally. We
4 can't over-fish those stocks.

5 So all of those elements of the
6 National Marine Fishing Service, whether
7 they're in Alan Risenhoover's Sustainable
8 Fisheries shop or in the regions with the new
9 stock assessments, those are essentially the
10 backbone of the recreational fishing industry.

11 We have to know how many fish there are, how
12 many we take, what annual estimates are for
13 that species as a whole, what the
14 accountability measures are that the law
15 requires us to put into place.

16 So we aren't going to skip that
17 process at all. That starts in the same
18 place. We're not going to have a recreational
19 assessment of red snapper and a commercial
20 assessment of red snapper. That just doesn't
21 make sense.

22 So we've got those elements that

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1 support the recreational fishing already in
2 place.

3 MR. BILLY: Okay. Do you want to
4 put the last word in?

5 MR. RANDY FISHER: Who? Me?

6 Yes. I'm kind of curious about one
7 thing. And that is it's nice this position
8 was set up. I mean, I would hate to have the
9 job personally because I have no clue how
10 you're going to make it a success.

11 And it seems to me the incoming
12 Administration has to understand that that is
13 going to be very, very difficult because this
14 person -- you think they'll change what goes
15 on as near as I can tell. I mean, you're not
16 going to change the season. You're not going
17 to change allocation because those are done by
18 the Council and not by this position.

19 So I'm kind of curious about
20 whether or not everybody understands what this
21 person is really going to be able to
22 accomplish. Because it seems to me, it could

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1 be a set up for failure.

2 MR. COLVIN: We've talked about
3 that. And I think Randy makes a good point.
4 The issue of how we define success for the
5 initiative is a really important one. And I
6 will come right back to what Tom said about
7 looking strategically longer term and looking
8 to the nature of the dialogue that started
9 this.

10 And I don't think we are going to
11 define success simply as a longer open season
12 for red snapper in the Gulf of Mexico. That's
13 not what we're after.

14 What we're after is a sense I think
15 from the constituency, particularly the major
16 national recreational fishing constituency and
17 the business community that's part of it, that
18 culturally and substantively in terms of how
19 we respond as an organization, that they are
20 more satisfied that their point of view is
21 being heard, that it is being actively
22 considered, and that there is some change in

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1 the way their point of view is received.

2 Now those are hard things to
3 measure. But I think they will be a
4 fundamental part of our measures of success
5 looking ahead. And we can build on that I
6 think into some things that are perhaps a
7 little more tangible maybe.

8 It's a tough one. And I welcomed
9 Patty's comment on the subject as well because
10 I know she's been part of that dialogue.

11 MR. BILLY: One of the things that
12 I'm going to try to do is to not get into this
13 afternoon's session. But I'd like to give the
14 floor to Andy for a brief comment and to the
15 rest of your presentation to set the stage for
16 the discussion this afternoon.

17 MR. WINER: Randy, I think what
18 Gordon is saying is along the lines of at
19 least from 35,000 feet what I think we are
20 attempting to accomplish. I mean, I think
21 that just in the short time that I've been
22 doing this job and going out and having an

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1 opportunity to engage with a number of people
2 in the recreational fishing community, I think
3 that there is a general feeling that NOAA just
4 doesn't get it. I mean, I'm not going to just
5 lay it on NMFS -- that just NOAA in general
6 doesn't get it. And I think that that
7 perception is seen on a number of different
8 levels. It's a lack of sensitivity in terms
9 of the impact of recreational fishing. It's a
10 lack of sensitivity in terms of how data is
11 collected. And I can check off any other
12 number of lots.

13 But I think that trying to come up
14 with a way of measuring success, I agree, I
15 think that's going to be a challenge. But I
16 think that those are our intents and the
17 thinking behind all of this is that we may
18 make decisions down the line that the
19 recreational fishing community don't
20 necessarily agree with. And I think that
21 that's a function of being a regulatory
22 agency.

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1 However, that being said, I think
2 that what the hope would be is that there
3 would at least be some understanding as to how
4 those decisions are made and an appreciation
5 for how they were made, and at least some
6 acceptance, accepting the process and the
7 science that is behind it.

8 And so again, I think this
9 afternoon maybe we get into it a little bit
10 more. But those are some of the things that
11 we're trying to accomplish and how we set up a
12 measurable way of doing that is something that
13 is being discussed, and it is something that
14 all the way up to Dr. Lubchenco is something
15 that is part of ongoing discussions as we
16 decide who this person is going to be and how
17 they perform.

18 The other piece that I think is
19 that as we go to the Recreational Fishing
20 Summit, that there will probably be
21 recommendations and things that come out of
22 that will end up being on the plate of the

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1 person who's got that job. I would think that
2 that would be at least one opportunity to come
3 up with a set of goals that we could then
4 compare to where they started and what they
5 achieved in terms of following through on some
6 of the things that have come through on the
7 summit.

8 And just to follow, I'm aware that
9 there have been summits like this in the past.

10 One of the complaints that I have heard is
11 the lack of follow through on the initiatives
12 that were recommended. And so at least in my
13 mind, one of the thing that I would like to
14 see is that if we're going to go to the
15 trouble of bringing a lot of people together,
16 seeking their opinions, putting together a
17 report, coming up with recommendations, if we
18 actually have somebody that's at the Agency
19 that's then going to see those through and get
20 them done. That's sort of the mind set that I
21 hold on to. It's just here are some action
22 items. Get them done.

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1 So how that ends up translating to
2 a performance evaluation, I'm not entirely
3 sure at this point. But that's some of the
4 factors that I think we will go into that.

5 MR. BILLY: Patty?

6 MS. DOERR: Just really quickly.

7 I think Andy's report really summed
8 it up well in terms of our concerns and desire
9 for NOAA to understand recreational fishing
10 community and culture better than they do now.

11 I mean, we work a lot with the Department of
12 the Interior. And that's an Agency that
13 understands recreation hunting, fishing --
14 both of those and promote it, and really work
15 very well together. And they're hand in hand.

16 And we don't have that kind of relationship
17 with NOAA.

18 As a whole, a little bit more to
19 fisheries I mean he has been great to work
20 with in terms of him understanding
21 recreational fishing. And that is more than
22 taking fish. It's the experience, the public

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1 access of resources, responsible management of
2 course. We don't in any way want to be
3 perceived as one sort of -- we want to be held
4 to these standards and we just want NOAA to
5 understand us.

6 MR. BILLY: Gordon?

7 MR. COLVIN: Okay. Back to MRIP.

8 I think we haven't briefed MAFAC as
9 a whole on our progress on MRIP for almost two
10 years. I think it goes back to the meeting
11 down at St. Pete Beach almost two years ago.
12 And then I think the working group only at a
13 subsequent meeting that was held in New York
14 City in July of '08, I believe.

15 So it's been awhile. And an awful
16 lot of work's been done. And I'm going to be
17 able to very, very quickly skim over the top
18 of it today. But it is time for us to do
19 this.

20 So just quickly some background for
21 those who have not been part of our past
22 briefings. The MRIP program originated in a

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1 review of recreational survey programs
2 nationwide that was undertaken at NOAA
3 Fisheries' request by the National Research
4 Council who reported out in 2006 in a series
5 of recommendations -- nearly 200
6 recommendations -- for improvements in survey
7 design and management nationwide, not only the
8 surveys that are conducted by National Marine
9 Fisheries Service, but essentially all
10 recreational fishing surveys of marine fishing
11 done around the country including those done
12 by states, by groups of states together such
13 as the RecFin Program on the west coast -- and
14 left us with a great deal of work to do
15 because the essence of the review was that
16 there were major improvements that were
17 needed, particularly to the Marine
18 Recreational Fisheries Statistics survey that
19 the service operates on the east coast, most
20 of the Gulf Coast, Puerto Rico and Hawaii.

21 The challenge was then handed over
22 to Congress who added a new section to the

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1 Magnuson Act in the re-authorization that was
2 enacted in January of 2007. Essentially we
3 were tasked in that legislation to review each
4 of the recommendations of the NRC panel and to
5 implement them wherever feasible in a new
6 recreational data collection program which
7 became MRIP.

8 The administration of MRIP, quickly
9 -- it is managed out of the Office of Science
10 and Technology here in Silver Spring. It is
11 overseen by a group of folks within the
12 Fisheries Service and our partners and
13 stakeholders, including two of the Fishery
14 Management Council executive directors, one of
15 our regional administrators, one of our
16 science center directors. It's chaired by the
17 Director of Science and Technology, and also
18 includes the three Interstate Fisheries
19 Commission executive directors and a MAFAC
20 representative, presently Eric.

21 The Executive Steering Committee
22 oversees the effort which is primarily carried

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1 out by three teams of the operations team
2 which is handling the lion's share of the work
3 in survey redesign and the technical studies
4 that support that. The Registry Team, which
5 I'm heading up, which is handling the National
6 Angler Registry and the communication and
7 education team that Forbes heads up that is
8 handling our outreach program: each of those
9 teams like the Executive Steering Committee is
10 comprised not just of National Marine
11 Fisheries Service staff but also extensively
12 peopled with folks from our partner community
13 and our stakeholder community. In particular,
14 our state partners are playing a major role in
15 the development of MRIP, something that we
16 can't express our gratitude for often enough.

17 What it will do is we hope and
18 expect that MRIP will ultimately enhance the
19 accountability, accuracy and timeliness of our
20 recreational fisheries data to support
21 decision making and more effective and timely
22 decision making moving forward. What it won't

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1 do is solve every problem on the books. We
2 are not going to, for example, get a real-time
3 count of every fish that gets caught by 15
4 million marine recreational anglers making 100
5 million fishing trips a year. That's not
6 going to happen.

7 So we will continue to employ
8 sample survey methods in most fisheries --
9 perhaps not all -- and that we will be
10 generating estimates of catch. But they will
11 be improved estimates of catch, estimates that
12 are hopefully free of bias and are more
13 accurate and ultimately more timely and have
14 lower degrees of statistical uncertainty than
15 our current ones do.

16 Implementation timeline. We've
17 been at this for a couple of years. The key
18 things are that we're going to talk now in a
19 minute about what's coming up next. The
20 primary overall strategy of MRIP has been to
21 focus our initial efforts on conducting
22 studies and pilot projects that address the

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1 NRC's comments about problems of the
2 statistical design, the sample design, biases,
3 potential biases in the existing surveys so
4 that we can redesign our surveys so that they
5 are being conducted in a manner that will
6 support a scientific peer review, that we're
7 properly designed and managed.

8 Having done that, the second phase
9 would be to move to expand the surveys to
10 collect additional data to improve the
11 temporal and spatial resolution of our
12 estimates and to improve the timeliness of
13 estimate delivery. We're still working very
14 much in that first part of the program: to
15 conduct the studies that will support survey
16 changes, including implementing the registry
17 and a number of other changes I'll talk about
18 in a minute.

19 Essentially there are three phases
20 to the program -- evaluation, in which we
21 evaluate in detail current survey methods and
22 techniques and develop recommended alternative

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1 approaches. The second phase is innovation in
2 which we conduct pilot studies and other
3 efforts to test new methods that have arisen
4 and been recommended in the evaluation phase;
5 and ultimately, activation, which is the
6 phase in which we will implement changes to
7 survey design.

8 Our expectation is actually to
9 implement changes incrementally. There is not
10 going to be one point in time when, in any
11 given survey, we will turn a key and switch
12 from the old method to the new method. Rather
13 as we develop new, improved components of our
14 surveys, we will implement them incrementally
15 when they're ready. We've been primarily in
16 the evaluation phase and the innovation phase
17 up until now. We're beginning to enter
18 activation phase for some of the changes. We
19 expect that that process will accelerate
20 through 2010 and that we will be activating a
21 number of changes next year and beyond.

22 I'm just going to talk about a

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1 couple of the highlights of our implementation
2 in 2009 and 2010. Very, very imminently a
3 comprehensive update to our implementation
4 plan -- the 2009/10 implementation plan update
5 -- will be available and posted on our website
6 which will have a great deal of detail about
7 all of the work we're doing and our planning
8 hereafter. But we're going to kind of go over
9 quickly three of the major changes.

10 We were going to give you a
11 television presentation this morning on the
12 status of the registry implementation, but
13 technology isn't allowing that to work.

14 What I will tell you is that this
15 little video clip is on our website live. If
16 you get a chance, I'd appreciate you taking a
17 look at it and giving myself and Forbes some
18 feedback on it. But let me just briefly run
19 down the registry status and I can get into it
20 in more detail if you have questions.

21 We expect to be registering anglers
22 who are not exempt from the federal

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1 registration requirement beginning January
2 1st. And the primary ways where folks will be
3 exempt is if they are from a state which has
4 itself been designated as an exempted state
5 because it's providing us with either a
6 complete list of its saltwater anglers through
7 its licenses, its own registration program or
8 it's a participant in a qualifying regional
9 survey of Saltwater Fishing Catch and Effort.

10 Right now as of today, the states
11 where we believe registration will be required
12 are Maine, New Hampshire, but only for 2010 --
13 they have a license going into effect in '11;
14 Massachusetts is still on the fence; their
15 license bill passed one house unanimously last
16 week and we're waiting on the other; Rhode
17 Island unfortunately who's bill was vetoed by
18 their Governor last Thursday night; New
19 Jersey; Maryland and Virginia, both of whom
20 have licenses but we need to get some
21 expansion of some gaps in their license
22 coverage; Puerto Rico and Hawaii.

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1 All of the other states including
2 five this year so far have qualified and are
3 in the process of applying for the appropriate
4 designation for exemptions. There's some
5 effort to roll back some of the changes that
6 have been made this year. Politically,
7 hopefully, those will not happen.

8 We will be building the registry
9 database for each of the states and our own
10 registry database based on the data we get
11 from the registration process. And as we
12 develop sufficiently complete state registry
13 databases, we will begin to implement dual
14 frame -- meaning both use of registry and use
15 of the traditional telephone directory method
16 -- to survey anglers in those states through
17 2010. We've been running dual frame pilot
18 projects in North Carolina, Louisiana, and
19 we'll be doing another one in Washington
20 imminently. We're getting pretty experienced
21 at it. It seems to work very well. It's a
22 significant improvement, we think, over the

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1 old method. And so we feel pretty good about
2 the data we'll be getting from that.

3 Another big project that we've been
4 working on relates to a series of studies
5 involving for-hire vessels to address the
6 recommendations of the National Research
7 Council to transition away from the sample-
8 based survey towards log books, if possible,
9 or to at least improve the sample surveys if
10 not.

11 One of our big projects and a major
12 accomplishment of the last year was a
13 comprehensive and very detailed expert
14 assessment and evaluation of essentially all
15 of the for-hire surveys conducted around the
16 country that led to a report that has a series
17 of recommendations for best practices for-hire
18 surveys methods, as well as detailed
19 recommendations for improvements of the
20 individual surveys that were reviewed.

21 Their best practices
22 recommendations included recommendation to

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1 transition to log books if possible provided
2 that we could develop methods for electronic
3 reporting and validation of the self-reported
4 data and provided that within a given region
5 of surveys that the log book requirement could
6 be universal and universally enforced.

7 So in terms of the things that
8 we're working on now -- building on that --
9 we're trying to develop pilot projects to
10 develop and test electronic reporting and
11 validation methods as well as to promote
12 dialogue within some of our regions about how
13 we get to a universal log book system. And in
14 particular, that second bullet relates to a
15 major pilot project underway this year in the
16 Gulf of Mexico to pilot on a Gulf-wide basis
17 to develop the details of how a pilot would be
18 set up and then to carry it out for for-hire
19 log book electronic reporting and validation.

20 Another major recommendation or
21 finding of the NRC panel was that essentially
22 our sample design and our estimation methods

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1 were not appropriately matched statistically
2 which doesn't mean much to me except it boils
3 down to, we were doing our math wrong. And
4 that's pretty important stuff. It doesn't get
5 a lot of attention. It doesn't get some of
6 the publicity that some of the other findings
7 did. But fundamentally this is probably the
8 most important finding of the panel. So it's
9 attracted a great deal of our attention.

10 We have worked with a team of
11 experts including a couple of the NRC panel
12 members themselves. And they have developed
13 new ways to estimate catch from our current
14 data, as well as recommended an improved
15 approach to establishing the sample design for
16 our intercept surveys.

17 And so what we'll be doing is
18 completing this review and publishing and
19 getting a peer review on the revised
20 estimation design, and then implementing it
21 once the peer review is complete. And then,
22 once we're able to do that, we'll be using

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1 that new method to calculate the estimates for
2 the old historic MRFSS areas as well as at
3 least back to 2003, we should be able to
4 recalculate the historic estimates based on
5 the legacy data that we have. Prior to 2003,
6 it's a little iffy because there's some
7 differences in survey methodology that may
8 require refinement of the estimation method.

9 We are now actually testing the
10 revised intercept survey design in North
11 Carolina. And assuming that pilot proves
12 workable -- because sometimes what the
13 statisticians tell us we ought to do, when we
14 take it in the field, doesn't work very well.

15 But if it does prove workable in the pilot,
16 then we'll be able to expand that method and
17 apply it again throughout the MRFSS regions in
18 the Atlantic Coast, Gulf Coast, Hawaii and
19 Puerto Rico beginning next year.

20 The other big thing is that now
21 that we've completed this review of estimation
22 and sample design for the MRFSS, we want to

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1 extend it to a lot of the other surveys around
2 the country and get that same group of experts
3 who now really developed this method to turn
4 their attention to other surveys around the
5 country and build similar recommendations
6 there as well.

7 Kind of just wrapping up, there are
8 some things nonetheless. As I said, we're
9 making a lot of progress. But we're still
10 hearing concerns from constituents. And those
11 concerns are building to some degree based on
12 current events in the fishery management
13 community.

14 We are hearing very strong
15 concerns, including litigation, related to our
16 use of the current estimates and the current
17 estimate methodology for regulatory decisions
18 that the Agency has made and needs to make, as
19 Jim pointed out, under the Magnuson Act.

20 There is also concern about the
21 timing overall, the pace at which we are
22 progressing with the implementation of MRIP

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1 and our ability to communicate about the
2 timing of the implementation of improvements
3 and changes. And the Executive Steering
4 Committee is taking that very seriously. And
5 just last night, I transmitted a memo to the
6 operations team on behalf of the Chairman of
7 ESC asking them to develop a way of reporting
8 progress more clearly and specifically. And
9 we'll be following that up with a meeting next
10 week.

11 Lastly and perhaps most
12 importantly, as attention shifts to the
13 implementation of ACLs and accountability in
14 2010 and 2011, there is significant concern
15 about our ability to receive preliminary
16 estimates and the quality of preliminary
17 estimates that we do receive sufficiently
18 timely to consider in-season adjustments to
19 management so that a recreational sector ACL
20 is not exceeded, and that accountability does
21 not result in a significant loss of
22 opportunity in following years. That's a

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1 mouthful that's very complicated, and there's
2 a lot behind it, but it is something that is
3 of great concern to the recreational
4 community, and we can talk about it more
5 later.

6 That pretty much wraps up the MRIP
7 presentation. As I said, I really skimmed
8 over the top of that. There's a great deal
9 more. And hopefully we'll have an opportunity
10 to talk to you one on one about it.

11 Mr. Chairman, that concludes it.
12 If we have time for more questions, I'll be
13 glad to take them.

14 MR. BILLY: You're going to be here
15 at the session this afternoon?

16 MR. COLVIN: I will. And I'll be
17 around I think tomorrow morning and Thursday
18 afternoon, as well.

19 MR. BILLY: Eric, do you want say
20 anything?

21 MR. SCHWAAB: No, I don't think so.

22 MR. BILLY: Any others?

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1 MR. DEWEY: I just had a question.
2 I was curious if you could explain what
3 intercept survey is.

4 MR. COLVIN: In most of the
5 country, we get catch information by having
6 surveyors, individuals who approach people at
7 the end of their fishing trip and ask them
8 about their success on that trip. We refer to
9 those as angler intercept surveys.

10 MR. DEWEY: Essentially like a
11 field survey then?

12 MR. COLVIN: Yes.

13 MR. BILLY: Any further questions,
14 comments?

15 MR. CATES: Is there any
16 enforcement if the angler doesn't register?
17 And was there any discussion of that?

18 In Hawaii, as I mentioned, the
19 answer's pretty universal. They are not going
20 to do it unless they're forced to do it.

21 MR. COLVIN: I've heard that.

22 MR. CATES: I don't have the answer

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1 to that. I had never heard of that.

2 MR. COLVIN: And yes, this gets us
3 into the weeds a little bit.

4 The federal registration
5 requirement is not universally applicable to
6 saltwater fishing even though that's what the
7 NRC panel recommended. With the Magnuson Act,
8 it authorizes us to require people to register
9 if they fish in the EEZ, or if they fish in
10 any waters -- in tidal waters -- to an admin
11 species. The law is not applicable in Hawaii,
12 so it's really just fishing in the EEZ. That
13 would be covered by the registration
14 requirement beginning in January.

15 We are talking to the Coast Guard
16 and our own enforcement personnel about
17 enforcing the requirement. And there will be
18 actions to enforce it where appropriate and
19 necessary. Obviously our initial strategy
20 will be to focus on education and trying to
21 achieve voluntary compliance. And I don't
22 expect the Coast Guard to undertake any

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1 specific surge operations or any other details
2 above and beyond their normal process of
3 recreational fisheries enforcement and
4 boardings that they undertake now. But it is
5 one more thing they will check when they do
6 make those checks of recreational vessels.

7 And there are other issues in
8 Hawaii that are kind of unique that we can
9 also talk about. But I think that,
10 ultimately, our approach in Hawaii will be a
11 little different than a registry. I think
12 that eventually we will come up with an
13 alternate survey design that will ultimately
14 exempt anglers in Hawaii on the basis of a
15 regional recreational survey such as will be
16 done for Alaska and for the Western Pacific
17 Islands.

18 MR. BILLY: Erika?

19 MS. FELLER: What were the concerns
20 that led to the veto of the legislation in
21 Rhode Island?

22 MR. COLVIN: Well, that's a tough

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1 question. And I only can go on the press
2 accounts of what I've seen.

3 And you know that the Director of
4 the Department of Environmental Management in
5 Rhode Island over a year ago convened a
6 working group of major constituent
7 organizations and individuals -- a very
8 prestigious group of Rhode Island anglers and
9 their representatives -- to engage in a
10 dialogue with the State about how best to
11 address the federal registration program.

12 And I met with them at one of their
13 initial meetings. It was an impressive group
14 of people. And I know that they worked very,
15 very hard for a long time to come up with a
16 legislative program that they felt was the
17 best way to go and that addressed a lot of the
18 concerns that people might have generally, and
19 also the kind of unique concerns to the State
20 of Rhode Island. Rhode Island has a
21 constitutional provision, for example, that
22 deals with universal access to fishing. And

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1 they have concerns about reciprocity with
2 their neighboring states because they're small
3 and they have so many states that border them
4 closely.

5 So they built a program that they
6 felt would be very effective. And they
7 achieved a great deal of support within the
8 recreational fishing community for their
9 program. And it did pass the legislature.
10 And all I can really say is that it was quite
11 a surprise that the bill was vetoed in light
12 of that history. And unless --

13 MR. O'SHEA: The governor's a
14 Republican, and I think the Democrats said,
15 well, we have veto-proof majority. I'm kind
16 of guessing that he knows it very unpopular.
17 He made a statement saying it's a
18 constitutional right in Rhode Island to fish
19 for free. And the cynic in me says maybe this
20 is a maneuver to put the monkey on the back of
21 the legislature. And of course they'll take
22 the heat for it. And he says they -- and

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1 check the health of them down the road.

2 MS. FELLER: Well, I'm just curious
3 if you see the concerns that led to the
4 legislation being vetoed in Rhode Island
5 repeating in other states.

6 MR. COLVIN: Well, Rhode Island
7 does have this unique constitutional feature.
8 But that feature is reflected in cultural
9 attitudes throughout New England.

10 And this year, legislation was
11 enacted in Connecticut. As I said, it was
12 passed, I heard, unanimously by the House in
13 Massachusetts last week, and is expected to
14 pass the Senate.

15 Legislation passed in the Live Free
16 or Die state. Although delayed by one year,
17 it was enacted this year.

18 Maine; I don't know. We've had
19 some very interesting engagements with members
20 of the Maine state legislature. I think that
21 they will enact something. I think it may not
22 be a license. I think it may be an

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1 alternative low-cost or free registration
2 program.

3 MR. BILLY: Vince?

4 MR. O'SHEA: Gordon, I think the
5 issue of teasing out self-reporting and to
6 strengthen the ability -- credibility of self-
7 reporting is going to be a critical issue.
8 And of course we already have states now that
9 -- Billy asked about intercepts. We already
10 have states now that have a pattern of refusal
11 to cooperate on the intercept surveys when the
12 perception is that high catches are going to
13 result in stricter regulations and shorter
14 seasons.

15 So, absent a valid self-reporting
16 system, is it then going to drive us to
17 monitor the more expensive catch reporting
18 system with some sort of outside source? And
19 I think that has huge implications about how
20 much it's going to cost us to get the data to
21 estimate the costs. So I'm really curious and
22 really going to be interested in us being able

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1 to validate the credibility of self-reporting
2 catch data.

3 MR. COLVIN: And it'll be
4 interesting to see what the folks in the Gulf
5 come up with. But what they've been talking
6 about is a system where electronic reporting
7 would be required, electronic reporting would
8 have to occur at sea prior to landing, and
9 that a proportion of trips would be
10 intercepted at the dock and what was aboard
11 would have to be compared to what had been
12 reported. That's not going to be cheap. I
13 think you're right, Vince.

14 Now, there may be some other ways
15 to do it. And we can try. Alaska has done it
16 a different way by independently surveying
17 anglers. The difficulty with the Alaska
18 system is that their survey comes quite a bit
19 later so there's a lot of recall questions.
20 And I think they'll be able to do better when
21 they get their electronic licensing system up.
22 Next year, they'll be able to do their

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1 follow-up surveys much more quickly. And I
2 think that'll help, although they've said that
3 actually their validation surveys compare
4 pretty favorably to what the charter boat
5 captains report, which is interesting.

6 MR. BILLY: Okay. I think we're
7 going to stop there. Thank you very much.

8 MR. COLVIN: Thank you.

9 MR. BILLY: It should be a very
10 interesting discussion this afternoon.

11 MR. HOLLIDAY: I have three
12 announcements or questions. We're going to
13 take a break.

14 But we do need to get a head count
15 of those people who are going to join us this
16 afternoon as we are driving all the vans down
17 to the Ocean Hall exhibit. So during the
18 break, if you could come by and indicate you
19 want to travel with us down to the Mall for
20 today's afternoon activity as well as
21 tomorrow's trip down to the Mall itself.

22 I also have the thumb drives if you

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1 have a computer and didn't have a chance to
2 download all the PowerPoints and files, if you
3 want to borrow that instead of getting it
4 slowly over the Internet and just capture
5 everything once.

6 And the five people who had the
7 working lunch menu, we need to collect that
8 during the break to get to the hotel to have
9 lunch brought into you during your working
10 lunch.

11 MR. BILLY: Okay. Do you want a
12 show of hands now for this afternoon?

13 MR. HOLLIDAY: Well, it'd be
14 quickest if people are -- if they know now.
15 Can we do that?

16 MR. BILLY: This is for the bus
17 ride.

18 MR. HOLLIDAY: This is for the --
19 we'll take people down and we'll bring people
20 back.

21 MR. CATES: So I'll be back in time
22 for the free wine?

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1 Ms. McCARTY: That's what I was
2 just going to say is that my place is very
3 close to where you're going to be at the Ocean
4 Hall. And so if you could, tell Mark or me
5 when you can be there, that would be good too.

6 It's also one trip down there and
7 then dinner, and then --

8 MR. HOLLIDAY: Right. We would
9 have van service back from your apartment back
10 to Silver Spring.

11 MR. BILLY: So make it inclusive?

12 MR. HOLLIDAY: Yes.

13 MR. BILLY: Okay. All right.

14 Again, the hands, so we can count.

15 MR. HOLLIDAY: Thank you.

16 DR. BALSIGER: Actually it doesn't
17 matter because we've only got so much money
18 and so much food. If you eat it, it's gone.
19 We've got no planning.

20 MR. HOLLIDAY: All right. Thanks.

21 MR. DARBY: Just one quick thing.

22 The video we couldn't show during the

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1 presentation, I'm going to borrow Patty's
2 computer and pull it up during the break. If
3 you want to come over and check it out, you're
4 certainly welcome.

5 MR. BILLY: Any other
6 announcements? That's it.

7 Okay. Fifteen minute break.

8 (Whereupon, the above-entitled
9 matter went off the record at 10:28 a.m. and
10 resumed at 10:43 a.m.)

11 MR. BILLY: Okay. I think we'll
12 get started.

13 Before I call on Mark, though, I'd
14 like to provide an opportunity for Heather,
15 who chairs our Subcommittee on Strategic
16 Planning, et cetera, to sort of set the stage
17 for this discussion.

18 Ms. McCARTY: Thank you, Mr.
19 Chairman.

20 Yes. We had a long discussion
21 about this, most recently when we were in a
22 teleconference in -- I believe my committee

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1 when we were preparing the latest version of
2 the 2020 document. There were some additional
3 thoughts on the catch share policy that
4 emerged during that discussion.

5 We weren't able necessarily to
6 cover the full range of those comments during
7 the revision of the 2020 document. And so we
8 decided that, at this meeting, we would give a
9 lot of attention to this because we
10 anticipated that policy would be on the table,
11 and that we would be commenting -- focusing on
12 that policy or that proposed policy.

13 Just checking with Mark a minute
14 ago, even though we don't have the actual
15 policy revealed to us at this point, we will
16 have, according to him, the major elements of
17 the policy that he's going to present to us.
18 And we believe that we can focus on those
19 elements that he's going to present and
20 prepare a comment from this group that will be
21 the definitive comment as a group. It doesn't
22 mean that folks who are part of this group

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1 can't comment other than that and in addition
2 to that obviously from their own point of view
3 when the policy is actually made public.

4 But short of having another
5 teleconference -- God forbid -- that was a
6 real nightmare, to tell you the truth -- on
7 this subject in the future, this discussion
8 today and this week will be the discussion and
9 will result in the comment from MAFAC, unless
10 other people have other ideas. At least
11 that's my point of view.

12 MR. BILLY: Okay. Great. Thanks.
13 Mark, the floor is yours.

14 MR. HOLLIDAY: Thanks, Tom.

15 So I'm going to try to cover three
16 points this morning in the presentation. I
17 want to provide some context for catch shares
18 and the development of a draft NOAA policy on
19 this topic. Talk a little bit about
20 terminology. There's a lot of lexicon and
21 different acronyms and things. So I'll spend
22 a few minutes going through that.

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1 But the bulk of the time I'll spend
2 talking about the Catch Shares Task Force that
3 NOAA empanelled this summer. And even though
4 the policy has not been released, I'll talk in
5 some detail about the principles and the
6 desired attributes of what the policy is
7 trying to do. At the end, I think you'll have
8 a good idea of where NOAA's trying to go with
9 the policy and where's it not.

10 I think there's a lot of
11 misconception about what the policy is and
12 isn't. And hopefully we can clarify some of
13 that and talk about some of the major features
14 that are going to be part of that.

15 Monica Medina will be here on
16 Thursday. She'll spend some time going over
17 catch shares. But we'll have the substantive
18 part of the discussion today. And any
19 questions that I'm unable to answer or you
20 want to get directly from Monica, who's
21 Special Advisor to Dr. Lubchenco and is the
22 Chairperson of the Task Force, she'll be here

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1 on the morning of Thursday to help address
2 those as well.

3 So you'll have a lot of opportunity
4 to discuss this topic, and we can start by
5 just looking at some of the historical trends
6 in fisheries management over time that led us
7 to look at why catch shares might be a tool
8 for us to consider.

9 This is sort of the chronology of
10 pre-Magnuson Act, what the situation was with
11 foreign fleets off our shores, open access,
12 common property, very little domestic
13 regulation up until the 1976 passage of the
14 MSA which ended foreign fishing and began a
15 transition to this domestic expansion of our
16 commercial fishing fleets, the use of command
17 and control techniques by the eight regional
18 fishery management councils to try to control
19 harvest and get to the optimum yield or the
20 maximum sustainable yield in the Magnuson Act
21 using things like quotas, effort season areas.

22 And through the first 20 years of

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1 the Magnuson Act, a number of successes, a
2 number of disappointments. The Sustainable
3 Fisheries Act re-authorized MSA in 1996 and
4 realized that, to achieve the long-term goals
5 for sustainability, we still needed to look at
6 controlling expansion instead of just
7 replacing excess foreign capacity with
8 domestic capacity. We needed to control
9 fleets and harvests to sustainable levels and
10 looking at things like limited access were one
11 of the means to get there.

12 That brings us to the most recent
13 re-authorization -- the 2006 Magnuson Act --
14 where catch shares were in the lexicon of the
15 MSA Limited Access Privilege Programs -- were
16 eight pages' worth of guidance on how to use
17 these particular techniques to help those
18 fisheries that were underperforming either
19 biologically or economically and try to bring
20 them to sustainable levels using this
21 particular approach to management.

22 So the trends that we've seen --

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1 the specific data here aren't important. But
2 the top is the New England Groundfish Trend
3 and Catches from 1980 to 2010. The bottom is
4 West Coast Groundfish Landings, again over a
5 long time series. Over time, despite all of
6 our best efforts and many of these fisheries,
7 the landings of many stocks have declined and
8 some significantly, and that the current
9 management programs such as the quotas, days
10 at sea, limited access have stopped further
11 declines in many cases, but have not rebuilt
12 all of these stocks to ensure they are
13 sustainable in the long term and get the value
14 to society from their biological harvest as
15 food and providing job opportunities for both
16 commercial and recreational fisheries on a
17 sustainable basis.

18 What's the current situation now?
19 What are the challenges facing fisheries
20 managers? There's competition among fishermen
21 under a common quota and it causes a number of
22 different problems. There's a difficulty that

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1 is inherent in fisheries management of
2 controlling catch to an overall limit. As we
3 exceed that limit resulting in overfishing, it
4 certainly has a negative consequence on the
5 biology and the health of the stocks.

6 In many fisheries, there's a race
7 to fish or derby fishery conditions to catch
8 as many fish as possible as fast as possible
9 leading to overcapacity, the situation where
10 there's too many people trying to catch too
11 few fish, and that over-investment results in
12 a number of inefficiencies both from the
13 economics of the fishery as well as
14 consequences on the composition of the catch.

15 There's no incentive to reduce
16 bycatch. There's seasonal gluts of fisheries
17 in the markets.

18 You're taking fish at the wrong
19 times of year when the value is less than it
20 could be if there were more opportunity for
21 fisherman to make business choices about when,
22 where and how to catch their catch to maximize

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1 their value.

2 And in some cases, we've seen
3 examples of fisherman having to go out in
4 unsafe conditions in order to get their share
5 of the catch -- these open access fisheries
6 before their competitors do.

7 So the consequences are despite the
8 progress that we've made, and in fact over
9 three quarters of the stocks biologically are
10 not overfished and overfishing is not
11 occurring. But there are still a number of
12 stocks around the country that are
13 underperforming and biologically, they're
14 below their long-term potential yield. And
15 many of them are underperforming economically.

16 They're not contributing their greatest value
17 to the nation in terms of their economic
18 contribution.

19 We've also seen trends -- requests
20 for disaster assistance and economic
21 assistance over the last decade or so -- over
22 a \$100 million in disaster declarations and

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1 support from appropriations to New England
2 alone.

3 We've looked at where we stand now
4 with respect to fisheries, and on the
5 commercial side, rebuilding U.S. stocks could
6 increase the current ex-vessel value by 50
7 percent or more to increase its contribution
8 to the GDP -- \$6.3 billion. And this could
9 generate an additional value in sales and
10 support throughout the economy and both direct
11 and indirect impacts of another 500,000 jobs.

12 And so, this is just one example.
13 Any rebuilding of stocks to greater capacity
14 and making them more economically efficient
15 can generate both these biological and
16 economic benefits to the nation.

17 So this is the context. And in
18 order to manage these fisheries in the long
19 term for sustainability, we have a wide choice
20 of policy tools, from open access, where we
21 control the activity of participants but not
22 their number, to limited access where we have

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1 improvements resulting from a smaller number
2 of participants to control harvests to
3 sustainable levels.

4 But private incentives are still
5 not compatible with the aims of management in
6 terms of conservation being efficient and
7 being economically productive to where we see
8 limited access privileges, uses one of the
9 traditional most successful controls -- hard,
10 total allowable catches -- that can be
11 potentially biologically successful and merges
12 that with the necessity of controlling access
13 to make sure that the incentives facing
14 participants are compatible with the goals of
15 management. In other words, long-term
16 sustainability, looking for the future, making
17 these positive choices for the resource and
18 for the economics of the fisheries themselves.

19 So in 2006, the Magnuson Act had
20 the major provision to talk about the use of
21 limited access privilege programs as an
22 option. It's not a requirement in the

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1 Magnuson Act, nor is it a requirement in the
2 draft NOAA policy that's coming out. But it
3 laid out a number of different principles, a
4 number of different aspects to the
5 consideration of limited access privilege
6 programs talking about requirements and the
7 considerations for fishing communities,
8 participation, allocation decisions, how do
9 you stock these programs, what about
10 transferability, what about payments of
11 royalties or collecting resource rent from the
12 private use of a public resource, cost
13 recovery -- recovering the cost that the
14 government spends on managing fisheries. So
15 these were all the attributes that were in
16 Magnuson Act -- very detailed guidance, if
17 councils were to consider limited access
18 privilege programs.

19 So we're talking about catch share
20 and how does that relate to limited access
21 privilege program. We've heard about IFQs,
22 TIQs, all sorts of acronyms. But what is a

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1 catch share? And we've defined up here at the
2 top as really a general term for several
3 fishery management strategies that allocate a
4 specific percentage of the total allowable
5 catch or a specific fishing area to
6 individuals, to a cooperative, to a community
7 or some other entity.

8 The big deal is that the recipient
9 of the catch share is directly accountable to
10 stop fishing when a specific share allocation
11 is reached. And it includes some of the
12 specific programs that are defined in statute.

13 The Magnuson Act defines what a limited
14 access privilege is. The Magnuson Act defines
15 IFQs. But it also includes other forms of
16 catch share allocations such as territorial
17 use right fisheries, TURFs, that grant an
18 exclusive privilege to fish in a geographic
19 designated fishing area.

20 So some of these are defined in
21 statute -- IFQs, ITQs, Dedicated access
22 privilege -- that was a term that was used in

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1 the U.S. Commission on Ocean Policy and
2 dedicated access privileges very much
3 analogous to an IFQ, but just trying to refine
4 what its application and meaning was in terms
5 of it was an access privilege, and it was
6 dedicated rather than a property right. The
7 Magnuson Act states in the very first sentence
8 of its section on Limited Access Privilege
9 that it's not a property right.

10 So if you go to the next slide, all
11 of these things really are based on the same
12 concept of making this allocation of some
13 portion of the allowable catch and granting
14 that as a privilege -- a revocable privilege
15 to individuals or groups of individuals of
16 some other entity over time.

17 But there are some legal
18 distinctions if it's a LAP. That's covered by
19 the Magnuson Act. And that would affect some
20 of the choices that councils have with respect
21 to cost recovery, whether or not a referendum
22 is required. So some of these things are

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1 spelled out in law when they get to the very
2 specific types of programs that the Magnuson
3 Act defines as catch shares. But the umbrella
4 term -- catch shares as the general term
5 includes both things that are defined in
6 Magnuson and used in places elsewhere.

7 So currently, there are 12 programs
8 in place around the country. This gives you a
9 list of where they are and the first year that
10 they were implemented.

11 So Surf Clam and Ocean Quahog for
12 example in the Mid-Atlantic. It's an IFQ
13 fishery developed by the Mid-Atlantic Council
14 in 1990. Number of fisheries in the North
15 Pacific Council area are managed by different
16 forms of catch shares, whether they're
17 cooperative-based, whether they're community
18 development quota programs; a number of
19 different species, some are very
20 industrialized catcher processor, highly
21 industrialized fisheries. Some of the other
22 examples through one of the more recent ones

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1 -- Red Snapper Fishery in the Gulf of Mexico
2 in 2007, single-species approach. So there's
3 a wide variety of circumstances that councils
4 have seen appropriate to use -- catch shares
5 programs in the different regions.

6 And through discussions with the
7 councils and the regional administrators of
8 our regional offices around the country, we've
9 asked them to help identify what are some of
10 the other possible fisheries where catch
11 shares may be applicable. It's not a goal.
12 It's not a hard and fast number. But we've
13 asked them, look, what would you think as
14 possible future species for consideration.

15 So we have 12 programs in place
16 now, five programs that are actively in the
17 works being -- actually as of November 1st,
18 one of those was implemented for the Mid-
19 Atlantic Tidal Fish Fishery. So there's 13
20 programs officially in place. We've got a
21 groundfish program in the West Coast. We've
22 got the New England Sector program in play.

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1 But there's also another 32 additional
2 programs that could be in development as early
3 as 2012, and looking at this as an option --
4 catch shares as an option for fisheries
5 management in the future.

6 These were the five that I said
7 were in play.

8 Go to the next slide, please.

9 So it's all about design. I mean,
10 there's no such thing as a catch share
11 program. There's no one size fits all.
12 There's no specific program that's right for
13 every fishery. Nor is every fishery a good
14 candidate for a catch share program.

15 A couple years ago I collaborated
16 with a colleague of mine in putting out a
17 technical memo on the design and use of
18 limited access privilege programs. I tried to
19 look at what are the circumstances where catch
20 shares could be appropriate, what are some of
21 the questions that have to be answered in
22 defining the nature of that privilege? The

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1 duration -- how long is that privilege granted
2 for? Is it a year? Is it ten years? Is it
3 50 years? And what are the consequences, pros
4 and cons or advantages and disadvantages of
5 these different design attributes? Who's
6 eligible? What sort of participation criteria
7 do you use? And again, what are the pros and
8 cons?

9 There is no one answer to this. It
10 all comes down to designing it for the
11 circumstances of the fishery that you're
12 trying to manage, and then make sure that it's
13 going to be effective and tailored to those
14 individual needs.

15 Transferability. If you initially
16 make an allocation, are you going to allow
17 leases of those shares to other people? Are
18 you going to allow those shares to be sold?
19 Are you going to somehow condition it that
20 they can only be transferred to certain people
21 who have a like permit or keep it
22 geographically located in the same area, only

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1 transfer to other owner-operators? These are
2 all design considerations of a catch share
3 program a council has to face.

4 The Magnuson Act requires each
5 council to specify what an excessive share is.

6 They're concerned about again making sure
7 there's not concentration of shares in few
8 hands so that the market power of a few people
9 could unduly influence the market as well as
10 making sure that there's fair and equitable
11 distribution of the fishing privileges among
12 the different users and sectors.

13 And the allocation procedure
14 itself. Do we just give them away? Do we do
15 a lottery? Do we base it on historical
16 participation? There's all sorts of design
17 features. So we're really talking when we
18 talk about catch shares as a class of fishery
19 management techniques rather than a specific.

20 This is the catch share technique that was
21 used in the North Pacific. It may not be at
22 all applicable to a catch share program design

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1 that you may want to use in the South
2 Atlantic. It all depends.

3 But they do share all of these
4 different decision processes. You have to
5 make decisions about these different
6 attributes including the management elements.

7 You have to have catch monitoring for catch
8 share programs as well as non-catch share
9 programs. You have to monitor the catch
10 whether it's a recreational fishery managed by
11 bag limits or size limits, or whether it's a
12 commercial fishery managed by quotas or days
13 at sea.

14 You have to have good enforcement.

15 You have to have good enforcement for catch
16 shares as well as other types of program in
17 order to make compliance and the regulations
18 stick.

19 Cost recovery is unique to the
20 limited access privilege programs. It's the
21 only place in the Magnuson Act that allows the
22 government to recoup some of the costs that it

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1 spends on management, data collection and
2 enforcement, and to receive some payment back
3 for those appropriated costs recovered from
4 the industry.

5 Resource rent is a policy call.
6 But right now, the Magnuson Act requires the
7 councils to consider the collection of a
8 rental payment. And for those not familiar
9 with it, a rental payment for the public use
10 of a resource if you think of leasing of
11 offshore oil and gas tracks by the Minerals
12 Management Service to oil companies for
13 development, they extract a royalty fee for
14 that private use of a public trust resource.
15 The Magnuson Act says councils shall consider
16 collecting a resource rental from the use of
17 catch shares. So that's an individual council
18 choice of whether or not to do that and how to
19 set those programs up.

20 Program performance. Well, we need
21 to know how well is the program working? Is
22 it achieving those biological objectives that

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1 we set out or is it achieving the economic
2 objectives? And is it achieving the social
3 objectives? So it's very important that
4 councils have very specific goals and
5 objectives spelled out in their fishery
6 management plans. These are requirements of
7 the Magnuson Act. And this is all context to
8 where we're going with the programs that we
9 have in place.

10 And this is difficult for you to
11 see. But it's again on the website. These
12 are the 12 programs. It describes across the
13 top where they are. What kind of program are
14 they? Are they a cooperative? Are they a
15 sector? Do they use an individual
16 transferable quote, or an ITQ?

17 It tells you some of the
18 attributes. Was there overcapacity in the
19 fisher beforehand? Is there overfishing
20 occurring after the use of a catch share?
21 What's the policy, is transferability allowed?

22 So it's a comparison. And it shows

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1 some of the variety of circumstances that are
2 out there in these 12 different programs. And
3 on the NOAA catch share website, there's
4 actually additional detail about each of the
5 12 programs and spotlights that describe where
6 we stand currently with our catch share
7 deployment.

8 All right. So this is the
9 background leading up to catch shares as a
10 policy for NOAA and why are we doing this, why
11 now and why at this point at this juncture in
12 time.

13 It was actually at the May Council
14 Coordinating Committee that Dr. Lubchenco
15 addressed all eight regional fishery
16 management councils and said she was going to
17 create a task force to develop a NOAA policy
18 that would look at removing impediments and
19 facilitating the consideration of catch shares
20 as a possible fishery management technique for
21 councils to use. And to help create that and
22 make that outcome a reality, she identified

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1 the creation of a NOAA Catch Share Task Force.

2 Originally it was going to be an
3 internal working group. After discussions
4 with the councils, the membership was expanded
5 to include all eight councils.

6 So there are 18 participants
7 chaired by Monica Medina who's Dr. Lubchenco's
8 Special Advisor, ten NOAA participants from
9 headquarters, from science centers and regions
10 around the country and representatives from
11 each of the eight regional councils.

12 And they provided input on this
13 catch share policy. What should the policy
14 look at? Okay. It's not creating new
15 authority. Our authority is vested in the
16 Magnuson-Stevens Act. But what can NOAA say
17 about encouraging and facilitating the use of
18 catch shares as a tool? What are some of the
19 impediments, whether they be administrative,
20 institutional, organizational that need to be
21 evaluated? And what should the catch share
22 policy say about supporting councils that want

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1 to consider the development of a catch share?

2 What should the policy help communities do to
3 organize around the principles of developing a
4 catch share program? What should individual
5 stakeholders know about catch share history?
6 And how can they use that in the performance
7 of other programs around the country, aid them
8 in making choices about deciding whether or
9 not to use catch shares in their own fishery?

10 So this Task Force met electronically several
11 times throughout the summer to develop --
12 again -- an answer to the question of how can
13 we help promote the consideration of catch
14 shares by all of these councils.

15 So the policy has been developed.
16 It's on the verge of being released for a
17 public comment period. We'll get to some of
18 that in a moment. But the bottom-line
19 objective of a policy is it's developed as a
20 draft policy that encourages and supports the
21 evaluation of catch share fisheries
22 management.

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1 And again, some of the things that
2 it's not -- it's high-level policy guidance.
3 It's not a rule. It's not being published in
4 the Federal Register. It's not a regulatory
5 requirement on anybody. It's providing
6 guidance. It's providing direction to people
7 who want to consider what's available in the
8 Magnuson Act. It's not mandated. It's not a
9 requirement that every fishery be managed by
10 catch shares. It's not setting any numerical
11 target that we're going to have 50 percent of
12 all fisheries managed by catch shares by some
13 date certain. Not that at all.

14 What it's asking people to do is to
15 give some consideration to catch shares as a
16 technique mostly because, where it's been
17 used, it's been shown to be very successful in
18 achieving the biological objectives of
19 controlling catch to targeted levels, to
20 improving the economics of the fishery, and if
21 properly designed, it can help get at the
22 objectives that the council has set for again

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1 biological, economic and social goals and
2 objectives that they've set out.

3 We started out the Task Force in
4 June. We met initially with eight of the
5 regional councils to give them a heads-up that
6 the Task Force was underway, we're going to
7 develop this as a strawman policy, a draft
8 policy that would later be subject to this
9 broad public review.

10 Most of our work, because there are
11 18 people over six different time zones, we
12 conducted this work electronically. We never
13 actually met face to face.

14 Monica Medina held at the outset
15 some informational briefings to three
16 constituent groups of stakeholders, of
17 commercial, recreational, environmental NGOs
18 to give them a heads-up that the policy was
19 going to be developed. We put up a catch
20 shares website to keep people informed about
21 the meetings that the Catch Share Task Force
22 was having. We established an address for

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1 people to send in their questions or concerns.

2 And we're now going through the
3 final stages of getting Departmental clearance
4 to issue this draft policy for public review.

5 It'll be posted on the web. Again, it's not
6 a Federal Register notice. It'll be posted on
7 the Internet.

8 We're going to keep a comment
9 period for public review and public comment
10 open through February of 2010 so it's not here
11 today, gone tomorrow. We want to have --
12 because it's over the holidays as well -- an
13 opportunity where people can actually read the
14 policy, react to it, give us their feedback as
15 well as allow us to go back to each of the
16 eight regional fishery management councils,
17 present the draft policy to them in person and
18 hear from them at each of their next council
19 meetings. And because of the council
20 schedules, that'll take us through at least
21 February of 2010.

22 We're putting it out on the web.

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1 And those who looked at the Interagency Ocean
2 Policy Task Force documents that the Council
3 on Environmental Quality and the White House
4 has posted -- what's been going on with
5 President Obama's initiative for that task
6 force.

7 We're going to be using the social
8 media software that allows people to file
9 their comments electronically -- post them
10 right on the Internet -- to make it very easy
11 for people to access what other people are
12 saying and to feed off of those comments as
13 well.

14 We'll be going back to stakeholders
15 and the commercial, recreational and
16 environmental -- those we met with before --
17 showing them the policy in this draft form and
18 asking did we get it right? What are the
19 issues that are still on the table for
20 consideration?

21 We'll be looking for other venues,
22 not just to councils but to regional

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1 organizations, whether they be a regional
2 chapter of CCA or a stakeholder group on the
3 West Coast, some commercial fishing
4 organization. We want to go to as many
5 particular venues with NOAA task force members
6 to have a dialogue and hear the questions and
7 respond to them and try to develop the most
8 useful and productive catch share policy that
9 the councils could take advantage of.

10 I guess I don't know what the last
11 point was, but it wasn't that important.
12 That's okay. I just can't see that well
13 sideways.

14 So no good deed goes unpunished. I
15 don't know what the cliché is. But it was my
16 intent that when we scheduled this MAFAC thing
17 that the policy would have been out. We would
18 have had several weeks to look at it. We
19 haven't had that luck in getting it rolled
20 out. So I can't show you exactly what the
21 policy says. But I can talk to you in
22 generalities about what it is that we're

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1 trying to do with the policy and what the
2 desired attributes NOAA and the Catch Share
3 Task Force thinks ought to be part of that
4 policy.

5 So I would say the goal of the
6 policy that we've been trying to work on is to
7 help ensure that long-term sustainability of
8 our fishery resources and our fishery fishing
9 communities that we would urge a consideration
10 of adoption of catch shares where appropriate.

11 Not every place in fishery management,
12 ecosystem plans looking at the big picture --
13 not just FMPs -- but if councils are now
14 working on fishery ecosystem plans as well for
15 new plans or for new amendments. I mean, it's
16 a pretty modest goal following up on what the
17 Magnuson Act allows Councils to do.

18 Next slide.

19 We want to make sure again, if we
20 look at the terms of reference that we posted
21 back in June for the Task Force, we want to
22 remove these technical and administrative

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1 impediments to the consideration and use of a
2 catch share. So if councils are having
3 problems or questions or concerns about
4 interpreting the act, we want to make sure
5 that we get those questions answered.

6 If there are legal questions, if
7 they don't have sufficient staff to do the
8 analysis of historical data, if the regional
9 offices of the Fisheries Service need capacity
10 to look at developing options for a catch
11 share program. NOAA wants to look at removing
12 those impediments and helping to promote the
13 consideration of catch shares.

14 But again, it's important to note
15 what the policy is not. It's not mandating
16 the use of catch shares anyplace. There's no
17 requirement that the catch shares be used in a
18 particular fishery. And in fact, catch shares
19 are not appropriate for every fishery. It
20 depends on the circumstances. And so we're
21 asking councils to make that judgment but to
22 consider this as one of the options as they

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1 move forward to try to improve on the
2 performance of fisheries that are currently
3 underperforming.

4 So after 30 years if we're still
5 not biologically where we want to be, if we're
6 still not economically where we want to be and
7 we haven't considered catch shares as an
8 option for that fishery, maybe we should look
9 at that and see if this is a better solution
10 to what we've done today and make that
11 comparison. It's not catch shares to the
12 exclusion of everything else. It's catch
13 shares relative to what other ideas and what
14 other tools that are out there for councils to
15 achieve their objectives.

16 One of the desired attributes is in
17 the allocation process. We want to ensure
18 that there's fair and equitable treatment of
19 all the different sectors, both in the initial
20 allocation and to ensure that the effects of
21 catch shares are evaluated on a case-by-case
22 basis.

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1 So for example, if a fishery has
2 and uses catch shares in the commercial
3 sector, there's no requirement in the policy
4 that they be adopted in the recreational
5 sector. Those choices are up to the council.

6 And in fact, there's all sorts of options
7 with respect to whether you have it one sector
8 or both sectors, who can transfer, who can own
9 shares. But the policy is very much concerned
10 about ensuring this fair and equitable
11 treatment in both the initial and subsequent
12 allocations to ensure that all of the
13 different effects of catch shares are
14 evaluated before you move forward with the
15 decision making.

16 Dr. Lubchenco at the very outset
17 spoke to the Task Force and said we need to
18 make sure as we move forward here that even
19 though it says we need to ensure the
20 sustainability and the sustained participation
21 of fishing communities that's required in the
22 Magnuson Act, this was a very personal and

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1 particular concern to her, and she reiterated
2 this to the Task Force membership that we want
3 to ensure a sustainable fishing community. We
4 want this catch share program not just to
5 avoid negative impacts, but we want it to be
6 used as a tool to help promote sustainable
7 fishing communities, working fishery
8 waterfronts, ensuring that it's a continued
9 fishery infrastructure. That's consistent
10 with the goals of the Magnuson Act and each
11 council's fishery management plan objectives.

12 But there are very specific
13 attributes in the catch share in the limited
14 access privilege section of the Magnuson Act
15 that are very pro-community. In other words,
16 there are particular tools that you can have
17 to establish a fishing community that can
18 receive a catch share privilege. And you can
19 link these geographically to different ports
20 and different types of communities.

21 So it's in the design aspect; be
22 mindful of how the design choices that you

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1 make not only don't have a negative impact on
2 fishing communities but actually help promote
3 them. There are tools that allow new
4 entrants. There are tools that catch shares
5 can be set aside for small businesses, small
6 owner-operated vessels that you can make
7 allocations of this reserve or this set-aside
8 to specific communities. So again, be mindful
9 of what is available to you and to look at
10 those objectives that you have for fishing
11 community sustainability and use catch shares
12 to your maximum advantage.

13 The question I mentioned earlier
14 about collecting resource rent, Congress
15 clearly said this is the council's decision.
16 It's not NOAA's decision whether or not to
17 collect resource rents. Again, and many other
18 public trust resource management issues, we do
19 collect resource rentals for forestry, grazing
20 on federal lands. We auction off radio
21 frequency spectrum. That's a means of
22 collecting resource rent from the private use

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1 of a public resource.

2 With respect to collecting
3 royalties from fisheries and whether or not
4 the councils think the industry can afford it,
5 many fisheries currently are economically
6 depressed and struggling, yet with catch
7 shares that economic activity and that
8 economic strength will recover over time.

9 When and how to collect resource
10 rents is a council decision under the Magnuson
11 Act, NOAA's view is that when and if they
12 determine that it's in the public interest to
13 collect royalties, NOAA will be right there to
14 help them design programs, in designing those
15 programs to help them do it effectively and do
16 it efficiently and do it fairly in the
17 allocation of those privileges.

18 So one of the desired attributes as
19 well -- I'm trying to phrase this in a way
20 that doesn't get me fired -- another attribute
21 that the policy would likely consider would be
22 that we want to be seen as a leader in

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1 promoting technical advise and providing
2 resources to support the consideration and use
3 of catch shares. But of course, most
4 everything that we do is in partnership with
5 somebody, from data collection, monitoring,
6 enforcement. We have very, very strong
7 partnerships with the states, with the
8 interstate commissions. We have a very
9 vigorous cooperative research program with the
10 industry itself. So we want to take advantage
11 of all of these linkages that we have to our
12 partners and provide additional support,
13 additional advice to collaborate with these
14 partners to support catch share programs,
15 providing additional support, providing
16 additional capacity.

17 And although we are charging for
18 lunch here, there is no free lunch. And so
19 some of these desired objectives are going to
20 cost money as well, and NOAA is looking at all
21 available means to help provide that type of
22 capacity support as well.

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1 But there are four particular areas
2 that we're trying to focus on. To reduce
3 these technical administrative impediments --
4 and again, providing people, providing access
5 to technical experts both within the Fisheries
6 Service where they've had success or
7 experience with catch shares or elsewhere in
8 other governments, other expertise in the
9 university community and other states --
10 trying to tap into that expertise and make
11 that available to councils, we want to have
12 that kind of support and help.

13 Resources to design and adopt catch
14 share programs. So if a community wants to
15 evaluate what a catch share would look like in
16 my port or my state or my gear type, we would
17 work with them. We could provide grants to
18 them, we could provide technical support to
19 them to evaluate different design options to
20 make those judgments about what it would be --
21 positive, negative or indifferent for those
22 different ports or for those different groups.

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1 Third item here, I think NOAA
2 recognizes that there's a pretty big gap in
3 sort of the general literacy about what catch
4 share programs are. I participated in a
5 workshop a couple of weeks ago in New England,
6 the New England Council sponsored to help
7 bring experts in and show what catch shares
8 are, experiences in different parts of the
9 country. And there was a lot of good
10 questions about what these different programs
11 do and what they don't do. In some cases,
12 there's some urban myths about the bad aspects
13 of it or the good aspects of it.

14 Catch shares are not a panacea.
15 They're not all good news. They don't all
16 have positive effects. There are trade-offs,
17 just with every other choice that we make in a
18 management tool. It's the question then of
19 what do you do to maximize those positive
20 aspects in the design. What do you do in the
21 design to minimize those potential negative
22 consequences? And so you can design around

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1 them to mitigate that or to offset them or
2 make the choice that on balance the positives
3 outweigh the negatives. And that it's the
4 best tool that you have relative to your other
5 choices that are non-catch share programs.

6 So providing that education,
7 developing a curriculum, developing case
8 studies to provide expertise to people, trying
9 to answer questions so that people can for
10 themselves decide are catch shares right is
11 what the NOAA policies are trying to provide
12 in its terms of support.

13 And it's this fourth and probably
14 one of the most critical aspects of developing
15 support is coordinating that data collection.

16 If we're going to be making allocations based
17 on historical participation, what are the
18 right data? What are the accurate data? What
19 are the complete records? If it's not
20 historical data, what are the other means to
21 make allocations? And if we don't have good
22 historical data, is it based on who

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1 participated in the fishery. Do we make equal
2 allocations? And if we're uncertain about it,
3 do we set up a reserve? And so, setting aside
4 some of the share up front that says if we
5 made a risky decision, we can go back and we
6 can fix that in year two or year three or year
7 four. So we have some built-in flexibility in
8 the design. And so coordinating data
9 collection, conducting research about how well
10 our program is going to fit in a particular
11 area before we go out and commit to them.

12 And then once we have programs in
13 place, make sure that we have performance
14 monitoring. The Magnuson Act requires every
15 limited access privilege program to be
16 reviewed every five years -- within five years
17 and every seven years thereafter. There's no
18 requirement for non-catch share program in the
19 Magnuson Act to be reviewed that way.

20 So NOAA is saying look, I think
21 review is a very important part of this to
22 make sure we got it right and to track

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1 performance and to make adjustments over time.

2 Again, that's the nature of what we're trying
3 to support to provide tools to the regions, to
4 the councils, to the industry to help monitor
5 the performance of catch shares over time.

6 So it's not a detailed policy
7 statement. The policy itself is really three
8 or four pages in length. There's a lot of
9 material that then talks about how NOAA will
10 support the implementation of that policy with
11 some ideas about what would be useful to again
12 councils and others in terms of promoting the
13 consideration. But these truisms I think are
14 sort of at the heart of the policy statement
15 itself, that there's no one size fits all
16 catch share program.

17 But there is an almost infinite
18 design flexibility. You can design a catch
19 share program to meet almost any
20 circumstances, and then your job is to look
21 at, weigh the pros and cons or the advantages
22 and disadvantages of that choice set.

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1 But you may find after doing that
2 that not all catch shares or not all fisheries
3 can or should be managed via catch shares.
4 And that's fine with NOAA. NOAA's objective
5 is to help promote the consideration of it,
6 not just the numbers game to get 50 percent of
7 all fisheries managed by catch shares. We
8 want people to look and consider catch shares
9 as a tool and as an option.

10 I think it's a truism that's been
11 proven through the scientific literature by
12 people who've experienced it. We've talked to
13 many people who fish in catch share programs
14 that catch shares and the incentives
15 associated with them stimulate fishing
16 behavior that will keep costs as low as
17 possible and produce the highest value
18 product. So know going in if that's an
19 objective for your fishery, that's very likely
20 to happen as a consequence of using catch
21 shares.

22 And finally, learn from other

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1 programs. You can be informed about what
2 British Columbia's groundfish plan does or
3 what they do in New Zealand. And that's all
4 well and good. But you really need to design
5 a specific program that meets the unique catch
6 share fishery characteristics that you're
7 finding in your area in order to get the most
8 out of it.

9 And so with that, I'd like to open
10 the floor up to questions, and I'll go into as
11 much detail about the specific policy as I
12 can.

13 But I think those are the general
14 features of what's in the draft NOAA policy
15 that will be coming out for public comment.
16 It follows up on what the authority we have in
17 Magnuson. It doesn't give us any new
18 authority that the Congress didn't attend.
19 And it doesn't set it up as a mandate. I
20 think those are the general principals that
21 we're working with in developing this draft
22 for public review.

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1 So Tom, if you'd help moderate the
2 questions for me.

3 MR. BILLY: Heather?

4 Ms. McCARTY: Thank you, Mr.
5 Chairman. I have a couple of questions for
6 you, Mark. And if you can't answer them
7 because they are too specific about the
8 policy, just tell me.

9 The first one doesn't really have
10 to do with the policy but has to do with the
11 subject that we took up at the last meeting
12 which was having to do with what I think
13 Alan's working on -- Alan's shop anyway. The
14 definitions of the terms in the Magnuson-
15 Stevens re-authorized version that deals with
16 LAP provisions so that councils around the
17 country and others can understand exactly what
18 they mean. Is that being put on the back
19 burner until this catch share policy has been
20 sort of warped through?

21 MR. HOLLIDAY: Well, yes. What
22 Heather's referring to is that there was an

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1 effort to come out with specific technical
2 guidance if you will. It's sort of at the
3 working level of -- how do we interpret this
4 definition of X, Y or Z? So the catch share
5 policy was sort at the 30,000-foot level. And
6 the guidance that Alan's office was working on
7 was sort at the detailed level.

8 So they're on a parallel track.
9 But you're correct in that we want to make
10 sure that we have a final conceptual model of
11 what catch shares are all about so that we
12 don't have to back up on the technical
13 guidance after the fact. And we want to move
14 them forward in parallel.

15 So it's not been put on the back
16 burner. It's just been put on a track that's
17 sort of one step behind the policy itself.

18 Ms. McCARTY: Okay. That was in
19 those rules -- right?

20 MR. HOLLIDAY: Well, not
21 necessarily. No. I mean, there was initially
22 some concern or some question about whether it

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1 was going to come out as a rulemaking or just
2 be issued as non-rulemaking guidance.

3 Alan, if you'd like to, please
4 verify.

5 MR. RISENHOOVER: Right. We did
6 put it out in a kind of nontechnical format
7 the first time. Just asked folks to comments.

8 We got a couple of thousand --
9 about 5,000 comments on that, but never really
10 pushed forward with what are those
11 definitions, what are those lines.

12 With this task force report coming
13 out and the comment period on it, we thought
14 it better to wait for that to work itself
15 through. And then some of the issues that
16 can't be solved say by a policy-level
17 document, we would need technical or kind of
18 informal guidance from the Agency to follow
19 through on that.

20 So as Mark said, I don't know if
21 they're parallel, but they're at least kind of
22 hand-in-hand.

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1 Ms. McCARTY: Okay. And I have
2 another question that does address the policy
3 itself.

4 I think what we've seen here is at
5 the 30,000-foot level for sure. And I'm
6 wondering if you dropped down to the 20,000-
7 or the 10,000-foot level in the policy itself,
8 i.e., talking about such things as you
9 mentioned earlier economically where we want
10 to be. If a fishery is not biologically nor
11 economically where we want it to be, we might
12 consider applying catch shares to that fishery
13 for example, or the council might consider it.

14 And I was wondering if you had a lot of in
15 depth discussion about what that means
16 economically where you want a fishery to be.
17 That'd be one question.

18 And the other question is does the
19 policy itself deal with how catch shares might
20 be arrived at if not through history?

21 MR. HOLLIDAY: On the first
22 question, I think the notion of -- well, I'm

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1 sorry. I had a memory gap there for a second.

2 I'm sorry, Heather. Could you just
3 remind me -- just say the word again. Was the
4 policy --

5 Ms. McCARTY: You mentioned in part
6 of your presentation that one of the things
7 that folks could look at from a policy
8 perspective as to whether catch shares --

9 MR. HOLLIDAY: Right. So economic
10 performance --

11 Ms. McCARTY: Yes.

12 MR. HOLLIDAY: -- was -- right?

13 And so I guess the reason I
14 hesitated is that the policy doesn't set a
15 particular milestone for economic performance.

16 I mean, those objectives for a fishery
17 management plan are the purview of the
18 councils. So the Magnuson Act gives broad
19 guidance about in the national standards what
20 our targets are for the biological and
21 economic and social standards. The councils
22 then translate that into specific goals and

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1 say by a certain date, we need to have or
2 rebuild a fishery, we want to see particular
3 performance look like this.

4 What the catch share policy does
5 say is that in many of the FMPs that you look
6 at today, there are often very vague
7 performance metrics for these measurements of
8 performance. And so it's hard to make a
9 design if you have an imprecise -- we want to
10 recover to maximum economic yield or we want
11 to have certain target of employment or a
12 certain stability in fishing communities.
13 Many of these are not very explicitly spelled
14 out in FMPs.

15 And so the catch share policy
16 doesn't state what those should be. It says
17 it's the council requirement to be more
18 specific. And as you look around the country,
19 more and more councils are being asked to
20 develop these specific measurable quantitative
21 performance issues as a goal. And once you do
22 that, then you can design a catch share or any

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1 other program to say how well can we target
2 the attributes of that.

3 So the policy doesn't drill down to
4 we're setting a goal for economic performance
5 of increasing GDP or employment or whatever.
6 We're saying we know that it's underperforming
7 today. We know that there's overcapacity.

8 We had a report to Congress that
9 was mandated by the 2006 re-authorization that
10 said what are the 25 fisheries in the greatest
11 degree of overcapacity which is an indication
12 of economic inefficiency and economic loss,
13 and make those recommendations. So they need
14 to be tied together. But the policy doesn't
15 go into the depth of stating what those
16 objectives are.

17 On the question of -- oh, man, I'm
18 having --

19 Ms. McCARTY: How are catch shares
20 --

21 MR. HOLLIDAY: Yes. There's the
22 one part of the policy that looks at what

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1 characteristics might lead the council to look
2 at a catch share more closely than other
3 circumstances. If you go back to the NRC
4 report, the National Research Council did a
5 study on it called Sharing the Fish over a
6 dozen years ago now that looked at IFQs. And
7 they said well, why are there criteria that
8 say some fishery is more likely to be
9 successful or more closely aligned with the
10 objectives of IFQs than others? And they said
11 well, any fishery that can be monitored with a
12 total allowable catch is a candidate for a
13 catch share type program.

14 We offer in the policy some ideas
15 of circumstances that might be worth looking
16 at a little closer, but they're not set as
17 mandates. So there's five attributes of a
18 fishery if one or more of these things exist,
19 you might consider catch shares more closely
20 than you would otherwise. But they're not set
21 as requirements. And in fact, I think the
22 policy says even if those five conditions

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1 don't exist, it doesn't mean that the fishery
2 is not a good candidate.

3 So I think when you talk about
4 absolutes with catch share programs, I think
5 you're at risk of either overlooking something
6 or oversimplifying something. It really
7 depends on the exact circumstances for each
8 fishery.

9 So some fisheries are more likely
10 to benefit from catch shares than others. But
11 I don't think the policy tries to take the
12 position that all fishery programs that have
13 these characteristics are good catch share
14 programs. We just didn't have that resource
15 capability to look into detail for those 45
16 different fishery management plans around the
17 country. That's the council's prerogative as
18 well.

19 MR. BILLY: Okay. Terry?

20 MR. ALEXANDER: You may have said
21 it and I missed it, but what is the percentage
22 that they're proposing to set aside for

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1 communities and what not? Is there an actual
2 number? Is it 10 percent, 20 percent?

3 MR. HOLLIDAY: I don't think
4 there's an answer to that question. That
5 depends on what the council wants to achieve.

6 Those are decisions the councils can debate
7 and have through a public process and say
8 should we set aside at X, Y, or Z.

9 We can get examples. We have
10 people who are familiar with the Pacific
11 groundfish adaptive management program, and
12 they set aside a certain percentage, not just
13 for communities but for other contingencies.
14 And it could be a very small percentage or it
15 could be a very large percentage.

16 There's no magic number. I hope
17 that's not a cop out. But it's really a
18 characteristic. It depends on your
19 circumstance.

20 MR. ALEXANDER: I was just kind of
21 curious if there's a -- ten percent up our way
22 -- up in New England under the groundfish --

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1 MR. HOLLIDAY: Right.

2 MR. ALEXANDER: And most of the
3 people that are left now have invested lots of
4 money to stay where they are now. Because
5 we're ramping it up here with uncertainty,
6 like the pollock catch. There was 200,000
7 pounds last year caught last round. And now,
8 my pollock catch goes from 190 to 90,000
9 pounds now. So it's all these things
10 combined.

11 But the alternative was days at
12 sea, and that's really not an option because
13 we'd be down to 10 or 12 days next year. So
14 that really isn't an alternative.

15 I like the idea of them. But
16 there's not enough fish -- is what I --

17 MR. HOLLIDAY: Right. I think the
18 New England sector -- I'm sorry.

19 MR. ALEXANDER: -- to make it
20 economically viable. You know what I mean?
21 And I don't know what the answer to that is.

22 MR. HOLLIDAY: Well, I think your

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1 example of the New England sector is sort of a
2 conspiracy of huge biological problems with
3 the stocks themselves overlaid with
4 transitioning to this different type of
5 management strategy compounded by uncertainty
6 in the data itself that were used to help
7 create those allocations. So it's conspiring
8 to be a very difficult transition.

9 And I think that's where NOAA has
10 been helping the Administration in trying to
11 bridge some of that transition to particularly
12 picking up some of the costs for observers and
13 monitoring in the initial years. So those
14 burdens are not on the industry to help get
15 this thing past this very, very difficult
16 phase.

17 Because you're right. The fact
18 that stocks that are in such poor shape in
19 several cases, it's the burden that catch
20 shares is trying to solve, but it's not
21 inherent in catch shares. It's just the
22 circumstance that that fishery's facing right

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1 now. But it's a very difficult transition.

2 MR. ALEXANDER: And that in turn
3 would lead you to infrastructure. And we're
4 losing all of our infrastructure up that way.

5 So I mean if we have to keep whittling away
6 and whittling away at it, eventually there
7 aren't any infrastructure left to support the
8 industry.

9 And next year when we go to this
10 system, that's our main fear. Right now we're
11 25 percent of the boats fishing in 25 percent
12 -- so I mean, you do the math and figure out
13 how many shoreside businesses you can support.

14 And really that's one of the main issues that
15 the whole catch share thing that bothers me is
16 the infrastructure that supports the
17 fisheries.

18 MR. HOLLIDAY: Right. I think
19 there needs to be sufficient volume in the
20 catch shares. I mean, the whole goal here is
21 to increase the quantity of fish moving across
22 the dock. And that's going to then support

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1 processors, wholesalers, dealers, icehouses,
2 repairs, ship channelries. I mean all of
3 these things are dependent on having increased
4 landings and increased harvest activity. And
5 that can only result from increasing the
6 health of the stock so that the TACs are
7 growing. And so right now, you're kind of at
8 the bottom of this cycle, and things are at
9 risk and are at play.

10 And so, trying to make sure that
11 during this transition and during this
12 rebuilding phase that this infrastructure
13 doesn't disappear are some of the concerns
14 that we're trying to address in the fishing
15 community aspect.

16 And so setting aside quota, helping
17 set up permit banks, making communities more a
18 partner in holding onto the geographic
19 distribution of landings. And I think that's
20 what sectors really are all about. And
21 they're linking particular catches to gear and
22 to geography to help maintain that historical

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1 distribution as opposed to an alternative
2 design could have resulted in movement and
3 transfer away of these activities to different
4 places to different ports and different gears.

5 So it's a huge problem. But I
6 think there are the design attributes and
7 particularly with getting communities involved
8 in providing some of the resources and
9 capacity to help in this transition are where
10 we're trying to look at catch shares as a
11 long-term solution to these things.

12 But I think your point is a great
13 one. What's the alternative at this point?
14 Continuation of the days at sea program
15 doesn't seem to be a very viable option for
16 most people.

17 MR. BILLY: Okay. I've got Erika,
18 Bill, Eric, George, Randy and Vince. Okay.
19 And Dave.

20 Erika?

21 MS. FELLER: Well, Heather asked my
22 first question, so I'm going to skip that one.

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1 But I guess I'm curious in the new
2 policy, are there any new provisions in
3 Magnuson or kind of areas of catch share
4 design that NMFS sees as areas where you guys
5 might want to invest either through research
6 partnerships with institutions, with NGOs,
7 providing training for council members --
8 things that are sort of untested aspects of
9 the new Magnuson provisions that would sort of
10 assist in implementing the culture.

11 MR. HOLLIDAY: I was good up to the
12 last part there. Untested or just haven't
13 done yet?

14 MS. FELLER: Just things that are
15 sort of maybe a little bit more new. I mean,
16 we're just finishing up a new TIQ on the West
17 Coast. And it's been unbelievably -- I mean,
18 it's taken almost eight years to develop this
19 TIQ system. And I've kind of watched this
20 council the last couple years while I've been
21 there struggle with the complexities of this.
22 And not all of that is necessarily new MSA

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1 provisions. But these programs are really
2 difficult to design. On top of that, there's
3 a lot of things that MSA does to consider how
4 do you kind of provide the tools to the
5 council members to make the decisions that are
6 their prerogatives.

7 MR. HOLLIDAY: Right. And I think
8 that I can't get into too much of the detail.

9 But that's part of the capacity building that
10 the policy is talking about. There's just a
11 lack of people on the ground in the councils,
12 council staff, and access to expertise to
13 design these things in less than seven years.

14 In some cases, you don't want to short
15 circuit the public participatory process,
16 making sure that people have an opportunity to
17 contribute and design these things. But at
18 the same time, if it's taking a long time
19 because of a lack of capacity, those are areas
20 where we can make investments.

21 And I think the partnering aspects
22 are very interesting because those communities

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1 that are setting up their own permit banks --
2 they're looking for external funding to try to
3 lock in permits to particular ports or
4 particular areas -- if we can partner with
5 those external forces and try to take
6 advantage of that, I think there's a greater
7 likelihood that catch shares could be
8 considered in those areas faster or more
9 comprehensively than if we're just trying to
10 struggle and do things independently.

11 And I think that an opportunity,
12 whether it's a state partner or a third party
13 or just the regional councils themselves, and
14 looking strategically about how to take
15 advantage of the resources we have and
16 continue to look for new resources. Certainly
17 there's a lot of effort that's going to have
18 to take place that if we're doing it within
19 existing funds, there's a current trajectory
20 of how fast and how comprehensive we can be.
21 If it's a different trajectory of funds, we
22 could accelerate that and do more things. A

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1 lot depends on the future investment profiles
2 that we get in our budget.

3 So I think there's not a lack of
4 ideas. I think that there's a number of
5 suggestions in the policy that talk about
6 these things, many of which will be dependent
7 on what are the resource availability and
8 where do we get those funds.

9 MS. FELLER: I guess I'm just
10 particularly curious that there are particular
11 fishery management goals or design elements of
12 catch shares programs that you see might be
13 priorities for that type of outreach.

14 MR. HOLLIDAY: Well, there's a
15 whole host of them. I mean, many of the catch
16 share programs share similar infrastructure.
17 So every time we do a catch share program
18 right now, a lot of times we're reinventing
19 the monitoring and the share transfer and the
20 keeping track of the allocations with
21 different designs in different regions and in
22 different areas.

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1 And so if we looked at efficiency
2 without spending any more money but looking at
3 sharing existing resources and lessons learned
4 from one region to another or one FMP to
5 another, you could do more with the same
6 amount of money just by looking at sharing and
7 designing around those collaboratively with
8 people who have already solved that problem or
9 designed that.

10 On the other hand, if there are new
11 funds and there are things that could be done
12 to develop sort of tool kits or best
13 practices, that can be used to help accelerate
14 the analysis of these different options
15 including like business decision tools for the
16 industry. I mean, you want people to know and
17 have information about where they'll wind up
18 in a catch share program relative to different
19 options.

20 And so if we'd had this kind of
21 allocation and you have a spreadsheet model
22 that an industry person could look at and

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1 compare under this scenario -- this is where
2 I'd be under that scenario -- can we provide
3 those kinds of tools to help individual
4 stakeholders inform themselves about what a
5 catch share could or couldn't do for their
6 bottom line.

7 Again, those are tools. Those are
8 techniques that we can use to improve not just
9 the general literacy, but the actual design
10 attributes of catch shares and make that a
11 more efficient process as a range of what you
12 can do depending on what your funding profile
13 looks like.

14 The catch share policy goes into
15 great detail about what some of those things,
16 I guess the desired attributes, if you would,
17 or these are things that would be very useful
18 in order to facilitate success of
19 implementation of the catch share policy.

20 MR. BILLY: Okay. Bill?

21 MR. DEWEY: Thank you, Mr.
22 Chairman.

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1 Two questions if I may. And the
2 first one I think you've pretty much answered
3 when you responded to Erika and with Heather.

4 But basically I didn't see a bullet
5 in your presentation that spoke particular to
6 it. But are there particular characteristics
7 that make a fishery prime for catch share
8 management? And I recognize in your response
9 to Heather that you're not going to mandate or
10 suggest as a requirement that we manage them
11 that way. But is there a particular
12 characteristic in the policy?

13 MR. HOLLIDAY: It comes out of the
14 policy in some respects. It also comes out in
15 the case studies. And that one yellow slide
16 that had all those columns and rows, you
17 looked at what were some of the common
18 attributes of some of those fisheries that
19 adopted catch shares.

20 And so in many cases there was a
21 derby fishery. There were very short seasons.

22 There was a very extreme race to fish in surf

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1 clams and sea crab rationalization. And a
2 number of these fisheries had derby
3 conditions.

4 And so catch shares both here in
5 the U.S. and Australia and New Zealand were
6 very effective at remedying that and
7 stretching out the season length allowing the
8 innovation of different products and different
9 catch composition.

10 So there are some attributes like
11 that that you'd find in common. But again, it
12 doesn't have to be a derby fishery in order
13 for you to use it. But you can see in season
14 length in the red snapper fishery, season
15 length in a number of different fisheries like
16 that.

17 So if they're underperforming --
18 underperforming economically -- if there's
19 overcapacity and that's a council objective to
20 help try to remedy that, that could be an
21 attribute.

22 The policy does again offer some

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1 suggestions for councils to consider but
2 doesn't require them, and also says it's not
3 comprehensive. It's just as a starting point
4 for people to look at.

5 I think the best way the policy
6 offers, sort of do this matrix. What are
7 goals and objectives? And then across the
8 other axis, can catch share handle this, do
9 quotas handle this, do days at sea handle
10 this? And then you kind of pick what the best
11 mix of tools would be because it's not
12 necessarily all one or the other.

13 MR. DEWEY: That answers that
14 question.

15 My second question is what is the
16 intrusion here -- the third bullet -- keeping
17 costs as low as possible. And I was curious
18 if that's speaking to management costs or
19 costs to the fishermen, one without the cost
20 -- and charging royalties for catch shares.
21 That's a new cost that fishermen haven't
22 experienced in the past. So I was curious if

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1 you could clarify on keeping the cost low.

2 MR. HOLLIDAY: Right. We're
3 talking about fishermen behavior here. And so
4 under a race to fish condition, people are
5 adding additional capacity. They're fishing
6 more days. And they would be fishing larger
7 crews. They may be burning more fuel,
8 whatever is necessary to get a share of the
9 catch before it's caught by somebody else.
10 Okay? So their motive if you're looking at
11 revenue maximization as sort of that economic
12 term.

13 If you are given a privilege to
14 harvest a set quantity, you have 100 tons and
15 you take that today, you can take it next
16 month or whatever, you will as a businessman
17 look to harvest that quantity at the lowest
18 cost possible. And so you'll be more able to
19 adjust to market conditions. You'll maybe
20 right-size your vessel or your gear or your
21 approach to fishing to try to maximize the
22 difference between what it costs to catch that

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1 fish and what you get for it in the price.

2 MR. DEWEY: You'll put a fuel
3 efficient engine in your boat instead one of
4 that gets you there in ten minutes.

5 MR. HOLLIDAY: Well, I'm an angler
6 and I've got two 200-horsepower engines that
7 I'm sweating every time I go to the gas pump.

8 I'd love to have a little kicker -- 10-
9 horsepower kicker to get me out to the fishing
10 grounds. And I think that speed is
11 everything.

12 MR. BILLY: Eric?

13 MR. SCHWAAB: Thank you, Mr.
14 Chairman.

15 Two questions. First of all, you
16 already partially spoke to the attributes of
17 the fisheries and catch shares.

18 My other question is do you
19 envision that the policy will address at all,
20 or is there merit in looking at, the
21 characteristics of the stock -- biology,
22 range, the movement patterns -- those kinds of

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1 things might go in stock to --

2 MR. HOLLIDAY: Sure. Sure, I think
3 that's part of that matrix of decision making
4 because the status of the stock at the current
5 point in time and the variability of the
6 annual availability of harvest for example in
7 squid stocks, a few things that are less
8 fishery recruitment-dependent on stock size.
9 That variability may be harder to manage and
10 may account for some degree of complexity that
11 may make it more or less conducive to applying
12 a catch share. So I think you have to look at
13 the stock condition as well.

14 Multi-species stocks are obviously
15 more. Multi-species fisheries have different
16 stock components, many different species that
17 are seasonably available make it more complex
18 as well. Because if you're looking at an
19 allocation over a five-year period, is that
20 representative? Is ten years representative?

21 Here the stocks move north into the Gulf of
22 Maine only once every seven years on some

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1 cycle. And your historical period misses
2 that. So your design has to somehow account
3 for that and allow people to acquire shares
4 for that seventh year to make sure that they
5 can actually go fishing and are not bound by
6 some least available fishery in the share mix
7 of species they've got.

8 So absolutely. It is linked to the
9 biology and the distribution and the health of
10 the stocks that you're managing.

11 MR. SCHWAAB: My second question is
12 related to recreational fisheries, and to what
13 degree you're introducing as the policy,
14 provided guidance to interact in the --

15 MR. HOLLIDAY: Well, I think
16 there's a couple of aspects to that. And I
17 think there's been a lot of concern expressed
18 that the policy was going to require catch
19 shares be used in recreational fisheries. And
20 many commercial people have that same concern
21 that it would mandated for use in commercial
22 fisheries.

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1 So there is to be clear, once
2 again, there's no requirement that it be used
3 in any sector. The councils have the
4 authority to consider it for whatever they
5 think that it's appropriate.

6 The policy says if you do consider
7 it though for any sector, just like any other
8 fishery management alternative, you've got to
9 be mindful of what those consequences are in
10 the sectors that are not going to use it. All
11 right?

12 And so if there are negative
13 components that would result from using it in
14 the commercial or the recreational sector,
15 you've got to consider those. And then you
16 can either mitigate the design of the catch
17 share program or the non-catch share component
18 to account for those disadvantages if you
19 would, or make a decision not to use them.

20 So that one point that I was saying
21 in terms of fair and equitable, you'd need to
22 be able to understand both the catch share

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1 impacts and the non-catch share impacts of the
2 choices that the councils are making.

3 MR. SCHWAAB: I noticed that the -
4 - the overlap -- and I think that it's -- and
5 the recreational workers -- have something to
6 say about this. I just wonder if there's a
7 way that we could create that opportunity
8 maybe at lunch tomorrow or something like that
9 --

10 MR. BILLY: Yes. We'll take that
11 under advisement and see what we can work out.

12 MR. HOLLIDAY: Yes. And I would
13 just to complete the thought. The other
14 aspect of the concern that a lot of people
15 have talked about is really independent of
16 using catch shares. It's the allocation --
17 and Gordon mentioned this this morning -- it's
18 that allocation process of the available
19 quantity of fish that are there to harvest,
20 how much is given to the recreational sector,
21 how much is given to the commercial sector,
22 how much is given to the tribes or whatever.

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1 And that's a decision process that whatever
2 that quantity is, then a catch share would
3 then subsequently allocate that among the
4 holders of privileges in the commercial
5 sector.

6 So simply having a catch share in
7 the commercial sector doesn't affect that
8 initial allocation or that initial
9 distribution between those sectors. That's an
10 independent choice that the councils make
11 based on a variety of policy factors and
12 biological factors.

13 So once that decision is made, then
14 a catch share could then take that commercial
15 amount, and as a percentage divide that among
16 the participants. But it wouldn't preclude
17 revisiting that allocation over time. It's
18 whatever amount is available is then
19 subsequently divided among the recreational
20 participants or the commercial participants as
21 the case may be.

22 MR. BILLY: George?

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1 MR. NARDI: I just wanted to follow
2 up on -- on from the New England perspective,
3 I think it's the catch shares that I hear is
4 kind of some neutral exclusivity. With the
5 situation, it's highly likely that catch
6 shares will probably be insufficient to
7 maintain a lot of economic viability. And
8 there's going to be some difficulty clearly in
9 the allocation process.

10 And so my question is, with respect
11 to the allocation within a region or between
12 communities, is there latitude in the policy
13 or at the council level for the transfer of
14 shares within a region? We all know that
15 stocks move within a region. If some were to
16 the north, the stock was more to the south and
17 there was more fish available in that region
18 as opposed to the north, in real time -- or
19 let's say within that season -- and that is
20 evident, is there the ability to transfer
21 shares between the communities or where the
22 allocation is divided or broken up?

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1 MR. HOLLIDAY: Okay. So to make
2 sure we're straight, the policy won't say
3 anything about that specific circumstance in
4 New England. The provision of the Magnuson
5 Act says that the council has to have a policy
6 on transferability as part of their program.

7 Experience in many other programs
8 almost everywhere on that yellow chart allowed
9 transferability. And it could be from wide
10 open, no constraints on transferability, it
11 could be given a transferred lease during the
12 year or sold between years to various
13 restrictive transferability. Those were all
14 choices determined by the council.

15 In the circumstance that you're
16 talking about, inter-regional, north to south,
17 or port to port, that transferability is a
18 design choice that the council has in front of
19 it to make.

20 So they have the authority to do
21 that. They have the ability. It's right
22 there in the Magnuson Act. It's a

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1 responsibility actually they have to spell out
2 what their transferability rules are. And
3 it's a means to get at some of the concerns
4 that you just raised in terms of contingencies
5 and variability over time to allow that
6 program to work more successfully.

7 But the policy says the
8 transferability of authority of the Magnuson
9 Act is what prevails. And we don't have a
10 separate policy statement there other than we
11 strongly suggest the councils look at the
12 advantages of allowing transferability since
13 most of these programs are built around that
14 as a desirable characteristic.

15 MR. BILLY: Dave?

16 MR. WALLACE: Mark, I have a couple
17 -- it's really one question, but maybe it's
18 two. And you probably don't want to do them
19 or don't want to answer them.

20 But I have observed from my pushing
21 of the rug that NMFS is changing the rules in
22 that or at least attempting to change the

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1 rules in various issues by bringing pressure
2 on councils to do that. I'm fairly involved
3 in -- that's actually been depressed.

4 My question is, are these
5 principles that are going to be developed by
6 the Catch Shares Task Force -- to be used to
7 look at -- councils look at existing
8 management plan and suggest to them that these
9 plans should be changed because they don't
10 necessarily fall into this general umbrella
11 that you're creating? And the second portion
12 of that question, if NMFS is not going to do
13 that, is there some forward looking thinking
14 that the next time that the Magnuson-Stevens
15 Act is re-authorized that the Administrations
16 propose changes which would incorporate some
17 of these recommendations?

18 MR. HOLLIDAY: So I don't think the
19 policy contains any guidance or principles or
20 direction that's not represented in the MSA
21 right now. The MSA had a savings clause that
22 said any program that was in place or was

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1 under review ready to be approved within
2 certain time frame of the Magnuson Act passage
3 did not have to comply with Section 303A in
4 the new provisions.

5 So there's no statutory requirement
6 or authority to go back and make Surf Clam
7 Ocean Quahog plan change as a result of
8 Section 303A.

9 I don't know the specifics of your
10 example, so I can't comment on it. But I'll
11 invite you to come talk to me and Alan on a
12 break to talk about that.

13 So the principle of retroactively
14 going back to existing IFQ programs, those 12
15 programs around the chart are really not -- we
16 don't have to go back to the RecFish plan or
17 any of these historical programs that have
18 been approved and make them now comply with
19 the specifics of 303A.

20 If a council wants a future
21 amendment to change the parameters of their
22 program, clearly they have the authority to do

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1 that. And that's a council choice. But other
2 than that, I don't see the principles that
3 we're providing in the catch share draft
4 policy as saying anything contrary to what I
5 just said about the Magnuson Act.

6 With respect to the future, changes
7 to MSA re-authorization, I'm not sure that
8 we've developed a particular strategy as to
9 what we do. But I don't think that's been
10 identified as a major issue at this point in
11 time. But I would like to follow up on that.

12 MR. BILLY: Okay. Randy Cates?

13 MR. CATES: Two quick questions.
14 One is we talked -- for about 75 percent --
15 managing officials.

16 MR. HOLLIDAY: Well, from the
17 biological status of stocks, I'm just quoting
18 approximately the number of stocks that are
19 not experiencing overfishing or not
20 overfished.

21 MR. CATES: So do we need this to
22 get further along? Or what's the driver of

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1 this? The Administration?

2 The question is do we need this?

3 MR. HOLLIDAY: Well, yes. I've
4 been asked sort of why now. And I think there
5 are a couple of really interesting drivers.
6 One is the other important element of Magnuson
7 Act that was under re-authorization were ACLs
8 -- annual catch limits -- and accountability
9 measures. So by 2010 or 2011 -- depending on
10 the fishery -- we're going to have firm fixed
11 quotas -- annual catch limits -- that are
12 required in almost all of our stock. And
13 that's the key design element of catch share
14 programs.

15 So catch shares -- that takes care
16 in many cases of the biological component.
17 And that was my reference to 75 percent there.

18 From a biological standpoint, we're getting
19 closer and closer all the time. From an
20 economic standpoint, many of our fisheries are
21 still underperforming even they're not being
22 overfished.

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1 So a catch share programs combines
2 that biological component of a hard TAC or an
3 ACL -- an annual catch limit -- and is also to
4 look at and remedy some of these economic
5 performance and these socially desirable
6 objectives for a fishery at the same time.

7 So it's coincidental that we're
8 moving forward with this requirement for ACLs
9 that's required by MSA. Why wouldn't we also
10 look at a program that takes those benefits
11 and has these additional opportunities to get
12 at economic and social objectives that the
13 councils have as management. So that's one of
14 the timing -- now's a good time to look at
15 that.

16 And the other is we've had a number
17 of years of opportunities to try these other
18 programs that haven't quite remedied those
19 underperforming biological and economically
20 underperforming fisheries. We've seen
21 increasingly these 12 programs that have come
22 into play, that they have been very successful

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1 at doing that, some better than others, some
2 with warts, and they're not all perfect
3 clearly. But what can we learn from those
4 programs and say, are there benefits of
5 considering those kinds of approaches in these
6 other fisheries that haven't yet met their
7 targets for biology and economics?

8 So it's those two kinds of -- we've
9 got more evidence of these programs that
10 actually work and meet these objectives. And
11 we have this opportunity to partner with these
12 ACL requirements of Magnuson Act to consider
13 this approach at the same time.

14 MR. CATES: To follow up, we heard
15 you had met with the councils. We didn't hear
16 what you're doing though.

17 What is the feedback you're getting
18 from the councils? And what do they think
19 about it?

20 MR. HOLLIDAY: I think most
21 councils have -- obviously those councils --
22 there are six councils that use catch share

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1 programs out of the eight so far. So the
2 Western Pacific and the Caribbean councils
3 haven't actively considered them yet.

4 So there's definitely an interest
5 in them as a tool. The feedback has been from
6 the members. And we've had on the task force
7 either in some cases the vice chair of the
8 council or the chairperson of the council had
9 very positive things to say about the process
10 that we've developed to get to where we are.

11 It's not a consensus document.
12 What we've gotten from the task force was
13 input. This is actually a draft then of a
14 NOAA policy. And one of the reasons we're
15 going right back to the councils again is to
16 say okay, this is what we've come up, we need
17 to get that next feedback loop going and it's
18 not cast in stone. This is a dynamic process
19 of adjust, feedback, adjust until we get the
20 best possible looking policy that we can.

21 But to date, the councils that have
22 participated and the feedback that we've had,

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1 it runs the gamut. There's concerns about
2 what the possible negative consequences are,
3 if you can design for those consequences and
4 minimize them and maximize the benefits.
5 There are things that I think most councils
6 are actively considering the application of
7 this tool.

8 They're very concerned about
9 resources as well. I mean, through putting
10 out this new policy, are we going to be able
11 to support it with people and money and other
12 capacity. I think that's true about ACLs.
13 It's true about all of the other Magnuson Act
14 mandates that we've all been working very hard
15 to get additional support from Congress to do
16 that.

17 MR. BILLY: Okay. I've got Martin,
18 then Randy, then myself. And I'm going to let
19 Heather have the last word.

20 So keep your comments as short as
21 possible.

22 Martin?

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1 MR. MARTIN FISHER: First of all,
2 Mark, I think it's a great job you've done.

3 One of the things that the MSA are
4 -- compatibility and in my experience -- any
5 item -- niche market. -- And I'm really
6 concerned if that's missed from the 35,000-
7 foot -- is that in the weeds or is that
8 something that --

9 MR. HOLLIDAY: I think it's not in
10 the weeds. I think at the principle level, I
11 may not have emphasized it as much in the
12 presentation. But it's certainly in the
13 policy itself and the recommendations of
14 things that need to be done.

15 One of the proposed activities that
16 we're looking at is what are the design
17 attributes for observer programs and
18 monitoring programs in association with catch
19 share programs. And it runs the gamut from is
20 it 100 percent in every fit -- 100 percent
21 observers on every vessel. We get to some
22 impractical examples.

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1 I was speaking to somebody who has
2 a Pacific groundfish permit who fishes from a
3 kayak. Okay? They have a niche market. They
4 deliver a live product, and they fish from a
5 kayak. Are we going to put a physical
6 observer on a two-person kayak?

7 And so I use that just to point out
8 that it's a tough question. And so whether
9 it's electronic video recording, with certain
10 gear types that works very well, and other
11 cases observers are a necessary component.

12 Interestingly, different countries
13 use different approaches. In New Zealand,
14 they have about 30 -- maybe a maximum
15 depending on the fishery -- 30 percent
16 observer coverage. But their penalties for
17 noncompliance if they do get caught under
18 dockside or at-sea enforcement are extreme.
19 They're Draconian. I mean, you lose your
20 license. You lose your right to fish. You
21 lose your vessel.

22 So the penalty structure is

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1 different because they don't have the
2 capability to put observers onboard 100
3 percent. But if you do get caught, the
4 downside is you're gone.

5 So there are a lot of trade-offs.
6 And one of the things that policy talks about
7 is trying to bring together experts to focus
8 on this at a design level and look at
9 different programs and different types of
10 reporting, look at the technologies that are
11 available, look at the onboard observers,
12 dockside component, and try to develop some
13 best practices and some guidance for councils
14 when they design programs, how do they get at
15 this performance and monitoring aspect that
16 you point out so very well.

17 MR. MARTIN FISHER: My second
18 question would be the bottom line of all of
19 this -- all of this fishery management -- is
20 money.

21 The IFQ creates a financial burden
22 in most cases on the fisherman. And

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1 unfortunately the way that it seems to work is
2 that your allocation is on a time series that
3 is not really current as real life.

4 So what ultimately happens is you
5 lose -- you have -- possible -- costs -- so if
6 NOAA and the Administration is really pushing
7 this as a -- in the direction that we should
8 be going, is there any accountability at
9 NOAA's level of where the money is going to
10 come from to make these programs viable?
11 Because in my fishery, we have observers --
12 and -- the viability of the programs -- and we
13 want to depend on -- financial --

14 MR. HOLLIDAY: Right. So I think
15 the answer is NOAA is certainly aware that
16 there are cost implications that can and
17 should be considered by appropriated funds.
18 There are other requirements and
19 considerations that the industry might
20 contribute to. There are third-party
21 contributions that are possible to do this.

22 I think the bottom line is though,

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1 you need to fund a program and not strangle it
2 by saying we're going to develop a program and
3 then not have the resources particularly in
4 the transition side.

5 We don't have any choice with
6 respect to cost recovery. That's mandated.
7 So we have to recover by law up to three
8 percent of the ex-vessel value of the
9 management data collection and monitoring
10 costs from the industry. Unless we change the
11 Magnuson Act, that's required.

12 But we have other discretion on
13 royalty payments. The councils have the
14 discretion. And particularly in this
15 transition, these early years of getting over
16 that hump when the industries right now are
17 economically depressed and as they re-build
18 the stocks and they get to be more
19 economically viable, they may be a different
20 scenario in the first years versus year five,
21 versus year ten to help make that transition a
22 smoother road.

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1 But it's clearly one of the
2 requirements of making these a successful tool
3 is to have them resourced properly.

4 MR. BILLY: Okay. Randy?

5 MR. RANDY FISHER: Quick follow-on
6 on Martin's question. Fishers must think
7 alike because I'm curious about improving the
8 process.

9 If all of these did happen based on
10 what you showed earlier, are you guys putting
11 in money in the budget in the future that will
12 help pay for some of this stuff? Because
13 Pacific Council is going through the process
14 now, and I'll guarantee you it's going to cost
15 more than what we're doing right now.

16 And the Northeast is in the tank.
17 So you're going to have to give them some
18 money. So are you building money in the
19 future budgets to take care of that?

20 MR. HOLLIDAY: Yes. I think we
21 could say that we are. And Monica will be
22 here on Thursday and you can ask her the same

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1 question. But I think she'll give you the
2 same answer, that NOAA's very aware of what
3 the resource requirements would be if we went
4 forward with those 32 different programs, and
5 we're doing our very best to try to support
6 those in the budget process.

7 MR. BILLY: All right. I'm going
8 to have the last word.

9 MR. HOLLIDAY: Then Heather will
10 have the last word.

11 MR. BILLY: I'll let Heather say
12 whatever she needs to in terms of the work of
13 her subcommittee.

14 And I'm speaking only for myself.
15 And Mark, my comments are not directed at you.

16 My view is in a very complicated
17 area, NOAA has undermined the ability of this
18 committee to participate in the policy process
19 related to catch share. In the absence of
20 having a document and being able to look at it
21 and study it and develop constructive comments
22 to participate in this kind of a process, it's

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1 going to be -- in my opinion -- virtually
2 impossible for Heather and her subcommittee --
3 let alone the whole committee -- to provide as
4 Heather said earlier the definitive comments
5 on a policy we haven't even seen.

6 Then to top it off, the deadline --
7 at least in your presentation -- for our
8 comments once it is public is February 28th.
9 And I'm fairly confident this committee isn't
10 scheduled to meet before February 28th. So
11 NOAA has effectively prevented this committee
12 from playing its role in my opinion. And I
13 want that message to get back to NOAA. I
14 think it's important if they want to use the
15 expertise and knowledge that's here for this
16 kind of thing.

17 (Applause.)

18 MR. BILLY: With that, I'd like to
19 --

20 MR. HOLLIDAY: Well, you can't have
21 the last word then.

22 (Laughter.)

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1 MR. HOLLIDAY: Because if that's
2 the elephant in the room, what are your
3 choices? So let's talk about them. Let's
4 have a discussion.

5 You want to have a MAFAC meeting
6 before February 28th. We can do that. Do you
7 want to have another meeting in December? We
8 can do that. Do you want to extend the
9 comment period until the end of March? Well,
10 we can consider that.

11 So it's not a malicious intentional
12 preemption of MAFAC's -- it's a circumstance
13 of the timeliness.

14 So we had anticipated this policy
15 would be public on August 1st. And we've not
16 been able to do that. And I apologize for
17 doing anything for contributing to that.

18 But it's not an intended
19 preemption. So any idea that you have that
20 you would like to do differently, we don't
21 have to discuss it at the subcommittee this
22 afternoon. We can schedule another meeting at

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1 your convenience after the catch share policy
2 is published. That's easy enough to do.

3 MR. BILLY: Well, that's why I
4 wanted Heather to have the last word because
5 those are things that her subcommittee can
6 consider as well as others, and how and what
7 this committee will do or recommend based on
8 the circumstance we find ourselves in.

9 MR. HOLLIDAY: And I don't
10 disagree. I'm speaking as the Executive
11 Director now, not as the catch shares person.

12 I want this committee to be seen as being an
13 effective link to policy and important to the
14 Administration.

15 And the question that I raised this
16 morning is we don't want to have a conference
17 call to deal with this after this meeting.
18 And so okay, that's fine. But what are the
19 other options that you'd like to do instead?
20 And we don't have to reach our conclusion or
21 concluding remarks on catch share policy by
22 Thursday. But if we don't, how would you like

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1 to do it instead? And I'm open to any of
2 those suggestions that help the full committee
3 make that contribution that you want to make.

4 And Monica and everybody else at NOAA will
5 support that as well, I'm sure.

6 MR. BILLY: Okay.

7 Ms. McCARTY: Well, I was going to
8 take back what I said earlier that -- and I
9 don't think we can arrive at a definitive
10 comment on the policy itself.

11 This is extremely helpful what
12 you've been through. But I can see as we go
13 through it that there is a tremendous amount
14 in the actual policy or in the potential
15 policy that we're not seeing and that we can't
16 comment on.

17 And so, I think we can comment on
18 what we've seen, and what has been elicited in
19 the discussion. It's almost like an exercise
20 of investigative reporting. What is the
21 policy per se?

22 And so, I understand the position

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1 that you're in, Mark, and everybody else
2 involved with it. And it isn't your fault.
3 But here's what I'm thinking right now. We
4 could meet this afternoon as a committee. And
5 I want to know from the rest of the group what
6 would be most valuable to MAFAC from the
7 subcommittee.

8 We could just confine ourselves to
9 commenting on what we've seen on the screen
10 and what we've talked about orally. And we
11 could make recommendations that we think might
12 get to some of the issues that we think might
13 be in the policy. And we could approach it
14 that way and do that much. But we're
15 obviously not going to be giving a definitive
16 comment on the policy itself.

17 The question of whether we should
18 meet again and when I think is one that's
19 bigger than the subcommittee, and perhaps one
20 that we should discuss later on in the meeting
21 when we've seen -- well, I don't know. I
22 really don't want to do another

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1 teleconference. I don't think that's
2 effective on this kind of an issue.

3 And last time we did it, we had two
4 difficult ones -- one with the subcommittee,
5 and then I think one with all of MAFAC. And
6 then it was like whoa. And it wasn't good.
7 And so we don't want to do that again. So if
8 we're going to do it, we have to do it face to
9 face. And whether that a huge expense and a
10 problem, we have to determine.

11 That's my thoughts.

12 MR. BILLY: Pam?

13 MS. DANA: I would agree that if
14 the council wants us to make a recommendation
15 on the policy that it would require being in
16 person at a later time largely because we all
17 represent people in our relative constituency
18 group that I would think would be left out. I
19 want to hear from them what don't you
20 understand about the catch share policy, and
21 what you do know.

22 There's a tremendous amount of

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1 uncertainty and people just don't what it
2 means. In fact, we're not going to block
3 people out of a recreational -- because the
4 recreational sector is going to -- our charter
5 -- and then the separation of the sectors
6 whether it's the general type of recreational
7 -- I don't think that catch share want to set
8 up that schism. I don't think that's your
9 main goal because that's a -- and I also know
10 we have four Gulf of Mexico governors who are
11 going to come out against catch shares. I
12 think the only exception is Governor Tom
13 Crist. That's partly because they don't
14 understand catch shares.

15 But we need to represent our
16 constituency and people are going to -- what
17 bothers them, how can we speak on their behalf
18 through this forum.

19 MR. BILLY: Any other comments?

20 MR. DEWEY: I think from a process
21 standpoint -- I'm not sure what the meeting
22 this afternoon is going to -- all right? My

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1 understanding is that that policy is in the
2 final state of approval going out to -- or
3 anything that we share this afternoon is not
4 going to change that. Likely it won't change
5 that draft policy -- so rather than spin our
6 wheels and -- investigative reporting -- it
7 seems like we should just wait on behalf of
8 our -- whether that's --

9 MR. BILLY: Is there general
10 agreement with that? Anyone object to that?

11 (No audible response.)

12 MR. BILLY: Let's do it that way.

13 Ms. McCARTY: Fine with me.

14 MR. BILLY: Okay? All right.

15 We'll break for lunch.

16 (Whereupon, at 12:23 p.m., off the
17 record.)

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