

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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WEDNESDAY,

November 11, 2009

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

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MEMBERS PRESENT (CONTINUED):

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

ALSO PRESENT:

ZUBIN BANJI
LAUREL BRYANT
GROVER FUGATE
JESSICA KONDEL
HEIDI LOVETT
KRIS LYNCH
SARAH MELTON
STEVE MURAWSKI
GARY REISNER
ALAN RISENHOOVER
JACK WIGGIN

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

2 8:33 a.m.

3 VICE CHAIR BALSIGER: Good morning,
4 everybody. Thanks for getting out in the
5 rain, although maybe most of you didn't even
6 have to get outside. So we've got an
7 interesting day on the schedule and Mark might
8 want to talk a little bit about the afternoon
9 stuff before we get ready to pop into the
10 agenda.

11 MR. HOLLIDAY: All right. So this
12 afternoon we had plans after our Subcommittee
13 meetings to take a van down to the mall to
14 allow people to visit the Vietnam Veterans
15 World War II Memorial. And we are still
16 perfectly willing to do that. I'm just
17 mindful of the weather. It's going to be
18 pretty much like this all day long, kind of
19 grey, cloudy, occasional rain. We have the
20 vans. We can take people down. I have nine
21 umbrellas with me to help keep the rain off
22 your back if you are interested in going.

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1 The plan would be to drive down
2 there, let you walk from one end of the
3 reflecting pool down to the other. The
4 memorials are kind of clustered. And then
5 people who want to stay downtown and go out to
6 dinner, there's some restaurants we have made
7 some recommendations. We can keep a van
8 downtown for those folks to help bring you
9 back after dinner or we can take, you know,
10 one or more of the vans back to the hotel and
11 people could have their evening meal here in
12 Silver Spring.

13 So I thought we would take a head
14 count just before we break for lunch and see,
15 you know, what your interest is, so that we
16 can plan events accordingly for this
17 afternoon, whether you want to do it or you
18 want to forego taking that trip down to the
19 memorials.

20 The whole purpose again, today is
21 Veteran's Day. We are all trying to be
22 mindful and sensitive to what people have

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1 contributed over the years to our country and
2 our safety and honor them in that way, even
3 though we are working this morning.

4 So I just wanted to give that as a
5 heads up. We are still -- we have the vans.
6 We are ready to go, but we don't want to make
7 it, you know, stressful on people if they
8 don't feel like doing this because of the
9 weather.

10 MR. BILLY: Okay. All right.
11 Okay. I would like to start by first
12 acknowledging the wonderful dinner and party
13 we experienced last night and thank our hosts,
14 Jim and Heather.

15 (Applause.)

16 VICE CHAIR BALSIGER: I had a good
17 time.

18 MR. BILLY: Throw a party for us
19 anytime. Very good.

20 MS. McCARTY: But not tonight
21 though.

22 MR. BILLY: Not tonight.

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1 MR. HOLLIDAY: Leftovers tonight.

2 MR. BILLY: Yes, leftovers.

3 MS. McCARTY: It went away.

4 MR. BILLY: Okay. We're going to
5 start off this morning with some status
6 reports. These are designed to kind of get
7 this Committee up to speed on key areas that
8 contribute to the role that we are expected to
9 play in providing advice and counsel to NOAA.

10 The first area is the 2010 budget.

11 And, Gary, the floor is yours.

12 MR. REISNER: Let's see, that works
13 for now. Okay. I'm going to go through this
14 rather quickly. I did this the last --

15 MR. HOLLIDAY: Sorry, Gary, we
16 probably should introduce you.

17 MR. REISNER: Oh.

18 MR. HOLLIDAY: Gary Reisner is the
19 Chief Financial Officer for the NOAA Fisheries
20 Service in regard to our budget formulation
21 executive and many other administrative
22 responsibilities of the Agency. And Gary is

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1 going to give us a briefing on where we stand
2 on different financial budget pictures for
3 NOAA Fisheries.

4 MR. REISNER: So I'm going to go
5 through the budget, give you an overview. I'm
6 going to spend a couple of minutes just on the
7 NOAA-wide budget, so you have a sense of that.
8 And where fisheries sits in on it, recognize
9 that Congress is still working on the 2010
10 Budget and I actually have a bet that they are
11 going to pass the budget between Veteran's Day
12 and Thanksgiving. So I think that's still a
13 possibility, so we'll see.

14 So the agenda is there. Maybe it
15 doesn't. So what I have done is taken a
16 couple slides from Dr. Lubchenco and put in
17 some of her priorities, so you can see the
18 sense of the NOAA budget. The most important
19 for her is ensuring that science is being
20 valued and is being used for policy making.
21 She also has indicated an interest in
22 expanding our social science activities.

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1 One of the big pieces is
2 transforming fisheries and I'll talk about it
3 later about catch shares. She is also
4 interested in supporting and expanding our
5 climate services capabilities and this would
6 include our -- as it relates to living marine
7 resources, ocean acidification. Satellites
8 are a big issue with NOAA and continuity and I
9 would argue and like to make a pitch that all
10 of our observing systems and platforms need to
11 be maintained for continuity. So that would
12 include our vessel platforms and other
13 observing opportunities.

14 And of course, weather, timely
15 weather, we're just -- we're getting the
16 remnants of Hurricane Ida here and that will
17 continue to be important.

18 It seems to only do it when I look
19 at the screen -- so the NOAA budget in total
20 is \$4.5 billion. It is about a \$2.5 million
21 increase over the 2009 omnibus. There is some
22 reallocation of resources in there.

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1 Primarily, it is earmarks that occurred in
2 prior years that we, in fisheries, and the
3 other line offices reallocate. It does -- the
4 two biggest issues are fisheries and
5 satellites. There is additional support for
6 the National Climate Services and for science,
7 ecosystem science, in a number of areas.

8 If you look at this graphic, it
9 sort of shows the budget. There is actually
10 an arrow. The red bar there should top out at
11 \$4.6, not \$4.8. But one of the things that
12 you can look at, if you look from like 2005
13 through 2008, you see the budget was flat.
14 And it started eating into our capabilities
15 and others to actually expand our activities.

16 We started getting increases in
17 2009. Again, primarily related to satellites.
18 There was some 300 million in increases there
19 related to satellites.

20 As we go to '10, you can see we're
21 at 4.5 billion. The House is at 4.6. The
22 Senate is at 4.8. One other thing to note

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1 that hasn't happened in the past is our '10
2 request is above our '09 enacted. And this is
3 one of the first few times that this is --
4 that I've been aware since I have been doing
5 this -- that this has occurred. So it does
6 indicate the support we have from the
7 Administration and hopefully Congress will
8 continue their support.

9 This table sort of breaks down the
10 individual line offices or program areas, if
11 you are interested. These numbers at the
12 bottom don't exactly match the numbers on the
13 previous chart, because these include direct
14 obligations. We have a number of mandatory
15 accounts and financing accounts that get
16 subtracted to get to discretionary budgets,
17 but from a relative perspective, this shows
18 you where each of the line offices are coming
19 out.

20 Clearly, oceans and coasts and
21 research need a little more support. The
22 satellite budget is substantial. It has a

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1 \$250 million increase, that's over the
2 increase that was in '09. Again, satellites
3 are taking a lot of resources. They are very
4 important. I wish they could count fish
5 though, because I think it would help us.

6 The fisheries overall for NOAA
7 fisheries we are at about 911 million and I'll
8 go into that more. I'm not going to get into
9 all of these areas. You do see a decrease in
10 program support areas. However, with the
11 Recovery Act supplemental, we got a
12 substantial boost in funding. We had about
13 \$830 million, a substantial share of that went
14 to facilities, our Pacific Island region
15 facilities, La Jolla.

16 We got a new fishery survey vessel
17 being developed. It will be a Dyson-class
18 vessel. And then other monies went to weather
19 service, modernization activities and super-
20 computing for weather and climate.

21 Let me quickly get into the budget
22 for fisheries. Again, similar chart to what

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1 you saw the last time. You can see that this
2 fluctuates a lot more than the NOAA budget in
3 whole. The '07 jump there, that includes
4 about 145 million related to disasters that we
5 had in the Gulf and the West Coast. If you
6 took that out, that would be at around about
7 790 or so, so fairly flat during those periods
8 that the overall NOAA budget was flat.

9 If you look at the 2009 budget,
10 we're at about \$879 and then we had 170
11 million in ARRA money, American Recovery and
12 Reinvestment Act. Thank you, I keep calling
13 it AARP, but people tell me that's wrong.
14 Again, it looks like we are finally getting
15 some of the increases we requested. However,
16 if you also look at the '09 number, just
17 ballpark stuff, we had a substantial amount of
18 earmarks back in '09. It was around \$60
19 million or so. And so that affects our
20 ability to do our core programs.

21 As we go into 2010, we still have
22 an increase in our request, which is good.

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1 And the earmarks on both the House and the
2 Senate side are lower than they were in '09.
3 So hopefully that trend of smaller earmarks,
4 hopefully we are meeting both the needs of the
5 Administration plus the needs of Congress,
6 that they don't feel they have to redirect
7 funds, so we will keep pushing that area.

8 This is some highlights of the '09.

9 A lot of the discussions you are having are
10 about this, so I'm not going to spend too much
11 time here. New England Groundfish interim
12 implementation and hopefully in May a final
13 implementation.

14 We have, in the ARRA, we had about
15 50 projects. We had about \$3 billion worth of
16 requests for that 170 million, 167 million.
17 We got 3 billion in requests for that. And
18 out of that, we were able to only fund 50
19 projects, but it covers a substantial area.

20 We have rebuilt stocks. We
21 published our guidelines for ACLs and
22 accountability measures. We finally got our

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1 ship-strike rule out on large whales. We
2 developed a recovery plan for white abalone.
3 And one of the things that we are doing, we
4 developed the Fishery Management Plan for the
5 Antarctic as the ice is retreating, trying to
6 get ahead of that.

7 One thing not on here is the FDA
8 decided to stop doing Seafood Safety
9 Certificates for exports to the European
10 Union, so our voluntary Seafood Inspection
11 Program has taken that over. It has been a
12 fairly smooth transition. We are charging for
13 that where FDA did it for free, so there is
14 some angst about that, but it seems to be
15 working pretty well.

16 So fisheries 2010 request, I said
17 it's about 911 million. We have about 12
18 million in inflationary adjustments that we
19 have. In terms of our biggest increases, the
20 largest one, the most important, is probably
21 continued reimplementation or implementation
22 of the reauthorized Magnuson-Stevens Act. We

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1 have about 56 million for that. Within that
2 is 18 million that is going up to New England
3 to help with the transition from their old
4 style of fishing and days at sea and moving
5 into catch shares and those types of controls.

6 We also have expanded our Section
7 6, ESA Section 6, Cooperative Conservation
8 Grants with States and we have added about a
9 million dollars to our joint enforcement
10 agreements related to implementation of catch
11 shares.

12 This table, I won't spend a lot of
13 time, just shows the sub-activities within our
14 budget and where the House and the Senate
15 funding is currently sitting. One of the
16 issues, if you look at the protected species,
17 it looks like those numbers are jumping around
18 a lot between the House and the Senate and the
19 request and the reason is related to these
20 Recovery Conservation Grants and the Pacific
21 Coastal Salmon Recovery Fund.

22 When we first put our budget

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1 together, we actually had a request of 60
2 million for recovery, Cooperative Conservation
3 Grants in our Protected Species Program. And
4 we had assumed within that amount that some 50
5 million or so would be directed towards
6 Pacific Salmon Recovery activities and 10
7 million for the rest of the country. That met
8 with some consternation on the Hill. And they
9 wanted to break that out.

10 They convinced the new
11 Administration and we actually went up with a
12 budget amendment that moved 50 million out of
13 Protected Species and into the Pacific Coastal
14 Salmon Recovery Fund for a final request.
15 However, as the process was moving along in
16 the House and the Senate, the House didn't
17 take our amendment. They left all that money
18 in Protected Species. And so that's why that
19 number is so large there in the House.

20 The Senate did take our amendment.

21 They left only 10 million in Protected
22 Species Recovery Grants and put the rest of

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1 it, plus an extra 30, into Pacific Coastal
2 Salmon Recovery Fund. So that's why you see
3 those numbers jumping around up there.

4 I'm going to quickly go through
5 each of these. I think the last time we
6 talked, I gave a presentation that talked
7 about these, so let me quickly do this again.

8 Again, we have Section 7,
9 Consultation Work, that we have an increase
10 for. We continue to be somewhat overwhelmed
11 with consultations and are falling behind in
12 our legal time frames. And so we are trying
13 to pick that up. That is exacerbated with all
14 the projects that are coming out with the
15 Recovery Act, so we have put some money here,
16 both Houses seem to have supported that.

17 With the Species Recovery Grants
18 that I was talking about, the Section 6
19 grants, we have 10 million. The House has 50
20 million here, but they identify -- I'm sorry,
21 they have 60 million, but they have identified
22 50 of that should be for Pacific Salmon. The

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1 Senate funded this at 10 million.

2 For marine mammals, 5.3, portions
3 of that going to Monk Seal Recovery, Cook
4 Inlet Beluga and Ice Dependent Seals. There
5 are -- we have four petitions up in the
6 Arctic-related to Ice Dependent Seals that we
7 are looking at. Two of those, and I'm not
8 sure which ones, I think it is the Ribbon and
9 the Ring Seal, we have identified as not
10 requiring listing. We are still evaluating
11 Spotted and Bearded Seals for listing.

12 Atlantic Salmon we have an increase
13 there of 3 million and for Pacific Salmon
14 specifically related to Recovery Acts in the
15 Central Valley, primarily, we have an
16 increase.

17 On Fish Research and Management, I
18 had indicated Magnuson-Stevens was our top
19 priority and I have another slide on that that
20 we will go into. We also have some funding
21 for marine monuments. When the last
22 Administration was leaving, they created three

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1 new monuments out in the Western Pacific to
2 which we are partly responsible for management
3 and these funds are going there. We are
4 sharing these monies with the NOS on that.

5 For CAMEO, Cooperative Analysis of
6 Marine Ecosystem Organizations, this is an
7 effort that we have been trying to do with the
8 National Science Foundation. I think its
9 National Science Foundation. It is a joint
10 agreement. We have 5 million. Last year we
11 also requested funds that weren't enacted for
12 this effort.

13 This year we have requested it
14 again at 5 million. The Senate has provided
15 that funding. The House has not. So we will
16 see what happens with the outcome of the
17 conference. Hopefully we will be able to get
18 some of this. We will try to do one way or
19 another or at least support it somehow.

20 Pacific Salmon Treaty -- as you
21 recall, the agreement between Canada and the
22 U.S. was agreed to the annex for the next 10

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1 years, it requires an additional investment on
2 our part of about \$17 million. It is actually
3 more than that over a 10 year period. The
4 House has funded this, but the Senate cut it
5 by 6 million. We're not sure why, but it
6 could impact either our payments to Alaska or
7 the funding that would have gone towards stock
8 enhancement activities in Puget Sound.

9 And finally, we have some money for
10 Integrated Ecosystem Assessments of a million
11 dollars. It is a small increase. I think we
12 are going to try to expand that. CAMEO and
13 Integrated Ecosystem Assessments and some of
14 our science activities that aren't specific to
15 a particular species, we're having trouble
16 getting traction on that. And I think we need
17 to keep working, so that we can get to this
18 next level of assessments that is looking more
19 holistically at the environment, but it may
20 take us a couple of years to get it.

21 These are the Magnuson-Stevens
22 highlights of the 56 million. We have asked

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1 for money in prior years, too, so right now,
2 based on our estimates, approximately, we have
3 got about 90 million over what we were funding
4 for Magnuson-Stevens prior to enactment of the
5 Reauthorization Bill. We think that this and
6 maybe one more tranche will help -- will get
7 us over the hump to be able to meet the
8 requirements of that Act.

9 Anyway, 12 million is for annual
10 catch limits and working with the regional
11 offices, councils and others. We have got 10
12 million for expanded stock assessments. I
13 point out expanded stock assessments and I
14 think I have talked about this before, we have
15 had a few increases that we have requested for
16 expanded stock assessments and we have
17 actually gotten those increases. However,
18 they have been offset by decreases in our
19 survey and monitoring line, sort of our
20 baseline, the foundation of our assessment
21 activities.

22 And so they are putting bricks on

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1 top, but taking them off of the bottom, sort
2 of like Jenga and eventually it may collapse.

3 But more importantly, even though it looks
4 like we're getting increases, in fact, we
5 haven't been getting the full increases that
6 we have been requesting for our survey and
7 monitoring activities. And we will continue
8 to work to try to educate folks on that.

9 We have got additional monies for
10 the Regional Fishery Management Councils.
11 That is in both bills. We have additional
12 monies for our RecFish and statistics
13 activities. This is becoming increasingly
14 important. We have issues in the Gulf right
15 now with some closures related to RecFish that
16 are creating problems. There is also some
17 angst on the part of recreational fisherman
18 and the fishing industry associated with catch
19 shares, so we need to keep this and get this
20 going.

21 We have some money for IUU that we
22 are pushing forward. And then additional

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1 economic and social science work.

2 Enforcement. The enforcement
3 monies are both for Magnuson-Stevens and for
4 international activities. About \$3 million of
5 this is going to go specifically for,
6 hopefully, enforcement of catch shares and LAP
7 programs as they are put in place around the
8 country. I mentioned earlier about a million
9 for additional joint enforcement agreements.

10 Throughout the coastal states, we
11 actually provide substantial funds to the
12 State Natural Resource Enforcement agencies
13 and they do a lot of our enforcement
14 activities in cooperation with us. And we
15 have provided assets to them, vessels in which
16 they can do this. There is also about a
17 million dollars for additional vessel
18 monitoring systems.

19 Observers. We've got about 5
20 million. About 2 million of that is for our
21 national program. I think they are going to
22 add a couple of pilot programs where we think

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1 we may need observer coverage but aren't sure
2 yet. And then about 3 million will go for
3 expended observer activities. It's part of
4 the 18 million that will be in New England
5 related to catch share implementation.

6 We have a million dollars for Deep
7 Sea Coral research. We work cooperatively
8 with NOS on this. But a lot of the work is
9 going off of the South Atlantic that we are
10 doing work there trying to do habitat
11 characterization and mapping work.

12 We have other increases.
13 Aquaculture. Aquaculture, we have about \$4
14 million in our '09 enacted level for
15 aquaculture. We have an increase of 2 million
16 that was going to go primarily to enhance our
17 science activities related to aquaculture.

18 We are also in the process of
19 redeveloping our policy documents on
20 aquaculture and hopefully working with
21 Congress on authorization for aquaculture
22 activities. I don't know that we have made a

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1 decision, a final decision, on whether we are
2 going to -- the last Administration we had
3 introduced or proposed our own bill that was
4 introduced. There wasn't much action on that.

5 There is additional interest on the
6 Hill, although, it is unclear whether we are
7 going to have our own bill or work with
8 Congress to get a bill. But while the Senate
9 funded our aquaculture, the House actually cut
10 our aquaculture. They cut our request and
11 then they cut our enacted, so that we would
12 actually go back down to 2 million for our
13 enacted budget which will impact our ability
14 to do research if that becomes enacted and
15 better define what some of the impacts are, if
16 we were to get aquaculture authorities out
17 there.

18 We also have climate change monies.

19 Primarily, this money is going to go for
20 additional charter days in the Arctic. Again,
21 as the ice is retreating, as stocks are moving
22 further north, we want to go find them,

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1 essentially. Bill?

2 MR. DEWEY: Could you say what the
3 Senate did on the Aquaculture?

4 MR. REISNER: The Senate provided
5 our 6 million that we had requested. But the
6 House only gave us 2 million. And our request
7 was, the total request, at 4 million or I'm
8 sorry, our '09 enacted number was \$4 million.

9 We had requested a 2 million increase, which
10 would have given us 6 million in total in '10.

11 The Senate funded that. The House only gave
12 us 2 million.

13 MR. WALLACE: 2 million total?

14 MR. REISNER: 2 million total. So
15 it's a cut from '09.

16 VICE CHAIR BALSIGER: Gary, the
17 presentation is going good, so I don't want to
18 interrupt, but are these documents available
19 for MAFAC to see the specific numbers? Is the
20 Senate proposal and the House proposal on
21 Thomas or something like that?

22 MR. REISNER: They are on Thomas.

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1 We can get that. We can try to get a table
2 cleared through NOAA budget. Sometimes it is
3 difficult, but I'll try to do that, that shows
4 our allocations that aligns --

5 VICE CHAIR BALSIGER: I'm not sure
6 there is interest.

7 MR. REISNER: Yes.

8 VICE CHAIR BALSIGER: I was just
9 wondering if it was.

10 MR. REISNER: Yes. And some of
11 this, if you go to Thomas, they have summaries
12 that don't have a lot of data, but in the
13 support tables you can see where the numbers
14 actually are.

15 And then Cooperative Research, we
16 have a \$6 million increase to again expand our
17 cooperative research activities. In part, for
18 catch shares and in part to address some of
19 the -- OIG in New England has indicated that
20 we haven't been working as transparently as we
21 could with industry up there, so we are trying
22 to expand our cooperative research up there.

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1 In summary, there is the House
2 mark, there is the Senate mark, both of these.
3 Our request is at about 911.8. If you reduce
4 the earmarks out of these, you come up fairly
5 close. If I subtracted the earmarks off of
6 the Senate Bill, I would be at around 938 and
7 if I subtracted the earmarks off of the House
8 Bill, I would be at 926. Now, there is some
9 puts and takes there. They are not all quite
10 the same, but those would be the aggregate
11 levels that we have.

12 Again, the Senate finally passed
13 their bill just a little over a week ago or so
14 and so it's going to conference. I can tell
15 you that staff have been working this between
16 the House and the Senate, although members I
17 don't know how engaged they have been yet.
18 The Senate has announced their conferees,
19 which are essentially the Subcommittee
20 Members. And I suspect the House will do the
21 same. I think that if they were to focus on
22 this, it could go very quickly. The current

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1 continuing resolution runs through December
2 18th.

3 I'm optimistic that we will have--
4 we could have an enacted bill before that and
5 I'm still sticking to my Thanksgiving --
6 between now and Thanksgiving date. But you
7 know, that's just a crap shoot really, as
8 Chris laughs back there.

9 Finally, I was making a joke -- the
10 '11 process, we are involved in that now. Our
11 budget is currently over at OMB. We have had
12 briefings with them, questions. They should
13 be getting us their recommendations early next
14 month and we will do some more negotiations
15 and then we will be releasing the President's
16 Budget in February.

17 I'm actually starting -- I have
18 started work already on the 2012 Budget and it
19 sort of shows you that the budget process is,
20 you know, two years in advance of when things
21 come out. And so we try to anticipate things
22 that are going to be priorities. We don't

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1 always get it, but that's why we work with the
2 Administration and Congress to get these
3 changed. However, as the budget moves along,
4 so, you know, the '11 budget is over at OMB.
5 The '12 budget will be going to DOC in the
6 spring, over the spring and summer. So
7 opportunities to influence that budget become
8 less and less and less as time goes on.

9 So most people are thinking oh,
10 we've got to work and negotiate things for
11 2010 or maybe start thinking about '11, but
12 really, you should be thinking about '12.

13 And I think that's all I have.

14 MR. BILLY: Thank you, well done.
15 Any comments or questions? Heather?

16 MS. McCARTY: Thank you, Mr.
17 Chairman. Gary, I have a question about the
18 stock assessment and survey issue that you
19 mentioned earlier.

20 MR. REISNER: Yes.

21 MS. McCARTY: And I already had
22 down to ask you about this. You said you have

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1 asked for a certain amount and it gets turned
2 down at a certain level. I wasn't clear on
3 where those requests are being turned down and
4 how those budgets are going down from what you
5 think you need.

6 MR. REISNER: So actually in 2010,
7 both the House and the Senate have funded our
8 request. But if you, hold on a second, if you
9 look back at '09 and '08, we had reductions on
10 the order of, I think, around \$9 or \$10
11 million from our requested levels in survey
12 and monitoring.

13 And so we are still trying to get
14 that money back. So while we might get an
15 increase of 10 million in expanse stock
16 assessments, we have an offsetting reduction
17 in survey and monitoring. And a lot of our
18 traditional regional survey work is done in
19 the survey and monitoring lines, stuff off of
20 Alaska, West Coast, things that we have to do.

21 And so we are finding that a lot of the
22 expanse stock assessment money, which really

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1 was intended to be expansions, is going to
2 fund activities that there is an expectation
3 that they will get done, so we have to do it.

4 In addition, I talked earlier about
5 our ship platforms and vessels. We continue
6 to have an aging fleet. We have lost fleet in
7 -- the David Starr Jordan, I think, is tied up
8 now. We had problems in the past in Alaska.
9 As these ships are tied up and funds for those
10 are funded out of our Marine Operations
11 Budget, just like satellites are not funded in
12 weather service, they are funded out of our
13 NESDIS, National Environmental Satellite Data
14 office, OMAO is where the fleet is funded.

15 When there are reductions there, we
16 are left without a platform and we have had to
17 use some of our funds either to charter or to
18 get additional days to do operations.

19 So I had talked about our observing
20 platforms are pretty important for us.

21 MS. McCARTY: Gary, what you're
22 saying then is that the Congressional actions

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1 have cut --

2 MR. REISNER: Yes.

3 MS. McCARTY: -- the survey money
4 in the past?

5 MR. REISNER: In the past.

6 MS. McCARTY: So there is no chance
7 that as the requests come from the regions and
8 as the budget is being developed, that the
9 assessment and/or survey requests from the
10 regions are getting cut at an internal level
11 or reduced at an internal level or by OMB?

12 MR. REISNER: Well, certainly, I
13 think regions have asked for additional funds
14 and they haven't always made it through the
15 budget process in the Administration, but we
16 haven't had cuts. A lot of these cuts in the
17 survey and monitoring lines have a genesis
18 going back about three or four years when we
19 had the Alaska composite.

20 And prior to that, we had an effort
21 on the part of the Hill to create salary and
22 expense lines where they take all of our

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1 employee and FTE costs out of our programmatic
2 lines and put them into a big pot. Those
3 weren't successful operations. And when they
4 tried to put the money back, they reduced the
5 salary and expense lines, but not all the
6 money made it back into the program lines that
7 we had.

8 The same thing happened with the
9 Alaska composite where monies were pulled out
10 to create an activity that was essentially all
11 of our activities in Alaska. And I don't --
12 some of you may remember, when that happened,
13 I think there was an awareness of how much we
14 were spending in Alaska and there was somewhat
15 of a backlash of other regions in the country.

16 And so it was decided, not
17 necessarily by us, we didn't really like the
18 Alaska composite line anyway, to put that
19 money back into the lines from which it came.

20 And again, the Alaska composite line got
21 zeroed out, but not all the money made it back
22 into the programmatic areas. And we ended up

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1 with shortfalls.

2 So one of the -- I get angst when
3 people want to reorder our budget and say
4 well, it doesn't have any impact, we're just
5 moving money around. Well, invariably, when
6 we do that, the reductions are taken, but the
7 additions aren't put in. And so it's a risky
8 proposition to make large changes in the
9 budget structure.

10 MR. BILLY: Someone over here,
11 okay, it was Martin first.

12 MR. MARTIN FISHER: Thank you, Mr.
13 Chairman. Good morning, Gary. The \$82.6
14 million for the New England sector-based
15 management, can you break that out a little
16 bit? Is any of that money going to be
17 available directly to fisherman that are
18 stressed due to FMP and catch shares coming up
19 or any kind of guaranteed loan program for
20 them, so they can continue to stay viable to
21 fishing?

22 MR. REISNER: There is not a

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1 guaranteed loan program. Some of that money,
2 they are doing a pilot, I think a pilot, in
3 Maine, a Permit Banking Pilot, where if --
4 where Maine will buy permits that maybe
5 fishermen want to get out of the business and
6 then lease that to local Maine communities.

7 There is, obviously, a substantial
8 amount for cooperative research and a fair
9 amount of that could go to -- I don't have the
10 specifics of exactly where it is going. Some
11 of that is going to some survey work, in-shore
12 survey work that fishermen could be hired for,
13 but I don't have the specifics of that. But
14 no, there isn't specifically monies going to
15 loan guarantees or direct assistance
16 activities.

17 MR. BILLY: Okay. I have got
18 Vince, Erika, Randy and Randy. Anyone else?
19 I'm going to shut it off. Okay, Steve. We've
20 got several other presenters. Okay. Vince?

21 MR. O'SHEA: Thank you, Mr.
22 Chairman. Thanks, Gary. I'll try to be quick

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1 with a comment, then a question. The comment
2 is about three weeks ago, we heard about a
3 proposed raid on the NOAA Satellite Program,
4 the reprogram over to, I think it was, Water
5 or Immigration and we sent 30 letters to the
6 Senators of our Coastal States supporting the
7 CJS mark on the Senate site for NOAA.

8 And we were able to do that really
9 quickly, because it was a big chunk of money -
10 - you know, it wasn't any parochial issues as
11 far as our states were concerned. So I just
12 wanted to make you aware of that.

13 The second issue, though, when you
14 talked about you were working on the 2012
15 Budget Bill and it seems to me that implied in
16 the catch shares is a movement towards right
17 sizing or perhaps restructuring some of the
18 fisheries that are going to come out on the
19 other side of catch share programs.

20 And I'm wondering if that then
21 presents an opportunity of looking at the
22 policy to see who pays for observers, whether

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1 these restructured fisheries will be able to
2 afford observers as part of the package or
3 alternatively is there a policy decision that
4 observer coverage is a government function and
5 that then is plugged in to what you are trying
6 to do and put into the 2012 budget?

7 MR. REISNER: Is that a question?

8 MR. O'SHEA: Yes, it is.

9 MR. REISNER: I'm going to look to
10 Mark. There is some money in the budget for
11 observer coverage related to at-sea monitoring
12 for implementing catch shares. I'm trying to
13 deal a year at a time, so whether that is
14 sustained over time, I think there is an
15 intuitive expectation that as fisheries
16 recover, as rents are starting to be earned in
17 the fishery and those rents are accruing to
18 shareholders, that the share holders may take
19 on more of that responsibility.

20 But as far as, you know, how long
21 is it going to take for that to happen? Do we
22 do it in one year, three years, five years? I

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1 don't know. Mark, do you want to add? Mark,
2 obviously, is the Executive Director on the
3 Catch Share Policy Task Force.

4 MR. HOLLIDAY: Right. In the
5 presentation yesterday on catch shares, we
6 talked a little bit about Observer Programs.
7 And so there are several questions that are on
8 the table with respect to how much observer
9 coverage is necessary at any given fishery.
10 So what's the scale of the observers?

11 Right now, we also have different
12 policies at different fisheries with respect
13 to who pays for them. The industry pays for
14 them, North Pacific. We're looking at paying
15 for them in a transition phase in New England.

16 You know, initially the government would be
17 paying for these at-sea monitors and dock-side
18 monitors with an expectation that over time
19 once we get through this transition and the
20 industry is more able to pay some share of
21 that even under our cost recovery, it's
22 required to pay for the cost of management

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1 data collection and observers.

2 So the policy statement itself, as
3 it comes out, is asking the question how do we
4 develop this best practice to have a policy on
5 who pays, looking at the ability to pay,
6 looking at the initial transition costs, as we
7 do cost recovery in areas after the fact. So
8 we have to have money up front to do this, and
9 to answer some of these best practice
10 questions with respect to, is 10 percent
11 enough, 50 percent, 100 percent, what are
12 those conditions under which observer programs
13 would be implemented in catch shares?

14 So it's a recommendation of the
15 policy to resolve these outstanding questions,
16 both from a financial standpoint and from a
17 policy standpoint. And we do that through a
18 series of collaborative steps with the
19 industry with councils and with, you know, the
20 stakeholders themselves.

21 MR. BILLY: Thank you. Erika?

22 MS. FELLER: Thank you, Mr.

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1 Chairman. So, Gary, you talked a little bit
2 about New England and the catch shares up
3 there. In the Pacific Council last week, we
4 saw a presentation from the Northwest region
5 and the Science Center talking about start up
6 costs associated with the Groundfish TIQ.

7 And I'm curious if you could talk
8 about what you see in FY10 for start up and
9 implementation of that TIQ, both for the
10 region and for the monitoring? It's going to
11 go from 20 percent to 100 percent human
12 observer coverage. And my understanding is
13 that there is also -- they are also estimating
14 probably a \$300,000 to \$500,000 cost to the
15 state, also to implement the system.

16 Then I have a second question just
17 about funding for developing alternatives to
18 Human Observer Coverage.

19 MR. REISNER: All right. I don't
20 have specifics on that. There are funds in
21 the budget. There is about at least 6 million
22 that is available for catch share

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1 implementations over and above the monies that
2 I talked about here. These are the first
3 times I have heard estimates of costs on the
4 West Coast Groundfish Catch Share Program. I
5 guess I'm going to ask Alan if we have an
6 indication of how much may be going out there.

7 Our request explicitly didn't include that
8 explicitly though.

9 MR. RISENHOOVER: Right, and in
10 that area, we're looking internally with the
11 '10 Budget up at the Hill to see if that
12 funding would be available for those start up
13 costs. And I heard numbers higher than
14 300,000.

15 MS. FELLER: And that's just the
16 data.

17 MR. RISENHOOVER: Yes. So like
18 Gary said, we do have some internal money that
19 we have been trying to use for development of
20 catch share programs in one area one year and
21 another area another year, but until we get
22 some additional funding from the Hill, that

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1 money is starting to erode.

2 In other words, we start to develop
3 programs say in the Northwest, if they need a
4 million dollars every year, we would only be
5 able to increase it such that it eventually it
6 will eat away our development program. So I
7 think Gary didn't say much about the FY11
8 budget, but hopefully, again, you will see
9 some additional resources to start moving
10 toward a broader catch share program.

11 And as you know, the trawl program
12 starts in FY11 or I think it is -- the last I
13 heard it was going to start in '11. There was
14 some concern there. So at least from a budget
15 perspective, we are targeting that starting in
16 FY'11.

17 MR. REISNER: We have been
18 providing some resources to the Council and to
19 the region to get things up and running.

20 MR. BILLY: Mark?

21 MR. HOLLIDAY: So just as further
22 elaboration, you know, we had \$6 million in

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1 the budget in 2009 that has been going towards
2 catch share programs for Red Snapper, sector
3 development in the Northeast. The Groundfish
4 TIQ Program in 2009 received \$624,000 of that
5 fund.

6 Yet, Alan's point is as more catch
7 share programs come on-line, we try to divide
8 that \$6 million into smaller and smaller
9 pieces, it's clearly not going to be enough.
10 So each one of these programs a million, two
11 million dollars shot at a time, a lot of those
12 costs occurring in a lump sum at the beginning
13 of this transition and then recurring funds
14 are required over time.

15 So if you look at a million dollar
16 bill for a catch share program and the map
17 yesterday that you saw of a potential program
18 of 32 additional programs around the country,
19 that's a substantial number that NOAA would
20 have to seek the monies and resources to try
21 to investigate.

22 The last point is we received --

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1 the Secretary has received letters from the
2 three Governors of Oregon, Washington and
3 California supporting implementation of the
4 Groundfish Program for the Pacific Council and
5 urging NOAA to make sure that the funds are
6 available so this program will be successful,
7 both in its initiation and the long-term
8 financial support of those programs.

9 So it is very much on the radar
10 screen of Secretary Locke and Dr. Lubchenco.
11 Thank you.

12 MR. BILLY: Yes, thanks. Randy
13 Cates?

14 MR. CATES: Two quick questions.
15 One is the earmarks. Is there a way or
16 anywhere we could find a list of earmarks that
17 are in NOAA?

18 MR. REISNER: Actually,
19 increasingly, earmarks are easy to find. They
20 again are on Thomas. In fact, they put
21 together a separate list in both the House and
22 the Senate reports identifying those earmarks.

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1 If you want it, we can send a PDF of that to
2 you or get it to the MAFAC Members.

3 MR. CATES: And the second is if
4 MAFAC or any of us individually thinks that
5 something should be funded, when should we
6 start that process or who would we go to
7 within NOAA to propose that?

8 MR. REISNER: Individually, you can
9 go at any time. As an organization, I'm going
10 to say you can make your recommendations to
11 the Secretary and as far as the 2012 process,
12 those recommendations are probably more
13 relevant now or in the -- within the next
14 month or so than they would be later on,
15 because you have access to NOAA and the
16 Secretary.

17 After the Secretary makes his
18 decisions, I'm not sure as an entity whether
19 you can make recommendations outside of the
20 Secretary, because you report to the
21 Secretary. And the time to do that for '12 is
22 within, you know, now and the next few months.

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1 MR. CATES: I guess I would ask the
2 question to the Chairman then. Has MAFAC ever
3 done such a thing? Have they ever had a
4 discussion and made a recommendation for
5 something to be funded?

6 MR. BILLY: NOAA used to and it
7 certainly can. And to that end, one of our
8 standing Subcommittees is on strategic
9 planning, budget and I think Heather plans to
10 say something at the end of this morning's
11 session about getting her Subcommittee
12 together to talk a little more about both
13 planning and what we have learned about the
14 budget and see if there is interest along the
15 lines you are suggesting.

16 So we'll follow-up on that.

17 MR. CATES: I would like to put on
18 the table that I think MAFAC should hear and
19 learn a little bit more about the Fisheries
20 Finance Program. I think it's going to be an
21 important issue for every facet of fisheries,
22 fishing, aquaculture, everything for the

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1 future.

2 MR. BILLY: Okay.

3 MR. CATES: And so the rules are a
4 different point on that.

5 MR. BILLY: Okay. Randy?

6 MR. RANDY FISHER: A couple quick
7 questions. The West Coast used to be part of
8 the Cooperative Research Program. Of the 6
9 million that was added in, is there going to
10 the West Coast?

11 MR. REISNER: At least in the
12 request, no. That money was going to be going
13 to the Northeast.

14 MR. RANDY FISHER: Second question.
15 Anadromous grants were cut 100 percent.

16 MR. REISNER: Yes.

17 MR. RANDY FISHER: The U.S., Canada
18 -- stuff in there, and yet the states are
19 hurting big time, so is there anything de
20 facto for anadromous grants or is there
21 anything in the after -- or in the 2012 budget
22 or anything that we could get that money back

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1 in there?

2 MR. REISNER: Well, it's not in our
3 request. Obviously, we have money going to
4 Pacific Salmon and Atlantic Salmon that is
5 going to support anadromous fish. I don't see
6 from our perspective adding that money back
7 when we are constrained as to the amount of
8 increases that we can have.

9 MR. BILLY: Okay. Steve?

10 MR. JONER: I want to ask my annual
11 question about the Pacific Whiting Treaty that
12 showed that it was under international
13 provisions. Does that include funding or is
14 it already in there for the Pacific Whiting
15 Treaty? Will we ever see that?

16 MR. REISNER: I'm not sure. I need
17 to go back and look whether it is there or
18 not. I'll get back to you on that.

19 MR. JONER: Okay. And then I just
20 happen to have a general, not too specific
21 question. You talk about marine mammals, it
22 was Marine Mammal Protection Recovery. I

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1 would like to see the word management in
2 there. And along that line, I would like to
3 see a presentation at one of our future
4 meetings on just the Marine Mammal Program in
5 general.

6 And specifically, looking at some
7 of those species that -- for example,
8 California Sea Lions from the West Coast,
9 there are enough to go around for all to be
10 satisfied. I would like to see what the
11 future plans are, you know.

12 MR. HOLLIDAY: I was wondering.

13 MR. JONER: Lived in Hawaii.

14 MR. BILLY: I think we better move
15 on. Very good. Very well done, Gary.

16 MR. REISNER: All right.

17 MR. BILLY: Thank you. Next we
18 have Alan Risenhoover, Director of the Office
19 of Sustainable Fisheries, who is going to
20 provide us an update on Magnuson-Stevens
21 Reauthorization Act implementation as well as
22 several other key policy areas that they are

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1 working on. Alan?

2 MR. RISENHOOVER: Okay. I think I
3 can be very quick here, so stop me if you want
4 to hear more about one specific item,
5 otherwise, I'm going to go through this really
6 quickly. Does this work? Okay. Well, I can
7 just talk from here.

8 Okay. So when the Magnuson Act
9 passed about three years ago or so, going on
10 three years, there were six or eight major
11 areas we emphasized as part of that
12 reauthorization that was, you know, ending the
13 over-fishing, authorization to catch share
14 programs, the MRIP Program, a number of things
15 to improve the science within the Agency,
16 revising some of our NEPA Regulations and some
17 international provisions.

18 So you have heard about the catch
19 shares and you have heard about the MRIP. I'm
20 going to try and fill you in on some of those
21 other details and spend a little bit of time
22 real quickly on annual catch limits here, the

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1 NEPA, where we are with the NEPA revisions, a
2 little bit on where we are going with disaster
3 declarations and guidelines regarding that
4 and, finally, with some things on Science
5 National Standard II.

6 It was interesting hearing Gary
7 saying we are about 90 million above where we
8 were when the Act passed, so we ought to have
9 quite a few outcomes to talk to you about
10 here.

11 So just a quick reminder on annual
12 catch limits. The Act put in the provision
13 that said specifically, we need to have annual
14 catch limits such that over-fishing is
15 prevented. We need to have those for all
16 stock subject to over-fishing by 2010.

17 So there were about 15 words in the
18 Act there that really drove what the Agency
19 has done for the last three years. So we have
20 got some summary of stuff here. We finalized
21 our guidelines, our National Standard I, over-
22 fishing guidelines, in January of this year,

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1 right before the transition to the new
2 Administration.

3 When the new Administration came
4 in, we worked with them very quickly. They
5 were convinced that our guidelines were headed
6 in the right direction. And our new
7 guidelines went in place then in February. So
8 we had a good transition with the new
9 Administration there to keep our regulations
10 in place.

11 There were some additional
12 requirements to, you know, putting the annual
13 catch limit in place. One that we have been
14 working with the Councils on a lot is that the
15 Councils can't exceed their Science and
16 Statistical Committee's recommendation on
17 allowable biological catches.

18 It was required for all fisheries
19 with the two exemptions you see there. And
20 again, for any stock subject to over-fishing,
21 the requirement for an annual catch limit that
22 ended over-fishing was 2010. All other stocks

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1 would need an annual catch limit in 2011. So
2 that was a fairly high standard, especially if
3 you start thinking about what science we have,
4 what stocks are bad for, but the main thing
5 was the goal was to get over-fishing ended in
6 2010.

7 I mentioned we did publish those
8 guidelines in January, so there is a nice, on
9 our website, I'll give you the website address
10 at the end, Federal Register document up there
11 that you can read that is very exciting. But
12 we have also put up a series of 20 something
13 questions and answers that are a little bit at
14 a lower level for folks to go through.

15 So if you are really interested in
16 the annual catch limit requirements, you can
17 read the Federal Register and that question
18 and answer to get an idea of what that means
19 to some of the Councils around the country.

20 So in the three years, the Councils
21 had been working. Our guidance came out in
22 January. They need to get those placed in the

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1 2010 Fishing Year, so that's what folks have
2 been working on, as I said, very hard. We are
3 still looking at all those annual catch
4 limits, tracking them around the country for
5 each of those stocks. And I'll show you a
6 slide, I'll spend a little bit more time on.
7 But we still need to decide whether we can use
8 one of those exemptions that the Act did
9 provide, life cycles less than one year or if
10 there is international management. And we
11 have discovered it has been hard in some cases
12 to decide if something has a life cycle of one
13 year or two, if it's under international
14 management.

15 So right now as of about a month
16 ago when we last talked to the Councils in our
17 regions, we were on track to meet the 2010
18 deadline for every stock subject to over-
19 fishing. And so what are those stocks? Here
20 is a list of them as of December -- as of
21 September 30, 2009, we have 38 stocks subject
22 to over-fishing. That was 40 stocks, just a

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1 few months ago, a couple have dropped off. So
2 this is kind of the target that the Councils
3 are working on. And you can look at your
4 region up there to see how you are doing.

5 As you can see, the West Coast
6 really doesn't have any stock subject to over-
7 fishing, so their annual catch limits will be
8 coming into place by 2011. A lot of them
9 already working on that now to get those in
10 place. So in the Pacific, you see Yellowfin
11 Tuna there and Bigeye Tuna, those are under
12 international management. There is a regional
13 fishery management organization managing
14 those, so those will likely qualify for the
15 exemption under the statute.

16 If you look at the West Coast, it's
17 a little bit of a different story. New
18 England, South Atlantic, especially, you will
19 also see highly migratory species there, which
20 is something managed under my office. But of
21 those, all but four do have that international
22 exemption. ICAT being an international group

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1 there. The Sandbar, Dusky, Blacknose,
2 Shortfin Mako, No. 6 and 7 Sandbar and Dusky,
3 we already have annual catch limits in place.

4 Blacknose shark, Shortfin Mako, we have a
5 proposed rule out right now that we will be
6 finalizing early next year to get those in
7 place.

8 Let's run real quickly around the
9 other Councils and where they are. In New
10 England we've got eight multi-species stocks
11 up there. As many of you know, the Council is
12 working on Amendment 16. That process should
13 be completed by May 1 of next year, the
14 fishing year. So they are on schedule to do
15 that.

16 The other stock is Thorny Skate and
17 they are working on Amendment 3. Actually,
18 Thorny Skate is one of the two that came up.
19 So they are working on Amendment 3 and on
20 Thorny Skate, New England, even though it
21 doesn't need it. Mid-Atlantic doesn't have
22 any anymore. They were working on an omnibus

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1 amendment on Black Seabass and there are
2 others that are now working toward the 2011
3 deadline.

4 The South Atlantic, the Red Snapper
5 stocks, they have Amendment 17(a) in process
6 right now and the Snapper Grouper Amendment
7 17(b) for the other nine stocks in play. The
8 Gulf of Mexico, they have three actions
9 working right now for Greater Amberjack and
10 Gray Triggerfish. They have completed their
11 action in 2008. Gag Grouper, they should wind
12 up later this year and then Red Snapper was
13 completed in 2007 with their IFQ Program.

14 The Caribbean, they have four
15 stocks of Reef fish they are working on. And
16 Queen Conch, they have two amendments in
17 progress for that. And then as I said, the
18 other -- the West Coast's Councils don't have
19 any deadlines for 2010. So we are in pretty
20 good shape right now. We've got about three
21 months to go in 2010. We need to see how
22 those Councils do, because if they don't meet

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1 that 2010 deadline to have measures in place,
2 they are probably facing a lawsuit.

3 So that's a real quick overview on
4 annual catch limits. If you do have specific
5 questions, you know, catch me later or if we
6 have time, we can answer them now.

7 The second thing I wanted to talk a
8 little bit about was our Disaster Assistance
9 Program at the Agency. Over the past 10 years
10 or so, we have had 27 disaster declarations
11 that the Agency has made under Magnuson Act or
12 the Interjurisdictional Fisheries Act. And
13 for those 27 disasters around the country that
14 we have declared, Congress has appropriated
15 nearly \$9 million. So over the last -- \$900
16 million, not 9 million, 900. So over the last
17 10 years, we have put out about a billion
18 dollars in disaster assistance for the Agency.

19 In addition to that, there were 17
20 fisheries issues that we did not, that is the
21 Secretary of Congress did not, declare a
22 disaster, but Congress appropriated money for,

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1 such as they were disasters, and that's about
2 another 200 million. So we are well over a
3 billion dollars in these disaster programs.

4 Looking at some new language that
5 was included in the Act, we decided it was
6 probably time to put out some guidance on what
7 is and what isn't a disaster or what the
8 Secretary would and wouldn't declare a
9 disaster for. So we have put together a
10 proposed rule. We put that out for comment.
11 We have taken comments on it now. And just
12 quickly what that proposed rule said was that
13 -- and I think you all are fairly familiar
14 with the disaster provisions. It is kind of a
15 three-part test.

16 You have to have a fisheries
17 resource failure that is the access to the
18 fishery somehow has been limited, either by
19 Red Tide or the boat has been destroyed,
20 something like that. You have to then have a
21 commercial fishery failure. So not only does
22 access have to be limited, but the commercial

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1 industry has to have a significant reduction,
2 so that's kind of two of the tests.

3 The third test is, you know, what's
4 the cause of this? And so the access can be
5 from unknown, man made, causes beyond the
6 control of fisheries' managers or something we
7 don't know. So again, there was a lot of what
8 does this mean in there? And so this rule
9 tried to get at that. And so what we put in
10 there is that again fisheries' failures, the
11 fishery resource disaster is related to
12 access. There is something that has stopped
13 access to the resource, other than something
14 managers can control. So something like
15 measures put in place for conservation reasons
16 do not qualify. It has to be something beyond
17 our control. And we can control over-fishing.

18 The second part of that was well,
19 what's a commercial fishery failure? 10
20 percent, 20 percent, 90 percent? So we have
21 put in some suggested criteria for that that
22 if the revenue in the fishery has gone down by

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1 over 80 percent, that's a failure, that 80
2 percent, compared to the previous five years.

3 If it is less than 35 percent, it's not a
4 failure or if it's within the normal
5 fluctuation of that stock. If it's somewhere
6 between 35 and 80 percent, then we need to
7 work it out and figure out if it is, in fact,
8 a disaster.

9 So this is really important. Now,
10 we have got at least six. I think we may be
11 up to seven, we just got a recent one. Six
12 requests for disasters pending right now. And
13 we are going to try to work with the
14 Administration to move those out, but also to
15 try to get this new disaster guidance out.

16 So as I said, we did publish the
17 proposed rule back in January. We are going
18 through the final clearances with the
19 Administration right now. The comments we
20 received on the rule were basically on two
21 areas. One was the provision in there that we
22 put that said fisheries regulations can't be

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1 the cause of a disaster. In other words, we
2 need to put regulations in place to preserve
3 that stock, but that's not the basis for a
4 disaster. You need something that is beyond
5 our control or of an unknown cause. So that
6 we got the most comments on.

7 The second most comments we got
8 were we had said you can't ask for multiple
9 disasters. Don't ask for a disaster every
10 year for the same thing. Once we have made a
11 determination, that's the determination.

12 MR. RIZZARDI: Alan?

13 MR. RISENHOOVER: Yes?

14 MR. RIZZARDI: Can protected
15 species issues for crashes in populations
16 threaten the --

17 MR. RISENHOOVER: The sea turtle?
18 Potentially. And what we had in the proposed
19 rule is that, yes, that's something
20 potentially we can look at. It's beyond the
21 control of fisheries' managers, typically, but
22 we would have to look at that as a case-by-

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1 case basis.

2 So anyway, hopefully in the next month or two
3 we will have the final rule out on Fisheries
4 Disaster Programs.

5 One of the more controversial parts
6 of the new Magnuson Act was the requirement to
7 update and revise our procedures related to
8 NEPA and the Magnuson Act. And our charge
9 here was to work with CEQ and the Councils to
10 come up with these revised procedures. So the
11 Agency did that. We worked with Councils to
12 the degree we could and issued a proposed rule
13 on what we would do there. The proposed rule
14 would have established a new, IFEMS,
15 Integrated Fisheries Ecosystem Management
16 Statement, to replace the Environmental Impact
17 Statement we have now.

18 It would have retained the
19 Environmental Assessment Finding of no
20 significant impact statements. We can still
21 do categorical exclusions. So we kept the
22 same framework, basically, we named it a

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1 little bit different. Where we ran afoul of
2 public opinion, especially in the
3 environmental community, was looking at how do
4 we better integrate the time lines of NEPA
5 with the time lines of Magnuson Act?

6 Right now, there is a very complex
7 calculus that goes on when you try to line
8 those two Acts up. What we tried to do was
9 say that, yes, we will have comment at the
10 Council level and we will have comment on the
11 impact statement, if we find those at both the
12 Council level and at the Secretarial level.

13 That's something that doesn't occur
14 now. The Councils aren't required to do that
15 on the EIS. They typically do the draft EIS.
16 They typically do, but we wouldn't require
17 that.

18 By having that earlier comment at
19 the Council level, we did propose that we
20 could shorten the Secretary's comment period
21 and that's where we got that 150,000 comments
22 saying we shouldn't do that.

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1 So we did look at trying to improve
2 a couple of things, match the time lines a
3 little bit better and we're currently working
4 now to move forward with that. At the end of
5 the last Administration, we were not able to
6 reach agreement on whether we should go
7 forward with the final rule prior to the new
8 Administration coming in.

9 So what we did is we pulled that
10 rule, a draft final rule, from OMB review.
11 And we have been working with the new
12 Administration since then to try and find a
13 way forward. Hopefully, we are getting close
14 to that. We have had some discussion with the
15 Councils again on what's our way forward to
16 finalize this.

17 We put our proposed rule out again
18 for comment. Do we release the draft final
19 rule we had pending with OMB? Do we start
20 over? How do we move forward? So hopefully
21 we will get some clarification with the new
22 Administration on where they would like to go

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1 with that and then we will be back with MAFAC,
2 I'm sure, at a later date to tell you where we
3 are going.

4 But the challenges kind of still
5 remain for what we need to do. We need to
6 make sure the Councils have a strong role in
7 this process. We need to make sure the time
8 lines aren't a problem. Because you get this
9 where you have to basically release your EIS
10 after you have your preferred alternative
11 under your Fisheries Management Plan
12 identified and then the time lines really
13 start getting bad there.

14 We're trying to have at least 45
15 days of public comment on that under NEPA when
16 you are under a 60 day clock for Magnuson Act,
17 that leaves about 15 days to make a decision.

18 Actually, it comes down to about five days
19 based on some of the other requirements.

20 So we have got some problems there
21 that we still need to work out. Like I said,
22 we will be working with the new Administration

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1 folks to see which way they want to go with
2 that.

3 Scientific information, the Act
4 included a lot of new provisions. Some of
5 them we tried to address in other rule making.

6 It put some new conflict of interest,
7 financial disclosure provisions in for the
8 Council's Science and Statistical Committees.

9 We have a proposed rule out. The
10 comment period just closed a couple of weeks
11 ago and we will go final on soon on how we're
12 going to handle that financial disclosure, how
13 we are going to handle some of the new SSC
14 requirements out there.

15 But one thing we have also decided,
16 I may ask Heidi for some help on this, is with
17 all these new requirements on peer review,
18 what the SSC's role is now under the Act,
19 we're going to revise our National Standard II
20 Guidance, that's the best available science
21 standard.

22 And we have been working internally

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1 based on some public comment we got last, what
2 was that, spring, fall on about four areas.
3 You know, what are the principles for best
4 scientific information? What are the minimum
5 peer review requirements we should be using
6 for our science? What are the peer review
7 requirements that also should be used? What's
8 the role of the SSC members?

9 Remember now that the SSC members
10 give the Council the allowable biological
11 catch level that the Council can exceed, so
12 you shifted some of the, you know, pressure to
13 the science side there, since that turns out
14 to be a ceiling. Our safe reports, we need to
15 make sure everybody is doing those things
16 consistently.

17 And again, make sure our peer
18 reviews are capable and the public understands
19 what the transparent process is for peer
20 review and their individual reasons. So
21 hopefully by the end of the year we will be
22 seeing a proposed rule on that.

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1 I have one final slide on that. We
2 expect that to be out shortly without a long
3 comment period on that. And there should be a
4 workshop. Is it this week? I think, yes,
5 there is a workshop this week in the
6 Caribbean, what are we doing here, right, on
7 some of the SSC issues.

8 So with that, I am going to stop
9 and I just remind you that we do have a
10 website that lists all those couple hundred
11 things the Act asked us to do. There is some
12 tables in there to try to track what we were
13 asked to do, what we did, where you can go for
14 more information.

15 So this website is your first point
16 of contact to try and get that info. If it
17 doesn't work, give me a call and we'll try and
18 get your questions answered. And I will stop
19 there and take any of your questions.

20 MR. BILLY: Okay. Alan, we're
21 going to have a coffee break.

22 MR. RISENHOOVER: Absolutely.

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1 MR. BILLY: Okay. So just one to
2 two quick questions. Martin?

3 MR. MARTIN FISHER: Thank you, Mr.
4 Chairman. Alan, it looks like you go back to
5 the disaster discussion. It seems to me I'm
6 trying to find it in the minutes, but we had--
7 we visited this around the table and I thought
8 there was a consensus at the monitoring
9 meeting that, if this was stock assessment and
10 that created a fisheries disaster, that that
11 kind of disaster would be eligible for
12 financial assistance.

13 MR. RISENHOOVER: Okay. And what
14 I'm doing, I'm telling you what was in the
15 proposed rule. We have MAFAC's comments as
16 well as hundreds of other comments. Where we
17 are right now is trying to figure out where
18 that falls and what we need to do with our
19 final rule.

20 So what I was talking about, if I
21 wasn't clear, was the proposed rule.

22 MR. MARTIN FISHER: Okay.

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1 MR. RISENHOOVER: Again, talking
2 about how to get it, because it's not final
3 yet.

4 MR. MARTIN FISHER: Okay.

5 MR. BILLY: Okay.

6 MR. RIZZARDI: Alan, in all the
7 rule making that is going on right now, is
8 there anything to address the sea turtle
9 issues and the crashes in population concerns
10 that were expressed in the 2009 statute?

11 MR. RISENHOOVER: Well, there is
12 individual actions going on by the Councils
13 and the Agency. As you know, in the Gulf and
14 South Atlantic there is a number of actions
15 that we have taken related to sea turtles.
16 And so those have been taken, you know,
17 probably more on the ESA side than an MSA
18 side.

19 MR. RIZZARDI: So it's not
20 necessarily gear changes?

21 MR. RISENHOOVER: Well, there are
22 gear changes that the Council has worked on.

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1 There was just the bottom long line closure
2 and the Gulf closure and I think it was four
3 months. The Council was looking at permanent
4 measures to replace that on what we can do
5 with those in the future.

6 We had a biological opinion on that
7 bottom long line fishery. So yes, things are
8 going on, but they are not really mandated or
9 some of these new mandates by the Act.

10 MR. RAD: And it's all taking place
11 on a region-by-region basis right here now?

12 MR. RISENHOOVER: Correct. There
13 has been some talk about, you know, looking at
14 sea turtle populations around the country
15 again, but again, that's not TEDS.

16 MR. BILLY: One more. Terry?

17 MR. ALEXANDER: Yes, my question is
18 about the SSC. I was under the impression
19 that, I don't know why, but that, the Science
20 Center says the Act, the SSC looks at the
21 percent with uncertainty. Is that correct --
22 and then they suggest -- well, so far, always

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1 low a number to the Council and also was it
2 required? They could make the suggestion or
3 they didn't make it somewhere in the middle.

4 MR. RISENHOOVER: The Act says that
5 the Science and Statistical Committee will
6 recommend a level to the Council that the
7 Council then cannot exceed. So where that has
8 come up recently is for stocks that aren't
9 subject to over-fishing.

10 So in 2010, the Council's SSC
11 should be recommending an allowable biological
12 catch to the Council. The Council then needs
13 to set its annual catch limit at or below
14 that. They cannot exceed it.

15 So the question that recently has
16 come up that you may have heard is, you know,
17 what about stocks that aren't subject to over-
18 fishing? If the Council's SSC gives them an
19 ABC and they don't have to set an ACL until
20 2011, can they ignore it in 2010? And the
21 answer is no, because you have to take the
22 best available scientific info -- or the best

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1 science available at the time.

2 So the Council really needs to look
3 closely at those SSC recommendations. But the
4 general process you outlined, I think, you
5 know, in general is right. Our Science Center
6 develops a stock assessment that has a
7 recommendation in it. The SSC reviews that
8 recommendation and makes a recommendation of
9 an ABC to the Council. And then the Council
10 needs to set something below that when they
11 set their ACL.

12 MR. ALEXANDER: Okay. Fine. We
13 have always gone by the Science Center's
14 recommendation in the past. And now these
15 guys are in the mix, in the middle of it and
16 it's kind of confusing people, because I think
17 that people -- and I am one of them when I sit
18 through all the Council meetings, I was
19 assuming that they weren't required to take
20 that recommendation.

21 I was assuming that they -- that
22 was a suggestion considering PATH and also

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1 could setup with the Science Center or --
2 because they kind of seem they are fighting
3 against each other.

4 MR. RISENHOOVER: But the
5 requirement is that the Council said it both.

6 I guess the exact requirement is that it may
7 not exceed the SSC's recommendation. So the
8 Science Center will provide information to the
9 SSC. The SSC, as you said, per our guidelines
10 is supposed to start looking at scientific
11 uncertainty.

12 That is, the estimates they have
13 gotten or the peer review, you know, how
14 confident are they in that science? Based on
15 how confident that are in that science, they
16 would recommend ABC to the Council. The
17 Council then, in setting its ACL, takes the
18 management uncertainty into account. You
19 know, how well has the management worked in
20 the past, as well as developing, okay, if we
21 exceed our ACL, what are we going to do about
22 it, the accountability measures?

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1 So that's part of this National
2 Standard II Proposed Rule that will come out
3 and will help that in the future.

4 MR. BILLY: Okay. In the interest
5 of time, I think I'm going to push on. Are
6 you going to be around?

7 MR. RISENHOOVER: I'll be around.

8 MR. BILLY: Feel free to raise
9 questions or come back to this.

10 MR. RISENHOOVER: Right.

11 MR. BILLY: I would like to move on
12 to the legislative update. Alan, I hear you -
13 -

14 MR. RISENHOOVER: And I got drafted
15 to do that this morning, so that's going to be
16 very short.

17 You have in your books a table,
18 look at it. You have it on the website,
19 right? I have a copy. You too can have a
20 copy. It's a good summary. It's very thick.
21 It's, you know, like 20 pages. Look at that.
22 If you do have questions, let us know. I'll

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1 just point out a couple of things in 30
2 seconds or less.

3 I just listed a few pages, so if
4 you look at this, this is the pages you want
5 to look at. Page 1, there is the Shark
6 Conservation Act. I think that may actually
7 have legs so to speak moving. What that would
8 do is put two things in place.

9 One, it would require that all fins
10 be landed with shark attached. That is, if
11 you are landing fins, there better be a shark
12 attached to it, right? So that's a simple
13 one. I think that may have some legs.

14 There is a couple of bills on
15 seafood safety out there. The next page you
16 probably want to look at is page 6. There is
17 a Coral Reef Conservation Act that probably is
18 of interest to some of you. And I'll leave it
19 for Tom and some of the others.

20 There is also a Seafood Safety
21 Modernization Act. I'm generally familiar
22 with it. I think we are generally supportive

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1 of it. I don't know if it is going anywhere.

2 Page 7, there is an IUU Bill that
3 is moving, so that may be one that may be
4 combined with the Shark Act or others, but,
5 again, it concerns how we interact with our
6 international partners on management.

7 Page 12, again, the House version -
8 - or the Senate version of the Shark
9 Conservation Act. I think Senator Kerry is
10 going to add some amendments to that soon,
11 that's why I think that one may move.

12 Page 15, the National Fish Habitat
13 Conservation Act. Jim testified on that one,
14 but it would actually put in place the
15 National Fish Habitat Conservation Plan, so we
16 are supportive of that one.

17 And page 17, and the last one I
18 will mention which is the Flexibility and
19 Rebuilding American Fisheries Act. There
20 hasn't been a hearing specifically on this
21 one. There was a hearing recently on related
22 topics that Steve testified at on how we are

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1 doing with implementation of the Act,
2 especially from the science side of things.

3 How do you handle management of
4 data for stocks in the future? How do you
5 handle observer issues in the future? Steve,
6 I don't know if you want to add anything to
7 that. Those seem to be kind of the main
8 fishery-related ones that I would mention.

9 There are a couple of protected
10 resources and marine mammal ones in there
11 that, unfortunately, I'm not that familiar
12 with. So that's my 90 second review of
13 legislation.

14 Oh, and there is the Thomas site.
15 And I think most of you are aware of the
16 Thomas site there that you can search for
17 names like Magnuson Act and it will pull up
18 all the bills. And that's listed at the
19 bottom of each of those pages.

20 VICE CHAIR BALSIGER: I'm not sure
21 that the charts have these columns then that
22 show whether there has been hearings, what,

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1 where the action is and all that kind of
2 stuff. So when those start getting filled in,
3 it's not an absolute guide to bills that might
4 move through, but it kind of lets you go
5 through and it catches your eye for those
6 things that there has been action on.

7 And as Alan said, the National Fish
8 Habitat Bill has a couple of blocks that are
9 colored in. There will be a bunch of them,
10 like Don Young has a bill and the Marine
11 Mammal Act doesn't apply in Alaska and stuff,
12 that has -- probably won't go, but it may be
13 of interest to you.

14 There is a bill that, and I
15 paraphrased his bill, but it's kind of -- the
16 bill would make a single co-op in the Bering
17 Sea, catch-all process or a long line
18 subsector and those kinds of things. Almost
19 each individual bill will be of interest to
20 someone around here, but probably not the
21 Committee as a whole.

22 MR. RISENHOOVER: All right. So if

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1 there is a particular one you are interested
2 in, let Mark or I know and he or I will find a
3 contact person to talk to you about it.

4 MR. BILLY: I have one that's on
5 page 21, there is a bill introduced by
6 Representative Nick Rahall, whatever his name
7 is, that would, among other things, remove the
8 Department's current authority to permit or
9 regulate offshore aquaculture under the
10 Magnuson-Stevens Act.

11 PARTICIPANT: Well, isn't he the
12 Chairman of the Committee?

13 MR. RISENHOOVER: Yes, he is the
14 Chair of the House Natural Resources.

15 VICE CHAIR BALSIGER: Tomorrow
16 morning Mike Rubino will be here talking about
17 the Aquaculture Program and he has followed
18 that very closely. That may be a really good
19 question for him.

20 MR. BILLY: Okay.

21 VICE CHAIR BALSIGER: Alan can
22 answer if he wants to, but I think Mike will

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1 be ready.

2 MR. RISENHOOVER: No, I'll wait
3 until the competent guy can get here.

4 MR. BILLY: Okay. Any other? Yes,
5 Bill?

6 MR. DEWEY: We have had past
7 presentations on the Coastal Management Act
8 Reauthorization and I was just wondering if
9 that-- has anybody seen this initiative in
10 Congress or not?

11 MR. RISENHOOVER: I don't believe
12 this year. Previously, National Ocean Service
13 was working on an Administration Bill. We had
14 Administration change. They have looped back
15 and they are still trying to go forward with
16 that.

17 I know the Coastal States
18 Organization was up on the Hill trying to get
19 a bill introduced, but I'm not sure if they
20 ever did. So it still needs to be
21 reauthorized. I'm not sure if it's in this
22 table. I just looked through it this morning.

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1 But that is something that will probably come
2 up in the next year or two, but I don't think
3 it has any this year.

4 MR. DEWEY: How about the working
5 Waterfronts Bill and -- depends on stuff in
6 the press here recently about that?

7 MR. BILLY: Okay.

8 MS. McCARTY: Alan, I don't know
9 whether you are the right person on this, but
10 I went to a hearing recently. There were a
11 number of people from NMFS at the hearing.
12 Dr. Lubchenco spoke and it was on the Ocean
13 Policy Development, the Ocean Policy Task
14 Force.

15 And there were a number of
16 discussions by the Committee that was holding
17 the hearing, chaired by Rockefeller, but
18 Cantwell was the actual Chair of the meeting.

19 And there was some proposed actions
20 there. And so I wondered if you guys were
21 tracking that? And I'm sure they are, but if
22 there is anything that anybody is going to

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1 report on later on that, is that on the agenda
2 later, Mark?

3 MR. HOLLIDAY: It wasn't that
4 specific report.

5 MS. McCARTY: Okay.

6 MR. HOLLIDAY: But we can get that
7 material.

8 MS. McCARTY: Because there seem to
9 be some developments in that arena. And I
10 think it would be interesting to hear about --
11 for MAFAC to hear about the direction that
12 might go.

13 MR. MURAWSKI: Yes, I think we are
14 going to talk a little bit about the Ocean
15 Policy Task Force next in Marine Special
16 Plans.

17 MS. McCARTY: Okay. That's good.
18 That will be a good update.

19 MR. BILLY: Okay. All right. What
20 we are going to do is make a minor adjustment
21 in the agenda. You see that there is one last
22 item under status report, which is the MAFAC

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1 Action Items. We are going to delay that
2 discussion until tomorrow morning when Mark
3 will cover MAFAC administrative matters, the
4 first item on the agenda, so that we can be
5 pretty much on schedule.

6 We have a couple of guest speakers
7 and we would like to now take about a 15
8 minute coffee break. And then we will get
9 started on the next session.

10 (Whereupon, the above-entitled
11 matter went off the record at 10:06 a.m. and
12 resumed at 10:22 a.m.)

13 MR. BILLY: Okay. The next session
14 focuses on Interagency Ocean Policy Task Force
15 and, in particular, the work that is being
16 done on Marine Spatial Planning.

17 Steve Murawski is the Chief
18 Scientist for NOAA Fisheries and he is going
19 to Chair this session. So it's my pleasure
20 now to call on Steve.

21 MR. MURAWSKI: Great. Thanks. So
22 what we would like to do is offer you a chance

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1 for people to talk a little bit about the
2 Ocean Policy Task Force and mostly about
3 Marine Spatial Planning. So I'll start off
4 and talk a little bit about the process and
5 some of NOAA's views as it relates to the
6 Interagency Ocean Policy Task Force and, in
7 specific, this evolving notion of Marine
8 Spatial Planning.

9 And that we are really happy to
10 have two people that are heavily involved in
11 these issues, particularly at the state to
12 federal level, Jack Wiggin from University of
13 Massachusetts and Grover Fugate from Rhode
14 Island. And they will talk a little bit about
15 their experiences.

16 And I think, in particular, you
17 know, obviously Marine Spatial Planning is a
18 multi-sector issue the way it is being
19 envisioned, but Fisheries has a great roll to
20 play, you know, in terms of being interactive
21 in discussions and also contributing
22 information on, you know, the ecological

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1 impacts of, you know, proposed alternatives.

2 So I want to give sort of a general
3 overview of where we are and then dive into
4 some of the two experiences so far.

5 I would say it's a very rapidly
6 evolving area and many of the states, you
7 know, have efforts that are at various stages
8 of completion.

9 So on the Ocean Policy Task Force,
10 I think everybody knows that President Obama
11 on the 12th of June issued a -- pulled together
12 a task force that's basically being chaired by
13 the Council on Environmental Quality or CEQ
14 and their Chair, Nancy Sutley.

15 And the idea is to pull the --
16 about two dozen federal agencies that have
17 something to do with the oceans together to
18 come up with a better framework for how we
19 address the oceans in a more integrated way
20 and then also to provide some specific
21 recommendations on implementation and whatnot.

22 So I think everybody knows that it

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1 was a very tight time line on this where the
2 President wanted the framework delivered in 90
3 days, which was delivered in September by
4 draft, which was -- it's just, I think, closed
5 for comments. Is that right?

6 And then the second part was a
7 framework for Marine Spatial Planning. And
8 that report is due in December. So it has
9 been a very tight time line. I can say that
10 it has been a very difficult one because of,
11 you know, the constant set of meetings and a
12 lot of discussion amongst the federal
13 agencies. And you can imagine, you know, the
14 kinds of discussions you get going between the
15 military and NOAA and the Department of
16 Interior and HHS and a whole variety of
17 agencies with much different views on what
18 ecosystem-based management is.

19 Anyway, that actually was helpful
20 that the President put that statement in his
21 draft memorandum, because I think it focused
22 the discussion on the biological and

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1 ecological outcomes of all this. And you
2 know, particularly many of the agencies who
3 have no stake in ecological outcomes as much
4 as they are just required to comply with
5 regulations, this is a big sort of attitude
6 change.

7 I'll actually point out Jessica
8 Kondel in the back of the room just -- who
9 works for Sam Rauch. Jessica has been really
10 doing a lot of the heavy lifting in terms of
11 making sure that, you know, we have what we
12 need to do this.

13 So just in terms of the process,
14 the first part was delivered in September and
15 it lays out three things.

16 Number one, it is a draft policy in
17 the United States and it talks about that we
18 will pursue ecosystem-based management as the
19 foundation for a lot of the decisions that are
20 being made.

21 Number two, it kind of proposes a
22 reorganization of the way federal government

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1 agencies interact with each other,
2 particularly at the Washington, D.C. level and
3 it sets up, you know, a number of frameworks
4 for management as well as for science.

5 Currently, there is something
6 called Committee on Ocean Policy that was set
7 up by President Bush and that had two major
8 subcomponents: one, a Subcommittee on
9 Integrated Management. And actually, Alan is
10 one of NOAA's representatives on that.

11 And there's something called the
12 Joint Subcommittee on Ocean Science and
13 Technology and I'm NOAA's representative for
14 that one.

15 Basically, what they want is a
16 tighter set of policy frameworks, so that
17 there is a tighter linkage between science and
18 policy. And they also want a new voice for
19 the regions. So they are going to set up
20 something called the ROC, which would be,
21 basically, a regional-based organization where
22 there would be representatives from various

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1 regions around the country.

2 The idea is to get tighter linkage
3 between the requirements and outcomes. And so
4 part of this whole exercise is going to be
5 envisioning not only how headquarters offices
6 amongst these agencies interact, but also how
7 they interact at the regional level. And I
8 think that has been the missing link in that
9 regard.

10 So in terms of the process, the
11 second part of this Marine Spatial Planning
12 bit is underway right now. The agencies are
13 talking a lot about, you know, the overall
14 policy, the framework, the data collection and
15 other things.

16 So what I wanted to do is talk a
17 little bit about, you know, where we are in
18 the second bit of this. And then that should
19 set up the discussions with Jack and Grover.

20 So, all right, somebody with a
21 finger. So obviously, the big issue that we
22 have to try to balance off is the multitude of

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1 uses, both the current ones and the uses that
2 are becoming more and more important. And in
3 particular, ocean renewable energy, I think,
4 is one that is driving many of the state-led
5 issues here.

6 And you know, we have got a number
7 of issues that Fisheries deals with, both in
8 terms of, you know, allowing fisheries and
9 managing the spatial footprint of fisheries.

10 Aquaculture as a growing interest
11 not only in-shore, but offshore aquaculture,
12 the alternative energy issues.

13 As people here probably know, we
14 are dealing a lot with the Navy on military
15 readiness issues, in particular, training and
16 Navy sonar and so that's a big issue for NOAA.

17 There are other potential things
18 like bioprospecting and, of course, the
19 overall issue of coastal development. And we
20 are balancing that off with preserving
21 biodiversity, in particular, in protected
22 species habitats, etcetera. So this sort of

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1 sets up this, you know, what is the right
2 tipping point for this balance? And how do we
3 do it, particularly given the fact that there
4 is a multitude of agencies that have parts of
5 the use in the protection statute.

6 All right. So in terms of a
7 working definition for Marine Spatial
8 Planning, we have been through a few
9 iterations. This is the current definition we
10 have got that Marine Spatial Planning is a
11 comprehensive -- and the word, comprehensive,
12 is really important, because in many cases
13 people have, in the past, done Marine Spatial
14 Planning for a particular sector.

15 Like Marine Spatial Planning for
16 fisheries, we have a lot of fishery-closed
17 areas around the country for a variety of
18 issues. But very few cases have we actually
19 done multi-sector comprehensive Marine Spatial
20 Planning. I think that is actually probably,
21 you know, the biggest issue here that is
22 ecosystem-based, that we are looking at the

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1 totality of cumulative impacts among all those
2 various sectors through which compatible human
3 uses are objectively and transparently
4 allocated to appropriate ocean areas with the
5 idea of sustaining the ecological, economic
6 and cultural services.

7 It's a pretty broad mission
8 statement. Obviously, in Marine Spatial
9 Planning, there are very few cases where it is
10 a win/win situation. There is a high
11 potential for win/loss and so part of the
12 underlying premise here is that in terms of
13 looking at the allocation of non-compatible
14 uses, that there would be some sort of trade-
15 off analysis, you know, for, you know, the
16 best uses for society. And that's, of course,
17 a very difficult one.

18 And the goals would be to maximize
19 societal benefits of ocean uses, while
20 minimizing impacts on ecological sensitive
21 areas, etcetera.

22 Next slide. So the way -- in terms

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1 of getting into the details of Marine Spatial
2 Planning, there are two major areas. First of
3 all, it's pulling together all of the science
4 and the information and the ways of looking at
5 alternative uses of the ocean.

6 So if you look at this sort of
7 quadrant diagram, the top two levels,
8 basically, look at the capabilities and the
9 kind of decision support tools that a Marine
10 Spatial Planning group would need.

11 And so on the right upper is all
12 the kinds of data that not only our Agency
13 collects, but other agencies. For example,
14 the underlying geology and the substrate maps,
15 the integrated ocean observing, which would be
16 the physical oceanography primarily, the
17 living marine resource assessments, like
18 fishery surveys, marine mammal surveys, so
19 where in the bio to live.

20 The Integrated Assessment of the
21 Ecosystems, that is how they function. And
22 then the human use patterns. And

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1 interestingly, Fisheries has probably the best
2 and most complete spatially disaggregated
3 human use footprint, at least in terms of
4 data, of all of the sectors that we deal with,
5 because we collect, you know, commercial catch
6 data from logbooks. We get observer
7 information, VMS information.

8 So there is a fairly substantial
9 spatially disaggregated footprint that allow
10 people to actually work in this area.

11 So the upper right is what do you
12 do with all this information? And I know Jack
13 and others have talked a little bit about
14 visualization of information. This is very
15 important, because, you know, when people
16 start looking at detailed allocations, they
17 get to be very fine-scale very quickly.

18 And so, you know, ways to look at
19 things both in terms of a static environment,
20 ways to look at things over time and then also
21 even seasonality of things that are very
22 important.

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1 Valuation is very important,
2 because if we're going to look at highest and
3 best uses of an area for society, we need to
4 have a common currency, literally, and that
5 is, you know, looking at the sustained value
6 of fisheries, the existence value of protected
7 species and habitats, the short-term/short-run
8 values of things like extracted energy and in
9 the long-term value of things like renewables.

10 How do we actually put those things
11 on a playing field where we can actually make
12 decisions? And then this implies that we
13 would do some aerial analysis that is, what
14 would be the trade offs of looking at
15 subsector of, you know, various activities
16 versus another, you know, in a particular
17 area?

18 And then the bottom part of this
19 chart really looks at all of the different
20 mandates, in this case, NOAA's mandates, but
21 you could generalize this to any set of
22 agencies. You know, what are we supposed to

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1 do under the legislation we have? What can we
2 do in terms of enabling these cross agency
3 drivers to at least be somewhat compatible?

4 And then, you know, what can we do
5 in terms of convening coordinating activity,
6 so that we make sure that different levels of
7 government are involved in this? For example,
8 the state to regional to national groups in
9 the federal agencies and then across the
10 Agency?

11 So it's a fairly complex idea. And
12 the internal part of this diagram basically
13 says, you know, how do we get from data to
14 data integration from our own mandates in NOAA
15 to interjurisdictional coordination? And this
16 is really the tough part of this. And this is
17 the part that is under a lot of consideration
18 now.

19 So it's a very evolving, you know,
20 set of issues as the Ocean Policy Task Force
21 is looking at it.

22 Currently, the objectives are not

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1 that well-articulated. You know, we have sort
2 of a general statement about what it is all
3 about, but when it gets right down to the way
4 individual regions are going to do Marine
5 Spatial Planning, either project-based or
6 area-based, you know, how do we agree on the
7 objectives and the outcomes of this? And
8 that's actually going to be very, very
9 difficult.

10 The coordination and sharing of
11 information, this is always difficult when
12 you've got multiple agencies collecting for
13 different reasons. In many cases, what is
14 happening now is that we are, basically,
15 taking data collected for one purpose and
16 repurposing the data and that involves a lot
17 of shuffling of spatial resolution and
18 confidentiality issues, particularly in the
19 case of our sector, where much of the data we
20 collect is of the most value to people. It
21 has got a confidentiality tag on it.

22 So how do we make data available,

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1 but also protect, you know, the identities of
2 people that collected it?

3 The issue of, you know, multiple
4 sectoral statutes is, obviously, the big
5 issue. And that actually sets up this issue
6 about whether we want a hard governance
7 system. And that is how are we going to do
8 conflict resolution when it gets right down
9 to, you know, statutes?

10 And that is going to be something
11 that the Administration can only go so far. I
12 mean, unless we change legislation, it doesn't
13 give power to the Administration to,
14 basically, override an individual statute,
15 except in some cases.

16 And so how far can we go with the
17 collaborative governance system versus a hard
18 governance system that may require new
19 legislation? And that's a big debate right
20 now.

21 And so that sets up, you know, how
22 are we going to resolve conflicts when the

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1 statutes say fisheries conflict with the
2 statutes of MMS to, you know, put more
3 renewable energy in the ocean and those kinds
4 of things.

5 One of the interesting
6 opportunities is we often see the marine
7 environment as a two-dimensional plane. So we
8 look at, you know, where one sector is and
9 where another sector wants to be.

10 We could envision actually business
11 arrangements where say, for example, oil and
12 gas lease or maybe a renewable energy lease,
13 that they could actually make side business
14 arrangements with other potential users, like
15 aquaculture facilities that could occupy,
16 essentially, the same footprint or maybe, you
17 know, within the legs of a reg or whatever and
18 utilize the electricity say for renewable.

19 We actually haven't talked a lot
20 about that, but I do think, you know, this
21 kind of mechanism offers the opportunity for
22 sort of a side market in these -- this sort of

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1 sector stacking if, in fact, the environmental
2 issues are compatible. And so there is
3 certainly something to evolve on the business
4 side of this.

5 Currently, there is no real venue
6 for analyzing societal preferences and the
7 societal value of some of these things like
8 viewsheds. And so this is where it becomes
9 very, you know, bound in the legislation and
10 the public testimony and those kinds of
11 things.

12 Again, you know, it's hard to
13 actually quantify a number of these things.

14 And then, obviously, we have got
15 issues about resourcing all of this. This is
16 varied data, people-intensive type of
17 activity. And in order for us to support the
18 states and other regions, this is going to
19 require some resources.

20 Next slide. So one of the things I
21 wanted to talk to you about just a little bit
22 is within the evolving Ocean Policy Task

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1 Force, we have talked about what would be an
2 appropriate regional structure in order to
3 carry out some of these planning activities?

4 Obviously, state-by-state is
5 problematic. I mean, you can do that, but
6 different states have different EEZs. They
7 interact with the federal government
8 differently. It doesn't say anything about
9 the edge effects between states.

10 And so if you have, you know, major
11 conflicts between states, how would you
12 actually resolve those?

13 So we have talked about using, in
14 this case, the large marine ecosystem concept
15 that NOAA has and look at the alignment
16 between those large marine ecosystems, which
17 are sort of ecological boundaries, which are
18 the yellow lines around here. The blue, light
19 blue is the EEZs.

20 And over laying on this are the
21 regional Governors' Agreements, which are
22 evolving over time. And there is a West Coast

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1 Governors' Agreement, a Northeast Ocean
2 Council, an evolving Mid-Atlantic one, a new
3 one in the South Atlantic and the Gulf of
4 Mexico Alliance.

5 So these Governors' Agreements
6 actually could potentially be codified within
7 this process. And perhaps that's the right
8 spatial resolution to do regional based Marine
9 Spatial Planning. At least be a focal point
10 for that.

11 And so there is a lot of discussion
12 about how we would actually utilize what the
13 Governors have already done and maybe, you
14 know, formalize it a little bit more, so that
15 it could be the proper way to do this.

16 So obviously, the other part of
17 this is connecting Coastal and Marine Spatial
18 Planning to the communities. And you know, we
19 have got a lot of partnerships with the
20 coastal states through things like the Coastal
21 Zone Management Act and other parts. And
22 clearly, you know, people are interested in

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1 that coastal interface with the ocean as it is
2 certainly the most crowded part of the ocean
3 right now and that's where people want to put
4 even more.

5 And so it becomes even more of a
6 challenge to try to look at the various
7 statutes that we all have, but utilize
8 something that's called the coastal
9 consistency part of CZNA to look at that as a
10 statute perhaps to view more of the Marine
11 Spatial Planning.

12 Again, you know, we are trying to
13 support these evolving Regional Ocean
14 Councils. It's kind of a framework to do
15 this. There is something called the Coastal
16 Community Task Force and there are a number of
17 them that can potentially facilitate this
18 regional Coastal and Marine Spatial Planning
19 as a convener.

20 And then the task forces can look
21 at other parts of this matrix. It might help
22 to increase resiliency of the coastal

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1 communities and that includes the economic as
2 well as the resiliency to things like storms
3 and other things.

4 So can we use this Coastal Marine
5 Spatial Planning process as an outcome for,
6 you know, basically, assuring the coastal
7 communities survive for both the political and
8 the ecological changes that happen?

9 So in terms of the task force, I
10 have outlined most of this stuff. We have,
11 again, within the 180 days which ends in
12 December, to have both the first part and the
13 second part done, including this framework for
14 Marine and Coastal Planning.

15 Next slide, please. So again, we
16 have been asked that the plan address the
17 following: That we look at an expansion of
18 the framework developed by the task force;
19 that we specify time frames for
20 implementation, that is going from this
21 overall plan, how do we actually step this out
22 and implement this, you know, through a series

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1 of actions in a variety of institutional
2 arrangements; that we define the geographic
3 limits better, and again, we started to look
4 at these maps to see what we were going to try
5 to do; the use of best available science,
6 protection of integrity, looking at management
7 tradeoffs and the uncertainties in decision
8 planning.

9 One of the issues that has come up
10 before us is any time you fix a geographic
11 plane for allocating those resources, it is
12 going to be very challenging under a climate
13 change scenario where the bio itself may be
14 shifting distributions. And many of the areas
15 around the country have already started to see
16 this.

17 We see climate force changes in the
18 distributions of animals. So if we've got a
19 fixed geographical occasion assigned to an
20 activity, how does that interact over the
21 long-term? And can we actually make a
22 forecast that would be robust to that kind of

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1 planning cycle?

2 And then, obviously, looking at an
3 approach that balances these uses, it
4 includes, you know, the individual sector
5 uses. And it also includes governmental uses,
6 for example, military training, readiness and
7 other things. And so there is a variety of
8 views on this from the local up to the
9 national and Homeland Security issues.

10 So the key elements are again going
11 to be: A coherent definition; some idea of
12 geography; a regional planning structure, and
13 again there is a lot of issues under
14 discussion; the enforceability of these
15 things, that's an area that is under great
16 negotiation right now; something about
17 stakeholder participation, how do we actually
18 assure a transparent stakeholder-driven
19 process that isn't sort of behind closed
20 doors? And we know this issue pretty well in
21 Fisheries, because of the underlying regional
22 structure we have.

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1 We have some national goals for
2 plans, so there is consistency in our approach
3 among regions and that there is some overall
4 capacity going here, because right now, the
5 capacity is very, very limited in terms of
6 both the technical side as well as the
7 Governance side.

8 So what I thought I would do is if
9 there is any quick questions on where we stand
10 with the Ocean Policy Task Force, we could get
11 those off the table now. And then maybe we
12 can go into the discussions with Jack and
13 Grover and then have an overall discussion.

14 MR. BILLY: Yes. Steve, a question
15 and a comment. The question is as I looked at
16 your map with those different areas, what
17 occurred to me is international aspects of
18 this. And I can see how that would
19 significantly complicate an already
20 complicated area, but it seems like it is
21 inevitable.

22 How is the task force dealing with

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1 that? And how are you folks thinking about
2 that as you move forward?

3 MR. MURAWSKI: Well, it's a good
4 question. It's a question, you know, we have
5 thought about at least some in the -- you
6 know, in terms of dealing with this as well as
7 with a lot of questions coming up.

8 You know, how do we do the edge
9 matching with Canada and Mexico, but also the
10 Pacific Islands? And potentially, I mean, we
11 are becoming, you know, evolving to an area
12 where there hasn't been any -- much Marine
13 Spatial Planning, because there hasn't been
14 much to plan with.

15 But, you know, with the opening up
16 of the Arctic up there, you know, the
17 sovereignty issues aren't resolved, but
18 clearly, you know, what we don't want is very
19 incompatible, you know, things going on one
20 side of the arbitrary side.

21 So the State Department has been
22 helpful in this, you know, in trying to raise

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1 the awareness of this among international
2 partners. But clearly, particularly in
3 continental, you know, we are going to have to
4 make sure that we come up with a proposal
5 that, you know, would be amenable to using the
6 jurisdiction and the International Agreements
7 we have got, you know, to do this.

8 Canada, I think, is in pretty good
9 shape. They have a fairly substantial coastal
10 planning framework that I think we could
11 probably match it. A little bit more of a
12 question about whether or not states still
13 want to do this.

14 Although, I can tell you that they
15 have been involved in the Gulf of Mexico
16 Alliance and there is a number of Mexican
17 states that actually are joining the Gulf of
18 Mexico Alliance. And so I think there is a
19 great possibility that if we come up with
20 something that actually utilizes those
21 Governor's Agreements, that perhaps we can use
22 that as a way to address some international

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1 issues as well.

2 MR. BILLY: Okay. And then a quick
3 comment. In the definition, as I read that, I
4 thought about it in anticipation of this
5 meeting and discussion. The reoccurring
6 thought I keep having is why the words food
7 and recreation aren't prominent.

8 Because it seems like it would
9 capture a lot of what is important in terms of
10 spatial planning and looking in the broader
11 perspective perhaps than what I have seen so
12 far.

13 MR. MURAWSKI: Now, you are right.
14 It's a very general definition. And I can
15 tell you from being involved in those
16 discussions, when you start adding specifics
17 on that, you get 24 views of specifics, so you
18 are going to get, you know, military readiness
19 and you're going to get, you know,
20 environmental health.

21 You know, if you open it up on one
22 side, you've got to open it up on the other.

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1 And it's just hard negotiating on other things
2 in the agencies.

3 I would say on the recreation side,
4 Dr. L had a hearing on the Ocean Policy Task
5 Force and she heard a lot about recreational
6 fishing, in particular, fishing in general,
7 about where it was to this plan.

8 I think there was interest, you
9 know, that was equal to Senator Snow and
10 others in making sure that fisheries, you
11 know, were in the Ocean Policy Task Force.

12 MR. BILLY: Vince?

13 MR. O'SHEA: Thank you, Mr.
14 Chairman. Steve, on the one point you had it
15 was regional framework or regional-wise, but
16 the last slide was a framework for spatial
17 planning. So my question is is that regional-
18 wise, is that meant to be considering or
19 defining the relationship of existing
20 governance bodies that are already doing some
21 of the Marine Spatial Regulation, if you will,
22 so for example, the Fishery Management

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1 Councils, the states, the existing entities?

2 MR. MURAWSKI: Well, I can sort of
3 tell you that that will be the system bodies,
4 otherwise they don't see where your interest--
5 where this reflects where you are integrating
6 existing bodies.

7 MR. O'SHEA: When you talked to us,
8 you know, we actually talked a lot about the
9 Regional Fishery Management Council, so, you
10 know, obviously, the agencies sort of know
11 that there is an issue out there, but they
12 don't really know what it is.

13 And so we talked a lot about the
14 transparency of the process, which a number of
15 agencies they just don't -- they take a
16 statement or comments in the Federal Register.

17 They don't understand these kind of
18 processes.

19 And so we're trying to hold up, you
20 know, Fishery Management processes as kind of
21 models that, you know, if you want to do this,
22 you need this open to transparent processes.

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1 And you need to use the existing mechanisms
2 rather than invent new ones.

3 So there is a move, I think, to,
4 number one, use these Governance Agreements,
5 because they are somewhat, you know, a bottom
6 kind of process, our processes have evolved.
7 But also make sure that we don't start some
8 new process to look at these things, it
9 doesn't take advantage of what's out there.

10 And there are other kinds of
11 regional planning things, but they don't have
12 the regulatory responsibility that Fisheries
13 does. And both in terms of the State
14 Commissions as well as the Federal, you know,
15 Regional Fishery Management Office.

16 We're just going to have to, you
17 know, as these entities are created, we're
18 going to have to look at the membership area
19 very closely. And I think this is where this
20 new regional governance group that is being
21 created under the first part of this policy
22 would be very helpful, because I think they

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1 are going to look at, you know, what groups
2 need to be involved in various regions.

3 So I think this is a time line.
4 Fisheries need -- you know, as comments are
5 made and they -- and this is set down for
6 public review, we need to, you know, make
7 comments about, I'm probably coaching a little
8 bit here, that we need to take advantage of
9 existing mechanisms. So that's a very good
10 comment.

11 MR. MURAWSKI: That's a good
12 comment to this process consistently from our
13 states. Thank you, Mr. Chairman.

14 MR. BILLY: Three more. Eric?

15 MR. SCHWAAB: Just two comments,
16 Steve. First of all, thanks. Secondly, just
17 to endorse the dependence on these Regional
18 Governor's Councils. I think, you know, as
19 you look at the range of issues on the table
20 here, it is a great idea to take advantage of
21 those things that in many cases were already
22 pretty mature or developing very rapidly.

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1 And the second comment was, I think
2 it may be more for the Committee than you,
3 because I'm sure you maybe already reacted to
4 this question.

5 You know, we care a lot about these
6 fisheries and aquaculture issues here, but my
7 sense is that the things driving this more
8 than anything right now and that for the
9 foreseeable future are energy issues, but for
10 additional mineral distraction, offshore, a
11 renewed interest in that.

12 But more importantly, these
13 renewable energy issues and that might be sort
14 of the East Coast-centric view of the world,
15 but from where I sit, that's -- everything
16 else is going to be having to look to that
17 training in the near term.

18 MR. MURAWSKI: Well, it's an issue
19 where we want to be more hydrokinetic, you
20 know, there is a whole variety of states
21 moving on that. I agree with you. And I
22 think we need to make sure that we don't just

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1 do energy planning in a different way, that it
2 is proven comprehensive, because there is lots
3 of potential in this.

4 And I know Grover will have some on
5 this.

6 MR. BILLY: Tom?

7 MR. RAFTICAN: I have a comment and
8 actually it kind of jumps a little bit on top
9 of what Eric said. There are drivers here.
10 Have you looked at terrestrial models, kind of
11 BLM as, you know, how they manage exactly in
12 this at all?

13 MR. MURAWSKI: Well, you know, we
14 have sort of tried to separate from the
15 terrestrial models like zone. You know, a lot
16 of times, you know, when we started this, you
17 know, there was a lot of analogies to zoning
18 in towns or whatever. And really there is a
19 fundamental difference and that is here we're
20 trying to manage, which is something that is
21 completely, you know, common property
22 resources.

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1 Whereas zoning, there is a lot of
2 private property zoning kinds of things that
3 go on in a very small spatial scale model.
4 You know, so you basically make discussion
5 about the owner and using federal lands, you
6 know, for multiple purpose kinds of things.

7 It is a difficult analogy, because
8 BLM, basically, controls the whole show on
9 their lands, you know, and so it's really
10 within the Federal Agency. And they have to
11 comply with a few statutes like ESA and other
12 things there.

13 In the case of BLM, they are
14 actually managed, you know, by things like ESA
15 within the same coastal line, right? So we
16 don't have this multiple party conflicting in
17 any of these type of things. So you can go so
18 far with that model.

19 We are really inventing something
20 quite different, because of the conflicts and
21 the regional state and federal issues.

22 MR. BILLY: Bill?

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1 MR. DEWEY: Thank you, Mr. Chair.
2 Steve, I just had a question on your seventh
3 slide. You make mention of Coastal Community
4 Task Forces.

5 MR. MURAWSKI: Yes.

6 MR. DEWEY: And I just wonder are
7 you using that term generically or if that's
8 actually a formal body?

9 MR. MURAWSKI: Well, the Vice
10 President is running something that is a
11 Coastal Community Task Force that NOAA is part
12 of. So there is an existing group. But I
13 also think that this is a more generic term as
14 well that the idea here would be to make sure
15 that the whole variety of, you know, coastal
16 facing issues are enveloped in spatial issues
17 there.

18 In terms of these societal
19 protectives like resiliency in communities
20 that actually you are not just sort of
21 planning, you know, their front door, but not
22 integrated back in the communities. So I

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1 think that was the fear, you know, that
2 somehow we were only going to work on the
3 ocean and write off the current derogatory --

4 MR. BILLY: So, just two more.
5 Steve?

6 MR. JONER: I guess I'm a little
7 confused and, therefore, I'm concerned about
8 the idea of Regional Ocean Council and how
9 that would interact with the Regional Fishery
10 Council, because we've had such a great
11 experience with the sanctuaries and the
12 Councils already. And I see this as, how
13 should I say it, that issue on steroids. Am I
14 misreading this?

15 MR. MURAWSKI: Well, the issue
16 here, of course, is that -- I mean, we have a
17 number of issues of spatial planning for
18 various things. And you know, I think, we at
19 NOAA are, I think, working much faster in
20 terms of the sanctuary fishery management
21 issues at least. We see a lot less comments.

22 Obviously, the Councils are heavily

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1 involved in this, the management of the fish
2 populations. It is going to be more
3 problematic when you have multiple federal
4 agencies involved in this. And this is the
5 basis of a lot of conflicts.

6 Not that individual agencies
7 subsume their individual statutes, you know,
8 that they are not going to enforce regulations
9 or do things. The idea is are there ways to
10 coordinate some of these things we're involved
11 in, objectives, you know, done in the same
12 way?

13 And a good example is using MMPA
14 and Magnuson at the same time. You know, in
15 some sense, we were trying to manage, for
16 example, Stealth Sea Lions, you know, through
17 the Fishery Management Council and through ESA
18 statutes at the same time.

19 Well, I mean, you could be hard-
20 nosed and say these are those, and those are
21 those, but then you can actually try to, you
22 know, bring the statutes together and see what

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1 you can do under both. And I think that's a
2 little bit of what we are going to try to do
3 here.

4 The problem is it's not one agency
5 that has these multiple statutes. Multiple
6 agencies one statute. Again, they are going
7 to be applicable.

8 I don't know if I answered the
9 question or not.

10 MR. JONER: Well, I guess I see it
11 as a big challenge. And it has to be done
12 right from the start or through the duration
13 of this.

14 MR. MURAWSKI: I agree, and I think
15 this is why, you know, the agencies are
16 struggling a little bit, how do we push this
17 ball down the court and keep people involved
18 in this and use, you know, what we created
19 already, rather than create, you know, some
20 conflict? We don't want to create more
21 conflict. And number two, you know, some
22 conflict resolution as opposed to, you know,

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1 working from where we are.

2 MR. JONER: I guess I would like to
3 see this Committee have a strong voice in
4 guiding that.

5 MR. MURAWSKI: I think that's why
6 we set the program.

7 MR. BILLY: One more, last one.
8 Randy?

9 MR. CATES: Thank you. I have been
10 involved in a couple of listening sessions and
11 what I'm hearing from the constituents that
12 I've been involved with is a concern that
13 Marine Spatial Planning may lead to user fees,
14 a new form of taxation. Is there any
15 discussion? Is that one of the driving
16 factors on this?

17 MR. MURAWSKI: It's actually not
18 one of the, you know, top things that people
19 are talking about. But I would say that it
20 brings up the issue, you know, particularly of
21 valuation to society. Because if you talk
22 about energy, in particular, there are

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1 resource rents to provide the government with
2 things in particular for oil and gas, but even
3 in places like Cape Wind, they have talked
4 about a revenue stream, you know, back to the
5 government from Houston.

6 Now, in Fisheries, we actually have
7 the ability to collect resource rents. We
8 have just never done it. So when we start
9 allocating more and more uses to these
10 properties, the government should actually be
11 thinking about are we just going to give this
12 away or are we going to give it away to
13 certain sectors for certain times or should
14 there be a comprehensive policy?

15 I do not think it is being driven
16 by, you know, a revenue collection scheme.
17 But clearly, it opens up the policy areas
18 about which ones are we going to give away and
19 which ones are we going to keep. That
20 actually was a big issue.

21 MR. CATES: That's a huge concern
22 for a very stressed fishery right now. And it

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1 seems it may not be being discussed on your
2 level, but down in the business sector, it is
3 the number one concern that will the
4 commercial fishing now have to pay for the
5 rent inclusion.

6 MR. MURAWSKI: I can tell you from
7 the discussions I have had, we have never
8 discussed -- you know, and you think about it
9 from the point of view of them and us. I
10 mean, they collect revenues. And those
11 revenues are accounted for already, that's
12 only off-shore.

13 And so this will be a long-term
14 issue. You know, it clearly has to be taken
15 up, because, you know, it implies that we are
16 going to allocate to some, maybe even not even
17 a foreseen use and, you know, how will we
18 actually make it?

19 MR. BILLY: Steve, I'm going to
20 stop it there. You know, we can come back for
21 more questions after the next two
22 presentations. But before we move forward, we

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1 have got one business matter we have got to
2 deal with. I'm going to call on Heather to
3 set the slate.

4 MS. McCARTY: Thank you, Mr.
5 Chairman. We have just been talking about
6 perhaps having a meeting of the Subcommittee
7 planning and budgetary issues. And as you
8 know, we decided yesterday maybe we didn't
9 need to talk any further, at this point, about
10 catch shares.

11 There has been some reconsideration
12 of that and maybe we do need to talk a little
13 bit about that. And so given that, we thought
14 lunchtime today might be a good time to have a
15 meeting of that Subcommittee.

16 And so Mark was arranging it and we
17 would like a show of hands as to who will pull
18 out this little sheet saying they want to have
19 a working lunch here? Members of the
20 Committee, clearly, and then anybody else who
21 wants to participate in the Subcommittee
22 discussion.

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1 The reporting on that will be done
2 to the full Committee as usual tomorrow.

3 MR. BILLY: Okay. A show of hands?

4 MR. HOLLIDAY: We need to have this
5 form filled out circling your lunch
6 preference. If you are staying in the hotel,
7 you just put your room number. If you are
8 not, it's \$20 inclusive of everything, your
9 choice of what you would like. I need to get
10 these back to the kitchen, so they can prepare
11 the meals as soon as possible.

12 MR. BILLY: Okay.

13 MR. MURAWSKI: So you know, we saw
14 a nice theoretical rendition, but it is always
15 good to have some work examples to actually
16 see where some of the pitfalls are.

17 So we are really happy to have, you
18 know, Jack Wiggin and Grover Fugate to talk a
19 little bit about their experiences.

20 So Jack Wiggin is the Director of
21 the Urban Harbors Institute at the University
22 of Massachusetts, Boston. And he is going to

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1 talk about Massachusetts' experience with
2 their Ocean Management Plans, some insights
3 and technical planning process that's
4 established. So, Jack?

5 MR. WIGGIN: I thought Steve's
6 remarks were a perfect introduction to the
7 things that Grover and I are going to talk
8 about.

9 Deerin Babb-Brott, the Assistant
10 Secretary for Energy and Environmental Affairs
11 for the Commonwealth of Massachusetts was
12 asked to make this presentation. He was not
13 able to make it, so he asked me if I would
14 step in and make the presentation for him.

15 So the reason I mentioned that is
16 because I don't speak for the Commonwealth,
17 but I have been involved in the development of
18 the plan, so I can certainly speak to the
19 content and the process through which the plan
20 was developed. And I'll come to how that
21 happened in a moment.

22 So next slide. This slide is

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1 probably the wordiest one that I have, but it
2 does explain the key considerations of what
3 Massachusetts did.

4 The Massachusetts Ocean Management
5 Plan was required by the Massachusetts Ocean
6 Act, which was passed in May of 2008. And
7 that Act mandated the adoption by the
8 Commonwealth of an Integrated Ocean Management
9 Plan for the Commonwealth's State waters,
10 required all state approvals from then on to
11 be consistent with the plan, and it was very
12 prescriptive in the kinds of things that the
13 plan was going to be required to do.

14 The first one was it must contain
15 goals citing priorities and standards for uses
16 allowed under the Massachusetts Ocean
17 Sanctuaries Act.

18 Now, I'm going to go into that
19 Ocean Sanctuaries Act in a moment. But right
20 now, going back to the late '70s,
21 Massachusetts passed something called the
22 Ocean Sanctuaries Act, which created five

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1 sanctuaries in state waters off the
2 Massachusetts coast and, basically, regulated
3 those sanctuaries to protect the ecological
4 value of state waters and to minimize impact
5 on the ecology and the appearance of the
6 ocean.

7 So what the Mass Ocean Act passed
8 in 2008 does was to amend that earlier Act.
9 The uses that are to be managed under the
10 Massachusetts Ocean Plan are those listed:
11 renewable energy facilities, wind, wave,
12 tidal, pipelines, cables, sand extraction for
13 beach nourishment. Those are the uses managed
14 by the plan itself.

15 The plan must also identify and
16 protect special, sensitive and unique
17 resources, marine resources. Importantly,
18 commercial fishing regulation remains under
19 the jurisdiction of the Division of Marine
20 Fisheries, so the plan does not in any way
21 regulate fisheries in state waters.

22 This was a product of an earlier

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1 effort in 2003/2004. The Secretary of
2 Environmental Affairs had created an Ocean
3 Management Task Force where they -- and that
4 task force was the first group to recommend
5 the adoption of an Ocean Act in Massachusetts.

6 And that question of who was going to --
7 whether a plan or any statute of Massachusetts
8 would regulate fisheries was never really
9 resolved at that early process and that
10 inability to resolve that question really was
11 passed through to the Ocean Act in 2008.

12 And then finally, the plan is to be
13 implemented through existing regulations. So
14 no new regulatory programs were to be
15 established.

16 I talked about the Ocean Sanctuary
17 Act. Those hatched areas are the five ocean
18 sanctuaries in Massachusetts' waters. The
19 only area that wasn't covered by an ocean
20 sanctuary was the area east of Boston Harbor.

21 So that gives you a sense of the
22 ocean sanctuaries, but also that red line on

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1 the outer perimeter is the extent of state
2 waters in Massachusetts, 3 miles off-shore,
3 and then there are closure lines around the
4 bays and the harbors.

5 The other thing I would point out
6 is there is a red line along the shoreline.
7 The Massachusetts Ocean Management Plan starts
8 one-third of a nautical mile off-shore. The
9 reason for that was twofold.

10 One, the Commonwealth wanted the
11 plan to really focus on blue water issues and
12 that first area that is say a third of a mile
13 off-shore was already fairly well-regulated.
14 A lot of activity that occurs there has to do
15 with the coastal communities and so forth,
16 longstanding regulation and plans having been
17 done by those communities. So the focus of
18 the plan really was going to be on those
19 things that really were not being managed up
20 to this point.

21 So one of the things that the Ocean
22 Act did though was put a very tight time line

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1 on the development of the plan and that very
2 tight time line also determined what we were
3 able to accomplish within the year that was
4 given to prepare the plan.

5 So as you can see in that time
6 line, the Act passed in May of 2008. It
7 required a draft plan to be produced one year
8 later. And then for the six month period
9 after that, the public comment period was to
10 be conducted and then the final plan has to be
11 promulgated by the end of this year.

12 So we are in that six month public
13 comment period, that ends November 23rd, I
14 believe, and then the Commonwealth will
15 finalize the plan and promulgate it at that
16 point.

17 Importantly, the Ocean Management
18 Plan will become part of the state's federally
19 approved Coastal Zone Management Program. The
20 roles of those involved in it, I already
21 mentioned the Executive Office of
22 Environmental Affairs [EEA] is responsible for

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1 having put together the plan.

2 The Ocean Act also created an Ocean
3 Advisory Committee, which was comprised of
4 people from, for example, Division of Marine
5 Fisheries, several of the other agencies
6 involved, stakeholders from the Regional
7 Planning Agency can give representation from
8 the coastal communities and a variety of other
9 stakeholders.

10 The Science Advisory Council was
11 put in place to assist the state in
12 identifying and assessing the availability and
13 quality of data that would go into the Marine
14 Spatial Planning portion of the plan.

15 And then finally, the Massachusetts
16 Ocean Partnership, which is how I became
17 involved in the plan altogether, is a
18 nonprofit public/private partnership that is
19 funded by the Gordon and Betty Moore
20 Foundation. It was created initially, the
21 Mass Ocean Partnership, to advocate for the
22 passage of comprehensive integrated ocean

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1 management in Massachusetts.

2 That Act was actually passed quite
3 early in the process, so the Mass Ocean
4 Partnership had dedicated its resources to
5 assisting the state with financial assistance
6 and technical assistance to help advance the
7 cause of Ocean Management Planning.

8 We, my institute, led a team that
9 provided EEA with technical assistance in
10 things like Marine Spatial Planning and
11 compatibility determination, looking around
12 the world to see what others were doing and
13 bringing that understanding to Massachusetts.

14 So, this is my slide that sort of
15 simplifies the process translating the Ocean
16 Act into an Ocean Plan through Marine Spatial
17 Planning. The Act laid out principles that
18 the plan had to follow. Those principles were
19 translated into a series of goals for the
20 plan.

21 Probably the key step to all of
22 this is the compatibility assessment. There

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1 are uses that are to be managed under the plan
2 and then, of course, there are other uses that
3 are taking place in those ocean waters and,
4 most importantly, a lot of natural resources
5 that need to be considered through that plan.

6 So the compatibility assessment is
7 really taking a look at the uses that are
8 taking place or may take place in the ocean
9 waters and determining what the compatibility
10 between and among those uses are, as a first
11 step.

12 The second step is what is the
13 impact of those various uses on those
14 different kinds of marine resources, both
15 abiotic and biotic. And then finally, the Act
16 itself contains values. And one of those
17 values, for instance, of relevance to this
18 group is the value and effort of commercial
19 fisheries.

20 So one of the values of the Act is
21 to protect our commercial and recreational
22 fisheries. So one of the compatibility

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1 assessments is to take -- is to consider that
2 in determining whether a use should be located
3 in a particular area or not.

4 Then there is spatial data that is
5 brought into it that Steve was talking about.

6 And each use, that you can imagine taking
7 place in the ocean area, has certain criteria
8 associated with it.

9 Wind, for instance, needs to have
10 wind resources available. Sand and gravel,
11 obviously, has to have that resource
12 available. So that's what we talk about in
13 terms of citing criteria. So uses can only
14 occur where there is physical capability of
15 that use to occur there.

16 There are screening criteria and
17 that screening criteria relates to the
18 functional and resource compatibility
19 questions. There are exclusionary criteria.
20 In other words, there are places where because
21 of the resource value, a use cannot or should
22 not be placed. And then there are constraints

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1 which would probably be a second tier of
2 consideration where it doesn't -- a use
3 shouldn't be excluded, but there will be the
4 need to minimize or mitigate impacts to those
5 particular types of resources.

6 So that's how spatial data is used
7 and I have an example of that.

8 And then finally, plan development.

9 The spatial and planning elements, there
10 could be, as Steve was talking about, areas
11 that are set aside for particular uses. In
12 fact, the whole -- one could imagine the whole
13 ocean area being segmented into various
14 districts or zones where uses would be
15 compartmentalized or you could use citing
16 standards and performance measures in order to
17 judge the suitability of a particular use for
18 a particular area.

19 Massachusetts used a combination of
20 that and I'll come to that. Heidi, when I was
21 speaking to her, mentioned the fact that you
22 were interested in Marine Spatial Planning. I

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1 see on your table you have the handbook that
2 was done by Buddy Larin and Fanny Devoir and I
3 understand you have heard from them as well.

4 As part of the work we did for
5 Massachusetts, we looked around the world at
6 the various Marine Spatial Planning and Ocean
7 Management Programs and tried to draw from
8 those relevant experience that might be useful
9 for Massachusetts to have.

10 And this was just a list that we
11 were using at the time of the efforts that
12 exist around the world for Marine Spatial
13 Planning.

14 And if you look at those efforts
15 for the Marine Spatial Planning part of it,
16 more so than the management part, you will see
17 it is used in various ways. In some ways it
18 is used as a plan. You use the spatial data
19 to try to determine what the ideal
20 capabilities are in the marine area and then
21 advocate for those uses to be located there.

22 So it's more of an informational or

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1 truly a plan kind of function. It's a plan
2 that shows you the future of what the ocean
3 area might look like and decisions are made
4 hopefully to implement that plan at some
5 point.

6 Belgium North Sea, they started out
7 to do a Comprehensive Marine Spatial Plan. As
8 it turned out, they got as far as designating
9 areas for sand and gravel extraction, because
10 that's an important offshore activity for them
11 and because wind energy is prominent in
12 Europe. They designated areas for wind and
13 then they set aside a couple of areas for
14 protection of marine resources.

15 So we see a lot of examples around
16 the world. There are places that start out to
17 do a comprehensive plan and then realize that
18 the data supports decision making in perhaps
19 only a few sectors and they start there.
20 That's not an unusual thing to do.

21 And then probably on the other
22 extreme is some place like the Great Barrier

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1 Reef where truly they put in place a
2 Comprehensive Zoning Plan where the zoning
3 districts are drawn throughout the entire area
4 and they regulate in accordance with those
5 zones, both permitted and prohibited uses.

6 So in summary, the management
7 options for which Marine Spatial Planning can
8 be used for is: First, to regulate. And these
9 are the options that Massachusetts considered.

10 Taking that spatial data that we
11 were talking about, both the existing and
12 future uses and marine resources, you could
13 regulate as today using ocean data for
14 improving decision making, existing decision
15 making. And that's very flexible and in some
16 ways a very useful thing to do, but it's not
17 much of a plan.

18 It doesn't tell you what the future
19 use of the ocean might look like. So while it
20 is flexible and has some attributes to it,
21 it's not really a plan.

22 You could use it to designate areas

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1 based on ocean data and screening, sort of
2 like the Great Barrier Reef example. In
3 Massachusetts' case, we didn't feel that the
4 data across the board would support that kind
5 of management measure.

6 So what Massachusetts ended up with
7 was really a hybrid of those two things. We
8 have areas where priority uses are set aside
9 and I'll show you a map of that in a moment,
10 areas where uses are prohibited, but then
11 really areas where multiplicity of uses can be
12 permitted.

13 This is the management planning
14 areas in the Act as it exists now. And I
15 should say that given a time frame to put this
16 plan together, the state -- Deerin would call
17 this Plan 1.0. And it will be in place for
18 some period of time, probably five years, at
19 which time part of the plan is a science plan
20 to advance our understanding of the ocean and
21 to compile more data that would support a more
22 vigorous ocean management planning effort.

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1 So I think the state views this as
2 sort of the first phase of where they want to
3 go with integrated ocean management planning.

4 But at any rate, what you are looking at is
5 three management areas. A prohibited area
6 where uses, most uses are prohibited; those
7 uses that I listed. And that's really off
8 that outside of Cape Cod and that's the Cape
9 Cod Ocean Sanctuary.

10 Most uses are prohibited there. It
11 is off the Cape Cod National Seashore for
12 those of you familiar with the area.

13 There is a renewable -- and that's
14 13 percent of the entire planning area.
15 Renewable energy areas are those two semi-
16 circles down near the bottom left hand corner
17 of the map. And those areas are set aside for
18 development of renewable energy. In our case,
19 it's really wind energy.

20 And then the rest of the area is
21 put in a multiple use area that is the vast
22 bulk of the ocean area.

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1 Now, how did we get to this place?

2 Two ways. The compatibility assessment is
3 really the core of the whole planning process.

4 We looked at suitability and then the next
5 slide will talk about the absence of
6 conflicts.

7 So this example is for wind energy
8 development. We have data like the
9 bathymetry, for example, and that's a very
10 rich database and a very good one. Perhaps
11 among the best source of data that we had for
12 the planning area. So that's what that data
13 looks like when it is mapped out.

14 But then you have to take that data
15 and translate it into some suitability map.
16 And you will see this on all of the different
17 data sets that we use.

18 So for wind, there are a couple of
19 ways that wind is done now. With a monopile
20 or a jacket and truss system. Monopile has
21 some constraints that it can be used in water
22 depths up to about 30 meters. Jacket and

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1 truss perhaps in water depths up to 60 meters.

2 So taking that bathymetry data and
3 translating it into a suitability data layer
4 for the plan shows you those areas with those
5 depths. So where those kinds of technologies
6 could be used.

7 Then you need to know the fact that
8 there is wind. Now, offshore Massachusetts,
9 all of the wind resource is good. You need
10 perhaps 7 meters per second of wind to support
11 commercial wind development, so that map shows
12 you where the wind resource is located. So
13 that's the suitability piece.

14 Then there is the compatibility
15 assessment, the absence of conflict with
16 resources and uses. And this is just to show
17 you a few of the resources and uses that were
18 used to do this analysis.

19 So in the first one, we had taken
20 all of the bird resource data that we had, put
21 it together and then it is again just like in
22 the wind resource, you take that raw data and

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1 translate it into a data layer that translates
2 that information into a decision making tool.

3 So in the case of bird resource
4 areas, there are a number of birds that are
5 displayed in that. That map on the bottom
6 right below that shows you the Roseate Tern
7 core habitat.

8 So it was determined that core
9 habitat for some of these special species
10 would be off limits for the development of
11 wind. Again, marine mammals were done. I'm
12 showing you maps for the North Atlantic Right
13 Whale. Again, core habitat for the Right
14 Whale is placed off limits.

15 Same thing with commercial
16 fisheries activity; through a variety of data
17 sources, we came up with that map that shows
18 low, medium and high commercial fisheries
19 value and effort and then that gets translated
20 into a map where we show areas who have high
21 fisheries value and effort would be off limits
22 for that kind of thing.

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1 Over on the far left, you're seeing
2 concentrated commercial and fisheries traffic.
3 Using AIS and VMS data, we know where the ship
4 traffic is and those areas are off limits for
5 wind. And that produces that map which shows
6 you the green is those wind resources, so
7 that's the site suitability piece and then the
8 red is really all of those constraints
9 overlaying on that same map.

10 And what we end up with is that map
11 that shows those two areas down south of
12 Martha's Vineyard and Cuttyhunk, in-state
13 waters as being suitable or being set aside
14 for wind development resource areas.

15 The grid that you see outside of
16 state waters is the grid in federal waters and
17 there is -- our data, obviously, goes from
18 state waters into federal waters, so we can
19 make some sort of assessment that the areas
20 that we select for wind development, there is
21 a suitability beyond that in federal waters
22 that is similar to what we have pointed out in

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1 state waters.

2 The rest of the uses in the
3 multiple use areas are done not by setting
4 specific zones for those kinds of uses, but
5 creating a multiple use area and then setting
6 up sighting criteria, sighting standards and
7 performance criteria for evaluating whether
8 those uses should take place in that area.

9 The map I have up there is for sand
10 and gravel and it depicts the kinds of
11 resource and use constraints that represent
12 the problem for sand extraction, sand and
13 gravel extraction.

14 But because these are indeterminate
15 uses, partly because we don't have very good
16 data on the location of resources, extractable
17 resources, and because the data on some of
18 these other resource areas or use areas isn't
19 fully developed, the state decided that it
20 would be imprudent to attempt to map areas
21 where those kinds of uses should take place.

22 But the data developed for all of

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1 that allows the decision making to incorporate
2 an understanding of where those resource areas
3 are, where those use areas are and when the
4 deciding decision for one of those uses is
5 made, it relies on the information on these
6 maps.

7 So it stops short of designating
8 specific areas for these uses, but the data
9 that was developed -- the data layers that
10 were developed are used in the decision making
11 process.

12 And then the standards for the
13 various reviews, like our Massachusetts
14 Environmental Policy Act, is increased to
15 reflect the use of that data and avoidance
16 standard.

17 The Act required -- the resources I
18 talked about that are used to exclude certain
19 uses are really species that enjoy particular
20 protection under existing laws and
21 regulations.

22 The Act required Massachusetts to

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1 develop maps of special, sensitive or unique
2 marine resources. As I said, the data in most
3 cases wasn't good enough to allow us to do
4 that, but particularly since we did not have
5 time to develop new data.

6 So something called the Ecological
7 Valuation Index was attempted for the plan and
8 this map is part of the plan, but it's not
9 part of the regulatory structure of the plan.

10 In other words, what this is
11 showing is taking all of the various species
12 information that we have, the habitat
13 information that we have, obviously, we know
14 where certain species are, but we have no way
15 of depicting how those species in combination,
16 in a complex, make certain areas of the ocean,
17 of the state's waters more valuable than the
18 others.

19 In other words, there is a complex
20 of considerations that go along that make
21 areas more valuable than others. If we didn't
22 have -- the quality of the data wouldn't

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1 support us managing based on that. There was
2 a series of maps that show areas of special,
3 sensitive or unique resources based on an
4 index of ecological value. And that's
5 something that will, over the next number of
6 years, be developed further and become part of
7 the plan.

8 In terms of federal regulatory
9 coordination, representatives of the federal
10 agencies in our region were part of the
11 working groups that were part of the data
12 development for the plan. As the plan was
13 being developed, the state was meeting with
14 representatives of the various regulatory
15 agencies, federal regulatory agencies and
16 attempting to work out that question of
17 coordination of federal decisions in state
18 waters.

19 I think where they got was there
20 was a lot of endorsement and enthusiasm for
21 this idea of what the state was doing in its
22 waters, but I think the problem was that the

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1 federal agencies responsible for NEPA or ESA,
2 for example, don't have in their regulations
3 right now that they can take into account what
4 a state might develop in terms of an Ocean
5 Management Plan.

6 So in terms of being able to
7 formally incorporate it into decision making,
8 federal decision making, we haven't got there
9 yet. But that conversation continues onwards.

10 In terms of the coordination of
11 federal ocean planning and state ocean
12 planning, I think the Commonwealth of
13 Massachusetts is quite supportive of this
14 regional ocean governance contract, and, in
15 our case, the Northeast Regional Ocean
16 Council.

17 So key considerations for what we
18 did and why we did it, was the time frame was
19 quite constrained. Having to use available
20 data, obviously, there's going to be problems
21 with the quality and the resolution and the
22 spatial coverage.

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1 It is important that the plan be
2 able to adapt to evolving knowledge. We know
3 that and we believe the way that the plan was
4 constructed allows that to happen.

5 The Science Plan, part of the Ocean
6 Plan is an important piece and it lays out
7 what needs to be done in order for what we are
8 calling Plan 2.0 to be developed.

9 And just in terms of the management
10 structure, when we first started this, a lot
11 of people were talking about Marine Spatial
12 Planning as the end product. But Marine
13 Spatial Planning is really a tool to assist in
14 the management of an ocean area. And that was
15 something that the Mass Ocean Plan is quite
16 strong about.

17 So I'll leave it at that. Thank
18 you. I didn't know if you wanted to take
19 questions or let Grover go first.

20 MR. BILLY: Well, why don't we have
21 a couple of questions? Heather?

22 MS. McCARTY: Thank you, Mr.

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1 Chairman. That was great. I have a question
2 about a sort of human interaction and the
3 human process that took place.

4 Was there any dispute or any
5 controversy over some of the values that IC
6 inflicted in your presentation? For example,
7 from the point of view of commercial fishing,
8 was there any controversy about making
9 commercial fishing areas sort of sacrosanct or
10 recreational fishing areas untouchable or how
11 were those dealt with, if there were any
12 disputes in regard to that?

13 MR. WIGGIN: Well, it was dealt
14 with in the statute. The statute on
15 commercial and recreational fishing interests
16 is outside of the jurisdiction of the Ocean
17 Act. So that was actually a decision, but how
18 was that decision made is probably behind the
19 question you are asking.

20 I think when the Ocean Management
21 Task Force was first convened in 2003, people
22 were looking at ocean management planning as

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1 really marine protected areas. And that's
2 what everybody thought those were marine
3 protected areas.

4 And the fishing interest, we're
5 really afraid of that. I think as time went
6 on and thinking evolved, people realized that
7 that wasn't what we were talking about, but
8 that decision had been made already.

9 I mean, I don't think necessarily
10 that states believe that the Division of
11 Marine Fisheries is the appropriate agency to
12 be managing fisheries as it has done in the
13 past. The only question was, were the only
14 agencies going to be -- have equal boundary?

15 The Ocean Act said: (A) The Ocean
16 Plan is not going to deal with management of
17 fisheries and secondly, only uses that are
18 managed by the Ocean Plan will minimize its
19 impact on commercial fisheries. So that's the
20 guidance that was provided by the Act itself.

21 MS. McCARTY: And recreational
22 fishing, too?

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1 MR. WIGGIN: And recreational
2 fishing as well.

3 MS. McCARTY: Thank you very much.

4 MR. BILLY: I have a question, too.
5 With your slide on sand and gravel as an
6 example, beyond the plan in which you have
7 been able to develop to date, is there
8 anticipation in the Act for interested parties
9 thinking about a permitting system and
10 regulation enforcement consistent with the
11 results of the planning?

12 MR. WIGGIN: Like I mentioned at
13 the outset, the Act requires all decisions to
14 be consistent with the Ocean Management Plan.

15 So if someone makes a proposal to extract
16 sand and gravel, which is not a big activity
17 in our state waters at the moment, but
18 assuming that it will become as sea levels
19 rise and so forth, that the decisions that are
20 made in terms of permitting sand and gravel
21 extraction will need to be consistent with
22 that plan.

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1 Now, what that plan gives you to
2 help with that decision making is this
3 information, which is information on the
4 resource values and information on the other
5 uses that are taking place in those areas for
6 which those areas have capability to support.

7 So Steve was talking about the
8 comprehensiveness and the difference between
9 what has happened in the past and what is
10 going on today, is this comprehensiveness.

11 What the plan does is it gives all
12 of that information to the decision maker to
13 allow them to make that decision knowing
14 across the board all of those factors.

15 If the decision were to be made
16 prior to the Ocean Management Plan, there are
17 regulations for how that decision gets made
18 and what they consider when they make that
19 decision. The Ocean Management Plan now
20 suggests that all of that information gathered
21 for the Management Plan is part of the
22 decision making process.

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1 So there are no new regulatory
2 programs established, but the standards for
3 review were changed to reflect those
4 Management Plans.

5 MR. BILLY: Okay.

6 MR. FUGATE: Thank you. It's a
7 pleasure to be here this afternoon. Thank you
8 for inviting me. What I'm going to say right
9 now is actually three different projects or
10 scenarios that are underway. They are all
11 interrelated and they all feed off each other
12 and I'll explain as it goes along.

13 I'm the Executive Director of our
14 Coastal Zone Management Agency and we are a
15 direct permitting entity for the state, so we
16 issue a Coastal Management Permit for both
17 upland and in-the-water activity and we are
18 also the state's merged land manager, which we
19 have exclusive authority over the state's
20 merged lands. So that's where we are coming
21 from in terms of the context of how we got
22 involved in this.

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1 And as we have adopted a federal
2 program that is done through the Coastal Zone
3 Management Act, the Federal CZMA, one of the
4 activities that we were engaged in several
5 years ago was to look at climate change and
6 look at what the implications were for our
7 coastal areas and many of the resources that
8 depend on those.

9 There are some very severe
10 consequences that we are looking at. In Rhode
11 Island we have already adopted a sea level
12 rise projected by 2100 of 3 to 5 feet. We
13 know that's a serious underestimate right now,
14 given what is occurring. It is probably more
15 in the range of 4 to 7 feet what we are
16 looking at by 2100, because we have sea level
17 rise and we have a subsidence factor that is
18 kicking in, too. So we have both things that
19 are coming at us.

20 As part of that, when we looked at
21 it, there are typically three things that you
22 can do with climate change. We are not big on

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1 the last one, so we were focusing in a lot on
2 adaptation. But again, when you are talking
3 several feet of -- 7 feet of sea level rise
4 and serious ecological shifts, it's very
5 difficult to adapt to those types of
6 situations. So we started to look at
7 mitigation as a possible tool.

8 The other thing as we studied is
9 that when you look at tipping points and if
10 you are going to affect any mitigation that is
11 going to mean anything and you look at these
12 tipping points, you start to see that in some
13 cases you have some very short windows to deal
14 with.

15 The CIE's tipping point right now,
16 depending on who you listen to, is projected
17 to be somewhere about 10 years off. My guess
18 is that we are going to miss that tipping
19 point. I just don't see the political system
20 evolving and changing as fast and rapidly as
21 the natural.

22 So we all know where this is coming

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1 from. It's greenhouse gases with CO2 being
2 the principal one that we are concerned with,
3 at this point, although, others are coming
4 into play.

5 And when we look at trying to get
6 off our fossil fuel system and look at
7 renewable systems that aren't burning fuels,
8 at least in the Northeast, we are very
9 limited. And when we assess the situation for
10 Rhode Island, really what we came down with is
11 offshore wind as having some potential.

12 Around the same time, our energy
13 office approached us about putting a utility-
14 grade wind farm offshore, because they had
15 been doing a similar analysis trying to put in
16 a requirement for renewable energy within the
17 overall generation within the state of 20
18 percent.

19 And they wanted to put 130 turbines
20 off the south end of Block Island. And when
21 we took a cursory look at it, it seemed like a
22 stupid idea to us, but the next question out

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1 of their mouth was, okay, where do you want us
2 to put it? And that's how we started to
3 evolve in this process.

4 The other thing that is important
5 from a national perspective, and the statistic
6 is pretty alarming when you look at it, nearly
7 80 percent of the electrical generation and
8 consumption in the U.S. is a coastal-derived
9 problem.

10 There are 28 coastal states that
11 burn nearly 80 percent of the electricity in
12 the country. And so it's something that we
13 need to look at and try to solve in the
14 coastal arena, because to try to generate that
15 much capacity in the Midwest and then pay for
16 the grid connections and the grid upgrades
17 that work or that will be required for that is
18 a staggering cost.

19 In addition, one little fact that
20 isn't well-known is that the Midwest winds
21 tend to peak at night. They haven't locked
22 down the storage problem yet, so we tend to

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1 burn our electricity during the day for the
2 most part, so we have a timing issue
3 associated with those.

4 The other thing is that as we
5 started to do this, the Federal Coastal Zone
6 Management Act actually foresaw during its
7 creation back in 1972 that states would start
8 to develop these Ocean Plans and get involved
9 in those issues.

10 Now, in Rhode Island, we actually
11 developed a Marine Spatial Plan and zoning
12 scheme in 1983. We have been implementing
13 Marine Spatial Planning for 26 years in Rhode
14 Island and we have a well-established history
15 and background in this area.

16 This is a shot of a typical zoning
17 scheme in one of our areas. This is the Upper
18 Providence Harbor area. And as you can see,
19 the zone types are over here and there are
20 uses that are assigned to each zone type. So
21 certain uses are permissible within certain
22 waters and certain uses aren't.

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1 In this case, we have Type-6
2 Waters, which are industrial-related waters.
3 So our port activities, including many of our
4 fishing ports, are in Type-6 Waters.

5 One interesting coup that was
6 pulled off early in Marine Spatial Planning is
7 that the in-water zoning overrides the upland
8 zoning. So it's the dominant use.

9 So in the case where we have Type-6
10 Waters where we are trying to protect
11 commercial fishing and port-related
12 activities, we will not allow activities that
13 are inconsistent with that water zone.

14 This is a set of policies that you
15 will find on-line and each water type has a
16 set of policies and permitted uses. And so
17 they are governed by what can go in these
18 particular areas. In addition to that, each
19 use or each feature has a series of policies
20 associated with it that, for instance, just
21 because you are in Type-2 Waters and
22 residential docks are permitted, doesn't mean

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1 that it's a God-given-right to put in a dock.

2 You're still going to have to meet all the
3 use policies for that particular use within
4 that water.

5 The other tool that we are using is
6 under the Federal CZMA and this Special Area
7 Management Plan, so that this process that we
8 are going through is actually done through the
9 CZMA.

10 Our SAMPs are also ecosystem-based.

11 So from the start of this process, when we
12 started to look at the issue and our Energy
13 Office was asking us, okay, where can we site
14 one of these and get it in through the
15 regulatory process, the first thing we said is
16 we have to understand the ecosystem. We have
17 to understand what is going on out there. We
18 have to understand the uses. We have to
19 understand the resources and the utilization
20 of the area. And we have virtually no data on
21 that.

22 So we started to go forward and put

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1 together a package which we eventually
2 received \$3.2 million of funding for out of
3 the Renewable Energy Fund to look at an
4 assessment of that area and start to plan out
5 for where we would put renewable energy.

6 Now, when I say that area, I'm
7 talking about an area that is 30 miles
8 offshore. We have a schedule that we are
9 having to live with that is a political
10 reality. This is driven by election cycles
11 more than anything, but we have two years to,
12 essentially, develop this plan and put the
13 zoning scheme in process.

14 The chapters that you will see are
15 those that you would expect to find within an
16 Ocean Zoning Plan, so they cover everything
17 from the ecology, fishing resources,
18 recreation and transportation, all these are
19 going to be contained or have chapters that
20 are associated with those policies that relate
21 to each of those uses.

22 This is the actual planning

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1 boundary. So the red hatched area that you
2 see here is the planning boundary. The yellow
3 boundary represents the state's territorial
4 sea or territorial waters.

5 We chose 30 miles off, because when
6 we are looking at renewable energy and we
7 assumed that there was going to be an AC
8 transmission line, the practical limit for AC
9 transmission is about 20 miles. So we
10 provided a 10 mile buffer, so we didn't end up
11 with an edge issue on our data gathering.

12 The other thing is that a lot of
13 these were put together, a lot of these
14 databases were put together with stakeholder
15 groups. We put together a stakeholder process
16 at the very beginning of a number of groups,
17 everything from the marine trades to
18 municipalities to the fishing groups.

19 This is one of the data sets that
20 was generated with the assistance of the
21 commercial and recreational fishermen in the
22 area, but it gave us a picture of where the

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1 fisheries were occurring and there are
2 seasonal aspects, obviously, with this.

3 And not all these areas are fished
4 on a yearly basis, obviously. There are
5 probably three to five year cycles on some of
6 these fisheries. But it started to give us a
7 picture of where the fishermen were focusing
8 their effort.

9 \$3.2 million is not a lot of money
10 when we have to start doing scientific
11 studies. And one of the things we wanted to
12 do is we knew that there were existing uses
13 out there that had strong regulatory programs
14 behind them and, essentially, were taken off
15 the table for many other uses. Navigation
16 lanes are a prime example of that. There is
17 not so many things you are going to put in a
18 prime navigation area, other than the
19 navigation use itself.

20 So we wanted to take those areas
21 off the table for consideration when we
22 started to look at options that we had for us

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1 to start planning for this.

2 The other thing we had to look at
3 is, obviously, the wind resource. This is a
4 map of our wind resource in our area. One of
5 the interesting things is that there is almost
6 no data that exists offshore on this area.
7 The banks require 80 meters hull height and
8 that is what this map is. This is all modeled
9 and there is very little real data to actually
10 substantiate this model.

11 So there is going to be a major
12 effort finding developers to start putting in
13 towers to start to -- the state needs a
14 minimum of three years data before they can
15 even go to the bank.

16 Another thing that you notice on
17 this is -- well, two things. You need 7
18 meters at least to be commercially viable, but
19 the other thing is that the power function off
20 the wind is a cube of the wind speed. So a
21 small change in wind speed means a huge number
22 on the power side, so these areas offshore are

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1 the more important areas.

2 In most of New England because we
3 are postglacial, the other thing we have to
4 consider is this is a marine construction
5 project and they want to put it in an area
6 where the construction was going to be easy
7 for two reasons.

8 One, we wanted to put something in
9 that's realistic on the commercial side, but,
10 two, the areas that tend to be more difficult
11 also tend to be more valuable habitat areas.
12 And so we wanted to ensure we were staying out
13 of those and we wanted to have ease of
14 construction, so that they got in and out
15 quickly and minimized the time window that
16 they were out there actually doing this.

17 So one of the things we had to
18 consider was geology. And again, you can see
19 the data that we are working with when we
20 started out. These are best guesses. Nobody
21 really has the data of what this area looks
22 like.

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1 One of the things we had to be
2 concerned about is these terminal moraines and
3 that's why. This is where we could cross,
4 Park Island and this is an example of a
5 terminal moraine and you can see that this is
6 not a good area to either drive piles in or
7 try to run a cable through. So we wanted to
8 avoid these areas to make sure that we weren't
9 running into problems with the system itself.

10 So we had two geologists that
11 between them had seventy years experience
12 working in these waters. They knew the data
13 better than anybody. Our project has been
14 coupled with the University of Rhode Island.
15 We had 40 university scientists working on
16 this project and another 20 individuals in the
17 policy and legal areas also assisting us. So
18 we have about 60 people working on this
19 project right now.

20 So one of the products that they
21 generated for us was this ease of construction
22 map based on what their best guess was of the

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1 environment. It allowed us to start focusing,
2 because again we wanted to stay out of the
3 moraine areas and so if we had to focus in and
4 do very site-intensive studies to make sure
5 these areas were going to ground throughout,
6 we wanted to focus on the areas that were
7 going to be viable.

8 The AIS data is another thing that
9 comes into play, because we want to know where
10 the actual transportation routes are, not just
11 the navigation lanes. And so as you can see,
12 it's a very busy area. The problem with the
13 data, as you are probably well-aware, is that
14 whether a vessel goes through there once or a
15 thousand times, it appears as a data point.

16 So what we had to do is we had to
17 grid the area and start bending the data and
18 that's what you end up with when you start to
19 do that. So it starts to again focus where
20 the actual navigation is occurring. And this
21 is for commercial traffic only.

22 The other thing that becomes a

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1 consideration is if you look at the projects
2 and there are projects essentially being
3 proposed from Georgia to Maine right now, they
4 are all in federal waters, because of this
5 issue. The visibility issue.

6 And so what we did to help us again
7 was develop these visibility rings which help
8 us again sort out areas so we know what the
9 conflicts are going to be so we can start to
10 focus our research.

11 We didn't have enough in order to
12 still help us, so we developed through our
13 Ocean Engineering Branch an index called a
14 TDI, which again, what it does is it weighs a
15 power production potential against the
16 construction class. We've got a lot of
17 construction class data out of the European
18 markets to help us put together that index.
19 And then what we did is we again gridded the
20 system and put it on a GIS database.

21 And when you do that, this is
22 problematic again, here we go, this is what

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1 you end up with. The blue areas right now are
2 the areas you want to target.

3 What that means is that it has a
4 very high output power production potential
5 for the very low construction cost.

6 But we had geology, so when you
7 throw in the geological factors and modify it
8 for that, it completely changes the map.
9 Again, the blue areas are the areas you want
10 to target, but as you can see they have
11 shifted now. But it gives us at least an area
12 that we know that we can start to focus in on
13 and start to do other studies, particularly
14 intensive resource studies and use studies to
15 make sure that we are going to again pass
16 regulatory muster as we go through.

17 When you put all that together, you
18 take the map that I was just showing you and
19 you throw in the regulated areas, you throw in
20 the AIS and it will focus it even more. And
21 you can do this with a series of screening
22 mechanisms to get down to areas that show

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1 potential, so you can focus your studies.

2 Next. So we started to do that.
3 We have gone out and we have done and we're
4 engaged in a major field campaign right now.
5 There is a lot of data being gathered. We are
6 gathering everything from physical
7 oceanography data to met data to fisheries,
8 avian studies, the whole gamut.

9 We were able to bump up the amount
10 that we got, so that the total amount of this
11 project now is at around \$8 million that is
12 going into it in terms of a research effort
13 and planning effort.

14 That fishery map, when you start to
15 throw in all the fisheries, you can start to
16 see that they occupy the area, which is what
17 the fishermen told us in the beginning.

18 So what we did is we sat down with
19 the Fisherman's Association and we said this
20 is something that we're going to have to look
21 at and try to cite in an area. We want to
22 work with you, so that we choose an area that

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1 has the least impact to your industry, which
2 they did.

3 So we sat down and we started to
4 come up with screening criteria based on what
5 we needed or knew that we needed for site
6 criteria for these things for development
7 purposes and they worked with us to also come
8 up with fishery criteria, so we were able to
9 select an area where this thing could go that
10 would minimize the impact to the fishery.

11 Okay. The other data we,
12 obviously, had to start gathering was on the
13 resources through NMFS. Obviously, there are
14 three major consultations that have to occur.

15 Two of these are related to the database on
16 marine mammals and turtles, so we started to
17 compile that data.

18 Bob Kenney, Dr. Bob Kenney from URI
19 maintains a database for the entire East Coast
20 and we worked with him to start filling
21 occurrence maps for each of the species. The
22 right whale, obviously, is one of the big ones

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1 on the block out there.

2 Next. So when you take it and you
3 adjust it for effort and all the rest of it,
4 you end up with these occurrence maps and I'm
5 sure you have probably seen them. The
6 important thing for us, for northern right
7 whale, is that we're not a major area. They
8 do pass through the area in the spring and
9 fall, but they don't spend a lot of time
10 there. It is not an important area to them.

11 Next. The other thing that we are
12 doing is avian studies because there is
13 virtually no data offshore, so we had to do a
14 series of studies. And what we are doing is
15 the state, and I should have pointed this out
16 from the beginning, our Governor's Office went
17 through and wanted to see if there were any
18 developers that were actually serious about
19 this.

20 They had an RFP. They had nine
21 bids come in on it. The state ultimately
22 selected a developer called Deep Water, which

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1 has a lattice jacket structure system. It
2 gets them out to 60 meters of water.

3 So we have been working with their
4 teams and our teams to try to maximize the
5 effort. This is our effort here. What it
6 does is there are overlap areas, so it serves
7 as a cross check against their data, but
8 because we are also working with them, it
9 maximizes the data gathering effort.

10 And they have got a few tools in
11 their bag that we don't have. They have
12 several new radar systems that they are using,
13 one that can actually determine wing beat
14 frequency, so they can actually get down to
15 species identification. And they are doing
16 that monitoring data for offshore use.

17 Again, that was another nice tool
18 that we did have. And they also got a DOE
19 grant for high resolution videotography, which
20 is the stuff that was developed during Planet
21 Earth, but it allows them to get out and
22 actually get down to the individual species

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1 and they get an XYZ coordinate off that, so
2 they can get a distribution of the avian
3 species.

4 Next. So these are some of our
5 transects that we are using to cover the area.

6 This is some of the phenology data that is
7 coming out in terms of the birds and the bird
8 usage of the area, so that we understand what
9 the seasonal patterns are.

10 And we are also working at a
11 project on two levels. We are looking at a
12 utility grade large scale wind farm in federal
13 waters, but we are also, because part of this
14 project was to provide a power source for
15 Block Island, looking at a small scale wind
16 farm within state waters off the southern end
17 of Block Island of about eight turbines.

18 That will produce enough
19 electricity for Block Island and produce
20 enough to export off Block Island, which will
21 pay for all the infrastructure so Block Island
22 and the state doesn't have to pay for any of

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1 that. It will go into the grid.

2 And what we are working on now is
3 we're in the pre-application phase with the
4 Army Corps doing all the cable alignment work
5 and also the site work for the eight turbines.

6 Okay. So as you can see, we are
7 already in and starting to perform some of
8 these studies. In the spring, we have had the
9 consultations with NMFS on essential fish
10 habitat, marine mammals and also section 7
11 consultations. And we have got the Marine
12 Work Plan approved, so that we can go forward
13 and start to collect the data and make sure
14 the cable alignments aren't going to be a
15 problem.

16 As I indicated, we are also
17 gathering a bunch of data. We purchased two
18 buoys or rented two buoys, I should say, out
19 of the University of Maine that they had to
20 take out of the water and then loaded these
21 up, fully instrumented them, so we will be
22 getting a series of physical measurements and

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1 biological measurements off of these buoy
2 systems.

3 So there is everything from bat
4 monitoring equipment, passive acoustic
5 listening devices, chlorophyll measurement,
6 salinity, temperature, the whole gamut. And
7 we are working on that.

8 We are also starting to roll the
9 chapters out now through the stakeholder
10 process. This is one of the first ones to
11 come out, which is on recreation, marine
12 recreation.

13 One of the things that we have been
14 trying to develop and deal with is marine
15 recreation, obviously, encompass fisheries.
16 So did we put the fishery component in the
17 fishery chapter or the marine recreation
18 chapter? We have chosen, because the species
19 overlap, to put it in the fishery chapter.

20 But the other marine recreation
21 uses -- Rhode Island waters are very popular
22 for sailing events. And so there are major

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1 events that occur around these, some that
2 bring hundreds of millions of dollars in to
3 the state in terms of the events.

4 The Volvo Race, for instance, which
5 is looking to come into Rhode Island next year
6 is projected to bring in \$60 to \$100 million.

7 So these are areas that are
8 important for that, which we have now policies
9 that will start to work to recognize that
10 within the overall system and protect other
11 uses from interfering with this that, at least
12 from a structural point, will not take these
13 areas off the map for those uses.

14 Okay. These are long distance
15 races. If you look down on the edges, you can
16 actually see where they are, but they are a
17 series of long distance races that occur
18 within the state and these are important,
19 obviously, to the state's economy.

20 Next. Recreational boating.
21 Again, while it occurs throughout the area,
22 these are the primary recreational boating

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1 routes that occur throughout the state and the
2 destinations of where they are typically going
3 to.

4 All this data gathering was done
5 through the stakeholder process working with
6 the various groups, so that it has been vetted
7 through them. They have agreed to it. We
8 vetted it again and then ultimately brought it
9 forward in a public format.

10 Next. Dive sites and this is
11 another interesting one, because most of these
12 are wrecks. And some of these are historic
13 ship wrecks, so it forms both an archeological
14 resource as well as a recreational source. So
15 it's something that we are now bringing into
16 the plan and starting to put some protection
17 measures around those areas.

18 Next. Other recreational that
19 involves wildlife, as you are well-aware,
20 there are bird watching, whale watching and,
21 in our case, we also have shark diving where
22 they put people in cages out in the marine

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1 waters and let them look at sharks.

2 So the other thing, as I indicated,
3 because we do have a developer, they are also
4 aggressively moving along. They had a rig in
5 our waters doing some deep cores. They were
6 going down to 200 feet and getting core
7 sediments. Those cores were then transported
8 to the university where they are being co-
9 studied by their geotech people as well as our
10 geologists and the cores will remain at the
11 university. They are the property of the
12 university now.

13 So these are some of the joint
14 efforts that we are trying to work with to
15 maximize the effort that is going on.

16 Next. And again, for those who
17 aren't familiar, this is the actual eight
18 turbine location at one of the sites that is
19 being looked at, the cable route in the block
20 supplying Block Island for their power and
21 then back out as an export cable to the
22 mainland to export the excess electricity.

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1 When the wind turbines are not
2 generating, then it will provide a backfeed
3 off the grid, so that Block Island can
4 decommission its diesel plant. That's the way
5 they are currently generating electricity for
6 the island is they have to bring diesel trucks
7 with fuel onto the ferry, go to the plant and
8 then generate diesel electricity.

9 We have been doing a lot of data
10 gathering. We have been using a series of
11 marine platforms. We had the *Endeavor* out.
12 She has been out on two separate cruises for
13 us. We also had the EPA ship, the *Bold*
14 working for us. And we had the, one of the
15 NOAA ships, I believe it is the *Franklin*, that
16 was in doing some side scan and also some
17 multi-beam on the area, so that we're getting
18 a very rich data source now to help us figure
19 out what the habitats look like.

20 This is some of the side scan data.
21 And as you can see, it's a pretty complex
22 environment out there. There is some very

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1 interesting things going on, but this is also
2 being ground-truthed and there is a team that
3 has been put together of geologists, benthic
4 ecologists, fisheries biologists and
5 archaeologists when they go to look at this
6 data.

7 So the team is analyzing the entire
8 data source. The archaeologists are picking
9 up marine targets and then diving those. And
10 the benthic ecologists are working with the
11 geologists to classify habitats and then
12 develop a habitat map out of it.

13 Next. So just to show you some of
14 the products that are coming out of this, this
15 deals with grain size, but these are ground
16 truth sites of what the actual grain size
17 looks like for each of these environments.

18 Next. I'm often asked what is the
19 value of Marine Spatial Planning. We have 26
20 years history of it. I can tell you that on
21 both sides of the aisle that in the
22 development community and the environmental

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1 community, they both liked it.

2 The development community likes it
3 because it gives them certainty and a certain
4 amount of clarity in terms of what they have
5 to do. They know there are benchmarks they
6 have to hit and if they do that, they stand a
7 very good chance of getting a permit.

8 The environmental side likes it
9 because, again, the same reasons. It gives
10 clarity and expectations in terms of what
11 developers have to do. And they make sure
12 they hit every one of those targets.

13 This was a project that was off
14 Rhode Island. There were 20 of these actually
15 proposed all over the United States in terms
16 of the coastal areas, at least on the East and
17 West Coast.

18 This is down by Gray's Harbor.
19 This was a wave energy facility, so it was a
20 floating wave reduction system with a series
21 of anchor chains. Anybody that knows this
22 area knows that this is very productive

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1 fishery here. So that was an immediate
2 conflict which generated a lot of interest.

3 In addition, they were using an
4 inferred process, because of the wave project,
5 hydrokinetically, to lock down the site for
6 two years. So it caused a lot of
7 consternation in terms of the wind/energy
8 people, because this site was taken off the
9 table for their consideration.

10 It generated controversy between
11 FERC and MMS, a lot of Congressional
12 involvement got in. The bottom line was there
13 was a lot of time wasted by a lot of
14 individuals. It made a few lawyers fairly
15 wealthy during that short period of time.

16 But, next, anybody know what these
17 blue lines are? They are the sub lanes in
18 and out of Groton Sub Base. I think if the
19 developer had known that, they would have not
20 proposed that. And if the agencies had known
21 that, they wouldn't have wasted the time on
22 it, because this project was going nowhere.

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1 That's the value of Marine Spatial Planning.
2 That's why we are engaged in it and trying to
3 make it work on a much more expansive area.

4 Next. As part of that, I'm also
5 the co-chair of NROC's energy group. And as
6 Jack indicated, we had a meeting two weeks ago
7 where we were discussing both federal and
8 state agencies, how we could make this Marine
9 Spatial Planning framework work.

10 And these are a series of issues
11 that came up during that discussion. But one
12 of the major considerations is that if you go
13 through this process, it will save agencies a
14 tremendous amount of review time, because you
15 are not doing project-by-project
16 consideration.

17 You have a database that now
18 supports decisions and it makes wiser
19 decisions on everybody's part, because, as I
20 said, the development community doesn't want
21 to go in the areas where they know they are
22 dead out of the gate.

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1 So it will save us all effort if we
2 can go through this. But we need to
3 understand from the federal agencies what
4 types of data over what period of time in
5 order to put this together so we can start
6 answering some of those NEPA questions at the
7 same time.

8 Remember those tipping points I
9 showed you up front? If we don't figure how
10 to leapfrog this process and get to these
11 answers quicker, we're going to miss more and
12 more of those data points if we don't start to
13 shed to renewable energy in a significant way.

14 The other thing that came out is
15 that some of the data sets -- and one of it
16 is, for NOAA data sets, particularly NMFS,
17 there are accessibility issues to some of
18 this.

19 The fisheries is the most extensive
20 and intensive user of the ocean, but try
21 getting data on that without signing
22 confidentiality agreements, filing FOIAs and

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1 everything else.

2 From a Marine Spatial Planning
3 point, we don't need to know individual boats.

4 We don't need to know what the catches are.
5 But we need to know what the aggregates are.
6 We need to know where they are fishing, how
7 they are traveling in there, so that we can
8 put that in context of the overall uses within
9 the area and what the value of those catches
10 are.

11 And we need to know the seasonal
12 context also with that, because it fits into
13 the overall planning on this. This is a very
14 complex framework we are doing and we need a
15 lot of that information. We don't need it on
16 an individual boat basis, but we do need
17 aggregates.

18 I think there is a way to get that
19 information in a format that is useful to the
20 states without compromising some of the
21 enforcement issues. And I think it's
22 something we need to work on, because that is

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1 a critical data set as we go forward.

2 As I said, every state from Georgia
3 to Massachusetts has got something on the
4 boards in terms of this energy resource. And
5 it's coming at us fast. And if we don't learn
6 to do this in a very comprehensive fashion
7 quickly, we're going to be spinning a lot of
8 wheels trying to keep up with the projects
9 that are coming at us.

10 There are three developers off the
11 coast of New Jersey right now that are going
12 through a process, a task force. We have a
13 task force set up for leasing. Massachusetts
14 has a task force for leasing. Virginia and
15 you can go right down the coast. It is coming
16 and it is coming quickly, despite the economic
17 considerations.

18 And one of the things the states
19 are looking at is it is a tremendous amount of
20 economic potential that comes out of this,
21 too. This industry is a big industry and it's
22 something that we are really going to need to

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1 look at from a comprehensive point of view and
2 try to figure it out. Thank you.

3 MR. BILLY: Thank you, Grover, for
4 an excellent presentation, both of them were
5 outstanding. We can take time for a couple of
6 quick questions. Steve, I don't know if you
7 want to say anything to wrap things up?

8 MR. MURAWSKI: Just to say that I
9 really appreciate both of them, you know,
10 going through these examples and pointing out,
11 you know, a lot of those, both the technical
12 issues and the gathering of information and
13 the importance of fisheries playing a role
14 here trying to find the right level of
15 resolution data to meet our requirements.

16 But also, where we have been and,
17 obviously, there are a bunch of issues that
18 have been developed around the country. This
19 is a rapidly developing area. There is a lot
20 of subsidies involved in this right now, so, I
21 think, there is a lot of pressure,
22 particularly from those in New England, but

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1 you will see it from other parts of the
2 economy as well.

3 MR. BILLY: Just to note, after
4 lunch, one of our Subcommittees is going to be
5 discussing this topic further and addressing
6 several questions. And you are both invited
7 and encouraged to sit in on that, if you have
8 the time. Tom Raftican is the Chairman of the
9 Subcommittee and will talk about where they
10 are going to meet.

11 Any quick questions? Seeing none,
12 let's break for lunch. Yes, be back at 1:15.

13 Again, some people are having lunch here in
14 this room. Where are the Subcommittees going
15 to meet?

16 MR. HOLLIDAY: Tom's Committee is
17 going to meet in here.

18 MR. BILLY: Okay.

19 MR. HOLLIDAY: And we have the
20 table set up in the ante room here for the
21 other two, Technical Resources and the
22 Commerce Subcommittees.

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1 MR. BILLY: Okay. Okay.

2 MR. HOLLIDAY: So one piece of
3 business. I wanted to get a show of hands
4 with respect to this afternoon's trip to the
5 Mall and the memorials, if you are interested
6 in going, could I just see a show of hands
7 right now to get a count on the vans and how
8 many drivers we will need? Two vans, okay.

9 So I think the schedule calls for
10 us to meet until, approximately, 3:00, so we
11 break at about 3:00 and go back to your rooms
12 and we load the vans at 3:15 and proceed down
13 to the Mall from there.

14 The other piece of business, just
15 before you walk out the door, if it's
16 November, it must be time to renew your
17 Financial Disclosure Statements for the
18 upcoming year. For existing Members this is
19 familiar. For the new Members, you have just
20 done this, so this doesn't apply to you.

21 But I have your copies of the
22 Financial Disclosure forms from last year, if

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1 they are the same, I just need you to sign a
2 new cover page, give that back to us. If you
3 want to go back home and review it, take this
4 with you, sign the cover page and get it back
5 to us, so that by January we will have all
6 this administrative material taken care of.

7 If you want to do it after the
8 meeting, that's fine. If not, take this home
9 with you and submit a copy of last year and I
10 would like a cover sheet for you to either
11 sign or annotate and send it back. Thank you.

12 (Whereupon, the meeting was
13 concluded at 12:11 p.m.)
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