

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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Thursday,

February 25, 2010

The Marine Fisheries Advisory Committee met in the Honolulu Room in the Sheraton Waikiki, 2255 Kalakaua Avenue, Honolulu, Hawaii at 8:30 a.m. Hawaii-Aleutian Standard Time, Tom Billy, Committee Liaison, presiding.

MEMBERS PRESENT:

- TOM BILLY, Committee Liaison
- JAMES BALSIGER, Vice Chairman
- TERRY ALEXANDER
- RANDY CATES
- ANTHONY CHATWIN
- PAUL CLAMPITT
- JOHN P. CONNELLY
- PAMELLA J. DANA
- BILL DEWEY
- PATRICIA DOERR
- EDWIN A. EBISUI
- MARTIN FISHER
- KEN FRANKE
- CATHERINE L. FOY
- STEVE JONER
- HEATHER D. McCARTY
- GEORGE C. NARDI
- TOM RAFTICAN

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MEMBERS PRESENT:(Cont'd)

KEITH RIZZARDI
DAVID WALLACE

CONSULTANT TO MAFAC:

LARRY SIMPSON

STAFF PRESENT:

MARK HOLLIDAY, Designated Federal Official
HEIDI LOVETT
KARI MacLAUCHLIN
ALAN RISENHOOVER
SAM RAUCH

ALSO PRESENT:

ASUKA ISHIZAKI

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

2 (8:47 a.m.)

3 MR. BILLY: Morning, everyone. The
4 end is in sight.

5 This is day 3. We're going to have
6 an update from Alan here in a minute. But then
7 most importantly hear the reports of the
8 Subcommittees.

9 Depending on the actions
10 recommended by the Subcommittees, the
11 Committee as a whole then will take whatever
12 action is appropriate. And my hope is, and
13 expectation is that we're going to finish a
14 little early. I've been eyeing that infinity
15 pool for several days and I have a real
16 incentive, and I think the rest of you might
17 as well.

18 Okay. Anyone want to comment about
19 the fish auction? It's always very
20 interesting, I know that.

21 Yes, go ahead.

22 MR. FISHER: I just want to extend

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1 thanks to Mark and staff for taking there.
2 Absolutely excellent.

3 MR. BILLY: Yes, good.

4 MR. FISHER: A real eye-opener.

5 MR. BILLY: Yes, Bill?

6 MR. DEWEY: I think it might be
7 nice for the Committee to send a thank you to
8 our host for the tour and the breakfast this
9 morning as well.

10 MR. BILLY: Yes.

11 MR. DEWEY: Yes.

12 MR. JONER: Was there fish? I'll
13 never be able to eat swordfish in San Diego
14 again. Well, it might be fresh there, but not
15 where I get it.

16 MR. BILLY: All right. Thanks.

17 Okay. At the last several meetings
18 we've had very good updates on the work to
19 implement the new provisions in the Magnuson
20 Act, as well as other related matters to the
21 whole sustainable fisheries and protected
22 resources area of the National Marine

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1 Fisheries Service. So at this time I'd like
2 to call on Alan to provide us a further update
3 and look forward to hearing the additional
4 progress that's been made.

5 Alan?

6 MR. RISENHOOVER: Thanks, Tom.

7 And I'll try to speak up. And
8 throw something if you can hear me. And I'll
9 drift off in the bad parts so you can't hear
10 me.

11 So my goal today, I guess, is to go
12 through some of the upcoming actions that we
13 see coming up in the next year or so. So, in
14 a way, this is going to be a little bit of bad
15 news story: This is all the things people
16 aren't going to want to hear about, the
17 controversial actions, which means we probably
18 start putting in some of the good actions.
19 But if you think about it all of these should
20 be good actions because of the goals behind
21 them. So if we're going to reach out for
22 sustainable fisheries and healthy populations

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1 of marine mammals and endangered species,
2 these are the actions we need to take. And so
3 that's kind of the purpose of this
4 presentation. Talking with the new NOAA
5 leadership they were concerned over the next
6 year what was going to come up, what are the
7 things that we need to start talking to people
8 about and explaining to them now so that it
9 doesn't hit folks on the Hill or stakeholder
10 groups, or NGO groups, or whoever cold. So
11 that was the goal was to try and get a sense
12 of what's our portfolio or what are those
13 actions that are coming up this year and start
14 doing a little work beforehand, especially
15 with the Hill, to lay some groundwork for why
16 we are doing that.

17 So we've been working on a series
18 of presentations from different angles. This
19 just happens to be the latest, and that's why
20 we had a little moment this morning to switch
21 presentations. Because Alan can't remember
22 which one is which anymore. Because we're

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1 trying to design ones for different
2 constituencies.

3 So if I'm going up to talk to the
4 Hill staffers or Members, you know it needs to
5 be a different type of presentation than, say,
6 I would give to the MAFAC member versus what I
7 might give to a council; the level of detail.

8 So what we've tried to do with this
9 is one is have a good level of detail. And so
10 to run it by MAFAC and get a little bit of
11 feedback. I ran it by our Leadership Council
12 last week and got some comments from them.

13 So the purpose is, or the audience
14 here is primarily Hill, but other constituent
15 groups as well. The time frame we're going to
16 look at is the next year, plus or minus, since
17 some of these are going to be some multi-year
18 ones. We're also looking at what are the key
19 dates for the actions coming up so people
20 aren't surprised.

21 And then the goals, I want to be
22 fairly specific on what the goals of this

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1 presentation are. It's to educate the folks
2 on the Hill at different levels about
3 different things. So what's going to happen,
4 that's the education, but again why. What's
5 the drivers for these?

6 Did you know there was the
7 Fisheries rally in Washington, D.C. yesterday.

8 Part of what we have tried to do is why are
9 we doing this? Why are we taking these
10 actions? So it's to educate on what our
11 statutes are, what the requirements of those
12 statutes and what we're doing there. It's to
13 explain a little bit more about each of those
14 actions. And while this is kind of a very
15 broad topical presentation, we do have backup
16 materials for our leadership at the NOAA level
17 to use on the Hill to talk about these. So
18 it's also, you know, educate and explain what
19 the various actions are, what the effects may
20 be, inform when it comes up, and that also
21 we've tried to link it to budget. I've taken
22 some of the budget slides out of this since we

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1 talked about budget earlier this week. But
2 right now with our budget just being sent to
3 the Hill, there's a lot of briefings going on.

4 Mary testified in front of Appropriations or
5 was it an Authorization Committee yesterday.

6 So again, how do we inform and
7 educate those people and link it to our
8 budget?

9 So that's the goals. And so I'm
10 going to run through. If you have questions,
11 stop me. If you have answers, definitely stop
12 me.

13 So a little bit up front. Again.
14 this is for a higher level presentation for
15 folks that may not be as familiar with our
16 programs.

17 So just to start out we are talking
18 to them what are we trying to do. We're going
19 to be undertaking a number of important
20 actions, they're going to fall in four or five
21 broad categories.

22 We have to implement annual catch

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1 limits; that's going to have some effects that
2 their constituents are going to talk about.

3 We need to rebuild overfished
4 stocks. That was one of the main discussions
5 they were having yesterday at the rally.

6 Protecting endangered species,
7 protecting marine mammals; we've tried to work
8 those in there as well because some of those
9 actions will have some effects.

10 We've also been talking to our
11 habitat folks. Maybe we need to include some
12 habitat programs in there as well.

13 And then kind of the bottom line
14 here is that some of these are going to be
15 controversial and so this is the heads up, the
16 no surprises, here's what's coming and what
17 we're going to do about it.

18 So a little bit of why we're doing
19 this? What's the purpose? We're not doing
20 this just because we like regulating people,
21 there's a broader goal at stake here. And
22 we've done some economic work to say if we

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1 rebuilt all the stocks around country to their
2 full potential and while there's some problems
3 with that and we may never reach that goal in
4 all stocks all the time, but what would be the
5 maximum? What are we talking about? Why are
6 we asking Congress to invest the kind of
7 money, a billion dollars in National Marine
8 Fisheries? What do we get out of it?

9 Well, if you look at just the ex-
10 vessel value if we had this kind of utopian
11 rebuilding, right now we could increase the
12 ex-vessel value by 2.2 billion. And we may
13 never get there, but again you're investing a
14 billion dollars in an agency for a variety of
15 things. We can increase the economic output
16 of the commercial industry by about \$2.2
17 billion at the dock. That has some jobs
18 associated with it. It also increased the
19 overall value of the seafood industry.

20 Talking to folks on the Hill also
21 internally at the Department of Commerce
22 you've got to convince them that fishing is a

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1 big business. If you mention a 133 billion,
2 suddenly you may get their attention.

3 The Obama Administration is very
4 interested in job. You mention 2 million
5 jobs, they get very interested.

6 So this is why we're trying to do
7 this, again to educate different users or
8 different constituents, the Department of
9 Commerce being one of our constituents at
10 different levels.

11 I've also tried to put in here some
12 of the recreational. There were comments the
13 last couple of days about you focus only on
14 the commercial value. And part of that is
15 because we do have some ways to measure it.

16 Under recreational, I've asked our
17 economics folks and our regional folks to give
18 me some examples. If we rebuilt fisheries,
19 what does it mean to the recreational anglers?

20 So it may be higher bank limits, higher trip
21 limits. One thing that I think is really
22 important is it might extend the season.

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1 So, you know, you can catch a
2 million fish in a month or you can catch a
3 million fish over the year. Which is better
4 for the industry? So if we rebuilt these
5 stocks, there are these things associated with
6 it. I just don't have any good evaluations
7 right now. So if you have ideas on that, let
8 me know. And I'll be working with Arty and
9 economists to try and get some better numbers
10 there.

11 MS. McCARTY: Are you going to take
12 questions during this or --

13 MR. RISENHOOVER: Sure.

14 MS. McCARTY: You have the support
15 2 million jobs as the total. What's the
16 difference between current number of jobs and
17 2 million jobs?

18 MR. RISENHOOVER: I think it's
19 about 1 million, 1.5 now, something like that.

20 MS. McCARTY: So we'll almost
21 double it?

22 MR. RISENHOOVER: About a third

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1 increase. And we've had a job number. One we
2 put a job number in there, and I think it was
3 increased by about 500,000 jobs, people wanted
4 to know where those jobs, whose districts are
5 they in, which fisheries. And my
6 understanding, and again Mark has helped me
7 with this a lot, the economists used a model
8 that doesn't do it by fishery. What's the
9 word I'm looking for? It has certain caveats.

10 DR. HOLLIDAY: Assumptions.

11 MR. RISENHOOVER: Assumptions is
12 the better word. That don't allow them to go
13 into that. So it's a very broad based thing.

14 So there's some danger in using
15 this high level economic information.

16 VICE CHAIR BALSIGER: Isn't there a
17 document that has those numbers in it?

18 MR. RISENHOOVER: Yes.

19 VICE CHAIR BALSIGER: I mean these
20 are big numbers and so people will not
21 necessarily want to take them off the slides.

22 It would be nice if we have a document we

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1 published, but I don't know --

2 MR. RISENHOOVER: Right. It's a
3 study the S&T folks did that we have. It
4 hasn't been peer reviewed, as I understand it.

5 But we've been using this in some of the
6 briefings with the Department, especially
7 relating to the budget to say yes, we need an
8 increase in the agency and here's why. And we
9 do have a background document for it, but it
10 hasn't been too public. So we need to work on
11 that.

12 MR. BILLY: Yes, Terry?

13 MR. ALEXANDER: I don't understand
14 where the new jobs are going to come from.
15 And I understand there's going to be more
16 fish, but you're going to lose half your jobs
17 in the fishing industry, the catch shares. I
18 mean, I've already laid off four of my people,
19 I have eight. I've already laid off four of
20 my people because of catch shares.

21 So, I mean, you're going to lose a
22 lot of people that way and where are the new

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1 jobs going to be created?

2 MR. RISENHOOVER: Right. They'll
3 be outside the harvesting sector, processing,
4 restaurant associated things. Plus, we would
5 see some of those jobs in the harvesting
6 section going from part-time to full-time. In
7 this kind of presentation is very hard to talk
8 about those sort of things. People latch
9 immediately onto the numbers and to boil it
10 down to a slide that you can move through,
11 you've got to cut out all the caveats, the
12 assumptions and everything.

13 So yes. It's going to be the
14 industry or the fishery, the jobs are going to
15 shift from harvesting to other sectors. And
16 the harvesting jobs, hopefully, will go to
17 more full-time.

18 And then on the recreational, also
19 trying to get an idea of where those things
20 associated with recreational fishing that we
21 don't think of directly, and that's the hotel,
22 the gear, the food and the beer and the

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1 everything.

2 Patty?

3 MS. DOERR: Question. It kind of
4 goes back to what the NOAA economists use in
5 terms of expenditures. We've been having a
6 long running difference of opinion on whether
7 or not anywhere expenditures -- what they
8 spend on buying equipment, whether or not that
9 should be used as part of economic
10 evaluations. We believe it should be, you
11 guys believe it should not be.

12 Could you give me some background?

13 This may be too technical of a question for
14 you, but some background as to why you guys
15 don't believe what anglers spend on equipment,
16 their rods, their reels and all that should
17 not be included in economic evaluations?

18 MR. RISENHOOVER: Obviously I can't
19 since I list it here.

20 So, Mark?

21 DR. HOLLIDAY: I don't think we are
22 prepared to talk about it at the MAFAC meeting

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1 this morning. I don't think we're prepared to
2 talk to you in detail about it, but if MAFAC
3 in whole is interested in it, we could set up
4 a session to go into great detail. But, you
5 know, certainly after a line we can talk in
6 similar detail about it.

7 MS. DOERR: Well, if you just had
8 that in the back of your mind.

9 DR. HOLLIDAY: Right.

10 MR. RISENHOOVER: And what I'm
11 asking for is help me characterize the value
12 of recreational fishing.

13 MS. DOERR: We would say put their
14 expenditures in there. Because for our
15 manufacturers to not see their product as part
16 of the evaluation is our biggest concern.

17 MR. RISENHOOVER: Is that something
18 the working group could weigh in on?

19 DR. HOLLIDAY: So just I think the
20 dilemma is there are different methodologies
21 to measure different economic parameters?

22 MS. DOERR: Yes.

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1 DR. HOLLIDAY: And so it's the
2 economic value of a fishery, it's the economic
3 impact of a fishery through different
4 methodologies that require different data in
5 different terms. We want to make sure when we
6 make statements about what's the worth of
7 something, what it is that we're actually
8 measuring and then use comparable
9 methodologies to arrive at the appropriate
10 commercial measure, the appropriate
11 recreational measure. And so that's the
12 dilemma in front of us. And so we discuss
13 sometimes not using comparable data or
14 comparable methodologies to compare the
15 different values versus the different impacts.

16 And so I'm not prepared to defend
17 that particular study or the question that
18 you're asking about. There's no NMFS policy.

19 I think there's differences in what data
20 people have and what they're assuming go into
21 these different models. And I think we can
22 explore that.

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1 MS. DOERR: Yes, and we can have
2 off-line discussions of this.

3 MR. JONER: But from Alan's
4 standpoint for the purpose of the slide, I
5 think part of the message of all of us is
6 knowing the business of rebuilding fisheries
7 to sustainable levels, there are contributions
8 that could be improved, you know that were
9 under performed by not having sustainable
10 fisheries. Those contributions are biological
11 in nature.

12 MS. DOERR: Yes.

13 DR. HOLLIDAY: Food supply in
14 nature, recreation in nature. And so we're
15 making investments by asking Congress for
16 appropriated funds. And we think that the
17 target value of making those improvements is
18 higher than the cost that it's going to take
19 to get there. I mean, that's the simple
20 attempt here. We're saying there is a value
21 return on the investment from recreational
22 use, food supply use, commerce use, employment

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1 use and all these different sectors by working
2 to sustainable fisheries.

3 MS. DOERR: And I'm not disputing
4 that. It's a methodology thing. Because it
5 would be higher if you included the gear.

6 MR. RISENHOOVER: Right. And I
7 think a Mark said, the takeaway message is
8 there's an impact to what we do.

9 MS. DOERR: Yes.

10 MR. RISENHOOVER: That may not be
11 the right economic word. But economy --
12 economics word. But we've got some help after
13 that.

14 MR. BILLY: Hold on for one.
15 Larry?

16 MR. SIMPSON: Just two quick
17 points, and I'm sure that some of the data
18 sources that you've gone and looked at or that
19 number about gear and so forth are --
20 expenditures, which basically are excise tax
21 and just about everything.

22 And the other point out is it calls

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1 out the need for in broad-scale basic more
2 robust economic data collection both
3 commercial and recreational.

4 And then also be aware, Patty, that
5 some of the economists, hotels and food and so
6 forth, you know, how can you fly to Hawaii and
7 go fishing for one day and then spend the rest
8 of your time doing stuff and then account for
9 the whole thing, for the hotel and the food
10 and so forth for that fishing? I mean, you
11 know, you play golf and buy souvenirs and
12 other things.

13 So, I mean, the economists have to
14 do their thing also, and it's not a direct
15 one-to-one.

16 MR. JONER: But we bought fishing
17 related T-shirts, basically.

18 MR. RISENHOOVER: So one thing we
19 haven't been good on in the past that we're
20 trying to get some information out there is
21 examples of progress. Where has it worked?
22 Where have the benefits been seen?

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1 So since 2000, and that's when we
2 really started measuring over fish,
3 overfishing. Before that we did, but we had
4 some different standards, some different
5 criteria. In about 2000 we standardized that.
6 So there's been a total of 76 fish stocks
7 that has been designated as over fished since
8 2000. If you look back at those, 30 of those
9 stocks or about 40 percent are no longer
10 overfished. And 15 of those 30 are now
11 refilled. So 20 percent of the stocks that
12 have been listed as overfished are not
13 rebuilt. And there's reasons for that:
14 Perhaps better signs, the stock assessment
15 change but management does work. And so we're
16 trying to look at those individual stocks and
17 start adding up what was their value before
18 they were rebuilt, what's their value now that
19 they're rebuilt to show that value over time
20 going up. And that's already showing about a
21 \$2 billion thing, but I haven't put that up
22 there because that's a very loose number now.

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1 MR. BILLY: Heather?

2 MS. McCARTY: Yes. Thank you.

3 How many of those fisheries that
4 are now listed as no longer overfished or
5 fully rebuilt are managed with catch share
6 programs?

7 MR. BILLY: Martin?

8 MR. FISHER: I haven't done that,
9 but my guess is -- I'm just thinking of the
10 catch share programs, there may be one or two.

11 So that may be a good ad to put in there just
12 as an aside.

13 MR. BILLY: Anyone else? Okay.

14 MR. RISENHOOVER: And then the
15 example we've been using is Atlantic sea
16 scallops one time severely overfished, now
17 it's the most valuable fishery in the nation.

18 So there you've had a big turnaround to those
19 folks.

20 Swordfish, for example, which was
21 very valuable at one time, we're listing as
22 totally rebuilt this year. So there are

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1 stocks coming back. So we do have examples of
2 progress, we do have ways of showing that it's
3 worked. We now need to start linking that and
4 start putting some of these things from the
5 previous slide.

6 So this is kind of our goal. Here's
7 our progress, what has it meant for that other
8 goal.

9 DR. DANA: Can I ask a question.

10 When you list on there the
11 recreational and having an opportunity for if
12 the fish stock rebuilds itself, then the
13 opportunity is to have either high bag limits
14 or longer seasons. Well in the case of the
15 red snapper which is considered now not over
16 fished, yet in the Gulf we're facing an even
17 shorter season. So two months now to a one
18 month.

19 MR. RISENHOOVER: Right. Right.
20 And that's because of the effort. You still
21 have enough recreational effort to catch, even
22 though the quota is increased by about a

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1 third, you still have enough effort to catch
2 all that fish in actually a shorter period of
3 time than before. Now red snapper is rebuilt.

4 DR. DANA: No. I'm not convinced
5 it's the effort as much as it is that the fish
6 are bigger and heavier, so they're meeting the
7 total weight.

8 MR. RISENHOOVER: It's probably a
9 combination.

10 MR. SIMPSON: It is a combination.

11 MR. RISENHOOVER: But again, red
12 snapper overfishing hasn't occurred and isn't
13 occurring. You've controlled the mortality.
14 But it's not rebuilt. So that stock is going
15 to get bigger. The fish will get bigger, too.
16 But again, that's just an opportunity for
17 that, it's not a -- and there's several other
18 places around the country which the same thing
19 has happened. The stock's nearly rebuilt in
20 some of the east coast fisheries black sea
21 bass but still the season has to be short
22 because fishing is so good they can still

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1 harvest in the third larger quota in the same
2 period of time.

3 DR. DANA: I guess I'm just trying
4 to if you're trying to build trust in the
5 recreational fishery and you're saying that
6 there will be more opportunities if through
7 fishing management we rebuilt the stock, we
8 can have more fishing opportunities, but then
9 the fishermen see less opportunity after they
10 worked to rebuild the stock.

11 MR. RISENHOOVER: Right. But
12 fishing may be better during that same period
13 of time. The size of fish may be larger
14 during that same period of time.

15 MR. CATES: Alan?

16 MR. RISENHOOVER: Yes.

17 MR. CATES: I have a suggestion
18 here presenting that to the folks on the Hill.

19 Another thing that you should probably add in
20 there that while we're rebuilding the stocks,
21 the demand continues to increase. And where
22 we've gone from I think in a ten year period

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1 of 55 percent imports, now at 82 percent
2 imports.

3 So just because we're rebuilding
4 the fisheries is not lessening the demand on
5 seafood and we still need to get back how
6 we're going to increase production and create
7 American jobs, which is what I think we could
8 do.

9 MR. RISENHOOVER: And that's a good
10 point. And that remind me I had an
11 opportunity to brief the Deputy Secretary of
12 Commerce on his second day, I think. We went
13 and talked to him about our budget. And
14 that's exactly the question he asked me was:
15 Well, if you're going to rebuilt all these
16 stocks and there's going to be more fish, well
17 there's not the demand for it. And I pointed
18 out the seafood deficit. And he says oh, that
19 makes sense to him. And so that now kind of
20 got him as a -- he came from a business
21 background and that made sense. Because he had
22 been hearing at the Department level that,

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1 well, you know there's not a need for that
2 much seafood. The demand isn't that high. And
3 so we have statistics there at the time
4 showing yes it was.

5 MR. CATES: You're right. And I
6 think one of the things -- I mean, this issue
7 is probably the most important that I've heard
8 sitting on MAFAC. Because we all have our
9 individual issues, but the demand for product
10 is so high, we're importing so much. I mean,
11 oil we're only importing 60 percent of our
12 oil. We're importing 82 percent of our
13 seafood. And we have the ability to produce
14 more domestic product, but we really don't
15 address that.

16 MR. RISENHOOVER: And it's not only
17 a demand for seafood, it's also a demand for
18 recreational opportunities, correct?

19 MR. CATES: Correct.

20 MR. RISENHOOVER: That may not be
21 exactly seafood, but there's a demand for it.

22 So, yes, that's a good point. I'll

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1 try and add some of that in, Randy. So that's
2 the kind of feedback that helps.

3 Protected Resources. Not my
4 specialty, but again why do we want to protect
5 them? You know, a lot of this I originally
6 put in a bullet you know it's the law. But
7 they know that. So, you know what role do
8 endangered species and marine mammals play?
9 You know, it's the ecosystem thing. We're
10 trying to do ecosystem management. Maybe we
11 broaden that.

12 There's benefits. And I've tried
13 to list them there: tourism image. You know
14 there is an aesthetic value, and existence
15 value that some folks have for knowing it's
16 out there even though they may never see it or
17 touch it.

18 So then trying to switch into what
19 are the main things you're going to be hearing
20 from your constituents? What are the key
21 things the next year that are the drivers.
22 And this is the new requirement for the

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1 Magnuson Act.

2 We were briefing a senator from a
3 state I won't mention that, you know, said
4 "What is that?" And we pointed out that he
5 was on the Committee that voted for it. You
6 know, the full Senate level you could
7 understand them missing that. But when you're
8 on the Commerce Committee and the Subcommittee
9 that had this legislation go through -- well,
10 anyway. I don't remember if he was on the
11 Subcommittee, but he was on the Committee.

12 So why are we doing this?
13 Reminding folks of the language in the Act
14 says we will have catch limits that shall
15 prevent overfishing, and we'll have
16 accountability to that. That's not an agency
17 thing. Reminding them that their Science
18 Committee set the acceptable biological catch
19 levels, and they'd have to be below that. We
20 did offer some guidance in 2009 to help with
21 that.

22 And then the other major thing is

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1 then is once you've ended overfishing is
2 rebuilding, a little bit on that.

3 That they have two years to prepare
4 the measures. End overfishing immediately.
5 The ten year issue is a big one, we explain
6 that a little bit that if the stock can be
7 rebuilt in ten years, that's the goal. A lot
8 of stocks are pushed up towards that ten
9 years. If the stock can't be, it's the one new
10 generation time beyond that. But taking into
11 account these other things and also that it
12 needs to be as short as possible, and the
13 Secretary of Commerce then approves and
14 implements the measures the Councils come up
15 with on those rebuilding programs.

16 Endangered species requirements.
17 Again, make sure that we don't do anything
18 that jeopardizes the continued existence,
19 consultations to show that.

20 We consult on all our fishery
21 activities internally with different parts of
22 the agencies. And some of the effects of that

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1 are reductions on fishing effort or gear
2 modifications, closures with the reasonable
3 improving alternatives. I don't want to spell
4 that out.

5 Marine Mammal Protection Act.
6 Again, we've got the stock assessments, the
7 zero rate mortality goal. And that we have a
8 potential biological removal that we have stay
9 under as well. Again, not my strong point.
10 Sam's going to help if I get stuck on those,
11 right?

12 So, that's kind of the background.
13 Why are we doing, what's a little bit of the
14 history and then I've got a series of slides
15 that we're planning on tailoring depending on
16 who we would be briefing that would be of
17 interest to them. So if we're thinking of
18 something that's East Coast, here are the list
19 of actions that we see coming up for the East
20 Coast. I'm not going to go into detail on
21 these. You're familiar with the area, so
22 you've heard all of this.

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1 ESA consultations for a number of
2 species in the northeast and mid-Atlantic.
3 We'll be starting in the spring of 2010.

4 Determinations on whether the two
5 species of sturgeons need to be lifted by this
6 fall.

7 A potential requirement for
8 expanding turtle excluder devices on the Mid-
9 Atlantic, New England. These are coast-wide
10 effects. Large whale take reduction plan.
11 Critical habitat for right whales. And if the
12 process starts now, it probably won't be done
13 until 2011.

14 Name specific New England
15 groundfish. Particular, ending overfishing of
16 13 stocks, continue and rebuild 13 other
17 stocks. I'm overlapped there.

18 Hang up catch limits and
19 accountability measures. The sector programs
20 are getting close. And modify what we're
21 going to do with the common-pool.

22 So that's what people can expect

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1 when you're using groundfish.

2 A few other things New England Mid-
3 Atlantic. I don't know that I need to go
4 through these, you'd be familiar with them.
5 Some butterfish rebuilding. Scallop specifics
6 have been an issue. Atlantic mackerel limited
7 access. We've tried to sprinkle catch share
8 programs as well.

9 Harbor porpoise take reduction.
10 Determination on cusk, and then the Omnibus
11 ACL Amendment in the Mid-Atlantic. And lining
12 highly migratory species. We're coming up on
13 making a decision whether we're going to
14 support a proposal to list bluefin tuna under
15 CITES. The Administration should decide on
16 that in the next couple of weeks.

17 Blacknose shark rebuilding. Smooth
18 dogfish management. Bluefin tuna, we're not
19 taking our full quota until we raise kind of
20 the trick limit for bluefin tuna to try and
21 increase the quota we're taking. How does
22 that compare with the first one here? If

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1 you're thinking of a CITIES listing, shouldn't
2 we be doing the bottom one? I'll know in a
3 week or two.

4 South Atlantic, some big issues
5 there, mainly around red snapper and the
6 effect on snapper/grouper complex. We had the
7 inner rule in place, Council's looking at
8 permanent measures that should be in place by
9 the end of 2010. What are their annual catch
10 limit and accountability measures going to be?

11 Gulf of Mexico. We still have some
12 sea turtle interactions with the grouper
13 fishery. That was a big issue last year;

14 Red snapper total catch, actually
15 have been raised. But that's one of the more
16 good news stories, but it's still an issue
17 because more fish, less time.

18 Amberjack, gag Caribbean. Big
19 issue there is how do we set annual catch
20 limits. They've got some data problems.
21 They've got some coral -- proposed.

22 West Coast. Annual catch limits

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1 for Pacific whiting, petrale sole overfishing
2 and rebuilding.

3 The trawl rationalization program
4 which will be approved, hopefully, at the end
5 of the year, operational next year. That's
6 one where we have a big budget link there. And
7 when that's implemented we have a request in
8 place to fund it.

9 The salmon season. I think many of
10 you have heard the outlook isn't good again.
11 There's a new biologic opinion being done. A
12 couple of harvest plans for areas.

13 North Pacific. Bycatch in the
14 pollock fishery. Critical habitat for beluga
15 whale. Bearded seal determinations. The
16 bearded seal one probably won't have a
17 fisheries impact, but it may be controversial
18 so we put it on here.

19 Western Pacific. Killer whales are
20 a big issue out here. Critical habitat for
21 monk seals. What if Waikiki becomes critical
22 habitat? What does that mean?

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1 Western bigeye catch limits.
2 That's what Jim Cook talked to us a minute
3 about yesterday. Under the international
4 agreement many feel that the only ones that
5 could end up with a quota is the U.S.

6 So that's kind of a run through.
7 I've got a couple of background slides in here
8 that just show -- I believe that's the status
9 of the stocks right now subject to
10 overfishing. I believe that's 38. And then
11 those that are overfished, there's 46. So
12 we'll track those.

13 Randy?

14 MR. CATES: Can you tell me what a
15 bumphead parrotfish is?

16 MR. RISENHOOVER: A parrotfish with
17 a bumped head. No.

18 MR. CATES: Is that here in Hawaii?
19 No.

20 MR. RISENHOOVER: It's a Western
21 Pacific one. It's a reef fish. I don't think
22 we've been petitioned.

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1 Sam, do you know if we were
2 petitioned by the bumphead?

3 MR. RAUCH: I think we recently
4 were. It's something we got in the last month
5 or so.

6 MR. RISENHOOVER: It's a big one
7 down in Micronesia.

8 MR. EBISUI: Yes. They are similar
9 to the napoleon wrasse.

10 MR. RAUCH: By the Mexican -- okay.

11 MR. EBISUI: Like oodles at a time.

12 No, the bump. These fish are like
13 60/70 pounds, 80 pounds.

14 MR. FISHER: Are they food quality?

15 MR. EBISUI: Pardon me?

16 MR. FISHER: Food quality?

17 MR. EBISUI: I think they -- yes.

18 MR. RISENHOOVER: So I know just
19 running through this you may not have
20 comments, but take a look at it. You may
21 have idea. Again, the goal here is not bad
22 news. The goal here is here's what's coming

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1 up and here's why we're doing it.

2 MR. BILLY: Okay. Questions?

3 Comments?

4 Randy?

5 MR. CATES: The comment I have, I
6 know you were focusing in on rebuilding stock
7 and economic value, but you've got to here
8 briefly that mentions jobs. The key component
9 is aquaculture. Yes, we are losing job in
10 commercial fishing but we can, if we had an
11 aquaculture in the United States, not only
12 supply more fish but create more jobs. And
13 that's not mentioned.

14 MR. RISENHOOVER: Yes. And that
15 was something I did think about. And I
16 thought, you know, maybe do I want to work in
17 the catch share policy on this, do I want to
18 work in aquaculture on this, do I want to work
19 in our improvements on MRIP, do I want to work
20 in cooperative research? And so it's where do
21 you draw the line when you've got somebody
22 that you may have, you know, 15 minutes of

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1 focused with them. But, yes.

2 MR. CATES: I'll just share a quick
3 example.

4 In my company I have a handful of
5 people that were with me when I was commercial
6 fishing. And we'd be doing ten years. I can
7 tell you that if we weren't doing aquaculture,
8 none of us would be in commercial fishing
9 today. And we've raised over 10 million
10 pounds. If I were to take that from that from
11 reef fish, I would decimated our reef just on
12 this island. And after ten years, you know
13 ten years ago I would have thought we would
14 have be much further ahead in aquaculture in
15 this country than we are now, and we're just
16 not. And that's a shame.

17 MR. NARDI: I would only add for
18 example 90 percent of my employees that were
19 from the aquaculture project are former
20 commercial fishermen.

21 MR. CATES: It is an issue.

22 MR. BILLY: Paul?

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1 MR. CLAMPITT: Yes. Maybe you've
2 heard this before, and I'm just going to be
3 brief. But as far as these ACLs, which I
4 think are a good idea, but the problem is, is
5 in the funding. And, you know, you set an ACL
6 and then it's attached because of uncertainty.

7 And when we see the priorities under
8 uncertainty and the stock is automatically,
9 but I think depending on what category it's
10 dropped from, as much as 20 percent down to 50
11 percent on how much you can harvest from it.
12 And so from what I hear from the people in
13 Washington and Alaska is that the uncertainty
14 is really a problem of research. You know,
15 there's not enough money put into the stock
16 assessment.

17 And so, you know, we're all happy
18 about, you know we want to stop overfishing.
19 But we're being accused of overfishing when
20 it's not done and that's because there's not
21 enough stock assessment.

22 So when you go to the Hill or

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1 wherever you can get that money from, you know
2 it's great to have these regulations. But
3 they have to be funded, and they're not.

4 MR. RISENHOOVER: Yes. And that's
5 the comments I made I think on Tuesday where
6 on our budget we're trying to move forward on
7 all fronts. You know, past years we've had
8 increases for ACL implementation. Since the
9 MSA reauthorization passed, we're up about a
10 100 million in the agency for MSA-related
11 things. And a big chunk of that is stock
12 assessments. You know, to expand stock
13 assessment line.

14 We've also gotten some increases
15 for social and economic data as well. So we
16 have made some pretty big increases there.

17 And so I'm thinking under the 2020
18 summary you all talked about that, that might
19 be a place I can trace back and talk about
20 that. You know, since Magnuson passed, here's
21 how much money or what our increases have been
22 for Magnuson and what the large breakout of

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1 that is.

2 MR. CLAMPITT: That would be good.

3 MR. BILLY: Ed?

4 MR. EBISUI: Thank you.

5 MR. RISENHOOVER: If that's the
6 sort of thing I think you want to do.

7 MR. EBISUI: I think Paul just made
8 the point that I was trying to make on day one
9 about stock assessments being the foundations
10 for ACLs tax everything else.

11 Our particular situation here is
12 that we're struggling with the main Hawaiian
13 Island bottomfish fishery and our stock
14 assessment was done almost 30 years ago.
15 That's what we're working with. And I think
16 the managers desperately need better, more
17 current information in order to do a good job
18 of managing of the fishery.

19 The second point I wanted to make
20 was that you know on your benefit slide, Alan,
21 I think one of the benefits of good healthy
22 fisheries is a reduction in imports. And I

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1 didn't see that being discussed on any part of
2 your slide. But like for example, again
3 coming back to our particular situation over
4 here would be shutdown of the Northwestern
5 Hawaiian Island Fishery because of the
6 monument of imports; they trimmed it upwards
7 over the years, gradually, well steadily. And
8 I think it's really going to spike now.

9 In speaking with one of our former
10 representatives in Congress, he didn't see any
11 problem, you know with lack of local
12 availability. He said why can't you just
13 import? That's the sort of mindset that we
14 have to deal with.

15 MR. RISENHOOVER: Okay. I'll look
16 and see if we could have any trace through
17 that. I'll see if we have any way to show
18 that-

19 MR. EBISUI: Yes.

20 MR. RISENHOOVER: You know, that
21 might be a good background slide that if
22 somebody's interested we could switch to.

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1 On the ACLs, you're absolutely
2 right. We need good signs going into setting
3 the ACLs. We then need good monitoring and
4 signs to prove we achieved what we got.

5 So, you know, having all these ACLs
6 in place to end overfishing in 2010 because of
7 our stock assessment schedule, it may be two -
8 - three -- in some cases five years until we
9 have a full stock assessment to see if that
10 ACL worked. And so that's one thing, you know
11 we've been arguing. We don't only need the
12 money to set the ACL, we need the money to
13 prove that it worked.

14 MR. EBISUI: You know, sometimes
15 the analysis gets kind of absurd because of
16 the uncertainties the Council was doing risk
17 assessments of the uncertainties.

18 And then they took it to the next
19 level, not the Council but the Fishery
20 Service, and did a risk assessment on the risk
21 assessment I mean, it started to get really
22 out there.

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1 MR. RISENHOOVER: Sounds risky.

2 MR. EBISUI: Yes.

3 MR. RISENHOOVER: Yes.

4 MR. EBISUI: And you're still
5 shooting in the dark, it's just that you've
6 got more ammunition to shoot in the dark.

7 MR. BILLY: Yes. Alan, there is
8 good information and language in the 2020
9 document that relates the imports sort of
10 paints a broad picture. First internationally
11 and then national.

12 MR. RISENHOOVER: Right. I know we
13 have that. It's can you link imports
14 increasing with reductions in fisheries.

15 MR. BILLY: Larry?

16 MR. SIMPSON: Yes. I just want to
17 remind us, and I know we all know it, when we
18 say we need good stock assessments and more
19 timely stock assessments, and that's
20 absolutely true. But to get there we've got
21 to get the data to put in those stock
22 assessments. So when we say stock

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1 assessments, I know we're talking about the
2 whole suite and that's the data behind it.
3 But just being able to do the mathematical
4 calculations is one aspect of it in a timely
5 fashion. But the data behind it.

6 Three of the most important things
7 that we need to keep in our minds that we
8 need, at least in our area, for the stock
9 assessments is we need some more studies on:
10 Natural mortality; we need some increased
11 fishery independent, that is not associated
12 with commercial/recreational fishermen but
13 scientific data points; fishery independent,
14 and bycatch.

15 So you need those things. And when
16 we speak stock assessments, we need to also
17 talk about our data collection programs. Just
18 keep that in mind.

19 MR. BILLY: Keith?

20 MR. RIZZARDI: I'm noticing the
21 timing of the TRT for false killer whales and
22 the potential listing decision. And it seems

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1 like they might be inverted because if you do
2 your listing in the fall but don't have any
3 knowledge of what your take reduction measures
4 are, you're going to find yourself very
5 quickly in litigation over whether or not a
6 species is in jeopardy from a given action and
7 not being able to do an RPA to deal with it,
8 or reasonable and prudent measures.

9 So it seems like you have a timing
10 issue where you need to somehow accelerate the
11 TRT or put off the listing decision. Because
12 the reality is there are groups out there that
13 will use the false killer whale as a proxy for
14 regulating the tuna industry, as you know.
15 And having been the guy who defended that a
16 few years ago more than once, I know what
17 you're in for. So, good luck.

18 MR. RISENHOOVER: Right. And the
19 timing on these are, like anything, it's a
20 little squishy by the time the time that the
21 deal will give you ranges. And so I've tried
22 to pick the front part of those ranges.

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1 MR. RIZZARDI: Right. Right. The
2 front of the listings fall and the TRT isn't
3 until December, get ready for the preliminary
4 injunction in October.

5 MR. BILLY: Tom?

6 MR. RAFTICAN: Yes. Alan, thanks
7 for the work on the presentation on
8 recreational fishing. You notice if you look
9 at the things that we had on it in our agenda
10 online, fishery management opportunities --

11 MR. RISENHOOVER: It's not in
12 there.

13 MR. RAFTICAN: -- it's not in
14 there. But I just want to say thanks for
15 updating it and we're getting there.

16 You know, it's easy to catch people
17 not doing stuff. But when you start coming
18 around and looking at this, we really
19 appreciate it. I just want to say thank you.

20 MR. RISENHOOVER: And that was
21 something the Leadership Council pointed out
22 to me. Like I said, I've got about six of

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1 these presentations strung out. And when I
2 had them update this for the MAFAC one, that
3 bullet on rec went away. And so I guess for
4 the Leadership Council -- when I presented to
5 the Leadership Council, I forget who it was,
6 raised it. Said well what about rec? And I'm
7 like well that's on here somewhere, and it
8 wasn't.

9 So, yes. The agency thinks of
10 that, you know, pretty much in lock step with
11 the commercial. That was just an error on my
12 part of dropping it off slow.

13 MR. RAFTICAN: I -- like I said, I
14 saw the change. And the change was
15 appreciated. Another broader vision. Thanks.

16 MR. JONER: Mr. Chairman?

17 MR. BILLY: Yes.

18 MR. JONER: I have a question. You
19 kind of rushed through the MMPA slide. But
20 when you do these presentations is there any
21 description of various populations that are
22 managed and whether maybe there's too many of

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1 some species? Is that a wrong subject?

2 I guess to me as a conscientious
3 fish biologist as we look toward ecosystem
4 management, it's hard to manage the ecosystem
5 if part of its not being managed. And so I
6 don't know if there's a message there or if
7 maybe some -- whether there even is much known
8 about the populations as far as whether that's
9 a sustainable population?

10 MR. RISENHOOVER: What I would say
11 is what this list is derived from is working
12 with our field folks saying okay, what are you
13 working on now that's going to be somewhat
14 controversial? You know, there's thousands of
15 actions out there, these are the one's
16 floating. My guess is we're not working on an
17 action relative to what you're talking about.

18 MR. RAUCH: Well, I would say that
19 that's not likely to negative consequences in
20 the next year even if we are working on those
21 kinds of things. If we were to say there's
22 too many of one species, nobody's going to

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1 come out and say okay, well fishermen are
2 going to be out of business because of that.
3 So this is designed for more the managing the
4 crises focus of that.

5 So we do in our program constantly
6 try to look at the stock assessments. We do
7 these periodically, probably not as often as
8 we should, the population assessments and try
9 to get the figures of what they should be.
10 But that's not what the purpose of this list
11 is.

12 MR. JONER: Right. But I'm just
13 wondering overall, you know, we're always
14 having one salmon problem or another. And,
15 you know one of the usual suspects is the sea
16 lions. So --

17 MR. RAUCH: And we did authorize in
18 the past two years the easy removal of a
19 number of them in the Columbia River.

20 MR. RISENHOOVER: Yes. But that's
21 a little bit different than Steve's idea there
22 might be too many of them and those were

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1 individual nuisance animals. And so I think
2 our laws point out that there is never too
3 many marine mammals.

4 MR. RAUCH: And the law maybe needs
5 to be updated.

6 MR. JONER: I know. I didn't know
7 where else to bring it up.

8 MR. BILLY: Kathy?

9 MS. FOY: When we say "removal," is
10 this a lot of money being spent to capture and
11 move the animals or is this an Alaskan-style
12 removal?

13 VICE CHAIR BALSIGER: Well, Sam
14 would know this. But I think we authorized
15 the states to remove them. And so there
16 wasn't federal appropriation for that purpose,
17 to my knowledge.

18 MR. RAUCH: Yes. There is a
19 process you have to go through individually
20 identifying the animals, putting them on a
21 wanted list. They show up again, they can get
22 removed. You have to go try to place them

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1 live somewhere in some sort of facility.

2 MS. FOY: Oh, okay.

3 MR. RAUCH: Only if you can't do
4 that, can then you shoot them. Individually
5 they get two strikes. Two strikes. They're
6 usually identified. And it's quite a
7 cumbersome process to remove nuisance animals.

8 MS. FOY: So are you relying on
9 natural markings since we're having a whole
10 lot of permit problems.

11 MR. RAUCH: Well they say that at
12 least in this area they can identify these
13 individual animals. And so I'm not sure how
14 they do it, but they do it. Scars and --

15 MR. BILLY: Randy?

16 MR. CATES: Jim, you caught my
17 attention. You make a statement that under
18 the law there's no excess marine mammals?

19 VICE CHAIR BALSIGER: That's right.

20 MR. CATES: Is that unique to
21 fisheries? I mean, on land other animals we
22 often cull, correct?

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1 MR. RAUCH: That's unique to marine
2 mammals. Also to gold and bald eagles, same
3 thing.

4 MR. CATES: Well, that just makes
5 no sense. I mean, in nature you can have too
6 many of one -- you do with every other animal.

7 VICE CHAIR BALSIGER: It's
8 Endangered Animal Protection Act.

9 MR. BILLY: Any other questions,
10 comments? Alan, anything else?

11 MR. RISENHOOVER: No. Just if you
12 do have other ideas, I'll try to address them

13 MR. BILLY: Okay. All right. Let's
14 take a 15 minute break.

15 (Whereupon, the above-entitled
16 matter went off the record at 9:22 a.m. and
17 resumed at 9:50 a.m.)

18 MR. BILLY: Okay. We'll get
19 started again.

20 I've talked to the three
21 Subcommittee chairs. And I'm getting a sense,
22 this is an informal sense, but a sense that we

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1 might be able to work right through and finish
2 up around 1:00, 1:30, something like that. It
3 remains to be seen. You know, if we get into
4 some long discussions, then that'll change.
5 But I'm just trying to keep you up to date.
6 I'm just trying to see how things may play
7 out.

8 The first report out is from
9 Heather's committee, the Strategic Planning,
10 Budget and Program Management Subcommittee.
11 And I'm going to give the floor to Heather.

12 MS. McCARTY: Thank you, Mr.
13 Chairman.

14 You all have both the budget report
15 and the other report on catch shares on your
16 computers sent out by Mark a while ago.

17 DR. HOLLIDAY: Has everybody been
18 able to bring it up as far --

19 MR. ALEXANDER: I'm downloading
20 software to do it with right now.

21 MS. McCARTY: And if you don't have
22 it, it's right there.

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1 As you know, it was kind of a spur
2 of the moment assignment to the Committee, and
3 here's what I distilled from our discussion.

4 The Planning, Budget and Program
5 Management Subcommittee discussed the
6 implementation of the MAFAC group's intent to
7 track and measure performance and progress in
8 major priority areas identified in the 2020
9 document focusing on budgetary allocations to
10 these priorities. We started talking about
11 the budget. We sort of segued into something
12 slightly different.

13 This was our recommendation. The
14 Subcommittee recommends the establishment of a
15 template for a tracking system going back
16 several -- and we didn't agree on the number
17 of years, maybe five years as well as moving
18 forward. The intent would be to track the
19 total level of budgetary elements falling into
20 these priority areas which are listed below.

21 One member suggested that it would
22 be appropriate to establish and use a system

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1 of measuring performance in addition to sort
2 of just a record of the budgetary allocations
3 to these areas to somehow measure the
4 performance in these areas as well.

5 The Subcommittee did not attempt to
6 tackle the metric system at this meeting, but
7 recommends that MAFAC have a brief discussion
8 with direction to the Subcommittee and staff
9 for future meetings.

10 As you know what Mark and others
11 said when we were discussing this as a group,
12 is that the staff could come up with a
13 template for this kind of tracking. And I
14 think both Anne and Alan were confident that
15 they could as well.

16 The Subcommittee recommends
17 focusing on the following priority subject
18 areas: Data collection research and surveys,
19 aquaculture development, demand quality and
20 supply of U.S. seafood. In other words,
21 increasing safe supply to meet the needs of
22 the United States. Bycatch reduction,

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1 protected resources, and catch shares.

2 And then there was a suggestion
3 while Alan was making the presentation to look
4 at progress of funding for implementation.

5 Now, obviously, the Subcommittee
6 hasn't got back together since I wrote this
7 and so if any members of the Subcommittee wish
8 to disagree with any of this, that would be
9 fine with me. Because we haven't had a chance
10 to discuss it. So I just sort of tried to
11 capture the discussion more than anything
12 else. As it turns out, most of the MAFAC
13 group was actually present for that whole
14 discussion anyway.

15 MR. BILLY: Okay. It looks good to
16 me as far as opened and others.

17 Yes.

18 DR. CHATWIN: It looks great to me.

19 The only comment I would have is that when
20 talking in the metrics in the end of the first
21 paragraph, second paragraph recommends that
22 MAFAC have a brief discussion to give

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1 direction. I think we could delete the
2 "brief" and I'm going to see what happens.

3 MS. McCARTY: Okay.

4 DR. CHATWIN: Because performance
5 metrics is never a brief discussion.

6 MS. McCARTY: Okay.

7 DR. CHATWIN: That's all.

8 MR. BILLY: That sentence, was it
9 your intent or our intent to have that
10 discussion at this moment or --

11 MS. McCARTY: Well, Mr. Chairman,
12 that was a little bit unclear as to when we
13 would have that discussion. I think as we
14 went into this whole subject area we were
15 thinking mostly about tracking budget items in
16 these areas. And this was a new concept. And
17 it was Tony that brought it up, and he
18 suggested this, that we have performance
19 measures of some kind in addition to -- I'm
20 assuming you meant that.

21 Tony, you should probably speak to
22 it.

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1 DR. CHATWIN: No. That's good.

2 MS. McCARTY: Performance measures
3 of some kind to give us an idea of the
4 performance level in these priority areas
5 rather than just depending on the budget
6 numbers to indicate the resources that were
7 put toward these things.

8 MR. BILLY: Well, let me a pose a
9 question then to Jim and Mark and the other
10 agency people here. Given what you see, do
11 you think you have enough to work with to take
12 a shot at producing a strawman for
13 consideration by the Committee at our next
14 meeting? The answer was yes here.

15 VICE CHAIR BALSIGER: Well, I think
16 so. And of course we may miss the mark a
17 little bit on some of this stuff, but that'll
18 be a step towards finding out exactly what you
19 want and what's most useful to you.

20 MR. BILLY: Makes an attempt.

21 VICE CHAIR BALSIGER: Yes. Yes
22 Deliberately so.

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1 MR. RISENHOOVER: And we should
2 have formal performance measures for all of
3 these, you know at some level or another, or
4 milestones individual programs track. And so
5 we can try to weave those in there.

6 It may not be the high level of
7 outcome measures. They may be more outputs,
8 you know.

9 MS. McCARTY: Right.

10 MR. RISENHOOVER: Number of things
11 rather what did those number of things solve.

12 But --

13 MS. McCARTY: Right. Mr. Chairman,
14 we didn't anticipate that we would have a
15 detailed discussion at this meeting about what
16 those metrics might be. But rather just sort
17 of a general direction as to where we might
18 want to go in subsequent meetings.

19 MR. BILLY: So with respect to that
20 particular sentence and the rest of the
21 language there, can we just turn that into a
22 recommendation that the agency follow-up on

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1 and targeting our next meeting?

2 MS. McCARTY: I would suggest that
3 we turn this into a motion if people agree
4 with it and agree with the listing of
5 priorities. I think that's the important
6 part--

7 MR. BILLY: Yes.

8 MS. McCARTY: -- is the priorities.
9 And, frankly, that's pretty much everything
10 that's in our 2020. That is not all bad,
11 necessarily.

12 MR. BILLY: Right.

13 MS. McCARTY: But I think if I had
14 to look at it and say what I was most
15 interested in, I would probably pick out two
16 or three and we might want to do that. But--

17 MR. BILLY: I think I heard a yes,
18 so --

19 MS. McCARTY: Do it all?

20 MR. BILLY: Let's give it a shot
21 and see.

22 MS. McCARTY: Okay.

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1 MR. BILLY: Yes. Randy?

2 MR. CATES: I have a question. I
3 agree with everything here, but I want to make
4 sure I'm right on. NOAA has accepted the 2020
5 document. Has the new Administration accepted
6 the 2020 document?

7 I mean we're asking them to do
8 performance measures on it and have they
9 accepted it and said yes we'll implement these
10 recommendations?

11 VICE CHAIR BALSIGER: Well, I think
12 they've received them and so they're taking it
13 under advisement. But I don't know that
14 they've adopted -- I think it would be
15 inaccurate to say they've adopted it as a plan
16 that they're going to try to implement
17 everything.

18 MR. CATES: Well I think that needs
19 to be asked before we say well, how are you
20 performing on this document if they haven't
21 said that they're going to do this.

22 MR. BILLY: Yes. And I'm going to

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1 disagree with you in this sense: I think this
2 accomplishes what you're after. As we move
3 down this track we're going to be -- I'll say
4 this the right way -- confronting the new
5 leadership with what we're going to do with
6 this in a positive way that I think will
7 accomplish that purpose. That's what I think.

8 MS. McCARTY: I agree. I think
9 this is a signal that these are the things
10 that we really are interested in. I don't
11 think there's any way you can say that this
12 new Administration has accepted our priorities
13 as their priorities. Because, for example, if
14 you just take aquaculture just as an example.

15 They are in the process of putting together
16 an application of policies. We don't know
17 whether it's going to look anything like what
18 we would like to see in the field of
19 aquaculture. My guess is it probably won't,
20 but I don't know that for sure.

21 And so the things that we want to
22 see we're going to have to push for, and it

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1 starts now I think.

2 MR. BILLY: Paul and then Bill.

3 MR. CLAMPITT: A quick question.

4 Is this a ranking?

5 MS. McCARTY: No.

6 MR. BILLY: No.

7 MR. CLAMPITT: I hope it was.

8 MR. BILLY: You could actually take
9 the numbers out.

10 MR. CLAMPITT: Okay.

11 MR. BILLY: Bill?

12 MR. DEWEY: If I was just trying to
13 capture your thinking, I think it aligns with
14 others on the Committee as to what we intend
15 to do with this information perhaps in this
16 report. I was going to suggest that maybe we
17 add a sentence to the first paragraph along
18 the lines of: "The purpose of this request is
19 intended to provide MAFAC with the information
20 to advise future agency budget priorities."

21 MR. BILLY: Yes. That's good.

22 MR. RIZZARDI: Just minor editorial

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1 to prevent any concern as to whether or not
2 that is a ranking, I would say just put it in
3 bullets and alphabetize it.

4 MS. McCARTY: That's fine.

5 MR. RIZZARDI: Do it with bullets
6 and alphabetical order.

7 MS. McCARTY: Yes, it's usually
8 easier with a number of things when you're
9 having a discussion.

10 MR. BILLY: Yes.

11 MR. RIZZARDI: Just when it finally
12 comes out as a final product.

13 MR. SIMPSON: Just make sure you
14 use data collection in your search and surveys
15 on the top of it.

16 MR. BILLY: All right. Other
17 comments?

18 MS. McCARTY: Did somebody capture
19 that sentence that Bill was suggesting?

20 VICE CHAIR BALSIGER: I have it. I
21 can transfer it down somehow.

22 MR. BILLY: Can you repeat it,

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1 Bill, just so we know?

2 MR. DEWEY: So it would be at the
3 end of the first paragraph. It would be a new
4 sentence saying: "The purpose of this request
5 is intended to provide MAFAC with the
6 information to advise future agency budget
7 priorities."

8 "The purpose of this request is
9 intended to provide MAFAC with information to
10 advise future agency budget priorities."

11 MR. BILLY: To advise on? Okay.

12 MS. McCARTY: Mr. Chairman, I would
13 move this report as a recommendation from
14 MAFAC as part of our recommendations.

15 MR. DEWEY: Second.

16 MR. BILLY: Okay. Any further
17 discussion?

18 All those in favor?

19 (Chorus of ayes.)

20 MR. BILLY: Opposed? All done.

21 MS. McCARTY: There's another one
22 which will come up now.

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1 MR. SIMPSON: What did you put me
2 down there for?

3 MS. McCARTY: Didn't you say --

4 MR. SIMPSON: No, I said put it on
5 the top. Hit the reverse button.

6 MR. BILLY: Ignore him. Ignore
7 him. Go ahead. Keep going.

8 MS. McCARTY: Okay. This is the
9 catch share draft comments. This was -- make
10 it as big as you can, please. That's good for
11 me. Is it good for you guys?

12 MR. BILLY: That's good.

13 MS. McCARTY: You also should have
14 this.

15 Now this was difficult and we
16 talked around the horn a little bit and came
17 up with different methods of arriving at the
18 same place. And I synthesized all three or
19 four methods into this. So, again, if other
20 members of the Subcommittee have any problem
21 with any of it, I don't have any pride of
22 ownership.

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1 MAFAC's Planning, Budget and
2 Program Management Subcommittee forwards the
3 following suggested comments to the full MAFAC
4 group for discussion and possible adoption.

5 We recommend that the MAFAC's final
6 comments be adopted in the form of a motion
7 listing the suggested revisions and additions
8 and where possible and appropriate their
9 suggested location in the policy document.
10 The Subcommittee did not attempt a redline
11 revision of the policy document. That was
12 just not reasonable.

13 So these are at the high priority
14 recommendations. And this is sort of my
15 judgment on what people were most interested
16 in, again not having an opportunity to go back
17 to everybody and say is this right. I just
18 did this one.

19 The Subcommittee believes that
20 there's an urgent need nationwide to resolve
21 the outstanding questions on the application
22 of the MSA LAP guidelines to the design of

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1 catch share programs, and that should have "s"
2 on it if you can. Particularly in the areas
3 of community provisions, cost recovery and the
4 process or allocation of share. And referring
5 to page 18 Table 1, number 1.2 was really what
6 that is.

7 The lack of these guidelines is
8 hampering the development of catch share
9 programs both currently underway and soon to
10 be undertaken.

11 I don't think that's too strong a
12 statement. That's just the way I'd decide to
13 put it.

14 Number two: The Subcommittee
15 recommends that policy document include a
16 comprehensive listing of catch share design
17 elements with the recommendation that they be
18 considered by Regional Fishery Management
19 Councils in the development of catch share
20 programs to help achieve management
21 objectives.

22 The Subcommittee discussed several

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1 ways to incorporate such a listing into the
2 document.

3 Now these are options and
4 alternatives if you look at it like a NEPA-
5 type document. These suggestions for
6 incorporation include:

7 A: The modification of 1.1 in
8 Table 1 on page 18 to include these
9 considerations;

10 B: Their inclusion in the catch
11 share design handbook proposed in number 1.5
12 in Table 1, and;

13 C: And this was suggested by
14 Chairman Billy, a short background section to
15 be added to the document discussing lessons
16 learned with programs already in effect,
17 particularly the potential for unintended
18 consequences and the need to be flexible. And
19 I took that to mean flexible in changing
20 elements of the programs that may need to be
21 changed as you go.

22 So those are our options if you

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1 look at them as a council action.

2 This is a proposed list and it is
3 not in order of priority. And I think I
4 pretty much captured everything, but maybe
5 not. So people might want to add to this.

6 Identification and inclusion of all
7 stakeholders in the design process and the
8 program, any program that's projected; B:
9 conservation considerations including bycatch
10 reduction, ecosystem management and adequate
11 biological data collection;

12 C: Accountability enforcement
13 including observer programs and financing for
14 those observer programs;

15 D: Community sustainability
16 including potential effects of management
17 changes through capture programs.

18 Transferability issues, and that's
19 a really broad category but it includes the
20 whole concept of owner on board or not and
21 leasing and who can have what when and how
22 much. So consolidation issues is really how

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1 much. Consolidation issues are really the
2 discussion of ownership caps, use caps,
3 processing caps to limit or not to limit the
4 extent of consolidation;

5 U.S. ownership/sovereignty.
6 Martin's addition;

7 H: Consideration of the
8 recreational sector;

9 I: Sideboards to protect other
10 fisheries. And that's pretty complicated, but
11 we heard quite a bit about that from Earl,
12 actually. He gave a real good explanation of
13 that.

14 Go ahead.

15 MR. CLAMPITT: Yes. I would suggest
16 maybe adding a short little line in this owner
17 on board whether we're going to allow
18 individual ownership or corporate ownership. I
19 don't know if it's necessary or not, but I
20 would see it --

21 MS. McCARTY: Yes, that's a good
22 addition. That would be included in there.

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1 Yes, that's good. Individual or corporate
2 ownership.

3 Yes, Tony?

4 DR. CHATWIN: I just want to know
5 how you want to approach this. I was just
6 letting from my perspective, just letting you
7 go through the whole document and maybe we
8 would have a discussion about it, right?

9 MS. McCARTY: Okay.

10 MR. BILLY: Well, we're going to go
11 back through it.

12 MS. McCARTY: We do that. We can
13 go the list now and go back to it.

14 MR. BILLY: Go back through it.
15 Because I have comments too.

16 MS. McCARTY: The next one, entry
17 level opportunities including how new entrants
18 enter a fishery and including financing
19 programs for that and eligibility
20 requirements.

21 K: Prevention of "fishing for
22 quota" including control dates. That was

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1 brought up and that's not very well stated
2 there, but it's the idea of -- which I
3 actually think might be very difficult. I
4 didn't know how to capture that statement so I
5 just put that in the way it came out in the
6 comment period.

7 MR. SIMPSON: Describe what you're
8 talking about.

9 MS. McCARTY: What it means is what
10 people were concerned about is the idea that
11 when the catch share program is suggested,
12 first suggested or on the horizon, that people
13 enter the fishery very quickly and over
14 capitalize, and do whatever they have to do to
15 get quota.

16 MR. SIMPSON: I understand then.

17 MS. McCARTY: And I've said in that
18 discussion that people do that to get bycatch
19 quota so that they can get bycatch when
20 bycatch was allocated if bycatch was allocated
21 in the program.

22 MR. SIMPSON: Okay.

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1 MS. McCARTY: Adequate economic
2 data collection. I put this in a separate
3 category because I think it's different than
4 the biological data collection and I think
5 it's just as important. And again, these kind
6 of overlap with each other.

7 Obviously, community sustainability
8 is dependent on economic factors. And when
9 you do the economic data collection you're
10 looking at the health of the communities, for
11 example. So obviously, there's some overlap
12 of these.

13 All sectors, including recreational
14 fishery, that was a particular place where
15 people thought recreational fisheries ought to
16 be looked at. I think that was Patty's
17 comment.

18 Royalties. I just put it there as
19 a heading. I didn't attempt to discuss any
20 further.

21 And critical influence of the
22 initial allocation process.

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1 Program evaluation, which I think
2 is extremely important. I think maybe that
3 should also say program review and evaluation,
4 we can add that.

5 And then finally, one of the
6 trigger questions was sort of headed for --
7 you know of the list of things in Table 1,
8 what do we think is most important? And a
9 couple of people opined on that, I was one of
10 them. I like 1.1 and 1.2 and 1.5. Tony said
11 2.5 and 2.6, 2.7, 3.3, 4.2 and 4.5.

12 So I just put those up there as
13 things that people said. And I don't think
14 anybody else really added any additional ones.

15 So I think they're all important, but you are
16 asked to sort of apply that.

17 Okay. Now the next section is
18 attempting to capture the discussion that we
19 had about the recreational aspects of
20 fisheries. The Subcommittee discussed at
21 length the inclusion of additional material on
22 recreational fisheries and we only agreed on a

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1 couple of things.

2 We agreed that Table 1 needs to
3 reflect the recreational aspects the best in
4 the text and; 2: That there needs to be
5 acknowledgment and consideration of the
6 recreational fisheries during the catch share
7 design process at the regional councils.
8 Those we could agree on. However, there was
9 no general agreement among the recreational
10 participants in the Subcommittee discussion on
11 how or whether to include more specific
12 guidelines in the policy for recreational
13 fisheries. And the Subcommittee recommends
14 that the full MAFAC group have further
15 discussion. Well, I don't even know whether
16 they recommended that, but it seemed
17 inevitable.

18 Earl Comstock provided the
19 following comments for consideration by the
20 group since he wasn't a MAFAC member or
21 Subcommittee member. I put it in smaller
22 print to indicate that he was providing them,

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1 that the Subcommittee did not have a
2 discussion on these specific comments, but he
3 did sort of talk about these things while he
4 was sitting at the table with us as an expert.

5 And I think you can kind of look at
6 those yourself and discover -- obviously, you
7 have to have the document in hand in order to
8 do that. And I don't think I need to walk
9 through that. We can all walk through that
10 separately.

11 He, in number 3, says some of the
12 same things that we have sort of agreed on
13 about NMFS will work with councils,
14 stakeholders, fishing communities and
15 fishermen to research and develop appropriate
16 catch share options to address the specifics
17 of different fisheries, in particular
18 fisheries for which there's little or no
19 experience in which catch share programs for
20 similar fisheries do not currently exist as
21 part of the process for researching options.
22 NMFS will establish a process to provide

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1 preliminary responses on legal questions
2 regarding specific program elements as catch
3 share proposals are being developed by
4 interested parties for specific fisheries
5 which I think we've kind of covered a little
6 bit part of that in our other comments.

7 And then 4: We've already covered,
8 revise the summaries at Table 1 to better
9 reflect a retail treatment in the document.
10 And I think that was covered in one of the
11 things we could all agree on.

12 And then given Mark's concerns
13 about spurring resistance to the document by
14 mentioning recreational fisheries and catch
15 shares too explicitly, and this is Earl's
16 words right here not mine, "I think the above
17 changes would help without getting people too
18 riled up." I just put his whole comment in.

19 And then there was another
20 discussion that we really didn't agree on.

21 Is there a question?

22 DR. HOLLIDAY: Are you taking

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1 questions and comments throughout or are you
2 waiting until the end?

3 MS. McCARTY: Whatever you want to
4 do is fine with me.

5 MR. BILLY: My suggestion is that
6 you're almost finished and that we'll go back
7 --

8 MS. McCARTY: Okay. Okay.

9 MR. BILLY: -- through the
10 document.

11 MS. McCARTY: All right. This was
12 a discussion we had on pilot programs. Some
13 felt that pilot programs made much sense
14 considering the complexity of captures.
15 Others made the point the pilot programs may
16 inhibit investment and reduce the potential
17 for adding economic value to a fishery and
18 instead, encouraged the inclusion of robust
19 program review requirements to assess
20 performance and provide opportunities for
21 changes to programs. That was pretty much
22 word-for-word what Lee Anderson recommended.

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1 Even though he isn't a Subcommittee member, I
2 think we kind of agreed on that. But we
3 didn't really state that position.

4 Catch shares as a management tool.

5 There was a number of people that brought
6 this up and it's difficult to capture.

7 The Subcommittee agreed that the
8 policy language gives the impression that
9 catch shares are the most important tool to
10 deal with management issues. In reality,
11 there are a number of tools that are part of
12 traditional fishery management and should
13 remain important considerations. Continued
14 science-based management including adherence
15 to TAC is just as crucial as catch share
16 development. The Subcommittee suggested that
17 introduction language be added to reflect
18 this.

19 And then finally, there were a
20 couple of editing issues.

21 One was brought up by Mr. Billy,
22 and he might want to speak more to that.

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1 Clarify and differentiate the various ways the
2 word "program" is used in the document.

3 And then finally, clarify the
4 meaning of the word "allocation" as it is used
5 in the document and the difference between
6 allocation and distribution. Allocation and
7 distribution between sectors of a TAC is
8 different than allocation on the commercial
9 side of TAC than catch share. That's word-
10 for-word what went up on the screen when the
11 comment was made, and it was made by Martin.
12 And I believe that if people have questions
13 about that, they can address it to him.

14 MR. BILLY: Okay. Let's go back to
15 the beginning.

16 MS. McCARTY: Those aren't my
17 words. I really didn't get the distinction
18 because we didn't go through the document.
19 But Martin's point was that several places in
20 the document where it's used and we have to go
21 through the document and kind of look at those
22 places and determine what was really meant, is

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1 kind of my impression.

2 MR. FISHER: It's more that the
3 recreational community that's attempting to
4 change allocation structure in the different
5 regional councils is using that word and using
6 that concept because it's offered in a way
7 which it doesn't apply to that. That's what
8 it's about.

9 MS. McCARTY: Okay. So I think
10 that problem is going to need further
11 attention.

12 So, Mr. Chairman, as a whole, this
13 is not going to transpose into a motion as
14 such because there's elements in it that
15 haven't been agreed on and that needs further
16 attention.

17 MR. BILLY: Okay. And that gets me
18 to my first question that ties into what's
19 there in that first paragraph. As the Chair,
20 what is your preference in how we move forward
21 given now that we've seen our product to date?

22 MS. McCARTY: Well, I think

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1 generally speaking if we agreed with the high
2 priority recommendations, we ought to take
3 those first and move them individually,
4 perhaps, as potential additions/revisions,
5 whatever. I think those are very important
6 considerations and not to say that the others
7 aren't, but I think perhaps it might be easier
8 to do it in sections rather than try to
9 construct the whole thing. Because obviously
10 the first paragraph there would not be part of
11 a motion, for example. But if you wanted to
12 move recommendation one, recommendation two,
13 recommendation three in a motion, you can do
14 that.

15 MR. BILLY: And how about the rest
16 of it?

17 MS. McCARTY: Well, I think they
18 need discussion. You know, there was --

19 MR. BILLY: And how? Discussion
20 now?

21 MS. McCARTY: Yes.

22 MR. BILLY: Okay.

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1 MS. McCARTY: That's what we're
2 here for.

3 MR. BILLY: Okay.

4 MS. McCARTY: And there may be
5 additional things that people want to bring
6 up. I mean, as I said, many of the people
7 around this table were at the discussion at
8 one point or another, but they may or may not
9 have totally agreed with all of it. And they
10 may not have been able to put their thoughts
11 on the table as much as they wanted to. So I
12 fully expect that there may be additional
13 things.

14 MR. BILLY: Okay. Why don't you
15 lead us through it?

16 MS. McCARTY: Well, the first
17 recommendation, I think it's implicit in the
18 policy I believe that the 1.2 discussion in
19 the policy shows intent to provide this sort
20 of guidance. And I'm assuming that, and Mark
21 might want to speak to each of these as we go
22 through if he feels he needs to do that. But

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1 that's my assumption in reading the policy.
2 But I think we elevated this because we felt
3 that it was particularly important. It was in
4 a couple of the presentations from the
5 experts. It was in a couple of the internal
6 presentations. And the people's personal
7 experiences indicate that this is a pressing
8 need.

9 So I guess the motion will be to
10 elevate this to sort of top priority ASAP.

11 MR. BILLY: So it could be in the
12 form of, the Committee believes there's an
13 urgent need and so forth?

14 MS. McCARTY: Correct. Yes. All
15 you'd have to do in order to make a motion
16 would be to replace the word subcommittee with
17 MAFAC. Just like when you're at a council
18 process you replace the word AP with council,
19 or whatever.

20 DR. CHATWIN: Question to clarify.
21 I'm sorry.

22 MR. BILLY: Go ahead.

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1 MR. RISENHOOVER: Okay. What I was
2 interpreting, and I don't know, Mark is more
3 involved with policy, is that 1.2, yes, we
4 plan on issuing guidance. The specific
5 elements of that guidance, we had some
6 internal discussions and ideas, but hadn't
7 landed on, what do we need specific guidance
8 on. This recommendation would seem to give us
9 an indication that guidance is important and
10 the two or three things you list here are
11 particularly important to include in that
12 guidance. That is how I --

13 MS. McCARTY: I think that would be
14 a good interpretation. That would be correct.

15 MR. BILLY: Okay. Tony?

16 DR. CHATWIN: I had a question for
17 clarification what "community provisions"
18 means.

19 MS. McCARTY: To me?

20 DR. CHATWIN: Yes. I mean I would
21 like to understand or if I'm voting, I know
22 what I'm voting on.

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1 MS. McCARTY: The community
2 provisions are the ability, or the supposed
3 ability in the MSA to form community fishing
4 associations. I don't have all the language
5 in front of me, I don't have the MSA in front
6 of me. But Mark might be able to clarify
7 this.

8 There's a couple of different sort
9 of community-style associations that inform
10 the whole Act.

11 DR. CHATWIN: So if that's the case
12 and you're referencing somewhere in the Act,
13 you should be specific and reference that.

14 MS. McCARTY: Okay.

15 DR. CHATWIN: Because without that,
16 it's open to interpretation.

17 MS. McCARTY: Okay. It's on page
18 81 of this version that I'm looking at.

19 DR. CHATWIN: Eighty-one.

20 DR. HOLLIDAY: It's a copy of the
21 Magnuson Act, that's all. So you're asking a
22 reference of the Magnuson Act, which is

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1 providing a copy of that section.

2 DR. CHATWIN: And are they the
3 community provisions, or is there --

4 MS. McCARTY: Pardon? Do you want
5 me to read them?

6 DR. CHATWIN: No. I was asking Mark
7 if "community provisions" is what that section
8 is referred to as?

9 DR. HOLLIDAY: It talks about
10 fishing, the title is "Fishing Communities",
11 that subparagraph is talking about the
12 creation of fishing communities and regional
13 fisheries associations. So it's the two
14 elements, I think, that are in the generic
15 term of community provisions referenced in
16 this paragraph.

17 DR. CHATWIN: Right. So I guess
18 the question would be, do you mean anything
19 outside of what is a 303(a)3 -- (c)3.

20 MS. McCARTY: Yes. We can just add
21 that.

22 MR. BILLY: I think the answer is

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1 no.

2 Okay. Entertain a motion with that
3 clarification added.

4 MS. McCARTY: There's also sections
5 that deal with cost recovery and processor
6 allocation and all that, processor issues.
7 And those references as well.

8 DR. HOLLIDAY: Is there any
9 reference to processor allocation? There is a
10 section on cost recovery in the Act.

11 MS. McCARTY: There is reference to
12 processor issues. We can put those references
13 in.

14 MR. BILLY: Bill?

15 MR. DEWEY: So the draft guidelines
16 under 1.2 are essentially saying, this
17 guidance is going to be developed. So I think
18 Alan's point was a good one that MAFAC's
19 recommendation is specifically that this
20 guidance include, at minimum, these
21 particular areas. So I don't know if we need
22 to reword this to reflect that or not.

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1 The other question I had is when
2 you go to where 1.2 is elaborated on the
3 bottom of page 9 the second paragraph says
4 that many issues will be addressed by the
5 issuance of informal guidance in the conduct
6 of regional or national workshops, however
7 there may remain other issues requiring formal
8 notice or public comment, rulemaking.

9 So are we using guidance here
10 generically as we doing it? Are we intending
11 to specify whether we think this needs to be
12 formal policy or informal policy?

13 MS. McCARTY: Good question. Mr.
14 Chairman, should I just respond to these?

15 I believe that there needs to be as
16 formal a guidance process as possible. I
17 think informal guidance is fine, but I don't
18 think it is ultimately very helpful if you
19 don't have it in writing and in the form of
20 maybe rulemaking. I'm not sure. Well, that's
21 not up to me. But I think that it's important
22 to be as specific and as clear as possible

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1 with these guidelines.

2 MR. BILLY: Dave?

3 MR. WALLACE: Well, I guess I
4 couldn't disagree more. You know, you can
5 make suggestions to councils but I think in
6 this situation, providing rules that the
7 Councils must follow is just going to make the
8 system work less effective than would be if
9 you give the Councils the freedom it takes to
10 develop catch share programs that they may
11 feel are appropriate for a given fishery.

12 MR. BILLY: Okay. Other
13 discussion.

14 MS. McCARTY: If anybody wants a
15 copy of the policy, they can have them. Could
16 you pass that down?

17 MR. BILLY: Go ahead.

18 MR. RISENHOOVER: I think there
19 should be some resolutions. Is the
20 recommendation for formal policy, i.e. the
21 regulatory guidance we have, like the national
22 standards on guidance we have, or for an

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1 informal policy which would be reflected in
2 the catch share? So the recommendation from
3 the Committee is the recommendation from the
4 Committee. We would then look at it
5 internally, decide, well yes, do we need it,
6 do we not, legally can, legally can't.

7 MR. BILLY: Okay. Mark?

8 DR. HOLLIDAY: Yes. Just this
9 background to why the section was written up
10 the way it is. It's not we in the task force
11 got input from councils, from stakeholders and
12 in some cases formal notice of comment
13 rulemaking might be the most appropriate means
14 to solidify a point that is prescriptive, that
15 we don't want any flexibility, we don't want
16 any other interpretation and we want to lock
17 that into a regulation. However, there are
18 many other reasons or opportunities to provide
19 guidance to people about a preferred way of
20 doing it or a best practice that doesn't have
21 to be locked in, but it's providing
22 information, providing some instruction,

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1 providing some direction that is as useful in
2 a policy device that's not in a formal notice
3 of comment regulation that winds up in the
4 Code of Federal Regulations. And once you do
5 something that locks it into a CFR, it's much
6 more difficult in the future to change it and
7 it's more cumbersome. And many of the issues
8 that we're dealing with are evolutionary in
9 nature. And so we have a certain amount of
10 knowledge. We're providing our best advice on
11 the circumstances today, but a catch share
12 program may come up tomorrow that challenges
13 that recommendation or that ideal and we'd
14 have to go back and change a rule.

15 The short version is, I think we
16 wanted to consider both types of guidance to
17 be available to solve the problems that were
18 being identified by councils or stakeholder
19 groups, or regional offices rather than one or
20 the other. But if the Committee feels
21 strongly that in these three areas it's the
22 type of advice that you want to provide to

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1 people should be locked into law, then, if
2 that's your intent you should state it. If
3 you think that it should be left to whichever
4 it makes the most sense given what the
5 stakeholders and councils and regions are
6 saying, that's fine.

7 I think Alan's point was if you
8 have a preference, you ought to state it. If
9 you don't, that's fine too. But I wanted to
10 give you that background.

11 We felt there were options to have
12 both types of guidance to clarify questions as
13 they come up into the Council's consideration
14 or catch.

15 MR. RISENHOOVER: Right. And
16 hearing from the Committee gives us a sense of
17 what people are thinking. And me personally,
18 I think the cost recoveries should be a little
19 more required policy-wise so it's treated
20 around the county the same. Now I'm not
21 saying that's agency policy. I'm saying
22 that's me sitting here.

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1 The others, I don't know. And
2 that's why we want to take it back to council.

3 MS. McCARTY: Okay. You know,
4 again I think if somebody wants to make a
5 motion, then we might want to take a look at
6 the language after the motion is on the table
7 if people want to take a look at it and if
8 it's perceived that way.

9 If somebody put a motion on the
10 table moving, MAFAC believes or MAFAC
11 recommends, or whatever, and then we could go
12 from there with the motion on the table with
13 amendments if people wish to do that. That
14 would be the neatest way to do it.

15 MR. RIZZARDI: So moved.

16 I guess what we're asking is for
17 staff to consider and incorporate our comments
18 in a revised version of the draft document.

19 MR. BILLY: Yes.

20 MR. RIZZARDI: I mean that's the
21 bottom line.

22 So I move that MAFAC formally

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1 recommend that staff modify the draft document
2 to reflect our comments and recommendations.

3 MR. FISHER: Second.

4 MS. McCARTY: All of them? Just
5 number one?

6 MR. RIZZARDI: Well, one and two.

7 MS. McCARTY: One and two.

8 MR. RIZZARDI: Correct.

9 MS. McCARTY: Okay.

10 MR. BILLY: Okay. Discussion? Go
11 ahead, Patty?

12 MS. DOERR: Just point of
13 clarification. That draft document?

14 MR. RIZZARDI: This draft document.

15 MS. DOERR: Okay.

16 MR. RIZZARDI: I think ultimately
17 that's where it has to go and we're not going
18 to sit here and rewrite the catch share
19 policy. Ultimately we're turning to Mark and
20 Alan to make their changes accordingly.

21 We've looked at the document. We
22 have reached all these observations and

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1 insights and we're trying to give them some
2 guidance to modify the document accordingly.

3 MS. McCARTY: That would be the
4 motion.

5 MR. BILLY: We have a motion that's
6 made and seconded.

7 MS. McCARTY: And, Mr. Chairman, if
8 I could speak to it. In number two there's a
9 couple of different places where these
10 additions of this particular listing that's
11 talked about in two could go.

12 I don't know whether the Committee
13 here wants to give any direction on that. I
14 have my preference myself. But I think any
15 place that it is is fine, as long as it's
16 there. So I don't really care. I think we
17 could send forward all three alternatives and
18 leave that up to the modifiers as well.

19 MR. BILLY: Okay. Dave?

20 MR. WALLACE: Well, you know, it's
21 interesting to see the difference in
22 perception of how catch shares could be used

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1 from different regions and how they are used
2 in different regions. And, you know, what is
3 standard procedure on the West Coast or in
4 Alaska may not be standard procedure in the
5 southeast or the northeast.

6 And so I keep coming back to the
7 flexibility. Don't lock things in because --
8 you know, Kitty was sitting here yesterday and
9 she was walking past and she said "You know,
10 I've sat here all day and I don't know what
11 you're all doing. Because, you know, rewrite
12 the plans and NMFS can make suggestions to us,
13 but we don't want to be locked into what we
14 can do and what we can't do on catch shares.
15 We want the flexibility to address the issues
16 that we have to deal with this in this
17 region."

18 So I just remind you again that
19 making this more rigid just means that it
20 won't happen. If you want to have catch
21 shares, you have to let each region do it and
22 each council do it on their own. And if you

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1 put a very severe regiment then, all you do is
2 say this. And if you want to kill it, that's
3 a good way to do it.

4 MR. BILLY: Dave, I assume in my
5 reading of this and what we discussed, and in
6 the first sentence there of number two where
7 it says "With the recommendation that they be
8 considered by the Regional Fishery Management
9 councils," I don't hear a locking in. I hear
10 the identification of a series of elements
11 that we're encouraging the Councils to
12 consider. And, hopefully, if the agency
13 agrees, through the regional directors or
14 however, they're going to be encouraging that
15 that happen as these catch share programs are
16 developed. So it still holds the regional
17 management councils. That's my reading of
18 what we have here. I don't see a locking in.

19 But Bill, you had --

20 MR. DEWEY: Well, I was just a
21 little confused on the motion here and just
22 for clarification, Keith, you were saying -- I

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1 guess I'll have you repeat the motion.

2 MR. RIZZARDI: I'm trying to refer
3 this document to NOAA staff so that they can
4 make modifications to the document.

5 MR. DEWEY: Based on?

6 MR. RIZZARDI: These are our
7 recommendations.

8 MR. DEWEY: What's here in one and
9 two?

10 MR. RIZZARDI: Yes.

11 MS. McCARTY: Yes.

12 MR. RIZZARDI: One and two.

13 MR. DEWEY: And what I was talking
14 about earlier is that I think we should amend
15 one and perhaps your motion captures that, in
16 that we're trusting staff to capture this
17 conversation.

18 MR. RIZZARDI: Right.

19 MR. DEWEY: But, you know my
20 suggestion was to amend number one to reflect
21 that these guidelines should include, at a
22 minimum, clarification on the community

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1 provisions, cost recovery and processor.

2 MR. RIZZARDI: So the stuff that's
3 on the screen.

4 MR. DEWEY: Yes.

5 MR. RIZZARDI: Yes, I mean that was
6 my assumption was that the version as we just
7 edited, is what we're going to be sending off
8 to NOAA.

9 MS. McCARTY: Mr. Chairman, if I
10 may? I think that now that we have the motion
11 on the floor, then people could suggest
12 amendments to the motion, and --

13 MR. RIZZARDI: Right. Right.

14 MS. McCARTY: -- that's the way you
15 should proceed.

16 MR. BILLY: Okay. Tony?

17 DR. CHATWIN: Thank you, Mr.
18 Chairman.

19 I have a few issues with the motion
20 as it currently is. The first one is that I
21 think we should make the recommendations clear
22 and not defer to staff to interpret the

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1 recommendation.

2 So, in the spirit of clarity,
3 although I thought that referring to Table 1.2
4 -- Table 1 and the provisions therein, that
5 table is a summary table. And all our comments
6 here are directed to the summary, which in
7 itself is an interpretation of what is
8 actually in the document. And so that can be
9 open to interpretation again.

10 And so as I read this and knowing
11 what's in the document, I feel that we're not
12 really in some cases providing useful advice.

13 And in some cases, and I'll elaborate. So
14 it's not a wholesale criticism of this. It's
15 just in some cases.

16 So, for example, I would suggest --
17 and I'm not formally making amendments or
18 motions to amend. It's just discussion.

19 So I would suggest that we take out
20 the reference to page 18 and Table 1 number
21 1.2 because number 1.2 is actually on a
22 different page where it's fully elaborated.

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1 And if we read that language and these things
2 are not highlighted, then it's, in my opinion,
3 a useful recommendation. Saying look, in this
4 section in the policy you've missed this, you
5 include this.

6 So, following that line of
7 reasoning, under number 2 I think this does
8 reflect the discussion we had yesterday. And
9 I think you did a great job. So that's not
10 what I'm saying. But I think we should just
11 remove the different options of where it could
12 go in the document unless we're going to be
13 very specific in redlining, saying that this
14 is the suggested language for the document.

15 And then, in terms of the proposed
16 list of elements, and this again is an
17 example, when we talk -- the last one, which I
18 think is a particularly important -- they're
19 all important, but program evaluation. Now
20 evaluation is mentioned throughout the
21 document. So I'm not seeing how us
22 recommending that program evaluation should be

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1 in the policy is actually recommending
2 something new or highlighting something
3 particularly important.

4 So this is why I'm struggling with
5 the motion as it currently stands. I would
6 recommend we take a minute and think about
7 what it is we want to really be recommending.

8 We don't do any statements as to
9 whether we think it's done a pretty good job
10 but these things are missing or we need to
11 emphasize. I mean, we start to do that in
12 number one, but in number two there's a big
13 list there of things that are in the policy
14 and you're not really saying -- anyway, so
15 that's what I'm struggling with. And I hope
16 we could address this.

17 MS. McCARTY: Mr. Chairman, I think
18 that the Subcommittee didn't really get into
19 that kind of detail that you're talking about,
20 Tony. I completely understand what you're
21 saying and I think the best way to address it
22 would be for a MAFAC member to address it in

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1 the form of a proposed amendment. I can't
2 think of any other way to get it on paper.

3 You know the Subcommittee had a
4 limited amount of time, was trying to kind of
5 capture all the recommendations from all the
6 experts and all of the stuff that people think
7 that we need to learn from those experiences.

8 So that's what I have to say about it.

9 MR. BILLY: Okay. Go ahead, Tony.

10 DR. CHATWIN: Sorry. If we all
11 agree that that's the way to proceed, I will
12 make a motion to amend. Shall we do it that
13 way?

14 MR. BILLY: Absolutely. I
15 understand.

16 Go ahead, Paul?

17 MR. CLAMPITT: I'd like to hear the
18 motion.

19 MR. RIZZARDI: In order to start
20 the discussion I think we've said I move that
21 we make the high priority recommendations to
22 NOAA so that they can modify their document

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1 accordingly. So that's basically all I was
2 trying to do, is tee off the discussion.

3 MR. CLAMPITT: And then the
4 amendment is?

5 MR. RIZZARDI: Tony is making the
6 point that what's there is not appropriately
7 clear. And he'd rather be even more specific.

8 And I will point out that one way that we
9 could do that is we could eliminate paragraph
10 one, we could trim paragraph two and we could
11 be very explicit and say "We believe that NOAA
12 needs to make sure that the document reflects
13 the list of elements" and then go to that list
14 of A through O. We could work our way through
15 A through O, be more specific as a group, and
16 then that would be our recommendation. And we
17 could make it a little tighter and a little
18 bit more clear.

19 The other option is to actually go
20 into the document and try to offer up changes
21 within the document itself. That's what I
22 think is too much for us to take on.

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1 I think at some point we have to
2 defer to NOAA staff and give our direction to
3 NOAA staff and help them along the way. But
4 the heart and soul of this is -- who is
5 managing the screen?

6 MS. McCARTY: Not me.

7 MR. BILLY: Kari.

8 MR. RIZZARDI: Kari. Could you
9 scroll down to the lists? A through O. So
10 maybe if you did a hard return at A so we
11 could see it all on one page.

12 What's on the screen now is what
13 the Committee labored for, what the
14 Subcommittee labored for, this is at its heart
15 the recommendation that was made; is that no
16 one needs to consider these factors and
17 incorporate them into the catch share policy.

18 And to give further direction to the regional
19 councils, the regional councils consider all
20 of these factors when developing a catch share
21 program.

22 If we should supplement these, if

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1 we should modify these, if we should edit
2 these I think that would be a great direction
3 for our Committee to go today with the
4 remaining time that we have.

5 MR. BILLY: Paul, does that answer
6 your question?

7 MR. CLAMPITT: Yes, and I agree
8 with him.

9 MR. BILLY: Okay. And I have
10 Martin and Dave and then Steve.

11 MR. FISHER: Well, that was
12 actually one of my questions. I wanted to know
13 as a point of order if we did vote on the
14 amendments that were on the motion the way it
15 was, would we be able to modify these or add
16 or subtract, or whatever. So is that the
17 stage that we're at right now?

18 MS. McCARTY: Mr. Chairman, the
19 motion is on the floor to make these
20 recommendations as they are written currently.

21 MR. FISHER: Okay.

22 MS. McCARTY: And if you want to

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1 amend that motion, you need to amend it before
2 we have a vote on it.

3 MR. FISHER: Okay. Then I'd like
4 to make a friendly amendment to one of the
5 item numbers. Which one is it? Item K.

6 MS. McCARTY: Mr. Chairman, I might
7 point out that we made some friendly
8 amendments before we even made the motion
9 which are reflected on the screen.

10 MR. FISHER: Yes, it would be
11 helpful, Kari, if you could make changes so as
12 we're editing.

13 Okay. So what I wanted to add to
14 that was, and avoid consolidation of
15 Atlantic's history after the establishment of
16 the control date for any particular catch
17 share program.

18 MS. McCARTY: Say that again.

19 MR. FISHER: And avoid
20 consolidation of Atlantic's history after the
21 establishment of the control date for any
22 particular catch share program for the purpose

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1 of increasing the maximum cap in any program.

2 In other words, what happened in
3 the Gulf, we had a control date on '04, the
4 program didn't get implemented until '09. In
5 the timeframe in between, people were buying
6 and selling permits with catch share history
7 and it changed the actual cap that existed,
8 the ownership cap that existed at the time of
9 the control date, which, in a sense, is
10 fishing for quota.

11 MR. SIMPSON: Wait a minute. How
12 did they change it?

13 MR. FISHER: Pardon me?

14 MR. SIMPSON: How did they change
15 it?

16 MR. FISHER: In '04 when the
17 control date was established for no more
18 Atlantics after to be considered. At that
19 point of time, let's just say for
20 hypothetical, the largest shareholder had one
21 percent of the quotas.

22 MR. SIMPSON: Six percent was the

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1 biggest.

2 MR. FISHER: Okay. And now it's
3 six, but that's because of all the trading in
4 between. At the time it was only one.

5 So what's happened is there's been
6 a derby of trading and it's the same thing as
7 fishing for quota.

8 MS. McCARTY: Mr. Chairman,
9 respectfully, I don't think you can include
10 that kind of detail in these guidelines.

11 MR. FISHER: Okay.

12 MS. McCARTY: I think that each
13 council, in reference to Dave Wallace's
14 comment. I think each council has to grapple
15 with those issues themselves. I don't think
16 you can use your own experiences in that kind
17 of detail to set even guidelines for people.
18 I don't think you can.

19 I mean, control dates, for example,
20 do not have the force of law. You can change
21 a control date anytime you want. You can say
22 this is a control date in one council meeting

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1 and the next council meeting can change that
2 control date. And it happens all the time.

3 So I mean, all we're saying is
4 these are styled points that we know might be
5 big issues when you start looking at catch
6 share programs. And if you just have to look
7 at some of these experiences and make
8 judgments in the region, I think. I don't
9 think you can get into that kind of detail.
10 If we were going to do that, we'd be here all
11 day.

12 MR. BILLY: So you're withdrawing
13 your friendly amendment?

14 MR. FISHER: Yes, I guess I am.

15 MS. McCARTY: Well, I'm just
16 signaling that I would vote against such an
17 amendment.

18 MR. FISHER: But we never had a
19 second for my friendly amendment. I can
20 withdraw.

21 MR. BILLY: Fair enough. Okay.
22 Paul, or Dave and Steve and then Paul.

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1 MR. WALLACE: I guess I don't want
2 to sound like a broken record, but I'm going
3 to repeat myself from yesterday.

4 Yesterday, my first remark was that
5 we should not play with the catch share
6 document as written. Don't forget who wrote
7 this document now. There were 18 people
8 involved, ten people from the Federal
9 Government and eight people, each one
10 representing the National Fisheries
11 Management. Lee Anderson was one of the
12 members on this from the Councils.

13 I've read it carefully. I believe
14 as much as I would love to fiddle with it, I
15 don't know how to fiddle with it and make it
16 better. Because it's a generic document that
17 says, really, these actually are all the
18 policies that NMFS has had for a long time.
19 And the only real difference is, now they
20 really are asking the Councils to consider
21 using these things, where in the past they
22 said, if you want to use it that's fine, but

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1 we're not taking a position.

2 And it's pretty simple why they
3 want to do it, I think. And they're going to
4 have to do more with less coming up very
5 shortly because they're going to have severe
6 budget constraints. And I can tell you about
7 the catch share or the ITQ fishery that I'm
8 involved in and was involved in from the very
9 beginning. And that is, that it doesn't take
10 any or much effort on NOAA's part to manage
11 the fishery. The good news is the fishery --
12 the members of the fishery manage the fishery,
13 except for setting a quota.

14 So I oppose this motion unless it's
15 very clearly said, you know, if and when NOAA
16 puts out a list of recommendations that they
17 re-include some of these things if they so
18 desire. And that's not the motion itself.
19 Right at the moment I'm opposed to it.

20 We've spent a long time and many
21 conference calls to put together this catch
22 share, and it was a whole series of

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1 compromises. And, yes, it's very generic,
2 that's what it was designed to be.

3 Thank you.

4 MS. McCARTY: Mr. Chairman? I
5 wanted to put on the record that Mr. Wallace
6 made these comments during the Subcommittee
7 discussion. They did not seem to have a lot
8 of agreement, but I maybe should have included
9 a minority report in the Subcommittee. And I
10 apologize for not doing that.

11 I mean it was very clear in the
12 Subcommittee discussion that Dave did not
13 agree with this.

14 MR. BILLY: Steve?

15 MR. JONER: Mine's kind of outdated
16 now because I was going to speak before Martin
17 did. But the point's been made, I guess, at
18 Martin's expense now is that we do want it to
19 be generic and we can't get in -- we all have
20 the urge, I think, to get our specific
21 experience out there. And I'd, rather than
22 add, I'd rather maybe delete some of these if

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1 necessary. But I guess I'd be most satisfied
2 if we went through and we were all satisfied
3 that these are generic. I don't have any
4 trouble adding to what's been done, as long as
5 they're generic because the regions are so
6 different. And we all know, for example, what
7 works in Alaska doesn't work in the United
8 States. So we have to --

9 MS. McCARTY: He doesn't even want
10 the Alaska experience.

11 MR. JONER: But I can just see that
12 there's such great cultural differences here,
13 especially in the culture of the regions that
14 so there's a very small list of similar issues
15 that are generic.

16 So that's my two cents worth. That
17 we just need to be careful there.

18 MR. BILLY: Okay. Paul?

19 MR. CLAMPITT: I just wanted to
20 kind of back up Martin a little bit. Because
21 what went on there is going on right at this
22 moment on the Pacific Coast on the trawl catch

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1 shares. I mean, people are buying up that
2 quota left and right. You know, totally on
3 speculation. But if we're going to get into
4 the minutiae of this document, I'd like to
5 have a discussion on processor shares. So, I
6 mean that's how far it would go.

7 I think Dave's probably right.
8 We'd better stick generic here, otherwise
9 we're going to be here for a couple of weeks.

10 MR. WALLACE: A couple of years.

11 MS. McCARTY: Yes. Ten.

12 DR. DANA: And I'm not going to
13 speak to going into the minutiae. But on
14 Martin's point, just looking at mackerel
15 that's starting to happen a lot. People racing
16 to get, just to get permits with history on
17 them. And it's not even to that point.

18 MS. McCARTY: Mr. Chairman, you
19 know, I told you when I first spoke these
20 words that I felt that it was well-nigh
21 impossible to prevent. And I can't think of
22 any mechanism, really, to prevent that kind of

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1 calculation. I just can't. I mean it
2 happened in every instance I think that I know
3 about that people got the signal that there
4 are going to be a rationalization program, or
5 there was one and they knew there was going to
6 be another one and people moved from one,
7 because they didn't get quota or whatever, and
8 they wanted to buy into the next one. And it
9 became kind of a rolling thing. You know,
10 it's kind of inevitable in a sense just by the
11 very nature. Unless somebody has an idea,
12 actually any mechanism that could prevent
13 that. Maybe there isn't out there. I don't
14 know.

15 MR. BILLY: Larry?

16 MR. SIMPSON: There are mechanisms
17 that we utilized in the Gulf and it was the
18 base years that you used, throwing out one
19 year before the control date.

20 All those considerations were made
21 so you can levelize it, but you can't prevent
22 it.

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1 MS. McCARTY: Yes. Exactly. The
2 five years, best of five, you know whatever.

3 MR. SIMPSON: You can do percent of
4 income, total pounds; you can do all kinds of
5 things. We did it all.

6 MS. McCARTY: I don't think you can
7 legislate it.

8 MR. SIMPSON: Would you like me to
9 comment on this, Mr. Chairman?

10 MR. BILLY: Go ahead.

11 MR. SIMPSON: I think that catch
12 shares policy is, you know, well done. It was
13 a lot of work, and it's over with. And I
14 think it's useful.

15 There obviously are some specifics
16 that people in the areas would like to
17 emphasize. And one of the crude ways that
18 you've done this in the community is to put
19 out our concerns. And I can see, you know,
20 saying please consider a process or community
21 shares and so forth. I mean, that's in
22 guidance. I don't know if that translates to

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1 anything that they would change in the policy,
2 but it's an important thing.

3 Remember M, for example, royalties.

4 It's in there. Now what kind of advice would
5 that give them? I mean, it's in there.

6 You know consideration of the
7 recreational sector. I understand why it's
8 there. But I mean, you can consider that, and
9 the Councils do, and you may have a decision,
10 it's done. So it's an emphasis that you
11 should kind of consider it. So what you've
12 done is, you're just sharpening the focus of
13 the policy to make sure that you look at these
14 things.

15 So, again, it's recommendations to
16 be considered by a high level. And I don't
17 think it's appropriate to go into a policy
18 like this and to make that, to try to redline
19 and modify the thing. I think the policy
20 should be a little bit higher-level. We think
21 that you should consider, you know process or
22 community shares. And we think you should

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1 consider different aspects of it a little bit
2 more. And we think you should have a model-
3 type program that you may or may not utilize.

4 And I think that's where we should go.

5 And if we look at it like that
6 without getting hung up on the specifics, I
7 think we'd be better off, all better served.

8 That's my piece, Mr. Chairman.

9 MR. BILLY: Okay. Thank you.

10 We have a motion. It's been
11 seconded.

12 MR. RIZZARDI: Mr. Chair, if I may?

13 MR. BILLY: Yes.

14 MR. RIZZARDI: I tried to revise
15 paragraph 2 and eliminate the piece that was
16 previously in there that had a direction to
17 incorporate these items into certain parts of
18 the document. I took that out based on some
19 of the conversation that took place. I'm
20 suggesting we leave that to NOAA's discretion.

21 I've tried to rewrite it so it
22 looks like a MAFAC recommendation as opposed

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1 to a Subcommittee recommendation.

2 This is effectively what you've
3 previously seen as item number 2 of the high
4 priority recommendation.

5 I guess the other question we need
6 to decide is whether or not high priority
7 recommendation number 1 stays in place. I was
8 getting a sense that some people like it, some
9 people don't. But I'm looking for discussion
10 on that before we were to take a vote.

11 MS. McCARTY: Are you amending your
12 motion?

13 MR. RIZZARDI: I'm amending my
14 motion to reflect paragraph 2 as is on the
15 screen. And I'm looking for some discussion
16 on what to do with high priority
17 recommendation number 1.

18 MS. McCARTY: Okay. Mr. Chairman,
19 I would speak to high priority recommendation
20 number 1.

21 A lot of that language that was
22 taken word-for-word out of Dorothy Lowman's

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1 presentation. And her presentation was a
2 distillation of the actual problems that
3 they've encountered in that region with the
4 lack of those specific interpretations of the
5 MSA provisions. And we've been running up
6 against that in the North Pacific. Now it may
7 be a cultural thing and maybe we're just not
8 smart enough on the West Coast to figure those
9 things out. But, you know we'd rather know
10 now in some of the regions what the
11 interpretation is than to wait until we're
12 almost at the end of the process and then be
13 told by NOAA GC that that's not what the MSA
14 means.

15 So that's the meaning of the intent
16 of number one. It may be exclusive to the
17 West Coast. I don't think so. So I would
18 speak to keeping that in the motion, as was
19 the original intention.

20 MR. RIZZARDI: Kari, the
21 strikethrough should only be on the cross-
22 reference to page 18 and Table 1, number 1.2.

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1 That's the only piece that should be
2 stricken.

3 MR. BILLY: Okay. Are you
4 satisfied now with the way it's reading for
5 number 1?

6 MR. RIZZARDI: I've made the motion
7 to generate the discussion.

8 MR. BILLY: Yes. Fair enough.
9 Okay.

10 Someone has their hand -- oh, Tony?

11 DR. CHATWIN: Yes. Was this an
12 amendment that was accepted by the second, and
13 is that what we're discussing now?

14 MR. RIZZARDI: This was what was in
15 the original motion, was, moving
16 recommendations 1 and 2. I have modified
17 recommendation 2 just to simply change it so
18 it's not a Subcommittee recommendation, it's a
19 MAFAC recommendation. So not much has
20 changed.

21 DR. CHATWIN: So 2 is part of this?

22 MR. RIZZARDI: Two is part of this.

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1 And if you want me to bifurcate, I can take
2 that as friendly.

3 MS. McCARTY: And, Mr. Chairman,
4 you need to modify number 1 to make it a MAFAC
5 recommendation.

6 MR. BILLY: Yes.

7 DR. CHATWIN: Can I -- I still have
8 the floor, right?

9 MR. BILLY: I can't keep up with
10 it.

11 DR. CHATWIN: So we're saying that
12 MAFAC recommends that the Council consider the
13 following elements, right? I mean, I skipped
14 a piece in the middle.

15 In the policy it says, in the
16 Executive Summary, it says "Catch share
17 program features. The MSA sets forth a number
18 of criteria for consideration in the design of
19 catch share programs. NOAA recommends the
20 Council follow this guidance and pay
21 particular attention to the following features
22 in designing the catch share programs.

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1 1: Specific management goal;

2 2: Transferability."

3 So we're saying we want the policy
4 to say what it says. There's a review process
5 and then there is a distinction among sectors,
6 fishing community sustainability, royalties.

7 So the issue I have is that we are
8 saying we recommend that the policy says,
9 amongst the things that we're recommending,
10 things that the policy already says. And I
11 just -- I don't see value in that.

12 And so I think we should -- and the
13 way we set this up, this discussion up now is
14 that at every comment someone has, we'll have
15 to make a motion to amend. We'll have to get
16 a second. And we'll then have to vote on that
17 amendment. And then we'll have to go back to
18 whatever it is, which is very cumbersome.

19 We started off this discussion
20 with, here are what we discussed yesterday.
21 And then that, the minutes of the discussion
22 became the recommendation. And I think this

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1 is very cumbersome.

2 Maybe one way that we can do this
3 is to vote to table the motion, to take a ten
4 minute break for us to get together and,
5 without all this formality, come up with a
6 motion that we can then discuss. Because I
7 just don't see this working.

8 So I move that we table this
9 motion. Do I have a second?

10 MR. WALLACE: I second.

11 MR. BILLY: Discussion? All those
12 in favor?

13 (Chorus of ayes.)

14 MR. BILLY: Opposed?

15 MS. McCARTY: Aye.

16 MR. BILLY: Okay. Motion carries
17 to take a break.

18 DR. CHATWIN: Can we have a break
19 so we can focus and try to organize our
20 thoughts?

21 MR. BILLY: Sure. In lieu of a
22 break right now, another option would be to

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1 take another Committee report. Let those
2 interested sit at lunch and do exactly what
3 you said, and then come back after lunch.

4 DR. CHATWIN: That would be fine
5 with me.

6 MR. BILLY: Is that all right?

7 MS. FOY: I'm willing to -- I don't
8 expect much lengthy discussion. I don't want
9 to take the time away from Heather.

10 DR. HOLLIDAY: Oh no, we have an
11 hour set aside on today's agenda for your
12 discussion. We have a half an hour before
13 noon. And I don't think we're going to
14 resolve the catch share issue necessarily
15 within that 30 minutes. So Tom's suggestion or
16 option was to consider another Committee
17 Report, take a ten break, which leaves us 20
18 minutes before lunch and just take another
19 Committee report. And then during that lunch
20 break decide on the best strategy for moving
21 our way forward for the resolution of the
22 catch share report. As an option.

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1 Is that right?

2 MR. BILLY: Madam Chair?

3 MS. McCARTY: Well, you know I see
4 that Tony has issues. I don't think we're
5 that far away, frankly. But if people want to
6 do this over lunch, that's fine with me.

7 I don't know. I don't see that
8 we're that far away. I mean, I don't think
9 there's huge disagreement or anything. Maybe
10 I'm wrong.

11 MR. BILLY: I have a sense from the
12 Chair. I think, while I generally agree with
13 your observation, I think that with a little
14 bit of time this can be polished up quickly by
15 a small number of people and we can finish it
16 after lunch.

17 MS. McCARTY: That's fine, Mr.
18 Chairman.

19 MR. BILLY: Yes. Okay.

20 MR. NARDI: Let me just ask Mark--
21 are they getting what they need out of this?
22 We're supposed to be advising the Commerce

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1 Secretary that all stuff rolls downhill.

2 Mark, are you getting what you need
3 out of this, or others?

4 DR. HOLLIDAY: Well, to give you
5 some perspective, I mean we have a public
6 comment period open now. And the majority of
7 the comments -- well, the comments fall into
8 two general categories. I'm just comparing
9 what I'm hearing from MAFAC as advice and
10 counsel versus what we're hearing from others.

11 One sort of advice is sort of on
12 philosophical grounds. It has nothing to do
13 with the policy, but people are virulently
14 against the catch shares or virulently for
15 them. So in terms of helping move forward and
16 advance final policy, they're not really very
17 helpful suggestions.

18 The other sort of comments talk
19 about, well, these are the parts of the policy
20 that we agree with or we think that these are
21 the important elements that should be
22 emphasized, or you've missed something that we

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1 think should be in there, or you need to de-
2 emphasize this or this is not appropriate.
3 But it's not at the level of trying to -- all
4 these lists as an example. And I think Tony's
5 point was, you know, a number of these things
6 are already in the policy.

7 So the comment could be that, other
8 things that are in the policy, I mean we agree
9 that these are the things that worry us most
10 or are most, highest concern and we want to
11 see them stay as they are or even more
12 prominent in the policy rather than just a
13 recapitulation of things that we've already
14 tried to address. And if we didn't address
15 them well enough, or it's unclear or vague, or
16 ambiguous, that would be helpful too.

17 So the nature of the comment would
18 be, you know I wouldn't know what to do with
19 some of the comments -- some of the things on
20 the list right now. And I think you had the
21 one suggestion about royalties. Is there
22 something about what we said in the policy

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1 about royalties that you don't like, or you
2 disagree with, or you think is inappropriate,
3 or do you have a contrary view? That's
4 something I could do something with, or the
5 task force can do something with. But as an
6 emphasis area you can say, well, we endorse
7 these things and are these an important
8 question, and just leave it at that. But, you
9 know, that's sort of a measure of preference,
10 but not so much a change in the documents.

11 MS. McCARTY: Right, exactly.

12 Mr. Chairman, I could address that.

13 John, you weren't at the last
14 meeting, right? At the last meeting was a
15 burning desire on the part of MAFAC members to
16 do kind of a collective comment on this
17 policy. And we haven't seen it yet. And so
18 we couldn't do it at that meeting.

19 And so I guess we've planned this
20 meeting so that people could kind of
21 collectively share their thoughts about catch
22 share in general and their own experiences.

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1 And then have experts from outside sort of add
2 to it.

3 And the way I see this is sort of a
4 compilation of what people think are really
5 important, whether it be danger points or
6 points of emphasis or totally necessary. The
7 fact that there's a number of these things
8 that are already in the policy is not lost on
9 people I don't think. You know, I mean we've
10 read it and we know that they're in there.
11 But I think it's kind of a restatement of what
12 MAFAC members believe are particularly
13 important and particularly necessary in the
14 design of catch share programs.

15 It doesn't mean that we think it's
16 not in the policy. It's just there are
17 certain things that clearly are.

18 MR. NARDI: Heather, I'm not
19 questioning the value of the meeting. But
20 each of us, if we wish, will make comments on
21 the policy as it is. Institutions,
22 organizations or individuals. And I was

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1 wondering, this discussion that flows into
2 MAFAC, as Keith said, the recommendations are
3 ultimately brought into Silver Spring. Is it
4 something that they will get value from as the
5 ultimate user of our recommendations?

6 MR. BILLY: Larry?

7 MR. SIMPSON: I would say it would
8 be useful if I was sitting in Mark's seat to
9 be aware that we're really concerned about
10 fishing for quota. Be aware that we think
11 that economic data collection and so forth is
12 not adequate. Be aware that we've got
13 concerns about U.S. ownership and sovereignty.
14 Be aware that there's some community things
15 that we want to -- and that's probably useful
16 to them. And in that regard, I kind of think
17 it would be useful to him to have those kind
18 of general comments.

19 And it's not really -- MAFAC
20 recommends that NOAA staff provides, but MAFAC
21 recommends that NOAA consider the comments of
22 MAFAC blah, blah, blah.

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1 MR. BILLY: Okay. Dave?

2 MR. WALLACE: If it were cast in
3 that light, I would not vote no.

4 MR. BILLY: Okay. Thank you.

5 MR. WALLACE: Because I guess we
6 really need to recognize that this is just a
7 recommendation to NMFS in the first place, to
8 know in the first place. But, you know, to
9 keep taking the position that we're the know
10 all and we can replace their will, and that's
11 not true, you know.

12 So let's state it in -- to qualify
13 it in the way that it actually should be
14 couched so that people read it in a positive
15 way instead of a negative way.

16 MR. BILLY: Okay. I'm going to use
17 the prerogative as Chair to do two things.
18 We've tabled the motion. So I'm going to ask
19 that Heather lead a small group over lunch to
20 taking the conversations that have just been
21 had and revamp as appropriate our comments.
22 And then we'll reconsider them after lunch.

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1 And then I'd like to move on to the
2 Protected Resources Subcommittee and have--

3 MS. McCARTY: I have a quick
4 question, Mr. Chairman.

5 MR. BILLY: Yes. Sure.

6 MS. McCARTY: Could I just get a
7 show of hands? We might need a big table.

8 MR. BILLY: All right. A show of
9 hands who would like to participate?

10 MS. McCARTY: How many people want
11 to talk about this over lunch? One, two,
12 three.

13 MR. BILLY: Three. One went out the
14 door.

15 MS. McCARTY: Four. Just four?

16 MR. BILLY: Yes. Okay. All right.
17 You all set?

18 MS. McCARTY: Got it. Thank you.

19 MR. BILLY: Did you get Mark on
20 that list? Mark, five. He was number of five.

21 MR. BILLY: Okay. I think I'll
22 call on Cathy now to report out on the

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1 discussions of the Protected Resources
2 Subcommittee.

3 MS. FOY: Just a moment, Mr. Chair.

4 MR. BILLY: Okay. Okay. The floor
5 is yours.

6 MS. FOY: So I'll just start
7 talking.

8 The entire purpose of our
9 Subcommittee meeting this time for Protected
10 Resources was to further clarify for staff the
11 agenda items that we suggested and that we
12 recommended the last time and were approved
13 the full Committee.

14 As we went through them I tried to
15 mentally prioritize what I thought needed to
16 be done with the full Committee and what
17 needed to be done by the Subcommittee.

18 In particular, we asked that Jim
19 Lecky who is head of the Protected Resources
20 Division or an appropriate staff member speak
21 to the Committee. We feel like these issues
22 are particularly relevant because of needing

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1 to correlate these.

2 Number one on this list was
3 prioritization of the resources allocation,
4 how is the money, the research and the staff
5 time currently allocated? And the forming the
6 listing, designation of critical habitat, the
7 coverage, planning and status reviews. And is
8 there a need for NMFS to have a master plan
9 for document.

10 We'd also like to know what the
11 current workload of this office is, how that's
12 apportioned between their different staff and
13 how they anticipate dealing with these 82
14 incoming species.

15 The next big issue that we have is
16 climate change and for you mentally block off
17 why I think you need to look to this issue.
18 What we're hoping to do is find out what the
19 next strategy is for avoiding the misdirection
20 of resources due to litigation.

21 The way the Fish and Wildlife
22 Service does this is what's called the 4(d)

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1 regulation that limits the response of the
2 Fish and Wildlife Service to only dealing with
3 localized impacts to the species. At current
4 we don't have that kind of regulation with
5 NMFS. And as a result NMFS may be reviewing
6 power plants in Iowa to determine whether or
7 not they are impacting corals. And we would
8 like the entire Committee to weigh in on this
9 and to be educated on it.

10 The third big issue that I believe
11 is of importance to the entire Committee is
12 the delisting and downlisting of recovered
13 species, in particular Subcommittee members
14 mentioned the fin and sperm whales in the
15 North Pacific and the Hawaiian stock of
16 humpback whales and green sea turtles, all of
17 which are ready for downlisting.

18 We'd also like NMFS to tell us what
19 their immediate plan is to celebrate this
20 victory that we've achieved. And to kind of
21 outline for us what the process and the
22 timeline is for this delisting evaluation once

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1 the ESA standards have been met. Frequently
2 resources are stopped, you know redirected
3 into a new species that's being listed. And
4 the species that recovered, the process was
5 stalled. I believe that's 2007 -- was that
6 Keith, you're shaking your head?

7 MR. RIZZARDI: No.

8 MS FOY: In 2007 the stock achieved
9 a status that would allow the downlisting for
10 the fin whales and the humpbacks. But it
11 hasn't moved forward because there hasn't been
12 appropriate staff time. So we would like to
13 know and question staff on how the general
14 public or interested facilities can facilitate
15 the process or expedite it.

16 The fourth big issue that we are
17 interested in is use of observer data. With
18 increased use of catch share programs we are
19 expecting there will be increased observer
20 coverage. And since the fishermen are
21 probably going to be paid for it, we want to
22 make sure the data is used to the fullest

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1 extent possible. That said, as a biologist I
2 have some reservations whenever I see observer
3 data on marine mammals or, I suppose, green
4 sea turtles. Because I doubt, given the very
5 limited training that I feel observers get, I
6 feel like they are not -- that the data is not
7 as reliable as it is from a specialized
8 researcher.

9 So given that, how can we achieve
10 improving the data and how can we make that
11 data more useful to the Protected Resources
12 Division of NMFS?

13 Those are the topics that we felt
14 would have merit to the full Committee.

15 And then to the Subcommittee we're
16 requesting separate staff time during the
17 Subcommittee meeting to discuss streamlining
18 the scientific research permitting process to
19 give a level B harassment. We would get Jim
20 Lecky pulled over to the side, hound him about
21 that. That'll be me doing the hounding.

22 In addition, we were requesting

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1 specific information on green sea turtles. We
2 know an NRC report is coming out, and we'd
3 like an update on that. And something that
4 may need to be followed up on by the full
5 Committee following. But just for the first
6 part we would like to get it through the
7 Subcommittee.

8 And another thing that we're
9 interested in is how or if technology sharing
10 is being accomplished between the regions and
11 the science centers. The National Marine
12 Mammal Lab does a lot of marine mammal
13 tracking. I'd like to know if the same
14 standards of technology that are available to
15 them are also being used by the sea turtle
16 researchers. And we were wondering if the
17 military can assist in any way.

18 So with that, I'd like to let you
19 know that an ongoing dialogue is anticipated
20 between Protected Resources members and any
21 interested MAFAC members are welcome to
22 participate as we get ready for the next

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1 agenda. Please email me and I will run it
2 through to Mark, or it can go the other way
3 around.

4 Thank you for your attention.

5 Any questions?

6 Mark?

7 DR. HOLLIDAY: More an observation.

8 I think on NOAA's point we are trying to
9 establish a more relationship between not just
10 the fisheries management arm of what we do,
11 but with our Protected Resources and our
12 habitat. So we have a broader perspective on
13 all of these components of this integrated
14 approach to the ecosystem management of our
15 resources.

16 And so we've been working on the
17 staff level to try to get maybe even a liaison
18 person from the Office of Protected Resources
19 to help be the principal point of contact for
20 MAFAC, and similarly with the Habitat office
21 to help improve this exchange of information.

22 MR. BILLY: Good.

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1 DR. HOLLIDAY: And so rather than
2 just having everything be conduit so the MAFAC
3 staff support function to --

4 MR. BILLY: That would be great.

5 DR. HOLLIDAY: -- open up some
6 lines of communication directly. As I think
7 you alluded to, the Director of Protected
8 Resources and his staff are very much
9 interested in this next agenda to be active
10 participants in that. I think that's a very
11 positive sign.

12 MR. BILLY: Thank you, Mark.

13 MS. FOY: Thank you.

14 MR. BILLY: Bill?

15 MR. DEWEY: Cathy, I just joined
16 your group right at the very end, and mention
17 that I'd email you with some follow-up. But
18 just to alert the rest of MAFAC what my
19 interest is there is with our aquaculture
20 permitting, particularly in the northwest
21 where we have listed species, we're having to
22 go through consultation process with the Corps

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1 both on our programmatic permitting and then
2 any new farms that require individual permits.

3 And Mike Rubino I know through the
4 aquaculture shop has been trying to facilitate
5 an effort with Habitat and Protected Resources
6 to make that an easier process in the future.
7 And so I'd be interested in hearing Jim's
8 perspective on that as to how they see
9 participating in that.

10 MS. FOY: I agree. Would you be
11 happy with that in a Subcommittee meeting,
12 Bill, or would you like to have that with the
13 full Committee?

14 MR. DEWEY: I think, you know
15 however you're having them deal with these
16 other issues. If it's in the Subcommittee,
17 that's fine. I'm not fussy. I'd just be
18 interested in having that conversation with
19 Jim and hearing his perspective on it.

20 MS. FOY: Heidi, did you get that?

21 MR. RIZZARDI: And one minor
22 comment on the Subcommittee topic, the third

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1 to last line says "accomplishments in regions
2 and science centers." Pardon. "The technology
3 sharing being accomplished within regions and
4 science centers." I think it should also say
5 federal agencies.

6 I think that there are
7 opportunities for NOAA to be sharing
8 technologies with, for example, the U.S. Navy.

9 MS. FOY: Well, yes, I did put--

10 MR. RIZZARDI: Yes, there's been
11 discussion in context of the -- yes, so
12 regions, science centers and federal entities.

13 MS. FOY: Okay. Accepted.

14 MR. BILLY: Ed?

15 MR. EBISUI: Thank you.

16 You know with respect to upcoming
17 topics in the Protected Resource area I have a
18 distinct impression that the humpback whale
19 strikes here were the majority committed by
20 ecotourism and whale watching boats. In MAFAC
21 we tend to focus only on fishing. But I think
22 we're missing a lot of --

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1 MS. FOY: Yes.

2 MR. EBISUI: -- the collateral or
3 other agencies' jurisdictional effects. And I
4 was wondering if we could receive some kind of
5 information or briefing from like OLE about
6 the whale strikes and what's going on with
7 that.

8 MS. FOY: I would agree. It might
9 be that the research community is held to a
10 higher standard than the general community
11 when it comes to opposing --

12 MR. EBISUI: And recently we had an
13 entanglement case. And on several stations
14 they reported it as fishing gear.

15 MS. FOY: Yes.

16 MR. EBISUI: And when you saw the
17 video it's like one inch molly bolts. It's
18 not fishing gear.

19 MS. FOY: Yes.

20 MR. EBISUI: It's rope or mooring,
21 or something else. But the reporters kept
22 harping on fishing gear, fishing gear.

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1 MS. FOY: All that could be --

2 MR. EBISUI: It's not from here.

3 Not from here.

4 MR. CATES: It's the fishing gear,
5 but it's not from here.

6 MS. FOY: Yes.

7 MR. BILLY: Any other discussion?
8 Okay.

9 I'm sorry. Randy?

10 MR. CATES: Kind of on that line
11 I'm thinking there seems to be an inherent
12 conflict of interest in my opinion when it
13 comes to protected species within NOAA.
14 Protected species is a revenue stream for NOAA
15 in addition. And so there's a perception that
16 there's a resistance to take them off of the
17 listing because they'll lose funding, for
18 example.

19 Hawaii, it's very clear that
20 there's a resistance to take sea turtles off
21 or to even do the science to take them off the
22 listing. And humpback whales. So then they

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1 potentially will lose research funding that's
2 coming in. And so I wonder how would MAFAC or
3 look at that issue of is there a conflict of
4 interest with NOAA?

5 MR. BILLY: Maybe that could be
6 raised at the next meeting with the head of
7 the office.

8 MS. FOY: I would suggest that that
9 subtopic go under the prioritization of
10 resource allocation. Number one.

11 MR. BILLY: Bill?

12 MR. DEWEY: So, Cathy, in hindsight
13 here the request I had would be not for future
14 discussion by the Subcommittee but actually to
15 hear from Jim Lecky when you have him at the
16 next meeting as to how they have been
17 interacting with the aquaculture program on
18 this issue.

19 MS. FOY: Okay. What I was asking
20 is if that needed to be addressed on the
21 agenda at the full Committee meeting or
22 whether you could have him doing that at a

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1 Subcommittee meeting with Jim Lecky present?

2 MR. DEWEY: That's fine.

3 MS. FOY: Okay.

4 MR. DEWEY: I wasn't clear on that
5 last paragraph on your report. It didn't lead
6 me to believe that that was necessarily going
7 to be a conversation with Jim Lecky.

8 MR. BILLY: Okay. And we're going
9 to move to accept the report.

10 MS. LOVETT: I would like you all
11 direct the language that you're requesting on
12 that point.

13 MR. RIZZARDI: I think if we have a
14 person who is coming to speak with us, we'll
15 have the opportunity to have the discussion.
16 So I don't know that we have to put it in the
17 minutes right now -- how much Randy feels
18 strongly about it. Randy?

19 MR. CATES: I care, yes.

20 MR. RIZZARDI: I mean, I think the
21 question needs to be asked, but I don't know
22 that I'd necessarily agree with your premise.

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1 But I understand why you want to ask it and
2 why you want to have the discussion. So I
3 think it's really helpful to have the people
4 here so you can ask them point blank.

5 MR. CATES: Well, I mean in Hawaii
6 we've been trying to get the turtle research
7 work done for over ten years. And it's always
8 well we're not ready to do it yet.

9 MR. RIZZARDI: I understand, which
10 goes directly to the priority discussion.

11 On number 3 there's a reference in
12 number 3. It says, the bottom piece, "The
13 stalled process of fin and sperm whales." I
14 think that should say the stalled progress on
15 fin and sperm whale draft recovery plans. So
16 it should be just stalled progress. Fin and
17 sperm whales draft recovery plan.

18 MR. BILLY: Okay. Any other
19 comments?

20 Chair would like to entertain a
21 motion to adopt the report. So moved.

22 MS. McCARTY: Second.

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1 MR. BILLY: Any further discussion?

2 All those in favor?

3 (Chorus of ayes.)

4 MR. BILLY: Opposed? Okay.

5 Thank you, Cathy.

6 Okay. This sounds like an
7 appropriate time to break for lunch and other
8 work. Let's see, so can we be back about
9 1:15? At 1:15.

10 Okay. Thank you.

11 (Whereupon, the above-entitled
12 matter went off the record at 11:45 a.m. and
13 resumed at 1:15 p.m.)

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1 and how he does it.

2 MR. HAYASHI: Yes, my name is Naoki.

3 I've been very happy, I'm touched by being
4 invited here to tell the story of what I do.

5 I've been fishing in Hawaii, Big
6 Island, actually, since I was eight or ten.
7 And it's been my life long passion. I was
8 taught in a way -- whatever you catch, you're
9 going to eat it. So I've been really -- my
10 mind is focused on what you bring home for
11 dinner. And I'm very selective. And if I see
12 a school of fish, I catch what I need to bring
13 home and then to let the rest of them stay
14 fresh as for next time I get to go out for my
15 dinner hunting. So that's my background as
16 far as my fishing.

17 I have a lot of respect for the
18 nature. I have a lot of respect for the
19 delicacies we get from the ocean. My diet is
20 based on everything from the sea from seaweed,
21 crustaceans, lobsters, obviously fish.
22 Anything within the ocean I feel very grateful

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1 that we have that here on our planet, in our
2 world to enjoy, to thrive on.

3 So in my extra time I have between
4 work -- well, first of all, I'm a full time --
5 I still hesitate to call myself artist because
6 what I do is traditional form of telling a
7 story using a two dimensional image which I
8 create.

9 I was asked to present this piece
10 so I made from -- actually, one of my best
11 friends from Hawaii Kai went out to the
12 location for the Penguin Banks, it's between
13 Oahu and Molokai, and it's known for good
14 fishing ground for onaga. And as I've been
15 fishing, again we're very careful about not to
16 deplete the fishing rich area, so we try to
17 move and to be kind to the nature. But this
18 onaga is one of the delicacies, have a lot of
19 meaning.

20 Onaga, first of all -- color red in
21 Asian culture, as we all understand here, is
22 good fortune. And the name onaga came from

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1 this long tail, which in Japanese culture
2 signifies longevity and good life, long life
3 and long good fortune.

4 And number three, three fish in
5 Asian culture again is a good luck number.

6 So in New Year's or any kind of
7 occasion we get to celebrate, onaga is
8 presented as a symbol of good fortune and good
9 luck.

10 So, again, this fish was all eaten.

11 Actually, yes, it's important for us to not
12 to wait for the catch. So I use nontoxic
13 acrylic paint and I work really fast before
14 fish gets warm, it's already been scaled and
15 prepared for meal.

16 So this three fish probably fed a
17 total of maybe 20 people, my friends and
18 extended friends and so forth.

19 So, again going back to it, it's
20 not that I find a subject just to make a
21 friend and look at it, you look at the fish
22 and say, oh that's a pretty fish image. It's

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1 a meaning behind, which I care a lot about
2 what we have in the ocean here and what we get
3 to enjoy.

4 So in my free time I kind of got
5 into it a little bit earlier, I tried to
6 donate my time, volunteer, go through
7 different schools starting from kindergarten
8 age all the way up to the 12th grade. And I
9 put in my time to try to share what I believe
10 and how to preserve the nature and also how we
11 should look at the fisheries in either a small
12 way or big way. Hopefully one of those kids'
13 mind I touch. I hope they grow up one day to
14 have some kind of influence into making the
15 fishery better for us and then to make it last
16 for future generations.

17 So I feel very fortunate that I get
18 to place myself in that position to in my
19 humble way I get to share my thoughts.

20 Again, these fish are eaten and
21 these fish are caught, and the ultimate goal
22 is to eat. So that is why I hesitate -- I

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1 still hesitate to call myself an artist. I'm
2 just a storyteller, and story and meaning
3 behind the image -- each image I create is
4 what I try to show.

5 So unless I have this opportunity
6 to verbally explain what I do, most of the
7 people walking through galleries and hotels
8 and restaurants, even if you have affinity
9 we're always in Waikiki. All my pieces are
10 there. I have different galleries in town,
11 you can see some stuff. But unless you know
12 the story behind, it's easy to just walk past
13 and say "Oh, that's a nice red fish." But now
14 all of you here are kind of understanding a
15 bit more in depth about my approach and what I
16 do.

17 So I'm very honored to be here and
18 very touched by being requested to present
19 something I made from my heart. So I hope you
20 know a little bit more about me and you
21 understand how grateful I feel that I'm being
22 here right now.

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1 And thank you very much.

2 (Applause.)

3 VICE CHAIR BALSIGER: Thank you.
4 That's a fabulous story and beautiful painting
5 picture. I'm completely flabbergasted. I
6 didn't think I was getting any presents.
7 That's very nice of you. You're all good
8 friends of mine --

9 MS. FOY: Jim, this isn't plural;
10 it's one present.

11 VICE CHAIR BALSIGER: Well, thank
12 you. Thank you very much.

13 (Applause.)

14 MR. HAYASHI: And also just for my
15 appreciation for being here, I have calendars
16 for 2010. I know we already into to 2010, but
17 it's my custom designed calendar with moon
18 chart and everything. So I'll sign them, each
19 of them, and I would like you to have a copy
20 for the space you can find in your home or
21 office.

22 MR. CATES: Heather, you got to

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1 give the address because he's going to mail
2 it.

3 And, Jim, rest assured that that
4 fish comes from a fishery that's only closed
5 six months of the year.

6 VICE CHAIR BALSIGER: Well, we just
7 had a very difficult hour and a half
8 conference call with the Juneau Regional
9 Office. I'm actually not sure they're going to
10 let me back now. So I hope that doesn't mean
11 I don't get to have the picture.

12 But thank you. Thank you very
13 much. Like I said, I'm completely
14 flabbergasted. I had -- thank you very much.

15 MR. CATES: You're welcome.

16 MR. EBISUI: Congratulations on
17 your parole.

18 VICE CHAIR BALSIGER: Yes.

19 MR. BILLY: Okay. Next we're going
20 to hear the report out of the Rec Fish
21 Subcommittee. Ken, the floor is yours.

22 MR. FRANKE: Mark, you should have

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1 it by now.

2 DR. HOLLIDAY: The copy is being
3 emailed to everybody at the table. And does
4 Heidi have it also?

5 MR. FRANKE: We can put it up.

6 MS. LOVETT: Yes, I just --

7 MR. FRANKE: A little bit of
8 history. The MAFAC presented a Terms of
9 Reference for a new Marine Fisheries Advisory
10 Committee, the Recreational Fisheries Working
11 Group to be comprised of newly identified
12 external advisors to MAFAC, each of whom has
13 some expertise or experience related to
14 recreational fisheries.

15 Specifically, the final
16 recommendation at the meeting was approved by
17 MAFAC as follows:

18 MAFAC recommends to constitute the
19 current Recreational Fisheries Subcommittee as
20 a permanent subcommittee of MAFAC, which was
21 done.

22 MAFAC appoints a Recreational

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1 Fisheries Working Group of up to 25 people for
2 up to one year to be extended at the
3 discretion of MAFAC to be charged with
4 assisting the planning and organization along
5 with the Recreational Fisheries Subcommittee
6 of NOAA 2010 Recreational Fishing Summit.

7 Further, building upon the
8 recommendations and priorities articulated by
9 the MAFAC Recreational Fisheries Subcommittee,
10 the advisory group will advise MAFAC on issues
11 of importance to recreational fishing
12 community including but not limited to: the
13 Ocean Policy Task Force Report; review and
14 possible revision of the NOAA Recreational
15 Fisheries Strategic Plan; marine spatial
16 planning; and catch share policy.

17 This list may be modified over time
18 by MAFAC.

19 The RFWG shall be composed of
20 people with a specific interest in NOAA's
21 recreational related activities appointed by
22 MAFAC in consultation with NOAA.

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1 Members will be selected to
2 represent the diversity of national, regional
3 or sector perspectives, having a sound
4 expertise in the science, management or
5 business of recreational fishing. A well-
6 informed background in recreational fisheries
7 issues and an operational knowledge of federal
8 agencies and interactions with the Fishery
9 Management councils and/or regional or state
10 partners.

11 Federal Register notice was sent
12 out. And we ended up with 56 eligible
13 applicants that we were given backgrounds on,
14 as well as they had a series of letters of
15 support that we received.

16 Action taken by the Recreational
17 Fishery Subcommittee yesterday.

18 The Subcommittee deliberated over
19 the names submitted and our number one goal
20 was to bring forward a smaller list than the
21 25 that were authorized. We ultimately ended
22 up with a list of 17, the balance of which

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1 NOAA will take a look at and try to fill in
2 some gaps. And I'll explain those a little
3 bit more in a second.

4 The Subcommittee deliberated over
5 the names submitted and arrived at a list of
6 17 persons. This was a diverse group of
7 experienced recreational anglers representing
8 angling venues from throughout the United
9 States. Effort was made to seek persons with
10 unique informed perspectives. So emphasis was
11 placed on taking a look at the backgrounds and
12 making sure that we didn't have two people
13 from the same harbor, from the same background
14 with the same perspectives. So we tried to
15 really get a good sampling nationwide of the
16 different types of fisheries that were
17 available.

18 List of recommended person is as
19 follows:

20 From the Pacific Islands, we've got
21 Ed Watamura from Honolulu, Hawaii and he's
22 from the Wailua Boat Club Recreational Angler;

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1 Craig Severance from Hilo, Hawaii,
2 University of Hawaii. Recreational Angler.

3 For the balance of these, it would
4 suffice to say they're all recreational
5 anglers.

6 One of the things that we put
7 emphasis on when we looked at the backgrounds
8 is, you know is this going to be a good fit
9 for somebody that's going to be looking for
10 the public's best necessary not necessarily a
11 unique agenda to their area.

12 So Alaska. William S. Brown from
13 Juneau, Alaska. Alaska Board of Fisheries is
14 his primary background.

15 And most of these people have very
16 broad histories of a lot of things that they
17 have done, not just charter boat, not just
18 recreational angler. Every one of these
19 people have just -- it was an excellent group
20 of people to pick from.

21 Bryan Bondioli. And I apologize
22 for the hacking of last names. From Homer,

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1 Alaska. Charter boat owner.

2 Northwest region. H.Lee Blankship,
3 Olympia, Washington. Retired research
4 scientist, hatchery expert.

5 Southwest region. Bob Fletcher. I
6 think everybody here knows Bob. Donna Kalez.
7 Her background she manages/owns one of the
8 tackle shops in a landing. She owns a fleet
9 of boats and has a very interesting
10 perspective. A big piece of her world is she
11 does a lot of children's outreach, getting
12 kids out fishing.

13 Northeast region. Bruce Freeman
14 from New Jersey, former MAFAC. Jersey Coast
15 Anglers Association. Anthony DiLernia,
16 Brooklyn, New York, former MAFAC. Charter
17 boat owner and educator. Dave Pecci from
18 Bath, Maine. Maine Association of Charter Boat
19 Captains President.

20 Working into the southeast region,
21 and this is kind of a misnomer because it's
22 southeast, including the whole coast plus up

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1 on the inside of Florida. So we've got
2 Richard Brame from Wilmington, North Carolina.
3 Coastal Conservation Association. Jason
4 Schratwieser, Dania Beach, Florida.
5 International Game Commission. Bob Zales.
6 Panama City, but noteworthy, National
7 Association of Charter Boat Owners President.
8 Rodney Smith, Satellite Beach, Florida.
9 Recreational fish author. Founder of Coastal
10 Guides. Unique to that is the guides, we're
11 getting the inshore perspective from their as
12 well as a media piece as far as him being
13 author. Terry Lacross from Amelia Island.
14 Amelia Island Charter Boat Association
15 President.

16 The Gulf region. Patrick
17 Fitzmorris, Madisonville, Louisiana. Angler,
18 Recreational Fisheries Research Institute.
19 Conrad Trascher, Baton Rouge, Louisiana. CCA
20 Director of Development.

21 At the end of this, after we got
22 done deliberating through everything, we had a

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1 few summary comments that we'd like to share
2 with you all. The following represents a list
3 of comments to be considered as the process
4 moves forward.

5 While great consideration was given
6 to developing a diverse group from the list of
7 eligibles it was commented that there was
8 still gaps in certain regions. The Texas
9 area, we'll call it Northern California up to
10 the bottom of Oregon into the bottom of
11 Washington and then also the Gulf area et al.

12 And so as we submit this list to NOAA there
13 still is going to be an opportunity as well as
14 on an association level looking for who is
15 missing here, who can we add to round out this
16 group of information gathering folks.

17 Well, let's see, consideration
18 should potentially be given to move any
19 national organization leaders to the final
20 eight persons to be selected by NOAA. The
21 backfill vacancies on the list with the local
22 selectees.

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1 So one of the thoughts that we had
2 was like if you've IGFA or an entity that
3 oversees the entire nation, maybe move those
4 into the final eight and then backfill then
5 with some local anglers that aren't
6 necessarily representing a large group of
7 people.

8 The list of eligibles was heavy
9 with people from the charter activity
10 backgrounds. The Subcommittee focused on
11 persons that had other attributes to add to
12 their expert suite.

13 As this process moves forward to
14 complete the list, additional consideration
15 should be given to targeting grassroots
16 anglers -- getting a perspective of the people
17 that actually get on the boat with their
18 family and take their kids fishing.

19 That said, the final recommendation
20 from our group, and then we can open it up for
21 discussion. Pending approval by the MAFAC, it
22 is recommended that a motion be made to submit

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1 the RFWG list to NOAA for continued group
2 development by the NOAA staff.

3 So at this point, Mr. Chairman, if
4 we could open it up for discussion.

5 MR. BILLY: Okay.

6 MS. DOERR: And just to add to
7 that, I wanted to say thank you to my fellow
8 working group members. This morning, I kind
9 of threw a wrench into things because I
10 recalled the tail end of the meeting
11 differently than others. And so I just wanted
12 to thank them for their flexibility this
13 morning and kind of adjusting this little bit
14 to address my concerns and my apparent lack of
15 memory. So thank you.

16 MR. BILLY: Thanks.

17 Other comments? Dave?

18 MR. WALLACE: Well, I'd make a
19 motion that the MAFAC accept this document as
20 on behalf of the Subcommittee to forward it on
21 to the authorities within NOAA.

22 MR. BILLY: Do I have a second?

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1 MR. RAFTICAN: Second.

2 MR. BILLY: Okay. Further
3 discussion? Seeing none.

4 MR. FRANKE: That would conclude
5 our report, sir.

6 MR. BILLY: Okay. All those in
7 favor?

8 (Chorus of ayes.)

9 MR. BILLY: Opposed? Okay. Report
10 is accepted. Thank you.

11 Thanks. Good job.

12 MR. SIMPSON: They worked hard on
13 this, Mr. Chairman. I can attest.

14 MR. BILLY: I believe it.

15 MR. SIMPSON: They worked hard.

16 MR. BILLY: Okay. All right. I'd
17 like to circle back and call on Heather to
18 share with us the work that was done over
19 lunch in terms of a way forward.

20 MS. McCARTY: Thank you, Mr.
21 Chairman.

22 We had a group of six people. And

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1 I think we arrived at a motion that would
2 capture some of the concerns that were
3 expressed earlier. Basically, trying to
4 acknowledge those items that were on the list
5 of concerns that were already dealt with and
6 sort of keying in on those, and then adding
7 some of those concerns that were perhaps not
8 adequately addressed in the policy.

9 And I think that Tony has a motion.

10 Am I right, Tony?

11 DR. CHATWIN: Yes. I have
12 alternative language. I mean, what I've done
13 is redlined your motion so we know --

14 MS. McCARTY: His motion.

15 DR. CHATWIN: Or his motion. And
16 we need a motion to bring that back to a
17 motion.

18 MR. BILLY: He's withdrawn. So
19 let's make it a new motion.

20 DR. CHATWIN: Oh, really? Okay.
21 So just one second.

22 MS. McCARTY: Mr. Chairman, I

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1 should also say that the fact that this is
2 going on a table as a motion that we think is
3 going to work. We anticipate further
4 discussion on some of the elements of the
5 motion. It is not a done deal for everybody,
6 it's just sort of how we thought we might
7 construct it.

8 MR. BILLY: Very good. Sounds like
9 a good way forward.

10 Okay. Tony?

11 DR. CHATWIN: Okay. So I think if
12 we could, given there's no motion, what we
13 discussed at lunch was that it might be better
14 to take -- and correct me if I'm wrong -- but
15 to take the number one and number two that we
16 were discussing altogether and deal with them
17 separately. Is that right?

18 I have not touched number one. So I
19 don't know -- we might want to start with
20 number one and then number two. I can describe
21 to everybody what we did in number two just so
22 you know.

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1 Number two -- the number has been
2 lost -- no it's up.

3 And so all we did was instead of
4 saying -- we went a little bit more specific
5 now. There's a section in the policy that
6 talks about the catch share program features
7 that describes the things that the Council
8 should consider when considering a catch share
9 program. And what we've done is say in
10 addition to the ones that are there now, we
11 have these additional ones that we would want
12 the policy to include up front. Because a
13 number of the issues that we had listed are
14 mentioned in the policy in other places, but
15 not necessarily a feature for the Council to
16 consider. So we felt it was important to say
17 that that's where we want the readers of the
18 policy to first see this issue. And given
19 that the features that are already there have
20 some description, we would assume that NOAA
21 would then describe them fully. We did not
22 get into describing them fully.

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1 So what we have here, I think the
2 ones that are already included, I deleted.

3 In mine it had the redlines, the
4 strike throughs.

5 MR. NARDI: You have to go up to
6 tools and change your options.

7 DR. CHATWIN: I haven't changed any
8 of the content -- well, I have a little bit,
9 but not off these boards. That's the whole
10 point of this, yes.

11 So what we are suggesting is that
12 our recommendation is that the final policy
13 document, we're commenting on the draft, so we
14 want the final policy document to include the
15 catch share program features on pages 3
16 through 7 as currently written. Because
17 that's where it has all those features that we
18 had identified in that big list of things that
19 we thought were important to be considered.
20 So they're there already. We want the final
21 to preserve that.

22 And then include a comprehensive

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1 listing of catch share design elements. Thus,
2 the MAFAC recommends the addition of the
3 following features to that section.

4 And then I deleted all the other
5 stuff. So that's what I did delete. And then
6 go straight to the list. Because the three
7 bullets there were different options of where
8 to put it, and so now we're saying we want the
9 Council to consider it, and there's a specific
10 section.

11 MS. McCARTY: And, Tony, can I just
12 jump in a second? Where we said from the
13 Subcommittee that we recommended that they be
14 considered by the Councils, in the section
15 that Tony's motion recommends they do insert
16 it, that's what that does. That's what that
17 does.

18 DR. CHATWIN: Okay. And I can go
19 quickly through.

20 So A, identification and inclusion
21 of all stakeholders in the design process.
22 Although this is recognized in several places

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1 in the document, it's not one of the features
2 -- we thought it needed to be highlighted that
3 the Council should consider that up front.

4 MR. FISHER: Tony, could you just
5 explain that a little bit for the full
6 Committee why it is? That'd really help.

7 MS. McCARTY: Explain what? We
8 didn't hear any of that.

9 MR. FISHER: I'm sorry. Just how it
10 was we arrived and why we're doing this.

11 DR. CHATWIN: Okay. So I'll make
12 an explanation and you tell me if I'm
13 answering your --

14 MR. FISHER: I'm sure.

15 DR. CHATWIN: The reason why we
16 went through all this is that we wanted to
17 make sure that our recommendations were adding
18 value and that they were very clear. And
19 rather than just providing a list of things
20 that we think are important, we felt we would
21 identify the place in the document that we
22 think they fit best. If there was something

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1 on that list that already was in the document,
2 then it fell on us to describe.

3 Our comments were to change what
4 was there, whether we liked what was there
5 rather than to say it should be there.

6 So is that --

7 MR. BILLY: Good

8 DR. CHATWIN: So same thing for B,
9 C.

10 Community sustainability. There's
11 an extensive piece of community sustainability
12 within that section already on page 6. That's
13 why it's deleted because it's in there.

14 Transferability. Same thing, page
15 4.

16 Consolidation issues.
17 Consolidation issues, I think -- caps, user
18 caps are mentioned somewhere in the document,
19 but not here and it's a big issue. So that's
20 a feature that needs to be considered.

21 There was the issue of U.S.
22 ownership and sovereignty. It isn't mentioned

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1 in the document at all.

2 MR. BILLY: The word "silent."

3 DR. CHATWIN: No, that's mine.

4 MR. BILLY: Okay.

5 DR. CHATWIN: The policy silent on
6 it. So we should delete "silent."

7 MR. BILLY: We can delete this.

8 DR. CHATWIN: I thought I had.

9 So then if we keep going down.
10 Consideration of the recreational sector.
11 It's been mentioned many times, what is a
12 specific consideration? I didn't know what we
13 do there. It is mentioned throughout the
14 policy. It may be will of MAFAC that it get
15 considered in this section. I understood
16 maybe the Recreational Subcommittee has been
17 talking about whether or not they want to be
18 highlighted in the recommendations. So that's
19 why I didn't make a decision here, but it's
20 really not up to me.

21 Entry level opportunities,
22 including new entrants. We all felt that this

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1 was pretty critical and needs to be a program
2 feature considered up front.

3 Prevention of fishing for quota
4 including control dates. This was identified
5 as an important issue. I think we need to
6 develop it a little further. I don't know.

7 And so the adequate economic data
8 collection -- all sectors including
9 recreational fisheries. There is a number of
10 places in the document where data collection
11 is identified. There is one place where
12 socioeconomic information is mentioned. But
13 it's interesting that nowhere in the document
14 is the collection of economic data emphasized.

15 And it's a key piece and so we felt that that
16 needed to be highlighted.

17 Let me see what else.

18 Royalties is to be deleted because
19 it's already in there. It's on page 6, so
20 that's to be deleted.

21 And then the allocation process.
22 Committee members expressed interest in having

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1 emphasis on the fact that the allocation
2 process is super important. On page 5 of the
3 document there is language that says to that
4 effect. So the Committee needs to decide
5 whether or not that's in there. And it's
6 under the distinction among sectors, so it's
7 not highlighted as allocation is a big issue.
8 So maybe we --

9 MR. FISHER: It's in distinction
10 between sectors?

11 DR. CHATWIN: That's right. It's
12 in the catch share program features. It's the
13 feature is distinction among sectors. And in
14 there it states: "The allocation of quota
15 among competing segments in the fishery has
16 been one of the most difficult decisions for
17 the Councils in the past." So if we keep it
18 here, we're saying that statement needs to be
19 highlighted. Although the policy already
20 addresses it. It's just whether it's
21 emphasized enough.

22 And then I'll just finish the

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1 program evaluation. And that is mentioned
2 throughout the document, but it should be in
3 this list of key features, key program
4 features.

5 So that's it. That's the piece
6 that --

7 MS. LOVETT: So this should be
8 number 3?

9 DR. CHATWIN: That should be number
10 3.

11 MS. McCARTY: Mr. Chairman?

12 MR. BILLY: Okay. So the floor is
13 yours.

14 MS. McCARTY: I think that this
15 captures that concern that we had to address.
16 We're not entirely sure whether we captured
17 all of the concerns of all the people. But
18 now would be the opportunity, we believe, for
19 those folks to address their particular
20 concerns if they feel the need to do so.

21 MR. BILLY: Okay. My suggestion to
22 you would be to go back to the beginning. And

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1 there's several items where we need to in
2 particular make a decision to delete or
3 amplify in some way what's there. And then
4 once we've cleaned the language up, then we
5 can entertain a motion and move forward.

6 MS. McCARTY: And then also we were
7 anticipating getting some sort of an addition
8 from the recreational sector that addresses
9 what they want to do. Because the
10 Subcommittee purposely didn't make a
11 recommendation in that regard.

12 MR. BILLY: Okay.

13 DR. DANA: We didn't have an
14 opportunity even to discuss that in our
15 meetings.

16 DR. CHATWIN: So one option is to
17 take it out.

18 MS. DOERR: The things I kind of
19 brought forth to the table on Tuesday kind of
20 falls more in the realm of J. If when you say
21 initial allocation process, you mean -- this
22 is kind of where the whole allocation versus

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1 distribution. If that means allocation
2 between sectors prior to catch share being
3 implemented, it could be addressed in J. If
4 that means allocation of the catch share
5 within the commercial sector, then what I
6 brought forth on Tuesday is not reflected in
7 J.

8 So I don't know what that means
9 right there for J.

10 MR. BILLY: Perhaps maybe what we
11 should do is just in fact reflect what
12 happened. The fact that the Recreational
13 Fisheries Subcommittee didn't have an
14 opportunity to address it, and that's sort of
15 it.

16 Tom?

17 MR. RAFTICAN: And again, we didn't
18 have the chance to address it. We had other
19 things on the plate. But I was kind of
20 fooling around with something like that. Put
21 something forward almost as a place holder
22 that the interaction of recreational interests

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1 within a catch share program is poorly
2 understood but important to the overall
3 success and will require specific study before
4 incorporation. But at least put something out
5 there that at least gets us on the board and
6 somewhat of a placeholder there.

7 MR. BILLY: Okay.

8 DR. DANA: Thank you.

9 I think when you speak about -- I
10 read that sentence, Tom. And I think when you
11 talk about it's important to the overall
12 success, what does that mean? The overall
13 success of catch shares for recreational
14 fisheries? Because, well if that's what it
15 means, then I have an issue with that.

16 I don't believe for recreational
17 fisheries or this sector that we can even
18 consider catch shares if we don't understand
19 what the true number of fish are out there.
20 And until we have an accurate more agreed upon
21 data fish count through science, I don't think
22 -- at least I know the industry and we're not

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1 prepared to deliberate on the catch share
2 program.

3 And so that way that that sentence
4 reads to me is that it would already being
5 applying success of catch share for the
6 recreational sector.

7 MR. BILLY: Okay. Mark.

8 DR. HOLLIDAY: It's helpful. I'll
9 just fill in. The distinction that Martin
10 asked to be made with respect to allocation
11 and distribution, Bob Gill's comment on that
12 subject in the Gulf, I mean this is something
13 that we've already had discussions with and
14 stakeholder feedback sessions with the
15 recreational sector and others on the policy
16 so far. So I think it's NOAA's position that
17 there is a distinction between taking a total
18 allowable catch for the year that's available
19 to the fishery and making an initial
20 allocation of that among competing users;
21 tribes, commercial, recreational, subsistence,
22 whatever. That's the allocation that we talk

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1 about when we're talking about allocation.

2 And then the distribution of that
3 allocation to a sector among its participants
4 who are eligible to receive a harvesting
5 privilege is the distribution of that.

6 And so I think NOAA's already
7 considered that comment and planned to reflect
8 that in the revised version of the policy.

9 So if that helps or hinders where
10 you're trying to go with your suggestion, I
11 just wanted to let you know that it's
12 something we've already heard and we want to
13 make that clarification and that distinction.
14 Because I think there are two phases to that,
15 and it does get confusing to people if we're
16 not clear on what the terms mean.

17 MR. BILLY: Martin?

18 MR. FISHER: I've already
19 identified here in the policy, the draft
20 policy. Is there anyway you can put page 5 of
21 the draft policy in?

22 MS. LOVETT: Of the draft?

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1 MR. FISHER: Yes.

2 And I just wanted to also reflect
3 that Tony's done an amazing job of distilling
4 all of the flak that was in the wind and is
5 giving us some kernels of corn that we can use
6 to plant.

7 While she's getting it up, I'll
8 just read it. Because here's all the
9 confusion right here, and exactly what you're
10 talking. Is this the draft that you're going
11 to revise, Mark?

12 DR. HOLLIDAY: I'm not prepared to
13 tell you what chapter and verse. I don't have
14 --

15 MR. FISHER: Okay. Well, it says
16 here "Allocations of quota to recreational,
17 commercial, tribal, aboriginal and subsistent
18 sectors among gear types will be the sectors,
19 and reserving quota for reasons of research,
20 conservation, scientific are all decisions
21 primarily made by councils."

22 The sentence before that is: "The

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1 allocation of quota among competing segments
2 in the fishery has been one of the most
3 difficult policy decisions." And therein lies
4 the confusion. Because there's competing
5 segments within a fishery just in gear types
6 in the commercial sector and then you've got
7 all the different sectors competing for the
8 fish. And it's all being addressed under the
9 title of allocation.

10 So this might be a paragraph that
11 deserves our attention if you've not already
12 looked.

13 MR. BILLY: Okay. Mark?

14 DR. HOLLIDAY: Again, Martin, I'm
15 not trying to avoid your question about where
16 and how we're going to deal with it. It's
17 going to be something that relates in that
18 section is my presumption, but I'm not
19 prepared to tell you how we would rewrite it
20 at this point.

21 The point I think we were trying to
22 make in this is that without any catch share

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1 programs, councils for the last 30 years have
2 been making allocation decisions who gets the
3 pot. And those decisions are difficult and
4 contentious and inherent in any fishery that
5 resource acts as constraint, right? And so
6 catch shares, those problems that resulted in
7 a 60/40 split or a 50/50 split started many
8 years ago and will continue into the future
9 and they involve biological, social, economic,
10 political judgments that a council makes.

11 Catch shares takes the result of
12 that allocation and says okay, we've decided
13 this is how the pie is going to get divvied
14 up. And we're going to distribute that among
15 the people in that sector who are eligible
16 according to the Council standards to receive
17 a direct privilege to harvest a specific
18 quantity and be held accountable for it.
19 That's what our definition is.

20 And so our intent would be to make
21 sure there's a clear distinction in the
22 allocation process that continues from the

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1 outset and will continue into the future. The
2 council controls how often that allocation
3 decision gets made, under what conditions,
4 under what criteria. They can design programs
5 that never look it, they can build into it.
6 But you know, those are all council
7 prerogatives that are independent of whether
8 they choose a catch share or not. So that's
9 the distinction we're trying to make between
10 an allocation and a distribution of a catch
11 share.

12 MR. FISHER: Okay. And in no way
13 do I have any quarrel with that or any
14 misunderstanding there. I totally understand
15 the process. It's just that allocation is
16 again used in the catch share program.

17 MR. SIMPSON: So his assurance is
18 you're going to address it.

19 DR. HOLLIDAY: That was my first
20 statement is that we were trying to inform you
21 that this had come up and we agreed that there
22 needed to be clarity in the use of those

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1 terms.

2 MR. SIMPSON: Right.

3 DR. HOLLIDAY: And I was just
4 trying to provide a context for that.

5 MR. SIMPSON: That's your main
6 point that you made?

7 DR. HOLLIDAY: Yes.

8 MS. McCARTY: So that deals with
9 that.

10 There's another issue that we need
11 to address on the list as to whether we still
12 want to exclude that concern in Tony's motion.

13 MR. BILLY: Yes.

14 MS. McCARTY: So now we need to go
15 back to that to determine if we still want to
16 include that.

17 DR. CHATWIN: And maybe we want to
18 use a different word.

19 MS. McCARTY: Correct. So we need
20 to go back to the work and see if that makes a
21 statement for importance of initial allocation
22 process. And I for one do not know what the

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1 intent of the maker of that concern was.
2 Whether they meant allocation or distribution,
3 or whether they meant catch share allocations
4 to individuals or what. I just don't
5 remember. I don't remember the context it was
6 made in.

7 MR. BILLY: Okay. Martin

8 MR. FISHER: I believe I was part
9 of that, and we don't have to call it
10 allocation but that it is the distribution of
11 a percentage of a TAC for individuals to hold
12 for the duration of the program. The
13 ownership of that percentage for the duration
14 of the program is what is referred to
15 allocation in the catch share distribution
16 that we now have in place, regardless of
17 sectors.

18 MS. McCARTY: That's what I thought
19 it meant.

20 MR. BILLY: Tony?

21 DR. CHATWIN: Did you say
22 allocation and distribution is a key program

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1 feature that -- if we just call this
2 allocation and distribution and considering
3 that we're making recommendations for this to
4 be a key feature that the Councils have to
5 consider, that would not be --

6 MR. FISHER: I think we have to
7 link it directly to the implementation of the
8 catch share program for the participants of
9 the catch share program.

10 MS. DOERR: Just a question of
11 clarification. So does that mean that the J
12 that's up there refers to the distribution of
13 the catch shares among participants?

14 MR. FISHER: That's what I thought.

15 MS. DOERR: Okay.

16 DR. CHATWIN: Did you want to say
17 that distribution of the catch share among
18 participants?

19 MS. McCARTY: It'd be clearer.

20 MR. BILLY: Okay.

21 DR. CHATWIN: Let's just do that.

22 Is that good with you?

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1 MS. DOERR: That's totally fine
2 with me. I'm just trying to gauge --

3 MR. BILLY: Let's make that change.
4 Let's move forward.

5 DR. CHATWIN: No, no, take --
6 unless you want to keep the critical
7 importance.

8 MR. FISHER: Well, it is a critical
9 importance.

10 DR. CHATWIN: Okay. I mean, that's
11 fine with me. Sorry. Distribution of quota
12 to participants.

13 MR. BILLY: Take out reference page
14 5?

15 MS. McCARTY: Yes. Yes.

16 MR. BILLY: Okay. And it's quota.
17 Okay. Heather?

18 MS. McCARTY: That's all.

19 MR. BILLY: How about the others?

20 MS. McCARTY: I'm fine with
21 whatever -- you know, I think this reflects
22 what people put on the able. And also

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1 reflects what was already in the policy. I'm
2 fine with that list.

3 MR. BILLY: Okay. Can we scroll
4 back up to A?

5 MS. McCARTY: I, for one, think
6 this is a good place for this to be in the
7 text of the policy. I also imagine that it's
8 going to be in some way represented in the
9 catch share design, which is another good
10 place it could be.

11 So I don't know if we need to say
12 that. Because if there's a catch share guide
13 of any kind certainly it would address these
14 things.

15 MR. BILLY: Okay. Tony?

16 DR. CHATWIN: You there you see F.
17 We haven't dealt with F yet and we should.
18 And the reason we didn't deal with it is
19 because we felt we didn't have the right
20 people there to deal with it. So we have
21 various options. We can tweak it, take it
22 out, whatever is the pleasure of the

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1 recreational fishing folks.

2 MS. McCARTY: Chairman, what that
3 really meant was that in the design of the
4 catch share programs whether they be for --
5 commercial catch share programs -- that the
6 effects on the recreational sector be
7 conserved. I believe that that was the
8 original intent of that concern. And I
9 personally think that's still a valid issue.
10 Again, if the recreational sector doesn't have
11 anything else that they want to put in there,
12 I still think that that's a valid concern that
13 was expressed.

14 MR. BILLY: Do any of those nine
15 references to rec fishing make that point in
16 the document already?

17 MS. McCARTY: I haven't looked at
18 them.

19 MR. BILLY: Yes?

20 MS. DOERR: I do have one suggested
21 position to go back to what I put on the table
22 on Tuesday now that I know what the intent of

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1 J was. And it's separate from what Heather
2 just said, but it would mirror what J says
3 there and have an L or something that says
4 "the critical importance of an initial sector
5 allocation that reflects the economic value of
6 the fishery prior to the development of a
7 commercial catch share policy." Because I
8 feel as if it's mentioned on page 5 that it is
9 important that sector allocation tends to be
10 difficult among the Councils, but I believe it
11 could be stronger to say that councils should
12 look at sector allocation prior to going to
13 catch share.

14 MS. LOVETT: Could you read that
15 one more time?

16 MS. DOERR: "Critical importance of
17 an initial sector allocation that reflects the
18 economic value of a fisher prior to the
19 development of a commercial catch share policy
20 or catch share program."

21 And that addresses my main thing.

22 And then regards to F, I'm not

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1 quite--

2 MR. BILLY: Did you want to share
3 that with everyone?

4 MS. McCARTY: Okay. The Chairman
5 asked me to determine whether going back to
6 consideration of the recreational sector,
7 whether the effects of a rationalization
8 program of the commercial sector might be met
9 with a positive on the recreational. It is
10 mentioned at the top of page 5 or close to the
11 top of page 5. It is conceivable that the
12 initial plan for catch shares -- for example
13 catch shares for the commercial sector but not
14 the recreation sector could have effects on
15 early segmented fisheries. So it is dealt
16 with there. So we can take that out. But
17 that's okay.

18 MR. BILLY: Take out?

19 MS. McCARTY: F.

20 MR. BILLY: F. Because it's
21 already addressed.

22 MS. McCARTY: It is. Everybody's

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1 fine with that.

2 MR. BILLY: Okay.

3 MR. ALEXANDER: Can I bring
4 something else up?

5 MR. BILLY: Okay. Hold on.
6 Everyone is okay with taking out F?

7 MS. McCARTY: And are we done with
8 recreational elements on this list?

9 MR. BILLY: Well, I think we need
10 to get back to do L. I didn't hear any
11 reaction to L. K, oh sorry, K.

12 So any comments? Yes, Martin?

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

15 I'm so sorry, Patty. I have to
16 disagree. I don't think it belongs in this
17 section. I think that, again, just because
18 there's a catch share doesn't mean that the
19 allocation between sectors cannot be adjusted
20 or changed. It happens all the time with the
21 TACs. I feel like this is almost asking or
22 pointing the Council in the direction of a

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1 change. And a change may or may no be
2 necessary. And that's up to politics and
3 everything else.

4 But for me personally I would like
5 to see that stricken from this section.

6 MR. BILLY: Jim, what if is said
7 considers the economic value instead of saying
8 reflects it? Then at least it wouldn't be
9 directing you to have a proportion if that's
10 where --

11 MR. FISHER: That would help it.

12 MR. BILLY: Okay.

13 MS. DOERR: Let me add something. I
14 understand that nothing prohibits right now a
15 council from going through an allocation
16 process and it could it have done it at any
17 point in time. But we heard through a number
18 of the presentations, well a couple of the
19 outside presentations yesterday that the start
20 of a catch share program is a snapshot in
21 time. And I believe regardless of which
22 sector anything would shift to or if there

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1 would be any shift at all, that that snapshot
2 in time be as accurate as possible and
3 reflects the economic value of the entire
4 fishery.

5 And so before the Councils go
6 through this whole long process, and from what
7 I understand it takes years to get through
8 this whole catch share process, that they
9 start from the foundation of the most
10 accurate, up to date economic information --
11 and biological information, the whole thing
12 from the very beginning.

13 And so that's why it's important to
14 us. It's an issue of fairness that this whole
15 process in mixed use fisheries starts out with
16 an accurate snapshot. So that's the whole
17 concern. And for that reason I like the word
18 reflect.

19 MR. BILLY: Jim made a suggestion
20 to change this. You want to repeat it so that
21 we can catch --

22 VICE CHAIR BALSIGER: Well, I was

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1 going to change the word reflects to considers
2 I proposed. But I think Patty just said that
3 she likes the word reflects. So I'm not
4 adding that. I was trying to arbitrate.

5 MR. BILLY: Okay. Tony?

6 DR. CHATWIN: I would like us to be
7 in a position where we could all embrace this.
8 However, do we have information? I mean,
9 we've just agreed that we need correct,
10 adequate economic data for all sectors
11 including the recreational fisheries. And my
12 understanding is that we don't have adequate
13 economic data including recreational
14 fisheries. And so I just don't understand how
15 we could have an adequate estimate on economic
16 value at this point in time.

17 MR. BILLY: So it would undermine
18 the catch share policy by not having any
19 further catch share programs until there's
20 adequate data, that's right?

21 MR. RIZZARDI: I'm sort of where
22 Tony is. And I think that the new language in

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1 K is much more detailed than the language that
2 we're using in all the other concepts.

3 I would suggest that the concept in
4 K overlaps somewhat with the concept in L. And
5 I would reword L to be the "collection and
6 consideration of adequate economic data for
7 all sectors, including recreational
8 fisheries."

9 Leave the concept much broader.
10 Address the basic principle that are embedded
11 in K without getting into that level of
12 detail.

13 MR. BILLY: Which one--

14 MR. RIZZARDI: and Patty, I
15 understand. You know, you have your issue.
16 But my suggestion is L which goes to economic
17 data collection -- I'm sorry I. Be reworded
18 to say "collection and consideration of
19 adequate economic data from all sectors
20 including recreational fisheries." And then I
21 would strike K.

22 In addition, I have a problem with

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1 the phrase "critical importance." It's value
2 laden and there's only two of these that have
3 been given that phrase and I think all of us
4 in this room would differ as to which things
5 are of critical importance. So assuming we're
6 okay with getting rid of that last one, then
7 the only one that remains is H that has the
8 phrase "critical importance." Or, no, I. And
9 I would just strike it. And it would say, you
10 know: "Initial distribution of quota to
11 participants."

12 MS. McCARTY: I think that's good.

13 MS. LOVETT: Don't worry about the
14 lettering, it's screwy for whatever reason.

15 MR. RIZZARDI: Okay. So on I could
16 you also strike the "critical importance"?

17 MS. LOVETT: Just "critical
18 importance"?

19 MR. RIZZARDI: "Critical
20 importance," correct.

21 MS. LOVETT: And then K?

22 MR. RIZZARDI: And then K is

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1 stricken.

2 MS. LOVETT: Which I can undo.

3 MR. RIZZARDI: Assuming Patty--

4 MS. LOVETT: I can undo it--

5 MS. DOERR: I mean it sounds like a
6 -- but the point is I mean I understand that
7 we don't necessarily have all the economic
8 data for sector allocation, but to me it's all
9 part of the process. I mean, I think there's
10 a lot data that doesn't exist when it comes to
11 putting together a catch share program. And
12 that doesn't necessarily stop the collection
13 happening and the catch share programs going
14 forward.

15 And so before you went and made the
16 amendment to I -- H, whatever, you know I
17 would have said well they need to collect it
18 and then they need to use it, which is
19 reflected there and we appreciate that.

20 MR. RIZZARDI: Right, which is what
21 I'm trying to accomplish.

22 MS. DOERR: But it's that initial

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1 sector allocation in making sure it's an
2 accurate sector. And so I understand where
3 you and Tony are coming from in terms of the
4 economic data may not be there. But there's a
5 lot of data that isn't necessarily there at
6 the start of the catch share program and you
7 have to force them to gather it and to use it.

8 Not force them, but --

9 MR. BILLY: Heather?

10 MS. McCARTY: I think one of the
11 things that your proposal does is it's very
12 prescriptive and that it sort of indicates
13 that the initial allocation between the
14 sectors is based solely on this economic data
15 which may or may not exist. But even if it
16 did, that's not necessarily how everyone
17 thinks that sector allocation should be done.

18 And so, when you have the words
19 that you have in K you're prescribing that.
20 And that's what people are objecting to. Not
21 that the economic importance of the
22 recreational sector isn't of huge import to

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1 you or everybody, but that what you're saying
2 in K goes beyond the suggestion.

3 MR. BILLY: Okay.

4 MS. DOERR: For the sake of moving
5 along, I can accept that.

6 MR. BILLY: Okay. That was
7 absolutely correct. All right.

8 So are you all set now?

9 Tony?

10 DR. CHATWIN: It's a different
11 issue. It's a different bullet that I was
12 going to ask about so is that okay?

13 MR. BILLY: Yes. I think we're
14 finished, right?

15 MS. McCARTY: I think way down at
16 the end I think Terry had an addition.

17 MR. ALEXANDER: I was just going to
18 make suggestion that because we're not going
19 to get all of us to agree to every bullet
20 there. So could we have a vote on each
21 bullet? I mean, would that signify?

22 MR. BILLY: No, it wouldn't.

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1 MR. ALEXANDER: I mean each one
2 coming down. But there are a few thing in
3 there that I'm not comfortable with, like all
4 the -- I'm really not comfortable with the
5 consolidation issues, including ownership
6 caps, use caps, processing caps. I just think
7 that that -- I mean, a lot of us have a lot of
8 money invested in the different catch share
9 programs. And I just -- I mean, I could see
10 some caps, but I mean when you send that
11 message to the Councils, which they're going
12 to talk about anyway, it kind of makes them
13 think that you want them cut. It would make
14 me feel like you wanted me to cut the pie up
15 even smaller.

16 MR. RIZZARDI: But isn't the point
17 our request that they consider it? I mean, I
18 understand --

19 MR. ALEXANDER: You mean they do.
20 But I mean they do automatically. I mean, we
21 just have gone through. Everything on that
22 list is considered, you know years of it. So

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1 --

2 MR. BILLY: Mark?

3 DR. HOLLIDAY: Yes, I'm hesitating.

4 So a lot of these things may not be covered
5 adequately in the policy, but they're already
6 covered in the statute. And so we purposely
7 didn't try to include everything in section
8 303(a) verbatim in the policy. But there is a
9 statutory requirement for the Councils to set
10 a cap on excessive shares. That's the law.
11 And so we do talk about consolidation in the
12 policy, but we refer back to all catch share
13 programs have to follow what's in the law.
14 And we think that requirement for the Councils
15 is pretty straight and forward, and clear that
16 they have to set a cap on consolidation.

17 So a number of these things are
18 indeed you know referenced in the statute.
19 And so they may not be explicitly spelled out
20 to duplicate what's in the law in the policy
21 itself. But the policy itself states at the
22 very outset, it's reflecting what's

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1 permissible under 303(a) and here's how NOAA
2 feels we can help in the consideration of the
3 catch shares as an option.

4 MR. BILLY: Okay. Dave?

5 MR. WALLACE: Well, I guess I'm
6 going to agree with Terry that I've not been a
7 big advocate of this concept because I thought
8 that it was going to ultimately be considered
9 by every council for every single catch share
10 debate that they have. These debates only go
11 on, typically, for ten years. It's not like
12 it happens in one day or one week, or one
13 month, or one year. And there are all the
14 issues that if the Council or NMFS doesn't
15 bring them up, industry brings them up. And
16 surely the recreational fishermen will bring
17 up their portions on any fishery that is a
18 shared recreational and commercial. And
19 that's the reason that I've been quiet about
20 this because I think that you're going into
21 areas which, as Mark just pointed out, between
22 policy and the law are really already spelled

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1 out.

2 And so if you want to try to
3 reinvent the wheel and just get it rejected,
4 that's fine, you know. But there are things
5 up here that I -- you know, I think that
6 there's a better use of our time.

7 MR. BILLY: Okay.

8 MS. McCARTY: I recommend that we
9 vote on this portion of the motion.

10 MR. BILLY: Okay.

11 MS. McCARTY: And see where comes
12 out. And then if we see that we have serious
13 disagreement, we do more detail voting. But I
14 think that if we put this to a vote, we'll see
15 what people's views are.

16 MR. BILLY: Okay.

17 MS. McCARTY: Just the section that
18 Tony presented as a motion.

19 MR. BILLY: So number two in its
20 entirety?

21 MS. McCARTY: Just number two, yes.

22 MR. BILLY: Okay. Bill?

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1 MR. DEWEY: I think Tony had
2 another comment, another topic on the list and
3 --

4 MS. McCARTY: Oh this list? Oh,
5 I'm sorry, I didn't realize --

6 MR. BILLY: Okay. Tony?

7 DR. CHATWIN: Well, I'm just
8 sensitive to the fact that F impact on other
9 fisheries are my words because I wasn't
10 familiar with the side boards. I left the
11 side boards in there. I don't know if this is
12 adequately reflecting the members' --

13 MR. BILLY: I think that's fine.

14 DR. CHATWIN: -- intent. I just
15 wanted to make sure. I realized that I made
16 some edits there. I just wanted to make sure
17 that that was --

18 MR. BILLY: Okay. Bill?

19 MR. DEWEY: I just wanted to
20 revisit transferability since we've proposed
21 to strike it. And it was Bruce Turriss that
22 raised in his comment that that in his opinion

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1 the policy needed to be expanded with guidance
2 on how you allow transferability.

3 There's certainly a section on
4 transferability on page 4, but it doesn't
5 speak to how -- the last sentence of it sort
6 of does. And it says that NOAA is committed
7 to providing technical advice and support to
8 the Council and affected stakeholders in
9 evaluating the transferability option. But
10 again, I mean in the italics above it says:
11 "Fully consider transferability," but how to
12 do it is not -- you know, the policy is silent
13 on the how to. And that was his suggestion is
14 that there needs to be more guidance here.

15 So I just wanted to raise it and
16 that that's not something we have addressed.
17 I don't know that we need to, I just wanted to
18 bring it up since Bruce felt fairly strongly
19 about it.

20 DR. HOLLIDAY: Right. So the
21 policy, again to defer back to the statute, it
22 says: "Establishing a limited access

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1 privilege program a council shall establish a
2 policy and criteria for the transferability of
3 limited access privileges through sale or
4 lease that is consistent with the policies
5 adopted by the Council for the fishery under
6 the earlier paragraphs."

7 And so we felt we'd be hard-pressed
8 to say your transferability program should
9 look like this because it's going to be
10 dependent on the specific goals and objectives
11 of the FMP. So if there are social, economic
12 or biological goals that a council can use
13 transferability to help do that.

14 For example, how fast to allow
15 consolidation to run its course, to limit it
16 to geographic areas, to limit it by gear type,
17 to limit it by vessel type. Those are all
18 choices that depending on what the goal of the
19 Council is on what the future fishery should
20 look like would condition the criteria they
21 use for transferability.

22 So we decided to say you set out

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1 clear goals. You're required by law to set
2 out a policy on transferability. And if you
3 want to run scenarios, you need help in
4 figuring out the right configuration of a
5 transferability rule, NOAA's there to help
6 you, but we're not going to dictate to you how
7 to do so.

8 MR. DEWEY: All right. Without
9 additional explanation, Mark, I'm certainly
10 comfortable with leaving it the way it is.

11 MR. BILLY: Okay.

12 MS. McCARTY: I am too. I think
13 that that's adequately addressed.

14 MR. BILLY: So you want to make a
15 motion?

16 MS. McCARTY: I move that we -- I
17 thought Tony already had, but you didn't
18 actually make a motion?

19 DR. CHATWIN: I didn't make a
20 motion.

21 MS. McCARTY: Okay.

22 MR. BILLY: No.

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1 MS. McCARTY: You did not?

2 DR. CHATWIN: Nope.

3 MS. McCARTY: So I move that we
4 adopt this MAFAC recommendation as a MAFAC
5 recommendation for comment in the catch share
6 process, the section labeled as two, the
7 listing A through J, or whatever it ends up
8 being.

9 MR. BILLY: Okay.

10 MR. DEWEY: Second.

11 MR. BILLY: Second. Any further
12 discussion? Yes, Paul?

13 MR. CLAMPITT: I'd like to have a
14 further -- what does that mean exactly? I
15 mean are side boards protected?

16 DR. CHATWIN: That's why I said
17 impacts on other fisheries, because I don't
18 really know.

19 MR. CLAMPITT: What is that?

20 MR. BILLY: I thought we were going
21 to scratch what's in the parenthetical.

22 DR. CHATWIN: Oh, that's be good.

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1 MR. RIZZARDI: Is there still a
2 question?

3 MR. BILLY: Does that solve the
4 problem?

5 MR. CLAMPITT: Yes. Cool.

6 MS. McCARTY: Mr. Chairman, just
7 for peoples' information, side board is a term
8 that's been developed in some councils to
9 refer to limitations on what participants in a
10 rationalized fishery can do in other fisheries
11 to protect those other fisheries from
12 deleterious effects from people who may have
13 an advantage.

14 MR. BILLY: Okay. Paul?

15 MR. CLAMPITT: Well with that I
16 would, you know argue against it because what
17 happens in these things is, you know once you
18 rationalize a fishery, you're stuck in it.
19 And sometimes it doesn't always work out. The
20 next thing you know, you know your fisheries
21 collapse and now where are you going to go? I
22 mean, you're limited to going somewhere? I

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1 think you should be able to buy into something
2 else.

3 MS. McCARTY: No, no, no.

4 MR. BILLY: No, no, no.

5 MS. McCARTY: That's not it. That's
6 not it.

7 MR. CLAMPITT: Well, that was what
8 I was --

9 MS. McCARTY: No, no. That's not
10 what it refers to. You can buy into anything
11 that you want, you just are limited as to sort
12 of temporal and spatial participation in
13 fisheries that are not rationalized by members
14 of a fishery that is rationalized.

15 MR. CLAMPITT: Well we're striking
16 it, correct?

17 DR. CHATWIN: Well now it just says
18 "impacts on other fisheries."

19 MS. McCARTY: Impacts on other
20 fisheries deals with that.

21 MR. CLAMPITT: Okay. That's good.

22 MR. BILLY: Okay.

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1 MR. DEWEY: Well I want to know how
2 you can try to legislate business behavior.
3 You know, in saying you can't this doesn't
4 mean that they're not going to do it. They're
5 just going to find another way to do it. And
6 so --

7 MR. BILLY: This doesn't say that.

8 MR. DEWEY: Well, according to--

9 MR. BILLY: And there's an explanation.

10 MR. DEWEY: Yes, I know.

11 MR. BILLY: I'd like to get back to
12 the motion. Motion has been seconded. Any
13 further discussion?

14 MR. CONNELLY: I think we need some
15 clarity about what F means for people.

16 MR. BILLY: Okay.

17 MR. CONNELLY: Because people are
18 asked to vote on something and there's a lack
19 of clarity about it.

20 So, Heather, if you could take
21 another moment to just describe. When you say
22 impacts, is it biological impacts, is it

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1 economic impacts, et cetera? If you could
2 just talk what side board means it might be
3 helpful.

4 MS. McCARTY: Okay. And I'm sorry
5 if I wasn't clear. And anybody that wants to
6 can jump into this because I'm not the
7 resident expert.

8 All I know about side boards in the
9 fishery programs that I'm familiar with is
10 that they are put in place as part of the
11 rationalization process to limit the
12 participation in other non-rationalized
13 fisheries of the participants in the fishery
14 that was rationalized.

15 I know it's complicated. I don't
16 know whether I'm making it clear.

17 It's not biological impacts. It's
18 impacts on participants in the other non-
19 rationalized fisheries. And it's being used
20 to -- I hate to use this term, but sweeten the
21 pot, if you will, for people who are afraid of
22 the results on their fisheries of another

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1 fishery becoming rationalized.

2 MR. FISHER: Could I offer just a
3 change of words? Effort shifting is what
4 we're talking about. And if we just say
5 impacts of effort shifting.

6 MR. SIMPSON: Seasons.

7 MS. McCARTY: Larry, can you add
8 any clarity to what I've just said?

9 MR. SIMPSON: I would say back at
10 seasons effects rather than limitation. I
11 would say effects rather than limitation of
12 the participants.

13 If you set a certain season, for
14 example, red snapper, vermillion and you set
15 it in such a way that you allow some catch to
16 continue, then that would be beneficial you
17 know rather than have them at the same time,
18 things like that.

19 MS. McCARTY: Yes. Jim, can you
20 help me with this?

21 VICE CHAIR BALSIGER: Well, I was
22 going to say we have an example. You know in

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1 the Bering Sea the pollock fishery was
2 rationalized and there were already -- the law
3 only allowed I think 19 vessels to fish
4 pollock anymore, and they could co-op. And it
5 turned out they only needed 13 vessels to
6 catch all the pollock, so there were six
7 vessels that used to fish pollock that could
8 go and fish anyplace they liked, or they could
9 go in the Gulf of Alaska and fish Pacific cod.

10 Well, that wasn't fair. They got the
11 advantage of the co-oping in the Bering Sea
12 and because they did that, they released --
13 those boats didn't have to be there. They
14 could catch whiting off of Oregon.

15 In the old days in the competition
16 they didn't have the wherewithal to get down
17 to Oregon. Now they did because they let the
18 other big boat catch their fish and so they
19 could expand their little empire.

20 And so those are the side boards.
21 They said in order to participate in this co-
22 op, we realize you have to go out there and

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1 spend the money. You don't have to buy a crew
2 because the other boat can fish full time and
3 catch it. But you can't, in the absence of
4 going out there, you can't go catch somebody
5 else's fish. So those were the side boards
6 that were put on.

7 And virtually everything has
8 started in the north Pacific with the American
9 Fisheries Act and named the boats that got to
10 fish pollock.

11 MS. McCARTY: Yes, that's a good
12 example. That's not the only example, but
13 that's the concept.

14 MR. SIMPSON: We don't get that
15 sophisticated in the Gulf. I understand what
16 you said.

17 MR. BILLY: Martin?

18 MR. FISHER: Well we call it effort
19 shifting, that's what it is.

20 MR. CLAMPITT: That kind of makes
21 sense to me.

22 MS. McCARTY: That's what it is.

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1 That's what it is.

2 MR. RIZZARDI: Could we just change
3 that to "Impacts on other fisheries due to
4 effort shifting"?

5 MS. McCARTY: Sure. And again, we
6 have to re-emphasize every time that this is
7 not a rule. It's not a law. It's just a
8 suggested consideration of the Councils --

9 MR. SIMPSON: Make sure you think
10 about it.

11 MS. McCARTY: Make sure you think
12 about it, that's all it is.

13 Does that help?

14 MR. RIZZARDI: Paul, are you good
15 to go?

16 MR. CLAMPITT: No, that's fine. I
17 wouldn't solve the problem the way they did in
18 the North Pacific, but --

19 MR. BILLY: Okay. Any other
20 discussion?

21 MR. FISHER: I'd like to call the
22 question.

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1 MR. BILLY: Me too.

2 All those in favor of item two as
3 modified say aye.

4 (Chorus of ayes.)

5 MR. BILLY: Opposed?

6 MR. CLAMPITT: Opposed.

7 MR. ALEXANDER: Opposed.

8 MR. WALLACE: Opposed.

9 MR. BILLY: Okay. Opposed.

10 MS. McCARTY: How many opposed.

11 MS. LOVETT: Three.

12 MR. BILLY: Three. All right.

13 Okay. I declare a pass.

14 MS. McCARTY: Mr. Chairman, I have
15 another motion.

16 MR. BILLY: Yes?

17 MS. McCARTY: The motion reads as
18 the following. And refer to number one on the
19 screen, please. It's not exactly like number
20 one, but I'm going to take it from number one.

21 MAFAC recommends that NOAA NMFS --

22 MR. BILLY: Hold on. Hold on.

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1 MS. LOVETT: If you want to, you
2 can write it down.

3 MS. McCARTY: I can just say it.

4 MR. BILLY: Okay.

5 MS. McCARTY: MAFAC recommends that
6 NOAA/NMFS, however you want to put it,
7 undertake a resolution of and then the rest of
8 number one, the outstanding questions on the
9 application of the MSA LAP guidelines to the
10 design of catch share programs particularly in
11 the areas of community provisions, catch
12 recovery and process or allocation of the
13 shares. MS. LOVETT: I'm sorry --

14 MS. McCARTY: Leave it as number 1.
15 MAFAC recommends -- so you can take out the
16 old. And then the rest of that sentence and
17 then there's a period. And the rest of it
18 goes away.

19 That's my motion.

20 MR. BILLY: Okay. Is there a
21 second?

22 MS. McCARTY: Apparently not.

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1 MR. CLAMPITT: Can we have a
2 discussion on that?

3 DR. CHATWIN: Yes, I'll second.
4 I'll second.

5 MR. BILLY: Okay. Motion's been
6 made and seconded. Discussion.

7 MS. McCARTY: And I'd like to speak
8 to it first.

9 MR. BILLY: Okay.

10 MS. McCARTY: This was something
11 that we heard from several of the experts that
12 made presentations to us and several of the
13 people internally who made presentations.

14 I've personally seen the effects of
15 not having these guidelines and these legal
16 opinions, or whatever it takes. Maybe there
17 are sort of underlying legal opinions that
18 apply here but that have not yet been made
19 abundantly clear to all of the regional
20 councils. And I, for one, believe that the
21 lack of these is hindering the development of
22 the catch share programs. So I would think it

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1 would be an important step in the facilitation
2 of councils achieving catch share program
3 goals.

4 And so I would make a motion and
5 hope that people could support that. I don't
6 find that it's very controversial, but maybe--

7 MR. BILLY: Okay. Terry?

8 MR. ALEXANDER: The only really
9 real major problem that I have with that would
10 be the processor allocation. I mean, I don't
11 mind a processor on a quota if he goes out and
12 buys a license like we had to do with some
13 catch history on it. But I mean if you put
14 that in there like that, that makes me uneasy
15 the processor allocation part of it.

16 MS. McCARTY: Okay.

17 MR. ALEXANDER: If they went out
18 and did it the same way I had to do, then that
19 would be thing. But if they just get an
20 allocation off the dock because they're a
21 processor, I'd have an issue with it.

22 MS. McCARTY: Mr. Chairman, if I

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1 could address that?

2 I wasn't suggesting that they do
3 any of the above.

4 MR. ALEXANDER: Yes, I understand
5 that.

6 MS. McCARTY: I'm saying that there
7 is uncertainty as to the application of those
8 LAP provisions and that they need to be clear
9 about them. That's all I'm saying. Because I
10 certainly couldn't tell you whether the LAP
11 provisions allow that or whether they don't
12 allow it.

13 MR. ALEXANDER: Yes.

14 MR. BILLY: Could we just have a
15 full stop after guidelines if that's what
16 we're saying?

17 MS. McCARTY: Well, we could have a
18 full stop after the catch share program.

19 MR. BILLY: Okay. Well, that's it.

20 MR. ALEXANDER: Yes, I would like
21 that. Yes, I would like that.

22 MS. McCARTY: Though, of course,

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1 that's where the problems lie, so one can only
2 assume that if they undertake it, they would
3 clarify those things.

4 Thank you.

5 MS. LOVETT: You want that?

6 MS. McCARTY: It's a friendly
7 amendment.

8 MR. RIZZARDI: I hope it's
9 friendly. The phrase under "take a
10 resolution" looked like it was something
11 normal that we were -- I was just going to
12 suggest that we change that "provide answers
13 to."

14 MS. McCARTY: That sounds good. I
15 was trying to stick to the real language.

16 MR. RIZZARDI: Answers to the
17 outstanding questions, right.

18 MS. McCARTY: That's great.

19 MR. CLAMPITT: Well, that solved my
20 problem. We never really had a discussion
21 about processor shares or the concept of it.
22 And I'm fundamentally opposed to them, just

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1 like Terry is. So I'm glad to see it
2 stricken.

3 MR. BILLY: Good.

4 Other discussion? Okay.

5 All those in favor of the motion?

6 (Chorus of ayes.)

7 MR. BILLY: Opposed? Pass.

8 Okay. Is there one more?

9 MS. McCARTY: Number three.

10 I don't know what you want to do
11 with three, Mr. Chairman. We were asked to
12 sort of prioritize this. It was one of the
13 trigger questions, I think, so some of us gave
14 our opinion.

15 MR. BILLY: It's the time of day
16 when you don't want to ask me a question about
17 what I want to do.

18 MR. SIMPSON: Is it 1:00 yet, Mr.
19 Chairman?

20 MR. BILLY: I'm open to a
21 suggestion. Yes, Tony?

22 DR. CHATWIN: I have a question.

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1 If we don't put this forward as a specific
2 recommendation, NOAA still gets this input
3 from us from the discussion in this meeting,
4 right? Or do we have to formalize it in a
5 recommendation?

6 DR. HOLLIDAY: The entire
7 transcript of the meeting as recorded is made
8 available to NOAA and any other member of the
9 public as well. What you felt was relevant to
10 discuss.

11 DR. CHATWIN: Right.

12 DR. HOLLIDAY: We also take from
13 that transcript and summarize a report of the
14 discussions and include in the report any
15 actionable items or any specific motions are
16 automatically included in the report. And our
17 staff attempts to synthesize the overall flow
18 of the discussion and what was covered without
19 editorializing the content of these thousands
20 of pages of transcripts into something that's
21 going to be readable.

22 MR. BILLY: But this would be an

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1 example of something that would likely be
2 included in the report?

3 DR. HOLLIDAY: If you left that in
4 as part of your report, we'd say that there
5 was agreement of the issues identified in the
6 catch share policy, the MAFAC Committee
7 indicated these have relatively higher
8 importance than others, something to that
9 effect.

10 MS. McCARTY: Right now it's just a
11 Subcommittee.

12 MR. BILLY: Okay.

13 MS. McCARTY: So I move that number
14 three be accepted by MAFAC as their
15 recommendation to the agency.

16 MR. BILLY: Okay. So that's a
17 recommendation. Well, we're just expressing
18 the importance.

19 MS. McCARTY: Expressing the
20 importance.

21 MR. BILLY: Okay. So we don't have

22 --

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1 DR. CHATWIN: That's a motion?

2 MR. BILLY: Yes.

3 DR. CHATWIN: I'll second it.

4 MR. BILLY: Okay. Any further
5 discussion? Okay. All those in favor?

6 (Chorus of ayes.)

7 MR. BILLY: Opposed?

8 Okay. It's approved.

9 MS. McCARTY: And, Mr. Chairman, if
10 I could just run through this really quickly
11 because I know what you want to do.

12 I think we've dealt with the
13 editing issue of the word allocation. I don't
14 know whether we've dealt with your editing
15 issue, which was the use of the word program,
16 but I think that can be done without a motion.

17 MR. BILLY: Yes.

18 MS. McCARTY: And then that only
19 leaves in my mind this statement "catch shares
20 is a management tool." And I would just -- I
21 don't know quite how to deal with it. I think
22 it's important and I think we should probably

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1 just say that MAFAC suggests to the agency
2 that the language added to the introduction or
3 introductory remarks, or something, that
4 indicates that there are a number of tools
5 that are part of the fishery management and
6 remain for considerations. Continued science-
7 based management to include an adherence TACs
8 is crucial, something like that.

9 MR. BILLY: Okay.

10 MS. LOVETT: Could you reread that?

11 MS. McCARTY: I was reading it, but
12 I was modifying as I was reading.

13 So MAFAC recommends that the agency
14 add language in the introduction of the catch
15 share policy indicating that there are a
16 number of tools that are part of traditional
17 fishery management --

18 MR. BILLY: Hold on.

19 MS. McCARTY: Well, some of that is
20 already there, of course.

21 MS. LOVETT: Everything else is
22 struck, so I don't know where you're talking

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1 about.

2 DR. CHATWIN: Okay. I struck all
3 that. So if you want to highlight it all and
4 say reject change, you would have it all.

5 MS. McCARTY: The motion would be
6 MAFAC recommends that the agency add
7 introductory language to the catch share
8 policy. And then strike the next line
9 starting with the going all the way to there
10 are a number of tools. So strike all the way
11 through in reality. Strike in reality. And
12 then from there on leave that in. And going
13 down, continued science-based management
14 including adherence to TACs remains crucial.
15 And then strike the rest of the paragraph.

16 And, Mr. Chairman, I got a second

17 -

18 MR. BILLY: I already did.

19 MS. McCARTY: I guess we heard from
20 a number of people, particularly the experts
21 that we brought in that this is something
22 should be stressed in the language somewhere.

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1 And so I think that might be a good place to
2 do it. And leave it up -- where it needs to
3 be.

4 MR. BILLY: Okay. Further
5 discussion? Okay. All those in favor of the
6 motion say aye.

7 (Chorus of ayes.)

8 MR. BILLY: Opposed? Motion's
9 approved.

10 What else do we have?

11 MS. McCARTY: That's all that we
12 had in the Subcommittee.

13 MR. BILLY: Okay. That's good.

14 MS. McCARTY: It doesn't mean
15 that's everything.

16 MR. BILLY: So are we finished?

17 MS. McCARTY: Martin?

18 MR. FISHER: Yes.

19 MS. McCARTY: Did you want to add
20 stuff to the draft language?

21 MR. FISHER: Yes, I did. I haven't
22 crafted it, but I'll take a stab at it.

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1 So the motion would read MAFAC
2 would like to offer condolences -- no.

3 MAFAC would like to congratulate
4 the Catch Share Policy Task Force and Dr.
5 Holliday in the creation of a draft document
6 -- help me out Heather.

7 MS. McCARTY: Commend --

8 MR. FISHER: -- commend. There you
9 go. Commend. Thank you.

10 MS. McCARTY: For their work.

11 MR. FISHER: For their work -- for
12 their dedication and work in spite of -- I'll
13 stop. Full stop.

14 Heather, thank you very much.

15 MS. McCARTY: I knew you wanted to
16 do that.

17 MR. FISHER: I did. And appreciate
18 it.

19 MR. BILLY: So is this a motion?

20 MR. FISHER: Yes, it is.

21 MR. BILLY: Seconded?

22 MS. McCARTY: Second.

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1 MR. BILLY: Any further discussion?

2 All those in favor say aye.

3 (Chorus of ayes.)

4 MR. BILLY: Opposed. None? Okay.

5 Passed, approved and finished.

6 Okay. Good. Anything else from
7 your Subcommittee?

8 MS. McCARTY: No, Mr. Chairman.

9 MR. BILLY: Okay. All right.
10 We've got a couple of more items on the
11 agenda.

12 And new business and a review of
13 the action items from past meetings, and the
14 next meetings.

15 So, Mark, the floor is yours.

16 DR. HOLLIDAY: So you know the 3:00
17 sail is ten minutes away. I'd like to be on
18 it, but I think I'll have to wait until -

19 MR. BILLY: Speak quickly.

20 DR. HOLLIDAY: I think I'll have to
21 wait until the sunset cruise. So the item of
22 new business. Those of you who have been on

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1 the Committee remember several years ago. We
2 had a Charter Subcommittee that worked on
3 revision to the MAFAC's charter, which comes
4 up for renewal every two years. And principal
5 requests for change had to do with
6 Chairmanship of the Committee.

7 I'm pleased to report after many
8 months of approval and vetting that the new
9 charter as you requested, was approved in
10 total by NOAA and the Department of Commerce
11 earlier in January.

12 So that leaves a piece of new
13 business for us to formalize, which is for
14 those who weren't here the current status of
15 the configuration of the Committee has the
16 NOAA Administrator as the Chair of the
17 Committee and the NMFS Assistant Administrator
18 as the Vice Chair. And Tom's position has
19 officially been known as the Committee Liaison
20 position.

21 So the charter change or it was
22 requested was that the Committee nominate and

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1 vote by majority appointing its own Committee
2 Chair and Vice Chair by vote of the eligible
3 voting members for a term of two years for
4 both positions and a term that would be
5 eligible for a one year extension by a
6 majority vote of the Committee.

7 So we currently have Tom sitting as
8 the Committee Liaison and Heather has been
9 serving as the unofficial -- there's no
10 official name for it, but the Vice Chair or
11 the Vice Committee Liaison.

12 So I think it would be appropriate
13 under the new charter before we leave to
14 formalize through a vote the Committee's
15 preference for a Chair and a Vice Chair to
16 come into compliance with the charter that
17 went into effect at the end of January.

18 That's the item of new business
19 that I wanted to put in front of the
20 Committee.

21 MR. RAFTICAN: I'd make a motion
22 that we nominate or elect Tom and Heather as

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1 Chair and Vice Chair.

2 MR. WALLACE: Second.

3 MR. BILLY: Any discussion? All
4 those in favor?

5 (Chorus of ayes.)

6 MR. BILLY: Opposed. Thank you
7 very much.

8 MR. BILLY: Okay. That was
9 complicated.

10 DR. HOLLIDAY: The next item, I
11 guess it was before lunch, I circulated a
12 spreadsheet of action items that we've been
13 asked to track. These are a list of prior
14 recommendations or findings in the Committee.

15 I think we went back two or three meetings
16 with respect to asking either staff or NOAA to
17 do certain things. And this was a means for
18 us to keep track of that over time.

19 I will say that since we've had a
20 fairly short amount of time between the close
21 of the November meeting and this meeting that
22 I have not personally been able to give a lot

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1 of time to following up on the
2 recommendations, in particular the one to meet
3 with Secretary Lock with members of the
4 Committee. I've had a hard time getting senior
5 NOAA leadership to come to the MAFAC meeting
6 at this point. I think we'll have some
7 greater success in the future. But the
8 request that you've asked for would be for a
9 meeting with the Secretary is still pending.
10 But I don't have any real progress to report
11 on that at this point. And that was the major
12 emphasis.

13 Other issues that we addressed in
14 November creating the working group. We've
15 completed that activity at this meeting making
16 the nominations and the recommendations. That
17 was one of the other major issues.

18 Some of the more important
19 omissions that are still out there: Seafood
20 inspections, strategic plan. We still don't
21 have that from the NOAA office responsible for
22 completing it. That's long overdue. But when

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1 it is prepared and finalized, they are
2 prepared to come back and brief the Committee
3 on the contents of that.

4 So I don't if you've had a chance
5 to look at the action plan, but we intend to
6 try to use that as best we can as a tool to
7 keep us on task and on target with the
8 requests and recommendations and findings that
9 the Committee makes so that we can do the best
10 possible job to make the time that you spend
11 with us valued and productive.

12 So I submit that as our sort of
13 status report since the November MAFAC.

14 MR. BILLY: Go ahead, Martin.

15 MR. FISHER: Thank you, Mr. Chair.

16 Would it be possible to post it in
17 the members only area?

18 DR. HOLLIDAY: It certainly should
19 be there, but we have not been able to get it
20 up there.

21 MR. FISHER: Okay. I'd just like
22 to see it.

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1 DR. HOLLIDAY: Some people don't
2 have computer with them. But I did circulate
3 it by email to everybody earlier today. And it
4 should be posted routinely.

5 MR. FISHER: And like I said last
6 meeting, thanks again for taking the time to
7 do that.

8 DR. HOLLIDAY: Thanks.

9 MR. BILLY: Any other comments on
10 the update? Keith?

11 MR. RIZZARDI: I have two
12 procedural points on this one. The first one
13 is, seeing what we did today and kind of
14 culminating it in a motion, I think it would
15 be appropriate if we came up with some sort of
16 procedure for MAFAC to have a resolution that
17 codifies this. I understand you have minutes.

18 I understand you have a report that comes
19 out. But it seems like there are times when
20 what we do leads up to a culminating event and
21 it would be helpful if that would be captured.

22 Like what we had today could be a single

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1 document, a single page resolution which could
2 be then posted and the official statement of
3 MAFAC on a matter of significance.

4 So I would just like the staff to
5 think about whether or not it would be
6 appropriate for us to come up with some sort
7 of template for that type of action to be
8 taken by this Committee in the future.

9 And the second thing is the catch
10 share material that went out in the web was
11 extremely helpful, and it was provided way in
12 advance. And I, for one, really appreciated
13 that because it gave me the opportunity to
14 ramp up. There was a dedicated webpage; there
15 was lots of material there. You keep filling
16 it up with more and more stuff, and I was on
17 it.

18 I was frustrated, however, that
19 many of the materials in the annotated agenda
20 didn't appear until Friday after 6:00, the day
21 that I'm already traveling here to Hawaii. I
22 had no opportunity to print the materials.

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1 And I really feel like NOAA lost some of the
2 value of my volunteer time and the taxpayer
3 lost some of that value because I didn't have
4 a chance to ramp up on that material.

5 I would really encourage staff to
6 provide an ongoing running page. And as you
7 get this material, you just put it up there
8 when you get it. So rather than have that
9 flurry of activity at the end right before the
10 MAFAC meeting if you did it a month up there,
11 you slap it up there, I'll be reading it.

12 And I would also request please
13 that you post the stuff at least two weeks in
14 advance of our meeting. Because I like to
15 print some of the stuff out. I like to be able
16 to read it. And if it doesn't get there until
17 the Friday before the meeting, I just can't
18 use it.

19 DR. HOLLIDAY: Those are all great
20 points. Our objective -- and we try our best
21 to get things posted a month in advance of the
22 meeting. It's been our experience that's

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1 rarely held up. We post them as soon as we
2 get them. Many times our speakers, we're at
3 the mercy of our speakers.

4 The point, you know when the
5 materials are available, we should get them
6 out in a more timely manner.

7 MR. BILLY: Okay. Randy?

8 MR. CATES: Mark, thanks for your
9 explanation on the request for the meeting
10 with the Secretary. I would recommend that
11 maybe we should do that in writing from MAFAC.
12 Have a paperwork trail on that.

13 My fear is that years will go by
14 like they have and the Secretary could turn
15 around and say, well, you haven't advised me.

16 Because we've been talking about it I think
17 about three years now, of the need to advise
18 the Secretary. So I would just suggest that we
19 do it in writing from MAFAC and let him say
20 yes or no.

21 DR. HOLLIDAY: Yes. I think that
22 Tom's point is something that's signed by Tom

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1 as opposed to try to work it through the NOAA
2 system. Even though you are a NOAA -- it's an
3 awkward circumstance. But I'm certainly
4 willing to try and pursue that.

5 MR. BILLY: Let's see where that
6 gets us.

7 DR. HOLLIDAY: Well, I mean, you
8 know the worst they can say is don't do that
9 again.

10 DR. CHATWIN: That's an official
11 position.

12 MR. BILLY: That's right.

13 DR. HOLLIDAY: They can take it
14 away from us.

15 MR. BILLY: I think I need a
16 letterhead, and a stamp.

17 DR. HOLLIDAY: Well, see, you can't
18 do that. It's stated on the back of the
19 requirements. You cannot actually send
20 letters. But we don't want to go there.

21 MR. BILLY: Okay. We'll figure it
22 out. All right.

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1 Any other -- Tony, sorry.

2 DR. CHATWIN: Yes. So this is
3 other business, right? I was looking through
4 the materials for the last meeting. And,
5 unfortunately, I missed a couple of days there
6 where there was a lot of discussion about
7 marine spatial planning and I found the
8 documents really helpful.

9 I just wondered if there was any
10 decision on follow-up within the MAFAC on
11 marine spatial planning or anything like that?

12 If there were any next steps as far as MAFAC
13 goes in relation to marine spatial planning?

14 MR. BILLY: Well, I think it's a
15 subject area that the Committee needs to get
16 back to. We tried to focus this meeting
17 primarily on one subject area. But it
18 certainly is fair game for the next meeting
19 and get a report and see where thing stand in
20 NOAA. And talk about what else we might want
21 to do as a Committee.

22 DR. CHATWIN: That sounds great.

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1 MR. BILLY: Yes. And make it an
2 important agenda item.

3 Okay. Bill?

4 MR. DEWEY: I appreciate Tony
5 bringing that up. I wanted to raise it as well
6 as an agenda item for our next meeting.

7 The Interagency Task Force, I
8 presume there's recommendations I think are
9 going to be out in March in a final form. So
10 it'd be nice to have an update on what those
11 final recommendations are and a discussion
12 about it.

13 MR. BILLY: Okay. That'll be
14 noted.

15 Martin?

16 MR. FISHER: Is part of other
17 business where we decide to go for the next
18 meeting?

19 MR. BILLY: You're a little too
20 anxious.

21 MR. FISHER: Because I just wanted
22 to let everybody know I wasn't going to still

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1 work.

2 MR. BILLY: My mother used to have
3 a saying about statements like that. I'm not
4 going to repeat it.

5 All right, yes?

6 MR. CATES: I have a suggestion you
7 take a group photo and send it to Eric, this
8 is a photo of what we did yesterday.

9 MR. BILLY: Wish you were here.
10 Maybe we'd put on our swim trunks or our suits
11 out at the swimming pool.

12 All right. Do you have anything
13 else on updates? Then, move to the next
14 meeting?

15 DR. HOLLIDAY: So you've asked to
16 have three meetings this year. And we went
17 through a gruesome process to try to identify
18 times. And the best we could come up for the
19 next two meetings are July 29 through July 1
20 and October 19th through the 21st.

21 So, this was a fairly expensive
22 meeting. In terms of budget I'd just keep in

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1 mind, you know as you push the limits on
2 exotic places -- or expensive destinations, I
3 shouldn't say exotic. But expensive
4 destinations, we need to be mindful of keeping
5 that third meeting in mind. Because we've
6 normally budgeted for two and we're going to
7 stretch that to try to get a third one in this
8 year.

9 DR. HOLLIDAY: What's the second
10 date?

11 DR. HOLLIDAY: October 19th through
12 the 21st. I sent this out earlier. And again,
13 not everybody can make every meeting, I
14 realize that. And what I try to do is look
15 where the majority of people can find the time
16 or make changes in their calendar to meet
17 ours. But I'm trying to push it out. And at
18 the time, I think we should plan not just for
19 the next meeting, but the one after that so
20 that we can lock those in and get a venue, get
21 the best price, et cetera.

22 MR. BILLY: Just a question. Is

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1 our meetings in Washington the least expensive
2 because of the staff and --

3 DR. HOLLIDAY: Well, it's a high
4 cost city to have a meeting in terms of per
5 diem.

6 MR. BILLY: Okay.

7 DR. HOLLIDAY: I think the cheapest
8 meetings are places that are around that helps
9 because air fare tends to be sometimes the
10 larger expense. Here it's air fare and the
11 per diem is fairly high.

12 MR. JONER: So we can't do Randy's
13 house again. Randy's house is out for next
14 meeting?

15 MR. BILLY: All right. Well, floor
16 is open for suggestions.

17 MS. McCARTY: Mr. Chairman, I think
18 one of the things that we need to consider is
19 what's going to be on the agenda too. That
20 we're where we want to be. Because there are
21 big chunks of people that have to come from
22 somewhere to be at the meeting to make

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1 presentations.

2 So we're going to have the
3 Protected Resources stuff on the agenda and
4 we're apparently going to have catch shares on
5 the agenda. And what else?

6 MR. BILLY: Spatial planning.

7 MS. McCARTY: I need marine spatial
8 planning and then what?

9 MR. SIMPSON: Along the
10 informational lines, and a convenient time in
11 the next couple or three meetings, I would
12 think the Committee would benefit from a
13 presentation by Dr. Pat Burchfield on the
14 Kemps Ridley Recovery Program. And it's not
15 necessarily a -- an issue, but it's a
16 presentation I think the Committee would enjoy
17 seeing.

18 MS. McCARTY: Larry, could you say
19 that again?

20 MR. SIMPSON: Dr. Pat Burchfield on
21 the Kemps Ridley Recovery Program. It's a
22 U.S. Mexican thing. It's just an informational

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1 presentation.

2 MR. BILLY: Tom?

3 MR. RAFTICAN: Yes. A recreational
4 report regarding the summit for the progress
5 there.

6 MS. McCARTY: Yes.

7 MR. BILLY: Okay. Good.

8 Bill?

9 MR. DEWEY: So NOAA is working on
10 an updated aquaculture policy and I believe
11 their goal is to have it done sometime this
12 summer. I would be great if it was before our
13 next MAFAC meeting. And if it is, regardless
14 of whether it's done or not, it would be nice
15 to have an update on that.

16 MR. BILLY: I have a question about
17 that, which is, is there any reason why this
18 Committee can't have some input into such a
19 draft policy?

20 MR. RAUCH: You mean before it's
21 done rather than comment on it after it's
22 done?

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1 MR. BILLY: Yes. Yes.

2 MR. RAUCH: So there's not a
3 document that right now is available. There
4 are listening sessions before the document is
5 done, much the whole issue policy task force.

6 The Committee could participate in
7 one of those listening session or show up
8 there. Or the Committee could provide separate
9 input directly into that in the next few
10 months. But it would have to be within the
11 next few months something for the Committee to
12 feed into that, as to what the elements of the
13 policy should be. But that would be the
14 opportunity.

15 So if there was something the
16 Committee could have coherently before then,
17 you could have it out. Otherwise, it'll be
18 after the policy, which is going to be in the
19 next couple months after the listening
20 session.

21 MR. DEWEY: So just to be clear,
22 the listening session are without a document.

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1 MR. RAUCH: There will be some
2 trigger questions, but there will not be a
3 document.

4 MR. DEWEY: And then there will be
5 a document that will go out in the Federal
6 Register for public comment?

7 MR. RAUCH: I don't know that it
8 will be the Federal Register. It will go out
9 for public comment. It may not be a Federal
10 Register thing, but it will be something.

11 MR. DEWEY: And is the goal still
12 to have all of that complete and a policy in
13 place by mid-summer?

14 MR. RAUCH: That's the goal. I
15 don't know whether we can do that or not.

16 MR. BILLY: So I think the
17 suggestion is that we ought to as a minimum
18 have it on our agenda.

19 MR. DEWEY: As a minimum on the
20 agenda, and I'm sure the subset of us that
21 would like the opportunity for MAFAC to
22 comment formally before it's finalized,

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1 whether it be in the listening session or
2 while it's in a draft form. It would be nice
3 to have MAFAC comments specific to it.

4 MR. BILLY: Okay. Good.

5 MR. DEWEY: I mean if timing
6 doesn't allow for that to happen before the
7 next MAFAC meeting, I'd suggest those
8 interested participate in a conference call or
9 some way we formulate some MAFAC comments on
10 it if that has to happen before our next
11 meeting.

12 VICE CHAIR BALSIGER: It seems
13 unlikely it's going to be in final form before
14 the next MAFAC meeting. But we don't exactly
15 know how we'll call for comments under that.

16 MR. RAUCH: I think it is likely --
17 the next meeting is in June. I think it is
18 likely that the draft will be out by then. So
19 if you wanted to provide input before the
20 draft, you have to somehow come together on
21 recommendations before that.

22 I think the June meeting will

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1 likely be in the comment period on the
2 document. I don't think it'll be done by
3 then. So I think there will be an opportunity
4 to comment, but that may be after we've
5 developed the draft.

6 MR. BILLY: Maybe we can -- if you
7 could keep us posted on the MAFAC website on
8 the schedule and then we can kind of play it
9 by ear. I don't know, this is pretty -- I
10 don't know how to fix it. We don't know when
11 it's actually going to be out.

12 Are the listening sessions
13 scheduled?

14 MR. RAUCH: I believe they
15 scheduled, I believe they have been announced.
16 If they have not been announced formally,
17 that's imminent.

18 MR. DEWEY: I haven't seen it.

19 MR. BILLY: Okay.

20 MR. RAUCH: But maybe I was wrong.

21 MR. DEWEY: I was emailing with
22 Kate Naughton yesterday and as of yesterday

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1 there was no dates.

2 MR. RAUCH: Okay. Well, then it's
3 imminent. So I think in the next week or so
4 you'll likely see them announced.

5 MR. BILLY: Bill, how would you
6 like to leave it?

7 MR. DEWEY: I guess fluid at this
8 point. You know, just acknowledging that we
9 want to have input. You know, I guess in my
10 own mind between 2020 and the ten year plan,
11 MAFAC has already had a lot of input in what
12 we would like to see aquaculture policy be
13 within NOAA. So I don't know, you know, as an
14 organization how critical it is that we
15 participate in those listening sessions.
16 Because I think our voices are already in
17 those documents. But I think once a draft is
18 out, reviewing and commenting on that would be
19 maybe most critical.

20 MR. BILLY: Okay. Randy?

21 MR. CATES: Well, I have a couple
22 of items.

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1 One would be, Mark, it would be
2 useful to us if you had a list of what is
3 economical regions or areas to meet. I mean,
4 like you said, maybe D.C. might not be the
5 most economical place to be.

6 I would like to -- go ahead.

7 DR. HOLLIDAY: I'm happy to try to
8 do that. And the travel agent people can help
9 with that as well.

10 But the one factor I didn't mention
11 is, you know we still want to continue to
12 invite senior NOAA leadership to come to these
13 meetings. One of the other criteria is we
14 should look at venues where they may be out in
15 the field if their schedule looks like that,
16 or someplace where it might be more convenient
17 for them to get to than some other places. So
18 it's another fact to consider.

19 MR. CATES: Yes. The other item
20 that I would like to hear is how do we create
21 jobs. And I don't know if that's something in
22 NOAA or if it's in the Commerce or Department

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1 or Labor, or what it is. Similar to an
2 economic summit. But how can we draw in new
3 ideas or new monies or something to create
4 domestic production and, i.e., domestic jobs?

5 Because our industry is just second only to
6 oil and we all know there's a problem. And we
7 all know there's opportunity. But are we able
8 to do anything about it? I mean the question,
9 though, can we get expertise from another
10 department?

11 DR. HOLLIDAY: I don't know. We
12 being the MAFAC?

13 MR. CATES: We being maybe -- would
14 Department of Commerce or Department of Labor
15 -- do the ag industry or other sectors of
16 government bring in expertise on how to create
17 job creation?

18 DR. DANA: That would be Economic
19 Development Administration, which is under
20 Commerce. The Assistant Secretary John
21 Fernandez.

22 DR. HOLLIDAY: For example, we have

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1 developed a program with EDA to help
2 communities in catch share programs apply for
3 grants to help sustain and build jobs in the
4 fishing community associations. So it's a
5 part of not just the fisheries development
6 program, but it's a community development
7 program that looks at a long term health and
8 prosperity of ports, the working water front
9 concept that we talked about in the past. So
10 it's part of the longer term, broader than
11 fishing proposition.

12 So the answer to your question,
13 yes, there are other federal resources. There
14 are other models in other departments as well
15 as in terms of providing support to the
16 industry to promote job growth. So we could
17 put together a program for MAFAC's information
18 about what some of these opportunities are, if
19 it would help stimulate some brainstorming
20 about where you might want to go on a policy
21 advice thing.

22 MS. FOY: While I do understand,

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1 Mark, that there is an economic consideration
2 to where we go, I, and I know Heather, would
3 enjoy hosting MAFAC because we really have a
4 chance to have all of you there and there's a
5 lot we can show you.

6 So I just want to submit that for
7 consideration.

8 MR. BILLY: Well what of the two
9 meetings you'd like to see it held in Alaska?

10 MS. FOY: Well, I don't think it
11 should be October.

12 MR. BILLY: But we were getting
13 used to snow. Some of us.

14 MR. FISHER: I would be pleased. I
15 would be pleased.

16 MS. McCARTY: Juneau would be
17 great, or other places would also be great.
18 Juneau is probably one of the easiest places
19 to get to from Seattle. It's a straight
20 direct flight from Seattle.

21 MR. FISHER: Homer is also a
22 consideration. I don't know how expensive it

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1 is to get from Anchorage to Homer. There is a
2 NOAA Kasitsna Bay laboratory right across the
3 bay that's fairly easily accessible.

4 There is of course the charter
5 catch share recreational fisheries issues
6 right there, and catch share allocation. Any
7 other big issues that are right there at
8 Homer? Juneau as well. I mean Juneau has the
9 catch shares.

10 MS. McCARTY: There's also a brand
11 new science facility. We have a science
12 facility right on the water.

13 VICE CHAIR BALSIGER: Well, in
14 Juneau there's likely to be federal office
15 space available, which I'm not sure that
16 conference rooms contributes a whole lot to
17 the cost of a meeting. But to the end extent
18 that it does, you might be able defer that
19 cost.

20 MR. BILLY: Okay. Any other
21 suggestions on meeting locations or any other
22 comments in that regard?

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1 MS. McCARTY: Mr. Chairman, if you
2 think we might want to be in Alaska in June,
3 which is what I would recommend rather than
4 October, is that we probably need to do it
5 pretty quick. Because there is a lot of
6 tourism in Alaska. It would be advisable to
7 pick your destination.

8 MR. JONER: What would be other
9 logical sites other than Juneau?

10 MS. McCARTY: Well, it depends on
11 what you're looking for. You know, if you're
12 looking for -- there's so many places, but
13 they're all pretty -- you can get to Juneau.
14 Juneau is a very central location for all
15 southeast, and Glacier Bay and all of those
16 kinds of things, fishing, kayaking, hiking.

17 Anchorage, frankly, is kind of blah
18 compared to the others. I would not recommend
19 Anchorage.

20 And, plus, Juneau is the regional
21 headquarters and there's lots and lots of
22 people there who work on Protected Resources

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1 issues around the clock and there's lot of
2 Protected Resource issues in Alaska. And so
3 there's a lot of expertise there.

4 There's also a big chunk of the
5 Alaska Fishery Science Center is located at
6 the new science center.

7 Kodiak would also be great. They
8 have a great facility in Kodiak. Kodiak is
9 one of my personal favorites, but it's harder
10 to get to.

11 MR. JONER: Well, I was just
12 thinking in terms of availability. You know,
13 we can find the things that works in Juneau,
14 then where would be the second choice?

15 MS. McCARTY: Anything but
16 Anchorage.

17 MS. FOY: My suggestion would be
18 Homer.

19 MS. McCARTY: Homer would be nice.
20 Kodiak would also be fabulous.

21 MR. BILLY: All right. Okay.

22 MS. DOERR: I was going to make

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1 another suggestion for the fall.

2 MR. BILLY: Okay.

3 MS. DOERR: We have a lot of
4 fishery management issues are going on in the
5 southeast in the Gulf of Mexico. Maybe out of
6 that regional office, St. Pete? St. Pete or
7 Fort Lauderdale. Well, just Florida.

8 MR. BILLY: Okay. Any other
9 suggestions? Okay. You all set?

10 DR. HOLLIDAY: Sure.

11 MR. BILLY: All right. Where's
12 that mallet?

13 MS. McCARTY: Mr. Chairman, I'd
14 like to say something. Not on any of this.

15 MR. BILLY: Okay.

16 MS. McCARTY: I'd like to thank the
17 people from Hawaii who were so fabulous while
18 we were here.

19 MS. McCARTY: Thank them for the
20 wonderful meals and the wonderful island and
21 also the staff for all their time.

22 MR. BILLY: Yes. Any other --

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1 VICE CHAIR BALSIGER: Let me just
2 say thanks again. I was overwhelmed by the
3 present. I didn't quite cry, but I was so
4 surprised. I'm not all that emotional
5 usually, but thank you very much.

6 I count every one of you as a
7 friend and so I look forward to seeing you
8 sometime soon. Thanks.

9 MR. BILLY: Thank you, Jim.

10 Any other? Okay.

11 MR. EBISUI: I hate to do this, but
12 Mark, I'm relatively new to the SATO travel
13 process. And there's no way to book travel
14 other than through SATO, is that correct?

15 DR. HOLLIDAY: That's correct.

16 MR. EBISUI: You know, in terms of
17 cost that it just blows me away the difference
18 in what you got to pay through SATO versus
19 what you get commercially. It doesn't make
20 sense, unless it's a subsidy of some sort.

21 DR. HOLLIDAY: Well, I've explained
22 this in the travel briefings in the past and a

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1 lot of your particular airfare may be
2 excessive or may be higher than you might be
3 able to get on Expedia or some other internet
4 site, the Government looks at it from the
5 overall benefit to the nation of having access
6 to all these different fares or all the
7 different cities without penalties, without
8 change, without restrictions. And so there's a
9 trade-

10 off that the then Government cost of doing it
11 this way through a government contract travel
12 agent is in the public's interests rather than
13 allowing people to make their own travel.

14 And beyond it, that's the federal
15 travel regulation requirements. So we don't
16 have the option. So we may not like it or it
17 may seem apparent that it's cost effective,
18 but it's the law or the regulation.

19 And in fact, you know in the long
20 run the ability to change a ticket without
21 penalty, the ability to do these various
22 classes of travel and make last minute changes

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1 and last minute reservations without the cost
2 or the time of advance purchases is one of the
3 reasons that the government contract carrier
4 program is in effect.

5 MR. EBISUI: But the reality is
6 that if you got to rebook or whatever, you
7 know you're looking at maybe a \$100, \$150 one
8 way charge. But then on the initial ticket
9 purchase the booking through SATO is like two
10 to three times more than what you could get
11 from the airlines themselves. I mean not even
12 going through people like Orbits or any outfit
13 like that. I'm talking about just going
14 online and going to the major carriers and
15 looking at the public fares and comparing
16 them. It's not close.

17 VICE CHAIR BALSIGER: So I think
18 Mark's being a really good government person
19 trying to explain the rationalization of it.
20 But bottom line is it's a regulation.

21 MR. EBISUI: Just from the private
22 sector it's really difficult to understand.

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1 MR. BILLY: Fair enough.

2 DR. CHATWIN: But just to that
3 point, there are routes where the government
4 rate is considerably late than a commercial
5 rate. And when that happens it the same sort
6 of wow factor, just the other way.

7 So I'm not defending anything. I'm
8 just saying my experience is that --

9 MR. BILLY: All right. I think I
10 hear something calling. Meeting's adjourned.

11 (Whereupon, at 3:25 the meeting was
12 adjourned.)

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