

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

JULY 1, 2010

The Marine Fisheries Advisory Committee met in the Prospector Hotel, 375 Whittier Street, Juneau, Alaska at 8:00 a.m. Alaska Daylight Time, Tom Billy, Chair, presiding.

MEMBERS PRESENT:

- TOM BILLY, Chair
- HEATHER D. McCARTY, Vice Chair
- TERRY ALEXANDER
- BILL BROWN
- RANDY CATES
- ANTHONY CHATWIN
- PAUL CLAMPITT
- PAMELLA J. DANA
- BILL DEWEY
- EDWIN A. EBISUI, JR.
- MARTIN FISHER
- KENNETH FRANKE
- CATHERINE L. FOY
- STEVE JONER
- GEORGE C. NARDI
- TOM RAFTICAN
- KEITH RIZZARDI
- DAVID WALLACE

CONSULTANTS TO MAFAC:

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RANDY FISHER
VINCENT O'SHEA

STAFF PRESENT:

MARK HOLLIDAY, Designated Federal Official
JAMES LECKY
HEIDI LOVETT
KARI MacLAUCHLIN
ERIC SCHWAAB

ALSO PRESENT:

HEATHER BRANDONGLENN HAIGHT
MARK VINSEL

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

2 (8:09 a.m.)

3 MS. McCARTY: The Subcommittee
4 comes to order, I guess. Strategic Planning,
5 Budget and Program Management. Are we all in
6 the right place? Everybody in here wants to
7 be in here. Okay. We've got a couple of
8 major things.

9 One is the comments on the NOAA
10 Strategic Plan, which they asked us to look at
11 and comment on, and actually the strategic
12 plan is somewhat outline-ish at the moment, it
13 seems. But I think we should take a look at
14 that.

15 Secondly, we should talk about the
16 budget-tracking initiative that we took last
17 time in Hawaii, and what we saw as a result of
18 that, and how we feel about it, and if we have
19 any suggestions or additions to that process
20 or that way of looking at the budget.

21 It seemed to me that it was very
22 responsive to what we were looking for, but we

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1 may want a little more detail. I don't know.

2 That's up to you guys to talk about.

3 Then the third thing is our role
4 has been pretty minimal in contributing to the
5 budget for the upcoming fiscal years, and to
6 talk about what we think might be important,
7 what kind of focus we might have, and so what
8 NOAA NMFS might have.

9 So I think the third thing is we
10 need to decide how we want to approach the
11 FY'12 budget process. FY'12 is pretty much
12 gone, in terms of the door closing. FY'13, we
13 were told, is one where we might have more
14 influence.

15 So I think we can sort of comment
16 on both of those, but particularly on FY'13,
17 if that's what we want to do. So obviously
18 our recommendations will just go to the full
19 committee, and then be talked about this
20 afternoon. Right, Mr. Chairman?

21 So keeping that in mind, we need
22 to work through these three subject areas. Is

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1 there anything else that you think we need to
2 talk about in sort of major bunches?

3 CHAIR BILLY: The only other
4 possibility, and we wouldn't necessarily have
5 to take a decision at this meeting, would be
6 to consider whether it's time now to update
7 our 2020 plan.

8 It clearly has had some utility.
9 I would suggest that we use it to remind
10 ourselves of the thinking that we had as we
11 developed that, in relation to what input we
12 consider providing for the 2013 budget.

13 Remember we had several themes and
14 areas of emphasis related to research and data
15 and other aspects, recreational fishing. So
16 maybe it's a tool, again, for us as we look to
17 participating more actively in that budget
18 process.

19 MS. McCARTY: Tom, are you
20 thinking about us going into the 2020 document
21 and sort of revising it and bringing it up to
22 date, so to speak?

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1 CHAIR BILLY: Yes. Questions that
2 come to my mind are should it be turned into
3 the 2025 document, to get the sense of let's
4 look and see if we can push the envelope a
5 little further, and how that might be helpful.

6 A lot's happened since, including
7 the emergence now of the NOAA strategic plan,
8 and are there ways in which we can make what
9 we have developed more consistent? Should we
10 make it more consistent, that kind of thing?
11 Just to regroup and see, and then set a year
12 or two schedule to do something if we decide
13 to do something.

14 MS. McCARTY: Yes. Obviously, we
15 wouldn't be able to do anything much today.
16 But we could decide to do something if we
17 wanted to. So that could be number four then.

18 CHAIR BILLY: Yes.

19 MS. McCARTY: And then as part of
20 the discussion about funding budget issues,
21 Ken maybe would like to offer some suggestions
22 or Pam or anyone on the recreational fisheries

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1 funding issues that we talked about yesterday.
2 Ken? Did he hear me?

3 MR. FRANKE: Sorry, I was reading
4 a message.

5 MS. DANA: She asked about the
6 recreational fishing budget issues.

7 MR. FRANKE: As far as
8 implementation of the action agenda?

9 MS. McCARTY: Just as part of our
10 discussion of the budget issues, we should
11 touch on your particular interest, if you
12 would like to do that.

13 MR. FRANKE: Okay.

14 (Simultaneous speaking.)

15 MS. McCARTY: Okay.

16 MR. ALEXANDER: If we're going to
17 talk about budget, and the 2012 budget, which
18 I thought we'd have a chance to help with
19 during this meeting; I didn't realize that
20 that was already going to be gone, NOAA is
21 kind of -- we're not sure if they're going to
22 fund the observer program in New England, and

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1 I was hoping that we could maybe do something.
2 I'd suggest that --

3 MS. McCARTY: Talk about that?

4 MR. ALEXANDER: -- that got
5 funded, because --

6 MS. McCARTY: In 2012?

7 MR. ALEXANDER: Yes.

8 MS. McCARTY: Right, okay. Let's
9 deal with the NOAA strategic plan first,
10 because we had a short presentation on it, and
11 frankly since I didn't have it on the computer
12 in front of me at that time, I couldn't see
13 the screen. So I was a little challenged in
14 understanding what he was talking about.

15 But I have it on my screen now,
16 and I don't know whether everybody else does
17 or not.

18 MS. LOVETT: I think the actual
19 document was on your website for some time.

20 MS. McCARTY: Yes, I haven't -- I
21 didn't have a chance to look at it.

22 MS. LOVETT: Okay. So I'm just

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1 explaining it's not an outline --

2 MS. McCARTY: Okay. Well, I think
3 I'm uniquely unqualified to comment on it,
4 because I haven't reviewed it. I don't know
5 whether the rest of the group has or not, if
6 so, whether they would like to make -- whether
7 they would like to make any recommendations to
8 the full committee. Vince?

9 MR. O'SHEA: I mean it's going to
10 be open for public comment, and just based on
11 what -- I have not read the full plan but I
12 will.

13 What I -- looking at what's going
14 on in the Gulf, looking at the percentage of
15 recreational fishing that occurs in state
16 waters, what I heard from Paul, I thought it
17 may have merit that a bit more emphasis be
18 placed on the importance of partnerships with
19 the states.

20 Now on the East Coast, it's
21 particularly relevant, because we have jointly
22 managed fisheries. We have complimentary

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1 fishery management plans, and some of these
2 stocks that we manage, the recreational
3 component is a major source of renewables, and
4 they're within the watershed or in the
5 jurisdictions of the states.

6 So I think what I'll be looking
7 at, from that perspective, say, is that
8 potential contribution of the states towards
9 advancing NOAA's goals, is that adequately
10 balanced in their strategic plan?

11 What Paul briefed, I thought it
12 was kind of light on that. It talked about
13 partnerships in general, and I think the
14 question for MAFAC is for you all to think
15 about whether there's an adequate, you know,
16 whether they've given attention to the
17 potential that the states would have to
18 advance NOAA's goals. I don't know how you
19 feel about that.

20 MS. McCARTY: Okay. That sounds
21 good. Randy?

22 MR. RANDY FISHER: Yes, I've read

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1 the thing and you know, it's like everything
2 else, the question is are we going to be able
3 to meet that in terms of what happens next.

4 MS. McCARTY: Right.

5 MR. RANDY FISHER: It seems to me
6 that there may be a value of having the
7 committee go back and look at kind of redoing
8 2020. With the whole thing, is to figure out
9 whether or not 2020 works with this, because I
10 don't know where this thing goes in reality,
11 because I heard him talk about the fact that
12 they're going to start putting dollars into
13 some of this stuff, and I can assure you that
14 they can't do everything. I mean it's
15 impossible.

16 So unless they get some ungodly
17 amount of money, then they probably won't get
18 it. So it seems to me that it may be
19 worthwhile to look at 2020, put them side by
20 side and make sure that it's consistent with
21 what this committee wanted to do, or what we
22 think is going to happen, and then watch what

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1 happens in terms of the next steps and where
2 the money comes out.

3 MS. McCARTY: Randy, I think
4 that's very, very sensible. Rather than, as
5 Tom was talking about, going through the
6 exercise that we've done twice now, of
7 rewriting 2020 and revising it according to
8 what we see coming down the pike, we should
9 take what we think, including 2020, and put
10 it, you know, to bear on the NOAA strategic
11 plan. That makes a lot more sense to me, to
12 try to --

13 But let's, if everybody's in
14 agreement on that, let's approach it that way.

15 That's good. I like that. Heidi?

16 MS. LOVETT: I just wanted to let
17 you know that staff -- happy. All of our
18 comments, I guess, don't necessarily always
19 get incorporated, because it's a balance
20 between all the Lines, such as ships, weather.

21 So we kind of -- you know, we always are
22 pushing to ensure fisheries are incorporated

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1 within the document in the appropriate places.

2 So it's not that it looked heavy
3 on marine fisheries; it's going to show a
4 heaviness, so to speak, on living marine
5 resources, because it balances all the other
6 issues that Paul has to incorporate.

7 So I just wanted to, you know,
8 explain that, that it's a process and we kept
9 pushing and pushing and pushing from our own
10 office to have language massaged in different
11 ways, and it's not always accepted.--

12 MS. McCARTY: Well, I know how
13 that works, and I'm sure we can comment on
14 that as well. But I think maybe just, in
15 terms of the comments that might come from
16 MAFAC, we probably will focus on the fisheries
17 aspect of it, or at least the NMFS part. But
18 we might also comment on the balance between
19 the parts of NOAA.

20 Perhaps that might be part of our
21 comments as we go forward.

22 MS. LOVETT: I just wanted to just

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1 remind you that it's at a level above
2 Fisheries alone.

3 MS. McCARTY: Sure, of course, of
4 course. Ken, did you have your hand raised?

5 MR. FRANKE: No.

6 MS. McCARTY: So do we want to
7 make any further comment on the NOAA strategic
8 plan at this point, or do we want to say that
9 in the future, which is hopefully not very
10 long from now, when we probably would need to
11 do it by teleconference, any work that we do,
12 trying to look at the 2020 document we have,
13 review it, talk about the main elements of it,
14 see how it fits into the NOAA strategic plan,
15 and then maybe suggest additions or revisions
16 or whatever.

17 That's the time, that is a time-
18 consuming process and one I don't think we can
19 undertake at this point. Is everybody okay
20 with that?

21 MR. EBISUI: Yes.

22 MS. McCARTY: All right. In terms

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1 of the budget tracking, which I don't know, I
2 was gratified that we got that document, we
3 got it like yesterday or the day before, and
4 that was good. I'm sure we've got lots of
5 other stuff to do and put together our version
6 of the budget summary.

7 I guess if we wanted to, we could
8 take a look at that. I'm assuming it's
9 online. Is it Heidi?

10 MS. LOVETT: No.

11 MR. FRANKE: No.

12 MS. McCARTY: No.

13 MS. LOVETT: What happened was it
14 got stalled in approval processes and I'm
15 sorry you didn't get it. We've been talking
16 for a long time about it.

17 MS. McCARTY: Okay. It was on the
18 screen. It was on the screen when Mark had
19 emailed it to everybody.

20 Let's all go to that then. This
21 is from Mark. Is it under your name Heidi or
22 is it under Mark's?

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1 MS. LOVETT: It should be under
2 Mark's.

3 MS. McCARTY: Here it is. 9:06
4 a.m. yesterday, "Agenda addition -- budget
5 tracking table." I would say put it up on the
6 screen, Heidi, but I don't think it's helpful.

7 MS. LOVETT: Probably not. At the
8 moment, I can't -- my computer's daudling now,
9 and it's not ready

10 MS. McCARTY: So I think
11 everybody's going to have to look at it on
12 their own computer and magnify it about 25
13 times.

14 MR. WALLACE: Right, and then it's
15 so right, I mean you blow it up and you can't
16 get all the --

17 MS. LOVETT: Well, he didn't send
18 it as a spreadsheet. I was going to call them
19 back and Mark said no, no, it's not worth it.

20 MS. McCARTY: Okay. So are there
21 any obvious places where we need either
22 clarification in this, I call this kind of

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1 like a model. It's almost like a framework of
2 where we might start, and if people have any
3 suggestions, we could start just looking down
4 the subject areas right now. Yes, Terry.

5 MR. ALEXANDER: I'd be curious to
6 see the catch share agenda broken down into
7 what they're going to do to fund the catch
8 shares that they've just implemented and what
9 they're going to use to promote new ones.

10 Because you know, I think that
11 they need to concentrate on what they've done
12 here so far, before they move ahead with more
13 of those.

14 MS. McCARTY: I see that it is all
15 sort of in one big chunk, and it would be
16 helpful to us to see the catch share line
17 items, which is National catch share Program,
18 right under catch shares. Then there's some
19 other subheadings, but they're not really that
20 useful in the way that you're talking about.

21 MR. ALEXANDER: Right, right.

22 MS. McCARTY: Yes. So catch share

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1 is broken down maybe by region and by program?

2 MR. ALEXANDER: Yes, something
3 like that, if that's not too big a pain.

4 MS. DANA: You recall during the
5 last meeting when they said what happened to
6 cooperative research, that line. They said
7 well, we folded it into catch shares, which
8 didn't -- you know, it's easy to say, but it
9 would be very helpful to see how it's been
10 bunched up.

11 MS. McCARTY: Yes. That was one
12 of our major questions at the last meeting,
13 and that's not indicated here. We have a zero
14 for cooperative research, and it's indicated
15 that it was rolled into the national catch
16 share program line item, but it doesn't say
17 how much.

18 MS. DANA: Yes.

19 MS. McCARTY: And that's an
20 important part of your fisheries in New
21 England items.

22 MR. ALEXANDER: Yes.

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1 MS. McCARTY: Not so much in
2 Alaska, for example. You guys have always had
3 a pretty big program on that.

4 MR. ALEXANDER: Yes, a big --

5 MS. McCARTY: You too. Big down
6 there?

7 MR. MARTIN FISHER: Well, we need
8 it.

9 MS. DANA: It should be.

10 MR. MARTIN FISHER: It should be.
11 We need it.

12 MS. McCARTY: Absolutely,
13 absolutely.

14 MR. FRANKE: Same thing in the
15 Southwest region. We have an out to lunch
16 sign on the building right now. We have zero
17 money.

18 MR. ALEXANDER: Yes, I saw that.
19 Did you notice in the budget thing here, about
20 the Southwest Science Center, they actually
21 got no money in 2011.

22 MR. FRANKE: And they had a

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1 million dollars of their operating budget
2 taken away.

3 MR. ALEXANDER: Yes.

4 (Simultaneous speaking.)

5 MS. McCARTY: Sorry Heidi? I'm
6 sorry?

7 MS. LOVETT: I'm going to say we
8 got --

9 MR. ALEXANDER: Yes, at the
10 bottom, other activities, Southwest Fisheries
11 Science Lab.

12 (Simultaneous speaking.)

13 MS. McCARTY: Under which category
14 did you say?

15 MR. ALEXANDER: Other Activities.

16 MS. McCARTY: Other Activities.
17 I've got it, I've got it.

18 MR. ALEXANDER: That's a zero
19 item.

20 MS. McCARTY: Yes. But I think
21 that's not operational money. I think that's
22 something on top of the normal operational

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1 budget would be my assumption.

2 MR. FRANKE: What topic are you
3 talking about, the Southwest Center?

4 MS. McCARTY: Someone mentioned
5 the Southwest Fisheries Science Center, under
6 Other Activities in the budget summary that we
7 have, it says zero. But it was only a million
8 dollars. So I'm assuming that that was just
9 sort of an add-on that went away.

10 MR. FRANKE: No. That was their
11 actual -- I've talked to the people there.
12 That was the money to operate the place. So
13 there is -- they're literally on bare bones
14 down there right now.

15 MS. McCARTY: One million dollars?
16 They operated it on one million dollars?

17 MR. FRANKE: That was just the
18 money that -- that was money that they needed
19 to operate, the facility rent and that type of
20 stuff, and they've been very creatively trying
21 to figure out how to get by right now.

22 MR. ALEXANDER: I still don't --

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1 MS. McCARTY: Wow, that's
2 interesting.

3 MR. FRANKE: Yes.

4 MS. McCARTY: Okay. I'm making a
5 little side list of budget items that we might
6 want to discuss.

7 MR. FRANKE: I would like to see a
8 recommendation to reinstate the money, because
9 those folks need it.

10 MS. McCARTY: Okay.

11 MS. DANA: For the recreational
12 committee, there were -- Ken and I need to go
13 through our recommendation draft, that we have
14 some suggested line items that we thought
15 would help for the NOAA to address on
16 recreational issues.

17 MR. FRANKE: I can read them to
18 you if you want.

19 MS. McCARTY: Hold on just a
20 second.

21 MS. DANA: Yes. I just prefer --

22 MS. McCARTY: No, no, that's good.

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1 No, what I wanted to do was talk about what
2 we might want to add to the budget tracking
3 program, so that we can dispense with that
4 discussion, and then start talking about the
5 specific line items. So let's talk about that
6 first, and then go to the specific line items.
7 Go ahead.

8 MR. ALEXANDER: Assessments. The
9 assessment -of stocks. I'd kind of like to see
10 where they're holding their budget, cutting
11 their budget, increasing their budget in each
12 region.

13 MS. McCARTY: And that is under
14 which name category Terry?

15 MR. ALEXANDER: Fisheries
16 Management. It should be under there.

17 MS. McCARTY: Okay.

18 MR. ALEXANDER: It should be.

19 MS. McCARTY: Fisheries Research
20 and Management Program, Southern Management
21 Regional Council's AFA inter-jurisdictional, -

22 -

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1 MR. ALEXANDER: Data collection.

2 Hold on.

3 MS. McCARTY: Okay.

4 MR. ALEXANDER: Surveys and
5 Monitoring Projects. I saw that.

6 MS. McCARTY: Under Data
7 Collection, Research and Surveys? Survey and
8 Monitoring Projects?

9 MR. ALEXANDER: It must be. It's
10 got to be under Data Collection, but
11 fisheries.

12 MR. FRANKE: Yes.

13 MR. ALEXANDER: It's got to be
14 survey and monitoring projects.

15 MS. McCARTY: Okay. Overall, I
16 guess, one of the suggestions I'd make, and
17 I'm sure this is obvious, but numbers or some
18 sort of indication so that we can find things
19 would be helpful. You know, like Roman
20 numeral I, A, B, C, like that.

21 MR. ALEXANDER: You know, if it's
22 survey and monitoring projects, if that's all

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1 the money that they spend on that \$24 million,
2 it's what, 2-1/2 percent of their operating
3 budget, and they base all their regulations on
4 that. I think that's a huge shortfall.

5 MS. McCARTY: Okay. So let's
6 comment that we would like to see a further
7 breakdown by region, okay, and then we also
8 will comment on that and what we want to see
9 added to. Yes?

10 MR. ALEXANDER: Yes.

11 MS. McCARTY: Okay. Yes Heidi?

12 MS. LOVETT: So I was just going
13 to say it may be in part -in another line. Up
14 at the top, there's two other lines, the two
15 research and management programs and the
16 expand annual stock assessments. So there is
17 the collection of the data, and then of course
18 there's the analysis of the data. The stock
19 assessment would be more of an analysis of the
20 data.

21 So, just depending on what you've
22 had on your mind, what you were thinking of

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1 directly, I just wanted to bring that to your
2 attention.

3 MR. ALEXANDER: So we'd want to
4 look under Fisheries Research and Management
5 then?

6 MS. LOVETT: No. When you made a
7 comment about the Survey and Monitoring
8 projects, and so I'm not sure if you were
9 thinking strictly the collection of fish to be
10 analyzed, or the analysis as well. You were
11 talking about 50 percent of the operating, if
12 you thought it should be more.

13 Just if you're, in your own, what
14 you were considering, do you mean strictly the
15 collection of the data, or do you mean the
16 collection and the analysis?

17 MR. ALEXANDER: Well, I think that
18 they probably have to go hand in hand, because
19 if they're doing better surveys, they should
20 get better data.

21 MS. LOVETT: So I'm just
22 suggesting you look at the other line as well.

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1 MR. ALEXANDER: Okay.

2 MS. LOVETT: And to add the two
3 together, as part of your review that's all.

4 MS. McCARTY: But as a comment for
5 the people who are putting this budget
6 tracking program together, we might say, for
7 example, that we want to know whether there's
8 any survey money in the line item that's
9 called Fisheries Research and Management
10 Programs, or whether all the surveys that are
11 done are under Survey and Monitoring projects.

12 MS. LOVETT: The Fisheries
13 Resource and Management Program is handled by
14 Galen Tromble. It's headquarters. So it's
15 the regional office management staff, and
16 dealing with fishery management plan
17 development and reviewing those, that side,
18 that side of the shop, I believe.

19 MS. McCARTY: Yes, it is. So we
20 will comment on that, and then we will also
21 comment on it in the other section. Okay. I
22 thought you had your hand raised a little

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1 while ago Vince?

2 MR. O'SHEA: It was addressed in
3 other comments. Thanks.

4 MS. McCARTY: Okay. Are there any
5 other areas where we might want more
6 clarification, more information next time we
7 see this? That's what I'm trying to get at
8 right now.

9 MR. RANDY FISHER: Well, I think
10 you should get the blue book. I mean --

11 MS. LOVETT: I do too.

12 MR. O'SHEA: You might as well get
13 -- you might well get it done. They used to
14 provide a thing that wrote all this down.

15 MR. RANDY FISHER: Yes, but
16 there's a difference between the blue book and
17 -- like we have a million dollars worth of
18 stock assessments that we get for the West
19 coast, to do recreational fisheries stuff, and
20 that hasn't got a damn thing to do with stock
21 assessments. It's really something else. But
22 that's what we get, and it's crammed into, you

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1 know, another line item.

2 So I think you need to really get
3 the detail if you really going to want to know
4 what's going on.

5 MS. McCARTY: Well, I agree with
6 that, but that's not what we asked for, so
7 that's -- you know, what they tried to give us
8 was sort of a summary of these major headings.

9 Obviously, if you want more detail on your
10 region and your program, you can go to the
11 blue book. But it's online.

12 MS. LOVETT: You have it from the
13 last meeting, and it hasn't changed for the
14 year, and the presentation, there is no
15 updated presentation from here because there's
16 no change from that presentation from
17 February. What you had asked was to pull out
18 particular topics, it's just the rolled up
19 items from that blue book --

20 MS. McCARTY: Right, right. What
21 we're doing now is going through it, and
22 trying to yes, trying to determine if there

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1 are any really burning areas where we would
2 like to see a little bit more detail in our
3 budget summary. So that's what we're doing
4 right now. Paul, did you have a comment?

5 MR. CLAMPITT: Well, I mean I just
6 -- looking at this, it's like you say. It's
7 hard to tell exactly where the money's going.
8 I mean although you know, I mean most of the
9 things that are important to me, the budgets
10 have all been raised slightly.

11 Because you know, what bothers me
12 is, you know, we're dealing with allowable
13 fisheries catch now, ACLs, allowable catch
14 levels, and it depends on, you know, how good
15 their research is and what their uncertainty
16 is, and now that we're dealing with this ACL,
17 you know, it's easy for them just to say well,
18 e don't know, so our uncertainty level is at
19 50 percent and we're going to cut your fishery
20 back by 20 percent or 50 percent.

21 And you know, I think most of the
22 money should be spent on fisheries research

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1 and trying to come up with less uncertainty if
2 that's the way they're going to manage things,
3 and really that's not what's going on.

4 I mean, you know, if I could dig
5 into this deeper, like we were discussing. I
6 thought we'd discover a whole lot of money
7 that we spent on, you know, climate change
8 research which, you know, I don't know what
9 the hell we can do about climate change. But
10 I'd rather see the money spent on, selfishly
11 on fisheries research.

12 So I guess my only comment is
13 that, you know, I was kind of surprised when I
14 saw this, that most of the budgets that deal
15 with research have gone up, but really what
16 are we spending that money on?

17 MS. McCARTY: I think maybe we'll
18 move away from this outline and stop trying to
19 make comments on what else we want to see, and
20 stop talking about the budget itself, because
21 that's clearly where people want to go. If
22 that's okay, we'll just say these are the

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1 comments we have on this budget program, --
2 program, but I think you can just plug numbers
3 into it.

4 And then we'll move onto the
5 actual comments on budgetary numbers. I agree
6 with you, by the way. I think that's huge,
7 and I think that's one of the major things we
8 want to talk about.

9 There's -- you know, even though
10 we brag about the North Pacific and how well
11 it's managed and all of those things, we can
12 use some more money for surveys too, because
13 there's a lot of uncertainty and that causes
14 caution in management that has an effect on
15 commercial and sport and personal use and
16 everything else.

17 So clearly we need way more money.
18 I have actually personally gone to Steve
19 Murawski and said we need this, this and this
20 in surveys, and he goes "Oh well, we can't do
21 that."

22 I said "Well, you know, isn't it

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1 being suggested?" What I tried to do was
2 follow the recommendations from the regions up
3 through headquarters, and whether they
4 actually got requested or not by headquarters,
5 and where they were cut.

6 Are they cut by the Office of
7 Management and Budget? Are they cut by the
8 Secretary? Are they cut -- you know, at what
9 level are these requests being cut from the
10 different regions? Because if you start with
11 the grassroots in the regional offices, and
12 they put in their budget requests, and they
13 either pass that next test or they don't.

14 If they don't, they never go to
15 the Secretary or to Eric. You know, I don't
16 know who cuts when and that's what I was
17 trying to figure out, you know. Whose
18 priorities are at play and at what level is
19 kind of the mystery that all of us really
20 would like to understand a little bit better.

21 Having sort of been in D.C. for a
22 while and to watch that, it's pretty

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1 interesting, because Doug DeMaster, our
2 Science Center director, which you all have in
3 your regions, he said "No. Every year I ask
4 for, you know, this crab survey or whatever it
5 is. Every year I ask for it and every year it
6 gets taken out of the budget."

7 I said well who takes it out of
8 the budget? Is it at the Eric level? Is it
9 at the Secretarial level? Is it at the NOAA
10 level? Is it the Secretarial level, is it
11 Office of Management and Budget? Is it the
12 President? Who is it that's taking that stuff
13 out?

14 So that to me is kind of key to
15 understanding the budget process, not that
16 anybody can. But you know, it goes through
17 all those steps. Now it may be regional
18 priorities, but they never see the light of
19 day. And so I just am saying all this because
20 I've been mystified by everybody in the region
21 saying "Oh yeah, we want more surveys," and
22 then you don't get them. Who decides? Okay,

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1 Vince.

2 MR. O'SHEA: Were you talking
3 about what finally the President submits, that
4 Doug puts stuff in and then it doesn't show up
5 in the President's request, or are you saying
6 it doesn't show up what's passed by Congress?

7 MS. McCARTY: All of the above.
8 All of the above.

9 MR. O'SHEA: Because if you look
10 at -- well, if you're looking at that, then
11 that's, you know, trying to run that thing
12 through grounds, you know, going through the
13 committees --

14 (Simultaneous speaking.)

15 MS. McCARTY: Oh, of course. Well
16 actually, Vince, what I was referring to more,
17 I understand that the next level is the
18 Congressional staff, and frankly that's -- I
19 know how to deal with that.

20 MR. O'SHEA: Right. But you're
21 talking about what the President finally puts
22 out?

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1 MS. McCARTY: Yes.

2 MR. O'SHEA: Got it.

3 MS. DANA: Yes, but in the budget
4 process, and I know this firsthand, having
5 been the Secretary of Commerce for Florida for
6 eight years, if you don't have a strong
7 advocate that's taking care of that budget
8 item all the way through and fighting for it
9 even when it gets to the chief executive, the
10 governor, or in this case the President,
11 someone there to fight for it, it can be taken
12 out by staffers and such at any point in the
13 process.

14 MS. McCARTY: That's right, that's
15 right, and that happens on every level is what
16 I was getting at, you know.

17 MS. DANA: It's all about having
18 an advocate for that particular issue that's
19 willing to argue the merits of it all the way
20 through.

21 MR. CLAMPITT: We used to have a
22 very strong advocate who's no longer -- I mean

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1 excuse me.

2 MS. McCARTY: Stevens, you mean?

3 MR. CLAMPITT: Yes.

4 MS. McCARTY: Yes, don't we miss
5 him. I think Pam is also referring to the
6 different bureaucratic levels in the
7 administration, which is, you know, when you
8 look at the priorities in the NOAA Strategic
9 Plan, and you trace them down into their
10 translation, into actual budgetary items, and
11 then the Congressional take on all of that.

12 I mean it's such a complex thing,
13 that you -- unless you have a Congressional
14 strength like we used to have in fisheries
15 through Stevens, you know, you don't get what
16 you want basically, unless it's the top
17 priority of one of the top people in that
18 bureaucratic chain.

19 I'm not being critical; I'm just
20 saying that's just the way it works, and you
21 know, the mysteries of that are something that
22 we will probably never really be able to get

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1 to.

2 But if Doug DeMaster wants a
3 survey and he's got to go to the Eric level,
4 and he's got -- and Eric's got to be convinced
5 of it, and Eric's got to go to the NOAA level
6 and convince Dr. Lubchenco that that's an
7 important aspect of the program, and then
8 she's got to go to bat for it with the
9 Secretary, and so on up the chain. That's
10 kind of what you were talking about.

11 And so, you know, they can't lobby
12 theoretically at Congress, but some of them
13 even do that, you know, if they really have an
14 agenda. So Martin, you had your hand up.

15 MR. MARTIN FISHER: Thank you. I
16 just wanted to share my own personal
17 experience in the Gulf. NOAA gave the state
18 of Florida \$2 million to do a research grant,
19 but they created the parameters for the
20 research such that the data would be skewed in
21 a certain way.

22 And the state is meting out money

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1 to boats. I'm actually participating in it
2 with one of my vessels. We're required to go
3 out and fish for grouper in a way that we
4 can't catch any fish, which is going to skew
5 the stock assessment.

6 What's real interesting to me is
7 here's \$2 million that has an agenda attached
8 to it that is being prosecuted in a certain
9 way, to get a certain kind of data. I cannot
10 understand how that can happen.

11 MS. McCARTY: Yes. I know what
12 you mean.

13 MR. MARTIN FISHER: So it's not
14 just that we see money in the budget for
15 research; what is the research, and who is in
16 charge of the research, and who's -- which
17 body is the research --

18 MS. McCARTY: Roger that. I
19 understand. Dave?

20 MR. WALLACE: You know, just to
21 respond to Martin, I'm involved in surveys
22 almost constantly, and we have areas where

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1 there are no fish. Everybody tells us there
2 are no fish, and that's what we have to prove,
3 that there are no fish there.

4 You know, you have a whole series
5 of reasons, some of them have patience, and
6 there are areas that are not -- and you go
7 fish there and you don't expect to catch
8 anything, you would be surprised if you catch
9 something.

10 Because if you are doing a
11 stratified random sample, you have to know
12 where they aren't and where they are, because
13 otherwise, you overestimate the population.

14 I've heard that complaint a
15 billion times, and you know, but if you're
16 actually looking for the right numbers and I
17 guess I don't know who does it, but you can
18 call the science center and get to the
19 scientist who designed the survey, and he'll
20 tell you why he's done it the way he's done
21 it.

22 MS. McCARTY: Yes. We have in the

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1 North Pacific, and I'm assuming you guys do
2 too, we have the plan teams, what we call
3 them, for groundfish and crab and like that.
4 Those teams meet regularly and look at the
5 results of the surveys and help design the
6 surveys.

7 One of the interesting things
8 that's happening right now in the North
9 Pacific, and this is just an aside, but and I
10 think maybe this speaks to the cooperative
11 research part of the budget being larger, but
12 there have been private industry attempts to
13 do their own surveys, and then to integrate
14 that data from their own surveys -- this is
15 for crab now I'm talking about. Arni's not
16 here. Arni Thomson has been deeply involved
17 in that.

18 They have assessed themselves in
19 order to do these surveys, and then what
20 they're doing now is trying to integrate the
21 data from those surveys into the surveys that
22 are being done by the National Fisheries

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1 Service. It's been a very interesting process
2 because there's a huge amount of resistance.

3 But basically the same sort of
4 problem that you were talking about, that the
5 industry doesn't believe that the survey
6 protocol and that the surveys are being done
7 in the right place or the right time or the
8 right gear, whatever it is. I don't know what
9 this is in this particular case.

10 But so they're trying to do it
11 sort of in a different way and sort of meld
12 the two. Very interesting, but go ahead,
13 David. And then --

14 MR. WALLACE: Yes. Being real
15 brief, I represent the surf clam/ocean quahog
16 industry, and we have self-assessed our
17 members and raise five or six hundred thousand
18 dollars a year that we use -- we fund the
19 cooperative research.

20 We have had set-asides. We just
21 imposed a fee on each quota holder, depending
22 on how much they have, since it's an IBQ

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1 fishery, and everybody knows who owns what.
2 So then we designed the survey in cooperation
3 with the science center. They put a scientist
4 on the vessel and we provide the vessel, and
5 we put --

6 And they become the chief
7 scientists. It then becomes their data. If
8 there isn't a NMFS scientist on the boat, then
9 they can't accept the data, and we make them
10 the chief. So they only provide one person
11 and we provide everything else.

12 Then that data gets put right into
13 the database with all of their data, so that
14 we know and we're invited to go on the survey
15 cruisers and be free hands if, you know, and
16 they'll take all of us that we're willing to
17 go for two weeks at, you know, two week legs
18 and there are three of them.

19 So if you don't like the way it's
20 being done, go out there and help them do it.

21 MS. McCARTY: Interesting. Vince.

22 MR. O'SHEA: What started this was

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1 sort of the process of how could they be
2 spending money on things that don't work, and
3 I don't know the answer to that.

4 But in terms of making the
5 decision of who authorizes the surveys, in the
6 Southeast if it's funded, depends on the
7 funding, but if it's funded through an outfit
8 or program called MARFIN, I know how those
9 projects go through.

10 They go through a technical review
11 of between three and five scientists that
12 evaluate it for the technical strength of the
13 proposed project.

14 Then it goes to a panel and I sit
15 on that panel, along with members from the
16 councils, universities and other folks in an
17 advisory capacity to the regional
18 administrator, who then takes our
19 recommendations to allocate the limited
20 dollars to the unlimited requests that come
21 through that.

22 So if NOAA has some other projects

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1 that folks are thinking about, that don't seem
2 to have strong scientific construction and
3 validity, then my recommendation might be for
4 them to sort of backtrack and find out where
5 that money came from, and see if it had been
6 subject to something like a MARFIN process.

7 If it wasn't, they might consider
8 advocating that it go through that process.
9 But it's pretty hard for me to believe that,
10 based on the projects that I've seen and the
11 few that we've been able to approve, that
12 those scarce dollars were being wasted. I
13 have a pretty high confidence level they were
14 of high technical merit, high policy value and
15 direct application to questions that the
16 managers needed.

17 So that program worked pretty
18 good. So if there's others, you know,
19 expanding that might be a way to address the
20 issue that MARFIN raised. Thanks.

21 MS. McCARTY: This is just in
22 which region exactly?

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1 MR. O'SHEA: The Southeast region,
2 Dr. Crabtree, and he's administering the
3 funds. It's a program that involves both what
4 they call in-house projects done by the agency
5 as well as outside ones done by universities
6 and there's even some fishermen's groups.

7 MS. McCARTY: Yes, I've heard of
8 it. Yes, it's a good model. But as far as
9 you know, that's only in the Southeast?

10 MR. O'SHEA: Well, it's a similar
11 -- well, I mean that particular one is one I
12 served on, yes. So --

13 MS. McCARTY: Randy?

14 MR. RANDY FISHER: I think I'm the
15 longest living member to be on MAFAC.

16 MS. McCARTY: Some of them are
17 actually dead.

18 MR. RANDY FISHER: Maybe, but
19 we've had the same discussion I don't know how
20 many times. Fifteen maybe?

21 MS. McCARTY: Yes.

22 MR. RANDY FISHER: We always end

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1 up at the same place. So maybe the one way to
2 do this is to ask them to tell us what their
3 process really is, because I agree with you.
4 It goes to the black box and you don't have a
5 clue, and they're never going to tell you.

6 MR. O'SHEA: You're talking about
7 the funding?

8 MR. RANDY FISHER: Yes.

9 MR. O'SHEA: Yes.

10 MR. RANDY FISHER: I mean so if my
11 guess is every region comes in with some
12 request, a wish list, and every science center
13 probably comes in with a wish list.

14 MS. McCARTY: That's right.

15 MR. RANDY FISHER: Then it goes
16 into somewhere, and then all of them
17 ultimately decide there's somebody that --

18 MS. McCARTY: Mostly him, yes.

19 MR. RANDY FISHER: Right. So they
20 have questions -- to me, the question is well,
21 because then they always say well, we can't
22 tell you, because the budget's secret. Well,

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1 I think that's BS probably.

2 MS. McCARTY: Right, I agree.

3 MR. RANDY FISHER: So maybe the
4 answer is that you say well, can we find out
5 what the requests are that go into the black
6 box at least, because one of the things that
7 irritates me and always has is that it's the
8 lowest-hanging fruit in the world.

9 They should be coming to people
10 like us and saying what do you need? What do
11 you think you'd like to have funded, but they
12 never do that. So maybe we should find out
13 whether or not we can at least find out what
14 the requests are that are going in,
15 irrespective of what comes out the other end?

16 MS. McCARTY: And then for
17 example, those of us who care about particular
18 things, could go to the next level and say our
19 region really needs blah blah blah.

20 MR. RANDY FISHER: X, Y or Z,
21 right.

22 MS. McCARTY: Exactly, exactly.

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1 MR. RANDY FISHER: Because you
2 know, you try and ask them and they just come
3 back and say well, I'm sorry, we can't tell
4 you, because that's in the budget process and
5 OMB won't let us tell you and all that kind of
6 stuff.

7 MS. McCARTY: Yes, been there.

8 MR. RANDY FISHER: Yes.

9 MS. McCARTY: And what drives it
10 internally is also, in my experience, sort of
11 a supposition by people down here as to what
12 the people up here might want to see. So if
13 for example there's a catch share focus or a
14 climate change focus or an ocean acidification
15 focus or a marine spatial planning focus, then
16 the people at this level are going to be
17 finding all that stuff to advance up to here,
18 because they know that's what this level wants
19 to see.

20 MR. RANDY FISHER: Yes. I mean
21 they're spending \$30 million on ocean
22 acidification. Guess what folks? That 30

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1 million bucks came from somewhere. It wasn't
2 new money. So you know, how does that work?

3 Maybe it's a good thing, but when
4 you're worrying about stock assessments or
5 lack thereof, we're trying to run a community
6 and keep everybody in jobs, it just may not
7 make a lot of sense right now.

8 MS. McCARTY: I think that's
9 coming through loud and clear, and I think
10 that will be one of our major recommendations.
11 I think that's good, Randy. Thank you.

12 Okay. So more specifics on budget
13 items basically. I think, if we can get to
14 that part, we'd be doing good now to do that.
15 I've got down so far these kind of general,
16 budgetary things like maybe something akin to
17 the MARFIN process, to allow advice to flow to
18 NOAA and NMFS about what the region really
19 needs.

20 Then Randy's comments about the
21 process and how we need to be more aware of
22 what the regional requests are perhaps, so

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1 that we can advocate for them or that we can
2 have a little bit more influence at that level
3 than we do now.

4 I think those are both general
5 comments. Then specifically, I've got
6 cooperative research needs to go up.
7 Southwest Fisheries Science Center, what the
8 heck's going on with that. Surveys and
9 monitoring line item, regardless of where
10 those surveys are, we need to know that,
11 number one.

12 Which line item are they sort of
13 in, other than that specific line item,
14 because Heidi was saying maybe they're in that
15 other place as well; maybe not. We need to
16 know that, and we need them to go up and
17 fisheries research in general, and that's a
18 pretty broad topic.

19 So I don't know if you guys have
20 any more specifics about fisheries --

21 MR. CLAMPITT: I would say stock
22 assessment, because the one thing that the

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1 charters in the recreational and the
2 commercial case, if there's one thing we all
3 agree on is that one. I mean there's not
4 going to be an argument here. We had a
5 discussion about redfish yesterday, and we had
6 --

7 MS. LOVETT: Snapper, red snapper.

8 MR. CLAMPITT: Red snapper, right.

9 MS. McCARTY: Well surveys, that
10 kind of all -- they're all one to me, yes.

11 MR. CLAMPITT: I know.

12 MS. McCARTY: Surveys, and then
13 the assessment of the data and so on. I
14 agree. That's all in one thing. We'll add
15 that.

16 MR. CLAMPITT: I really don't have
17 anything else to say about that.

18 MR. ALEXANDER: In New England --
19 in New England, for example, herring, which is
20 one of our main species up there, they added
21 40 percent scientific uncertainty into the
22 heroiing stock assessment.

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1 I just think if you're 40 percent
2 unsure of your stock assessment, you'd better
3 go reassess. I mean that's -- I think that's
4 an unacceptable level, and the whole coast,
5 from all the lobster that depend on that, the
6 entire state of Maine depends on that.

7 It's \$300 million that's coming
8 into the state of Maine in the lobster fishery
9 and the herring primarily go to the lobster
10 fishery, because we have no canneries left.

11 MS. McCARTY: So what you're
12 saying is we need a level of survey and stock
13 assessment information that reduces the level
14 of uncertainty in those stocks?

15 MR. ALEXANDER: Yes.

16 MS. McCARTY: Okay. Paul?

17 MR. CLAMPITT: No absolutely. I
18 mean I just -- it's fundamental. I mean
19 having a 50 percent uncertainty is
20 unacceptable, when you're talking about
21 shutting down a \$300 million fishery.

22 MS. McCARTY: Okay. Vince?

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1 MR. O'SHEA: Okay. I'll become
2 the most unpopular guy in the room.

3 MS. McCARTY: No, you already are.

4 MR. CLAMPITT: You already are.

5 (Laughter.)

6 MS. McCARTY: Not with me.

7 MR. O'SHEA: No, no. I knew that
8 when I put my tie on. You know, the reality
9 is that there -- it sounds great to have the
10 government spend more money on assessing
11 stocks, especially when the caution ends up
12 financially impacting fishermen.

13 But the problem I have with that
14 approach is to say then -- then shouldn't it
15 make sense for the industry to kick in money
16 to either match with NOAA or to advance this,
17 and it should be a good business decision by
18 the industry to get on board with that.

19 In some regions throughout,
20 looking at the whole country, the industry
21 pays a part of the assessment process. For
22 example, a halibut survey is taken, funded by

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1 quota. It comes right off the top and rec and
2 commercial pay for it. But that's not true in
3 all regions, and you know, we're very
4 frustrated in some of our state fisheries.

5 A 60 million pound lobster
6 fishery, it's four bucks a pound, and we could
7 get a better assessment. But there's little
8 interest in people helping to pay for it. The
9 reality is it's a negative deficit spending
10 attitude in Congress right now. We've got two
11 wars going on, this massive oil spill, health
12 care.

13 So I think somewhere in the
14 strategy, you know, folks need to think a bit
15 about the industry paying, the users paying a
16 bit more for some of this stuff. Otherwise,
17 the price is going to be we're going to take
18 precaution and it's going to come out of the
19 user's pocket.

20 MS. McCARTY: Oh, I personally
21 agree with you, and I think that Dave's
22 remarks about that catch share program that

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1 he's involved in and the ownership of those
2 rights and the holding of those rights also.

3 (Laughter.)

4 MS. McCARTY: Sometimes it doesn't
5 look different, but it's different on paper.
6 Once you have that system in place, then with
7 that comes the responsibility. I firmly
8 believe that. I've seen it in Alaska and I
9 believe in it. So I agree with you Vince.

10 MR. O'SHEA: Me too.

11 MS. McCARTY: They do it in the
12 crab industry. They're obviously doing it in
13 the surf clam industry and it's a good thing.
14 There's ownership in the sense of caring,
15 stewardship, and participation on an economic
16 basis. Dave?

17 MR. WALLACE: You know, to carry
18 out a little more about what Vince said and
19 what I read yesterday that the President said,
20 and I almost said it yesterday, you know, we
21 need to -- we also need to be very, very
22 cautious in not appearing to make requests

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1 from the administration or suggestions to the
2 administration for very questionable
3 expenditures, because first of all, you get a
4 staff.

5 And second of all, it's pretty
6 clear that there's going to be some really
7 good programs in the future that are going to
8 go by the wayside, simply because as the non-
9 discretionary portion of the budget gets
10 squeezed by the discretionary portion of the
11 budget, whether we like it in fisheries or
12 NMFS or Commerce, everything in Commerce is
13 non-discretionary, all the way from the Patent
14 Office to the Weather Service to fisheries.

15 Don't forget. In fisheries, half
16 of the population lives around the U.S. on the
17 coast and the Great Lakes, and then the other
18 side of NOAA is the Weather Service. So half
19 the population's impacted by fisheries; the
20 whole population is impacted by weather.

21 So the weather will win out
22 whether we like it or not. You know, they've

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1 been passing up putting satellites, replacing
2 the satellites because of budget constraints.

3 We need to recognize that sooner or later,
4 they're going to start taking money and
5 research dollars from NOAA's budget and put it
6 in satellites, so they can track things that
7 are -- really destroy some of the East Coast
8 like hurricanes and things like that.

9 You know, so I think that we need
10 to be very careful in what we suggest, so that
11 we don't undermine our own credibility.

12 MS. McCARTY: I agree. That's a
13 good point, because you can ask all you want,
14 but if it isn't reasonable, it ain't
15 happening. I agree.

16 So are there any other budget
17 items or budget areas that we want to really
18 concentrate on for the 2013 budget, and you
19 know, we've already got some general
20 suggestions about how we might more fully
21 participate in that, and this will be the
22 time, Ken, when you can talk about your

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1 recreational issues.

2 MR. FRANKE: Thank you. We have
3 two items and they're actually integrated into
4 the recreational action plan. I sent you a
5 copy already Heather.

6 MS. McCARTY: I got that.

7 MR. FRANKE: That NOAA move --
8 that these are the recommendations that NOAA
9 move forward with implementation of the action
10 agenda, with consideration given to
11 prioritizing issues while developing specific
12 line item funding for the stated objectives.
13 One practical due date should be assigned to
14 each initiative.

15 The second item affecting budget
16 is that NOAA identify increased funds in
17 fiscal year 2011, beginning October 1st, 2010,
18 to conduct (a) cooperative research, (b) stock
19 assessments of key valued species, and (c)
20 analysis of recreational fisheries related to
21 socioeconomic impacts.

22 So those were the two on our

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1 recommendation list.

2 MS. McCARTY: Okay. I'm just
3 getting down to it.

4 MR. FRANKE: Right at the end of
5 the document. I highlighted it for you.

6 MS. McCARTY: Okay. So
7 implementation with consideration given to
8 prioritizing issues, specific line item
9 funding. Given that we are talking about
10 fiscal year '13, 2013, was there any
11 conversation at your meetings about asking for
12 funds in fiscal year 2011, and the efficacy of
13 that?

14 MR. FRANKE: Well, as we
15 understand it, and correct me if I'm wrong,
16 Mark, the recreational action plan, once we
17 get done vetting that, then it's going to move
18 into more of an actual action item, if you
19 will, with tasks, some of which will require
20 funding, some which won't.

21 But it's not something that's
22 going to be pushed back to 2013. Some of this

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1 stuff is going to actually have to be sooner.
2 They're going to have to reprioritize some
3 funding in order to accomplish it, and it will
4 have to be done sooner than later.

5 MS. McCARTY: I see. Mark, did
6 you --

7 MR. HOLLIDAY: Yes. With respect
8 to impacting 2011, the two processes that we
9 go through are budget formulation, which is
10 proposing what we want to spend, and then
11 budget execution. Once Congress makes an
12 appropriation, we get an allotment and then we
13 execute the budget.

14 The three areas that Ken talked
15 about, cooperative research, social and
16 economic data, and stock assessment, we get a
17 budget to execute that says here's \$50 million
18 for stock assessment. So for FY '11, we have
19 then to execute where you spend that \$50
20 million.

21 So it's not increasing that to \$60
22 million. That's the formulation process. Or

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1 we need \$100 million; we only got 50. That's
2 the 2013 process. Here it's we've got \$50
3 million. How do we then distribute that to
4 different fishery science centers, to
5 different research cruises, to hiring a new
6 stock assessment biologist?

7 So I think the target of the
8 recommendations were on the execution. These
9 were three priorities. On cooperative
10 research, there's a pool of money there. The
11 committee is saying we want to put that as a
12 priority for recreational cooperative research
13 and increase the monies that we're executing
14 from what it was in prior years.

15 We want to spend some of that
16 stock assessment money as a priority on these
17 recreational species, above what it was in
18 prior years. So it's targeting execution of
19 the money, and again that's the tradeoff.

20 There's a give and a take, because
21 it's only \$50 million. It's got to be spread
22 around somehow. They're advising these were

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1 three priorities coming out of the action plan
2 that warranted emphasis.

3 MS. McCARTY: Interesting.

4 MR. HOLLIDAY: Relative to '13,
5 which says that \$50 million isn't enough. We
6 need a bigger pie, and we think when you go
7 forward, we don't want to spend money on
8 climate or weather. We want NOAA to spend
9 money on fish or fishery stock assessment. So
10 those are the two processes that you engage in
11 when you talk about budgeting, the execution
12 of what you get and the step before that is,
13 and this is what Randy was talking about the
14 other day, is what's the amount of money?

15 What's the requirement to get this
16 MRIP program going or these data collection
17 programs going, that's growing with the size
18 of the pie.

19 MS. McCARTY: So when we heard the
20 2012 door was closed, not only is that really
21 not true, but apparently the 2011 door isn't
22 closed either in terms of allocation of funds.

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1 MR. HOLLIDAY: At this point in
2 July, it's July 1st, you know, there's really
3 no opportunity to play in '12 at this point,
4 because there hasn't been a President's budget
5 request, so it's not something that you can
6 say oh, we agree or disagree with the
7 President's budget request.

8 MS. McCARTY: And we got that.

9 MR. HOLLIDAY: For '13, there's
10 ample opportunity to influence what goes into
11 the budget request. For 2011, we don't have
12 an appropriation yet. So it's conjecture
13 whether or not that \$50 million will hold, you
14 know, what the actual money will show up.

15 But you can't have -- to the
16 extent that there is discretion in the budget,
17 you know, Congress doesn't always say of that
18 \$50 million, every dollar is spent, you know,
19 a dollar here, a dollar there. It's a pile of
20 stock assessment money.

21 So if I misled someone to believe
22 that there was, you know, no opportunity for

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1 FY '11 there was. We didn't talk too much
2 about FY '11. It was '12. What's the next
3 time to affect budget formulation was where I
4 was interpreting the question.

5 MS. McCARTY: I understand, I
6 understand. No, you didn't mislead us at all.

7 I was just commenting that, you know, we're
8 starting to lay out here in 2013 with our
9 conversations about affecting that budget, and
10 yet now, and this is not a criticism at all of
11 anything.

12 It's just a statement, that we
13 have some recommendations here for fiscal
14 years not only in '12 but '11, which means
15 that if we made these recommendations as a
16 subcommittee to the MAFAC Committee, we would
17 be saying we do want to affect how funds are
18 spent in fiscal year 2011.

19 That's my point. So that is kind
20 of a subcategory of budgetary conversation, I
21 guess, is how I would put it. Martin?

22 MR. MARTIN FISHER: I think it

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1 would be really helpful, and it's probably
2 already been done Doc, but it would be nice to
3 have a regional approximation of what the
4 stock assessments cost. Like in the Southeast
5 for the Gulf, the Southeast for the South
6 Atlantic, in Paul's neck of the woods.

7 Because that, if we have a target,
8 we can hit it. If we don't have a target, we
9 can't hit it. Certainly in the advocacy
10 process for the fishermen's groups, if we all
11 understood that if we could break it down into
12 what we can individually contribute, or
13 contribute as an association or individual
14 fishermen whatever, there's going to be a
15 change in attitude, for instance.

16 Right now, there's just this
17 amorphous we need a stock assessment, but
18 nobody knows what it costs. We could figure
19 it out that the recreational guys can
20 contribute 50 cents and we can contribute 50
21 cents, and we can be responsible stakeholders.

22 MR. HOLLIDAY: I understand.

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1 MR. ALEXANDER: That's the bench
2 mark.

3 MR. MARTIN FISHER: Right.

4 MS. McCARTY: So Ken, just to get
5 back to the recreational issue, and then I
6 think Vince. Vince, would you want to comment
7 now, because I want to talk a little bit more
8 about the recreational stuff?

9 MR. O'SHEA: Yes, it does. I do.
10 You know, one of the things I'm sort of
11 hearing is maybe MAFAC, and I'm an advisor,
12 not a member, but maybe what you're really
13 saying is click up a level, and rather than
14 trying to drill in specifically on individual
15 budgets, which is sort of invisible things to
16 you because of the process, maybe the role of
17 MAFAC might be to provide, you know, broader
18 advice in terms of areas of emphasis in the
19 budget development process, of things that
20 MAFAC sees as high priority.

21 And for example, and again, I'm
22 not advocating we do this, but we just talked

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1 a few minutes ago about the industry sharing
2 some of the costs, moving forward as a policy.
3 Well, that would be a simple thing to
4 communicate to NOAA in the budget process,
5 that they should maybe give priority to those
6 projects that have the potential to attract
7 industry support, as a way of bringing
8 everybody along on that, and it doesn't matter
9 whether it's in the 2011, '12 or '13.

10 Then you overlap that and say
11 there should be a higher priority for stock
12 assessments. It would seem that you would
13 then have a way to build, you know, provide
14 some advice to the budget builders and
15 reviewers, and without knowing specifically
16 what's in the budget at any given time.

17 MS. McCARTY: You know, I think
18 that's really a good point, and I was going to
19 try to structure this as kind of the overall
20 kind of recommendations, like you just talked
21 about, and then the specific things that
22 people are bringing up and MAFAC and can kick

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1 it around and decide how they want to proceed,
2 I guess, as a full committee would be what I
3 would say. I want to go to Ken.

4 MR. HOLLIDAY: Paul's had his hand
5 up for a while.

6 MS. McCARTY: I'm sorry, Paul.

7 MR. CLAMPITT: Well, I just wanted
8 to be sure. But catch shares, the whole
9 program is set up to, you know, tax the
10 industry and pay for the managing. So I mean
11 that's the stated objectives of the
12 administration.

13 So in our program, it's already
14 happening. I think the only, you know, only
15 fear is that the money that should be going to
16 manage the fisheries is going to the general
17 pie, and nobody knows.

18 And one of the things that we
19 always say on the Pacific Coast is we don't
20 need any more desks; we need more people on
21 the ocean collecting data, and you know, I
22 don't know how to emphasize that to the

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1 administration. But you know, we need more
2 boots on the ground basically.

3 But to answer your question, I
4 don't think industry is -- not in our neck of
5 the woods, is fighting, you know, paying their
6 way.

7 MR. O'SHEA: And I recognize that
8 and appreciate that, particularly after the
9 Northwest and North Pacific. In my world, I
10 don't think five percent of the fisheries that
11 I'm involved in are covered by catch shares.

12 MR. CLAMPITT: Well, right.

13 MR. O'SHEA: And the rest of the
14 guys have funds loaded in both pockets, to
15 make sure that --

16 (Laughter.)

17 MR. O'SHEA: And in terms of stock
18 assessments, the most litigious stock that's
19 in our jurisdiction has been assessed 17 times
20 in the last 24 years, and the people still
21 don't accept the stock assessment, the status
22 of the stock.

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1 MR. MARTIN FISHER: Well, in the
2 Southeast --

3 (Simultaneous speaking.)

4 MR. MARTIN FISHER: --is only for
5 the administration of the active program. It
6 has nothing to do with putting money into the
7 research pie. Is it different in the
8 Northwest?

9 MS. McCARTY: I don't think so,
10 but --

11 MR. MARTIN FISHER: So it really
12 isn't a funds generator that could be utilized
13 for what you're talking about. It's really
14 only to administer the program itself, the VMS
15 cost.

16 MS. McCARTY: That's my
17 understanding, but I could be wrong. I don't
18 know very much about the Northwest. Mark, do
19 you know the answer to that question?

20 MR. MARTIN FISHER: Well no. I
21 mean --

22 MR. CLAMPITT: Go ahead, Mark.

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1 Sorry.

2 MR. HOLLIDAY: I was going to, as
3 a point of information. Under a limited
4 access privilege program, the cost recovery
5 fees that are imposed on the industry as a
6 percentage of the ex-vessel revenue, can only
7 be used in that fishery to reimburse the
8 government for management, data collection and
9 analysis and enforcement costs.

10 MR. MARTIN FISHER: Okay.

11 MR. HOLLIDAY: So those are the
12 broad categories. So they go back to that
13 fishery. In the limited access privilege
14 program, councils can also use and extract a
15 royalty payment.

16 MR. MARTIN FISHER: What's this --
17 ?

18 MR. HOLLIDAY: A royalty payment
19 is basically a rent for the private use of the
20 public resource, and they can develop a
21 program to charge that through an auction or a
22 transfer fee when the shares are first

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1 allocated or leased or sold, and those funds
2 again go to a dedicated fund. It's called the
3 limited access system administration fund.

4 Those funding could be used for
5 research. They could be used for stock
6 assessment. They could be set aside for
7 subsidizing new entrants. They could be
8 whatever the goals and objectives set up for
9 by the council for that fishery, those royalty
10 payments would go back.

11 So we charge royalty payments for
12 oil and gas. They go to the oil blah blah
13 blah fund, the revenue-sharing fund. These
14 catch share royalty payments would go back to
15 the fishery from where they came, to support a
16 broader range of purposes. But the cost
17 recovery is very specific for the costs that
18 are incurred for management, data collection,
19 analysis and enforcement.

20 MR. MARTIN FISHER: Now when you
21 say data collection and enforcement, you mean
22 of --

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1 (Simultaneous speaking.)

2 MR. HOLLIDAY: Of that catch share
3 program, of that program.

4 MS. McCARTY: Economic data a lot,
5 of it is, right?

6 MR. HOLLIDAY: It varies by
7 fisheries, certainly, yes. But it's a
8 recovery of expenses that have been made,
9 right. So if we're paying for observers or
10 we're paying for enforcement officers or we're
11 paying for a data collection program, a log
12 book or a survey program, those funds would go
13 towards recovering the federal costs for those
14 activities.

15 MR. MARTIN FISHER: Have any
16 Councils adopted that royalty tax?

17 MR. HOLLIDAY: Nobody has, no.
18 That's nobody at this point.

19 MS. McCARTY: Go ahead, Paul.

20 MR. CLAMPITT: That royalty thing
21 is pretty contentious, but as far as Mark is
22 saying, in our industry, in the wildlife fleet

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1 in the North Pacific, we're raising the fee,
2 if it's half percent for ex-vessel price, to
3 increase -- I may be wrong. It may be a
4 little bit more than that, but for observer
5 coverage, because 60 percent --

6 I mean most of your 60 feet aren't
7 carrying any observers. It's only boats over
8 60 feet, so they want to put more coverage.
9 If they're taking it -- now the vessel pays
10 its own way. There's independent contractors.

11 So that's being changed to where, you know,
12 the management picks and chooses where they
13 want the observer to go and it's no longer up
14 to the vessel.

15 But anyway, just really what
16 Mark's saying, that the ability to collect
17 royalties from the fleet for research is
18 there.

19 MS. McCARTY: Absolutely, and we
20 talked about that earlier actually Mark, when
21 you weren't here, that Vince brought up. You
22 know, there's a great need for stuff, and the

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1 government's not paying for it all. The
2 industry should be stepping forward,
3 particularly in these fisheries where there
4 are the catch share programs and the rights
5 and stuff. Maybe you were here for that.

6 MR. HOLLIDAY: No. Just point of
7 information for Paul. The North Pacific has
8 an additional statutory authority to collect
9 for the observer program. So it doesn't have
10 to be within a limited access privilege
11 program.

12 MR. CLAMPITT: Oh.

13 MR. HOLLIDAY: So in addition to
14 the catch share authority for cost recovery,
15 there's a special authority for the North
16 Pacific.

17 So the groundfish observers and
18 extending that to not just, you know, greater
19 than 60 feet, all of that has -- we've had
20 separate authority to do that, even if it's
21 not in a catch share program. That's a
22 special part of the Magnuson Act for the North

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1 Pacific, specifically for recovery of
2 groundfish observers.

3 So the industry has been paying
4 long before the catch share idea has come up
5 for observers under that earlier authority.

6 MS. McCARTY: Can we move onto the
7 recreational fisheries issues discussion, so
8 that we can get that on the record? I was
9 just, I was just paging back through your
10 report, Ken, and I wanted to ask you if I'm
11 understanding this number one well enough.

12 Implementation of the action
13 agenda with line item funding. So could you
14 just point out to us what those agenda items
15 or those action items might be in the body of
16 the document, which ones they're referring to?

17 MR. FRANKE: Yes. Actually, the
18 synopsis that you're seeing in the document
19 before you is just that, a synopsis. Each one
20 of those objectives that is contained in the
21 document has a series of initiatives in them,
22 anywhere from two to like ten initiatives.

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1 Those are in supporting documents.

2 But they're very specific as far
3 as what the task is, if you will, by NOAA in
4 order to execute the initiative. So as an
5 example, the recreational fishing coordinator
6 for each region would be directed to go and
7 contact all the constituency groups in their
8 region.

9 That would be an example of a
10 specific item that would be accomplished. So
11 each one of those items in some cases will
12 require budget reallocation, and in other
13 cases will require nothing more than action
14 item on existing budgets.

15 MS. McCARTY: Okay.

16 MR. FRANKE: So that's how it
17 would be broken down, is in that actual full-
18 scale action.

19 MS. DANA: Okay. We actually
20 talked about assigning dollar numbers to some
21 of these items.

22 MS. McCARTY: Right.

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1 MS. DANA: But I mean we don't
2 have that.

3 MS. McCARTY: You don't have that
4 level of detail.

5 MS. DANA: Yes.

6 MR. FRANKE: A lot of the -- oh,
7 go ahead.

8 MS. McCARTY: I was just going to
9 say, if people wanted to look at this, it's
10 under initial engagement actions. Is that the
11 section that you're referring to in the
12 document that you sent to me? I don't think
13 you sent it to everybody, so we don't have it.

14 MR. FRANKE: Right. I only sent
15 it to you.

16 MS. McCARTY: Yes.

17 MR. FRANKE: Yes, initial
18 engagement actions.

19 MS. McCARTY: So I was just going
20 to read those goals to people, so that if we
21 wanted to support a recommendation from this
22 subcommittee, we would know what we were

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1 talking about.

2 MR. FRANKE: Understood, yes.
3 Those five goals are the headings, followed by
4 supporting objectives and then the actual
5 initiative line items.

6 MS. McCARTY: Okay. The first
7 goal is improved communications, and it's got
8 several objectives underneath it, as Ken was
9 talking about, including increase the number
10 of cooperative research opportunities and
11 partnerships with recreational fishermen.
12 That would be perhaps an agenda item or an
13 action item that would have a budgetary
14 consequence.

15 Any of these could, but for
16 example, one of the objectives in "Show
17 appropriately balanced stakeholder
18 representation in a range of decision-making
19 processes," which is one of the things we
20 talked about yesterday, that may or may not
21 have a budgetary consequence would be my
22 guess. I don't know. Probably not, but I

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1 don't know.

2 Goal two is "Improve recreational
3 catch, recreational effort and status data."
4 So this is through the implementation of MRIP.

5 That's how you refer to it, right?

6 Then another one under that is
7 "Increase the frequency of stock assessments
8 of important recreational fishing stocks, to
9 support management needs," which sounds an
10 awful lot like what we've just been talking
11 about now, and again, does it have a budgetary
12 consequence -- big time, you'd hope. That
13 would be a big budget item.

14 Goal three, "Improved social and
15 economic data on recreational fisheries," and
16 there's a number of different objectives under
17 that.

18 Goal four, "Improve recreational
19 fishing opportunities," and goal five,
20 "Institutional orientation," which is "better
21 integrate recreational values into NOAA's
22 fisheries core mission," which is sort of an

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1 attitude adjustment rather than a budgetary
2 thing probably.

3 So those are the goals and action
4 items that you were referring to in this
5 number one that you gave us as a potential
6 recommendation. Is that right, Ken?

7 MR. FRANKE: That is correct.

8 MS. McCARTY: Okay.

9 MR. FRANKE: And again under each
10 goal and series of objectives, there's a
11 laundry list in the master report of the
12 actual action items.

13 MS. McCARTY: Okay. Then the
14 second one that you highlighted in what you
15 sent me was this, that "NOAA identify
16 increased funds in fiscal year 2011, which
17 begins October 1, 2010, to do more to conduct
18 cooperative research, (b) stock assessments of
19 key valued species, and (c) analysis of
20 recreational fisheries relate to socioeconomic
21 impacts."

22 So those are similar to the

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1 broader goals that you have in your list, but
2 they're more immediate. Is that what I --

3 MR. FRANKE: And that was the
4 reallocation. That's correct.

5 MS. McCARTY: Okay. So number one
6 would be into the future, allocate to these
7 action items, and number two would be in
8 addition to that, consider doing a
9 reallocation of funds for FY 2011 for these
10 particular items.

11 MR. FRANKE: That's correct,
12 because that's -- the first one is going to be
13 much broader, because that will be very long
14 term, and the second one is short term, some
15 immediate things, i.e., like the West Coast,
16 the Southwest and Northwest centers getting
17 reallocated funds to get their Cooperative
18 research back up, for instance.

19 MS. McCARTY: Okay, okay. Well,
20 now I understand it. I'm hoping the rest of
21 the group understands it a little better.

22 MR. FRANKE: I had one question,

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1 Heather.

2 MS. McCARTY: Yes,

3 MR. FRANKE: And I was going to
4 bring it up, but you saw it before I could --
5 I'm from the Southwest region, and the one
6 line item budget where they had a million
7 dollars removed from their operating budget.
8 Is this the appropriate forum to maybe make a
9 recommendation that the burden of that one
10 million dollars that's going to catch shares
11 be equitably shared with all of the regions?

12 In other words, 200 grand from
13 each one of the regions versus a million
14 dollar hit on just one science center, because
15 I'm acutely aware of the people working in
16 that center, and that was a big hit. I'm just
17 thinking that it's something that could be
18 equally shared.

19 But I don't know, you know, is
20 that something -- is this the proper forum to
21 bring that up?

22 MS. McCARTY: Yes, I think so, and

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1 I think that's a really legitimate issue. I
2 know that we've had those conversations in my
3 region as well, and you know, people want to
4 know. When you take a bunch of money and put
5 it towards a catch share line item, where are
6 you taking it from?

7 I'm not sure that we even know
8 where it's coming from. I don't know whether
9 it's equal or what the heck. It sounds like
10 there's been a big chunk taken out of your
11 region, but we certainly need to know that,
12 and I think commenting on the equal taking
13 from, you know, each region would be very
14 sensible. I'll put that down for 2012.

15 MR. FRANKE: Yes, because it's
16 glaring on that report. They're the only ones
17 that took a hit of that substance.

18 MS. McCARTY: I bet that's not
19 true, but we don't know that, because it's
20 kind of hidden, you know what I mean?

21 MR. FRANKE: Understood. Well, on
22 that report, it looks glaring.

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1 MS. McCARTY: Yes, it does.

2 MR. ALEXANDER: If we're talking
3 adding things onto the 2012, now that I know
4 that we can comment on where the money goes.
5 We can't comment on how much money they get,
6 but we can comment on where the money goes.

7 MS. McCARTY: Apparently.

8 MR. ALEXANDER: I think that NMFS
9 should freeze what they're doing with these
10 catch shares around the country, and fund the
11 ones that they have implemented now. Because,
12 I mean, as of 2012, we have no more funding
13 for the Northeast, for the observer program
14 and the stocks are not going to be recovered
15 enough so the industry can bear the cost of
16 those observers.

17 As of right now, we have --
18 they're supposed to fund through next year,
19 sort of through 2011, but we're not assured
20 that in 2012 they will have funding for that.

21 This year here, they're planning on expanding
22 these catch shares all over the country again.

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1 So --

2 MS. McCARTY: So I have a question
3 for you guys. Do you think that we should
4 take votes on these recommendations, or just
5 forward them to the full committee? I mean, I
6 know that some of these recommendations are
7 probably not unanimously approved by everyone
8 sitting around the table. I don't know that,
9 but I'm assuming that, and if we vote on
10 those, then that means we either forward it to
11 the full committee or not.

12 Help me, guys that have been
13 listening to this for longer than we have. Is
14 that something that these subcommittees
15 normally do, because I don't think we've
16 really done that before. But just sort of
17 take a compilation of the suggestions and take
18 them to MAFAC, and then have MAFAC vote on
19 them.

20 MR. MARTIN FISHER: Yes, yes.

21 MS. McCARTY: Okay. Let's do it
22 that way then.

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1 MR. ALEXANDER: No. I mean my
2 sense would be to ask the people that are on
3 this committee or any other committee, not to
4 necessarily say do you fully support this, but
5 can you live with this going forward as a
6 discussion item for a decision by the full
7 committee.

8 MS. McCARTY: Exactly.

9 MR. ALEXANDER: Thanks.

10 MS. McCARTY: And I'm hoping that
11 as we go through these, that people will say
12 otherwise if, for example, I mean that's a
13 pretty, that's a big recommendation right
14 there.

15 (Laughter.)

16 MR. WALLACE: Right, and I don't
17 think that one's going to fly.

18 (Simultaneous speaking.)

19 MR. WALLACE: It's not going to --
20 it may not fly here, but it's sure not going
21 to fly in Washington.

22 MR. ALEXANDER: I definitely

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1 agree. But I want my -- I would like that
2 said.

3 MR. WALLACE: I guess it goes back
4 to this notion of credibility, you know, and
5 there's a national policy on catch shares.
6 What your proposal said is that they scrap
7 that, and that's not going to happen.

8 MR. ALEXANDER: I didn't mean it
9 that way.

10 MR. WALLACE: But that's what you
11 said.

12 MS. McCARTY: I know what you
13 meant. I've got it written down.

14 MR. ALEXANDER: I meant fund the
15 ones that they are absolutely implementing.

16 MS. McCARTY: Yes, and again to go
17 back to the recreational recommendation, say I
18 mean, obviously if there's a recommendation
19 that comes from MAFAC to substantially
20 reallocate funds that are already there
21 essentially, for 2011, then making that kind
22 of recommendation would be difficult without,

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1 for example, knowing what those costs might
2 be, and number two, where they might come
3 from.

4 For example, if they come out of a
5 survey somewhere, people might say "Oh, well
6 maybe we don't want to recommend that." So
7 there's a lot of intricacies in sort of the
8 details here. I think we have to realize
9 that, recognize it as we take it forward to
10 MAFAC and then beyond.

11 Those are big decisions, you know.

12 The reallocation of funds from one place to
13 another is not a small thing to ask for, and
14 I'm sure everybody recognizes that, including
15 the recreational folks. Randy?

16 MR. RANDY FISHER: I'm just kind
17 of curious about something, kind of following
18 on what Rich said, and I'm sitting here
19 thinking about this, and assuming that we are
20 in a position, as Dave indicated, that you
21 know, there really isn't enough money to do
22 everything everybody wants, and it's foolish

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1 to think that. It's true, and I agree with
2 him 100 percent.

3 So if you look at reallocation, on
4 what basis would you start figuring that out?

5 MS. McCARTY: Right.

6 MR. RANDY FISHER: And maybe
7 that's something this committee could talk a
8 little bit about. I mean would you reallocate
9 to areas that provide the most employment in
10 fisheries? For instance, would you reallocate
11 based on not knowing what some stocks are
12 doing and those stocks are key to whether
13 mixed stock fisheries, for instance? Those
14 kind of questions.

15 I think that would be -- if you
16 could figure them out, it would be kind of
17 interesting, because then what you would be
18 doing is you'd be telling NMFS to some degree
19 when you're in there fiddling around with the
20 black box and you're moving money around,
21 legally that should be based on some --

22 MR. WALLACE: Formula.

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1 MR. RANDY FISHER: Some rational
2 approach to this thing, instead of who's
3 bitching the most about it.

4 MR. WALLACE: And that's --

5 MS. McCARTY: Again, a very
6 sensible suggestion.

7 MR. WALLACE: Yes, and that's a
8 policy statement, and that's a broad policy
9 statement, which is what we should be doing,
10 or at least that's what I think we should be
11 doing.

12 I don't know what they would be,
13 you know. It would be interesting to try and
14 figure out what some of it could be.

15 MS. McCARTY: The criteria, you're
16 talking about?

17 MR. WALLACE: Yes, yes.

18 MS. McCARTY: Exactly. I like it,
19 big picture stuff. Okay. So well, let's just
20 recap and see where we're at. We've done the
21 NOAA strategic plan. We haven't commented on
22 it to any great extent, because most of us

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1 haven't really looked at it much, including
2 me.

3 Then we've got to combine that
4 with taking another look at 2020, and we've
5 sort of said or we're going to suggest that
6 maybe the way to do the 2020 piece is to look
7 at the NOAA strategic plan.

8 It's side by side with the 2020,
9 and see how it fits with what we've already
10 said and what additional things we might wish
11 to say to try to influence the NOAA strategic
12 plan. Is that pretty much it? Am I getting
13 that right?

14 MR. WALLACE: Yes, and what -- I
15 was thinking about that and I should have said
16 it when we were talking about it. I think
17 that our recommendation to all of MAFAC is
18 that everybody read the strategic plan, and in
19 about 30 days have a conference call, so that
20 we as a group can comment on the new, improved
21 strategic plan, which would then give -- our
22 input would be direct and we would have a

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1 consensus.

2 I think that then that would be
3 more readily received than individuals, you
4 know, and obviously everyone can individually
5 comment on the plan also. But you know, we
6 know what our 2020 statement says. We have --
7 since I haven't reviewed it and I'll be the
8 first to admit it.

9 So I don't know how our 2020, the
10 working relations from our 2020 really fit
11 into what NOAA's overall strategic plan is.
12 So if we did that, then we ask Heidi and Mark
13 to write up something and Tom could sign off
14 on it as the chair of the committee, of the
15 Budget Committee, so that we act as a unit,
16 and I think that then surely we're dealing
17 correctly with policy there, and not
18 individual entities.

19 MS. McCARTY: Oh certainly. I
20 wasn't suggesting that we weren't suggesting
21 that it be individuals, but rather that as a
22 group we do this, and obviously not now but

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1 later in some way, through a teleconference --

2 MR. WALLACE: Right. So I'm
3 agreeing with you. I'm just laying out how I
4 suggest that we should ask the rest of the
5 group if they want to do it that way.

6 MS. McCARTY: Right, exactly.
7 Heidi?

8 MS. LOVETT: Just for clarifying.
9 If you're going to push this forward, I
10 request that you pick a date, and that you do
11 keep it at least 30 days out, because we have
12 to notice in the *Federal Register* your
13 conference calls as any other meeting would
14 be. Since everybody's here, it would be
15 easier than trying to go back to people via
16 email.

17 (Simultaneous speaking.)

18 MS. LOVETT: So the majority of
19 people could participate.

20 MS. McCARTY: Okay, thank you. So
21 yes, both documents, side by side. Take a
22 look, make some recommendations based on that.

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1 That's good.

2 MS. LOVETT: And just to add to
3 that, subcommittees can meet without having a
4 *Federal Register* notice.

5 MS. McCARTY: Oh, really.

6 MS. LOVETT: Because you're doing
7 your deliberations to provide to the full
8 committee. But anytime the full committee
9 meets, we have to notice it in the *Federal*
10 *Register*. So if you all as a subcommittee
11 wanted to take the first crack to supply that
12 draft letter for Tom Billy to sign as the
13 chairperson, then you can do that.

14 That's sort of what we did with
15 the Recreation Work Group. We had a
16 conference call last week, yes, last week or
17 whatever. But anyway, we're allowed to do
18 that, because it's not -- you know, that date,
19 that information is moving up the chain for
20 consideration.

21 MS. McCARTY: Gotcha. Thank you.

22 Well, I would certainly think we would need

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1 to do that, because I don't see how we could
2 make any progress with the whole group on the
3 teleconference. I don't think we'd get there
4 at all, so I would definitely see that we
5 would do this first, you know, somehow. Okay.

6 Are we good with that piece? Okay.

7 Then on the budget tracking. I'm
8 calling it the budget tracking framework or
9 program or whatever. We made a number of
10 suggestions as to what we might want to see,
11 in addition to what we are seeing. But
12 overall, it was very responsive and very
13 helpful, and we really appreciate doing that.

14 The couple of things that we said
15 was that catch shares, in the catch share line
16 item, that we might have that broken down by
17 region and program, and so we know what's in
18 there. If the cooperative research is indeed
19 in there like we've been told, then how much
20 is it and by what, you know, broken down by
21 region, so that we can all see it.

22 And by program, because obviously

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1 there's recreational stuff in there as well as
2 others. So we need to know a little bit more
3 about that. And obviously, if we go to the
4 full blue book, we can do that ourselves, but
5 if they're going to do a summary for us, it
6 would be nice just to see boom, boom, boom.
7 That's the first thing.

8 The second one, data collection,
9 and then the survey and monitoring section of
10 that. Again, we'd like to see that by region,
11 so that we can see and gauge how much is going
12 to each region and when. One of the things
13 that was brought up, and I think Heidi brought
14 this up, is there are a lot of sort of the
15 stock assessment survey stuff in the fisheries
16 research and management programs line, and if
17 there is, we'd like to know that. So that's
18 sort of the second part of that, understanding
19 that.

20 Those are the things that I put
21 down for changes that we might wish to see in
22 this budget tracking thing. Then for the

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1 budget input itself, we have several sort of
2 general suggestions.

3 One, to take a look at the MARFIN
4 process. This came from Vince, to see whether
5 that could be applied in other regions,
6 because it's a very effective tool to sort of
7 determine research project spending and
8 priorities. I guess that's the best way to
9 put it.

10 Then we have the conversation
11 about how this process works, and whether we
12 can have an impact on it at different levels
13 and exactly what those levels might be. It
14 was suggested that we ask whether we as a
15 group can see the regional requests that go
16 in.

17 Now that's kind of being described
18 as the black box. The regional requests go in
19 and all of the whole budget process becomes
20 sort of a secret until the actual President's
21 budget comes out in January, which is like
22 basically a year and a half after they start

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1 talking about it.

2 So in that year or year and a
3 half, all kinds of things happen and we don't
4 know what it is and we can't advocate for
5 things because we don't know where it's at and
6 so on and so forth. So that's one of the
7 things.

8 And then we had that suggestion at
9 the end, which I think falls into the general
10 category. If reallocating within already
11 accepted budgets, such as 2011 for example,
12 how do you reallocate and on what basis? What
13 do you use for the criteria?

14 Do you -- given that it's a finite
15 part and there are infinite places it could
16 go, how do you determine how to move money
17 around on what basis? Then finally we support
18 a level, do we support a level of industry
19 contribution to the efforts that we're
20 describing, particularly research and stock
21 assessment, and you know, just that
22 discussion.

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1 I don't need to go into it,
2 because we just talked about it quite a bit.
3 Then we have the specific areas where we'd
4 like to see more money put, just period in
5 2013. Cooperative research, survey and
6 monitoring, stock assessment and fisheries
7 research in general, just to up those aspects
8 of the budget, which would include the
9 recreational fishing aspect of those areas as
10 well.

11 And the question we have about the
12 Southwest Fisheries Science Center, what's
13 going on there. Then we have this
14 recreational recommendation coming from that
15 group, and do we want to include that in our
16 budget recommendations.

17 Then we have the discussion of the
18 allocation of the catch share money that's
19 being taken from various places, whether that
20 should be taken equally from all regions.
21 That was Ken's suggestion.

22 Then the suggestion that you made

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1 about freezing catch share development
2 spending at the current level, and saying the
3 implementation of programs that are already in
4 place should take precedent over trying to
5 develop more programs and putting budgetary
6 resources towards that.

7 MR. ALEXANDER: Yes.

8 MS. McCARTY: Okay. That's where
9 we're at so far. Martin and then Heidi.

10 MR. MARTIN FISHER: I saw Mark
11 writing down when I was asking him about
12 specific costs for regional assessments. Is
13 that something we want to specifically ask
14 for, are those values?

15 MS. McCARTY: Sure. I kind of
16 think we might get to that through some of the
17 other doors.

18 MR. MARTIN FISHER: Okay.

19 MS. McCARTY: But yes, I didn't, I
20 have that written down myself, but I didn't
21 mention it.

22 MR. MARTIN FISHER: Okay.

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1 MS. McCARTY: And then Heidi?

2 MS. LOVETT: I just want to
3 clarify one thing from earlier, and this was
4 based on Terry's initial question.

5 When you look at the data
6 collection and research and surveys, he had
7 mentioned he had looked at the survey
8 monitoring projects as to about 23 or 22
9 million, and I said -- you noted, Terry, that,
10 you know, you thought it should be more, and I
11 suggested that in the extension that Randy was
12 talking about, this might be capturing some of
13 that.

14 But there is a star next to the
15 Fishery Research and Management programs, and
16 that particular line is listed twice on this
17 budget. It's under Fisheries Management, and
18 that is the big pool of money that goes, that
19 essentially Fisheries Management is our
20 regional management offices.

21 But what it's specifying is that
22 there's these ecological assessments. It says

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1 at the bottom "Ecosystem assessment program
2 portion of the Fishery Research and
3 Management" being captured under Data
4 Collection and Research Survey.

5 So it's that portion of that big
6 program is what they're, that I'm showing you.

7 MR. ALEXANDER: Okay.

8 MS. McCARTY: So the question that
9 I talked about is, is some of the survey work
10 being done under that line item? That's the
11 question.

12 MS. LOVETT: Yes, under -- no. I
13 don't know. I don't know what that is
14 exactly. So you do want clarification on
15 those.

16 MS. McCARTY: Yes.

17 MS. LOVETT: But I guess my point
18 is, is what kind of survey work are you
19 actually requesting them to clarify for you?
20 What, because there is a lot of stuff rolled
21 up into each of these items. So are you -- do
22 you want to know the fisheries survey that

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1 supports stock assessment, or ecosystem-based
2 survey work, which supports other activities?

3 So that's why I'm just saying, it
4 does get a little tricky. But if you can be
5 as clear about, you know, if you're going to
6 drill down to the details, which particular
7 areas, because it would -- you know, you want
8 to get them, the budget staff focused on what
9 you really want to hear, not to bring back
10 information that wasn't really what your
11 question was.

12 MS. McCARTY: Well, we'll find
13 out.

14 MR. ALEXANDER: I think stock
15 assessments would be --

16 MS. LOVETT: Stock assessments.

17 MS. McCARTY: Yes.

18 MS. LOVETT: Okay.

19 MR. ALEXANDER: Fine. That's what
20 I was drilling towards.

21 MS. McCARTY: Okay. I think we
22 talked about surveys, and the need for more

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1 status surveys, and we talked about stock
2 assessment, which is sort of the next step
3 that goes along with that. Those are the two
4 focuses that we talked about.

5 It's unclear to us as to exactly
6 which of these line items might include some
7 of that work. So we'd like clarification on
8 that, and then those things by region, so that
9 we can see where they are, what level they're
10 at. Does that make sense Heidi?

11 MS. LOVETT: Yes.

12 MS. McCARTY: Okay. I think
13 that's right. Okay. What I'm going to
14 recommend is that we take a break now, unless
15 you want to have more discussion. Does
16 anybody have any burning issues that people
17 want to hear about?

18 MS. DANA: Ed feels the term
19 "drilling down" is inappropriate.

20 (Laughter.)

21 MS. McCARTY: Drill baby drill,
22 right? Sarah, where are you when we need you?

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1 MR. MARTIN FISHER: Oh, thank you.

2 MS. McCARTY: So yes. We've got
3 time, if we have other things that we want to
4 put on the table. But I think it will be
5 useful for me and Heidi to agree on a
6 document, because that always takes a lot
7 longer than you think it's going to, and then
8 we can have it to present.

9 You guys can take a look at it
10 real quick over lunch or whatever, if we can
11 get it printed out. Then you can say no, yes,
12 this is what we meant, blah blah blah. Does
13 that make sense? Ken, would you send -- she's
14 already got it somewhere, but would you just
15 email Heidi that -- you got it? Okay.

16 MR. MARTIN FISHER: So we start
17 back at 10 again now? Is that --

18 MS. McCARTY: I'm not sure. 10:30
19 is the next thing.

20 MR. MARTIN FISHER: Yes, but you
21 changed the agenda around, right?

22 MS. McCARTY: Yes. I'm a little

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1 unclear on what we're doing next and when.

2 MS. LOVETT: I think that things
3 have been pushed up.

4 MS. McCARTY: We can indicate to
5 the chairman that we're done with our stuff,
6 and that if he wants to start whatever now, he
7 can.

8 MS. LOVETT: I think that he's
9 going to move everything up 30 minutes.

10 MS. McCARTY: Well, that's what I
11 thought.

12 (Whereupon, the above-entitled
13 matter went off the record at 9:47 a.m. and
14 resumed at 10:17 a.m.)

15 CHAIR BILLY: Okay. I call the
16 meeting back to order. First, I'd like to go
17 through our revised schedule for the rest of
18 the day and call on Mark to chair.

19 MR. HOLLIDAY: Thanks, Tom.

20 (Simultaneous speaking.)

21 MR. HOLLIDAY: The revised agenda
22 to accommodate our lunch plans is as follows.

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1 We're going to do catch share policy for the
2 next half an hour, and then we're going to
3 follow that by the report out of the Ecosystem
4 Management Protective Resources Subcommittee
5 recommendations on the Deep Water Horizon
6 impacts.

7 We're going to move the Protected
8 Resources report out from this afternoon, and
9 that will start approximately at 11:30. Cathy
10 will walk us through that. Our target is to
11 break for lunch and begin the caravan at 12:30
12 to our luncheon, probably schedule about two
13 hours to get out there and back.

14 So that we'd start again in
15 plenary session at 2:30, with a report out
16 from Ken on the Recreational Fisheries
17 Subcommittee, followed by the report out of
18 the Strategic Planning, Budget and Program
19 Management Subcommittee by Heather, followed
20 by Steve Joner and the report out of the
21 Commerce Committee.

22 We're still targeting to complete

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1 our work by 4:30 today. So I think we're
2 going to be on time to do that, if we can get
3 through the morning's effort. We have kind of
4 a firm deadline to get moving out by about
5 12:30, so we need to be mindful of this
6 morning's time to make our schedule.

7 So the only change in order is
8 that we're going to move the Protected
9 Resources out from after lunch to before
10 lunch, to take care of that before we go out
11 to eat. Okay.

12 CHAIR BILLY: Okay. Are you done?
13 Okay. Thanks. Okay. Now we're going to be
14 briefed by Mark Holliday on the status of the
15 NOAA catch share policy, what's happened since
16 we last met, and what the schedule is to
17 finalize it and move it out for use. So Mark,
18 the floor is yours.

19 Catch Share Policy Update

20 MR. HOLLIDAY: Thanks, Tom. So I
21 have a report that's being projected, and I
22 did not send it out to you in advance. The

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1 principal reason is that the catch share
2 policy has not been publicly released. So I'm
3 giving you the preview of the current status
4 of the report, based on the comments, and I'll
5 walk through what's happened since we put it
6 out for public comment.

7 We will be providing you a copy of
8 the final report in the near future, as we get
9 through the clearance process. As you recall,
10 last December, we released a draft policy on
11 the use of the catch share program and the
12 fishery management plans, and we had an
13 extended comment period for public review and
14 feedback.

15 We utilized the Internet and
16 posted comments that we received on a
17 publicly-accessible website. We also accepted
18 comments by email, regular mail, fax. We had
19 something on the order of 4,000 comments
20 received.

21 Interestingly, the majority of
22 those comments were form letters that were

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1 expressing either support or non-support for
2 the concept or the principle of catch shares,
3 and the majority of them made no reference to
4 the actual content of the policy itself. So
5 there were, in essence, letter-writing
6 campaigns expressing general disfavor or
7 support for the principle of catch shares
8 itself.

9 However, we did receive 62 of what
10 I'm considering substantive submissions. Some
11 of those were fairly lengthy, that responded
12 directly to what we had proposed in the
13 policy, commented on suggested changes. The
14 make-up of some of those include those
15 substantive comments that came from different
16 associations, NGOs, individuals.

17 You see some of the distribution
18 from around the country. Those included
19 people who were active participants in
20 existing catch share programs, those who were
21 not active in programs but had a strong
22 sentiment.

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1 If you'd scroll down please. We
2 heard from the majority, but not all the
3 fishery management councils. In addition, we
4 had written comments, we received written
5 comments from the Atlantic States Marine
6 Fisheries Commission, and of course, based on
7 our February meeting in Hawaii, from MAFAC.

8 A few state agencies opined on the
9 draft policy, and we actually heard from one
10 state government representative from Alaska.
11 Just keep scrolling down. Thanks.

12 Individuals, again a diversity of
13 interests from participants in the
14 recreational sector, from universities,
15 academics, some from the processing industry.

16 The four or five major comments I've tried to
17 summarize in the next couple of sentences.

18 The first was that the final
19 policy needed to put recreational fishing in a
20 different context, with specific
21 recommendations to more directly address the
22 use of catch share programs for private

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1 anglers, and clarifying the use of catch
2 shares in segments of the recreational
3 fishing, for example, in the for-hire sector
4 versus the private angler sector.

5 It's a moving target. Don't do
6 that to me.

7 MS. LOVETT: Sorry. I'm trying to
8 make it so you could see the whole thing.

9 MR. HOLLIDAY: Thanks. This
10 notion of use of catch shares on recreational
11 fisheries, where they were the only sector
12 referring to that as a single sector fishery,
13 versus mixed sectors and the policy, of
14 course, said the councils have discretion.
15 They can use it where they best see it working
16 for the goals and objectives of the plan.

17 But regardless of where it's used,
18 we should look at the consequences of catch
19 shares on all the different participants,
20 whether they were a member of the catch share
21 or they were still a participant in the
22 fishery.

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1 Two big issues that were raised to
2 be considered in the final policy, inter-
3 sector transfer. So if there is a catch share
4 program in one sector, making sure that the
5 policy provided for the sectoral transfer of
6 shares between recreational, commercial or
7 other elements of the catch share program, and
8 the notion of allocations, the initial
9 allocation of quota between different sectors,
10 the notion that many of these allocations have
11 been made many years ago on limited data or
12 limited criteria and circumstances have
13 changed.

14 The comments received indicated
15 that once we were moving to a catch share,
16 those allocations may be more difficult to
17 change in the future. So there was a comment
18 that any consideration of a catch share
19 program should be preceded by a reevaluation
20 of the allocation between different user
21 groups, as well as to look at additional
22 criteria in that allocation, to include

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1 biological, economic and social impacts or
2 activity as criteria for making those
3 judgments over time.

4 So one of the big interest areas
5 of those substantive comments was look at that
6 recreational sector long and hard in the final
7 policy, and make sure we can accommodate these
8 allocation questions, inter-sector transfers
9 and the non-use. I guess the preference was
10 the non-use of catch shares for private
11 recreational anglers.

12 The second big area of comment
13 that we assigned to address was coastal
14 communities, sustainability and protection.
15 So beyond individual fisherman, beyond
16 individual anglers, the commenters were
17 suggesting that there be more specific
18 guidance on how catch share programs can help
19 protect and benefit small traditional fishing
20 communities.

21 Some of these requirements are
22 explicitly spelled out in the Act, you know,

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1 the sustained participation of owner-operated
2 fleets in the commercial sector, sustained
3 participation of fishing communities that
4 traditionally have been in place for many,
5 many years.

6 This notion of using the existing
7 authorities under the Magnuson Act to create
8 regional fishing associations and fishing
9 communities as a means to protect and preserve
10 some of these traditional uses and traditional
11 access, both to current access and future
12 access, to allow communities to hold quota, to
13 transfer quota, buy and sell on behalf of the
14 members of a larger community.

15 So it's more than just an
16 individual entity and an individual fishing
17 quota, but provide more guidance on how these
18 group entities, regional fishing associations
19 and fishing communities should be and could be
20 developed to protect these interests.

21 The next comment was more of an
22 organizational and construction of the policy

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1 guidance itself. The term "catch shares" is
2 not defined in the Magnuson Act. It's more of
3 a colloquial term. It's this umbrella term
4 that includes a number of different types of
5 allocations for the exclusive use of an
6 individual of a share of available resource.

7 So in some places, the policy
8 talked about limited access privilege
9 programs, which is defined in the Magnuson Act
10 under Section 303(a), but catch shares also
11 includes the sector programs in New England
12 that are not formal 303(a) programs.

13 So the commenters were suggesting
14 there needs to be clarity about our authority
15 and ability to apply these different policy
16 guidance to both the statutorily defined catch
17 shares like LAPPS and IFQs, and the non-
18 statutorily defined elements like sectors in
19 New England.

20 And the last -- I'm sorry, second
21 to the last. The commenters also felt there
22 needed to be more explicit information about

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1 what NOAA's intent was with respect to
2 providing explicit supporting capacity. So at
3 the time in December, remember when this came
4 out in December of last year, the President's
5 FY '11 budget requests had not been released
6 publicly.

7 So during that, in January when
8 the President's request was made, and there
9 was an increase of \$36 million for catch
10 shares, we would then begin to talk about what
11 sort of investments NOAA was proposing to be
12 made to support the consideration and
13 implementation of catch shares, both from
14 development of new programs to support for
15 existing programs. I mentioned yesterday some
16 of the components of that \$36 million, and we
17 had a briefing on that at our February meeting
18 when Anne Barrett was here from NB.

19 A large measure of support for the
20 upcoming Pacific groundfish IQ program,
21 dockside monitors and at-sea observers in the
22 New England groundfish program, and the IQ

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1 program in the Gulf of Mexico, existing
2 programs that would be supported by that FY
3 '11 proposed increase, as well as additional
4 support to the councils and stakeholders to
5 develop future plans for catch shares in their
6 regions, should they decide to go down that
7 path.

8 The last set of comments had to do
9 with some very specific technical guidance
10 that was requested on evaluating and amending
11 a catch share program over time, to make sure
12 that it stays consistent with changing
13 conditions and changing goals and objectives,
14 as well as what are the data requirement, both
15 what are the essential elements that we would
16 recommend be in place, in terms of evaluating
17 choices.

18 You know, what are the economic
19 impacts of a proposed catch share program
20 before we put it in place, and what are the
21 data requirements to ensure adequate
22 monitoring to track what the actual impacts

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1 were after it was implemented, were areas
2 where there were a number of comments that we
3 tried to address.

4 So I'm going to sort of shift
5 gears. That's the source of the comments and
6 the nature of the comments. One of the
7 structural changes that we've done as a result
8 of the comments and in thinking about it, as
9 you recall, a policy was brought, divided into
10 sort of two sections.

11 The policy was up front describing
12 the guidance. Then that was followed by a
13 table of 24 different action items or
14 implementation ideas as to how to actually go
15 about addressing the policy recommendations.

16 We've now separated that into two
17 separate documents. So for the long term, the
18 policy statement in order to have relevance in
19 the future years, we're not going to link it
20 to a specific activity in this fiscal year.
21 We've broken out the policy into one document,
22 and we'll do an annual implementation document

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1 that's going to be linked directly to the
2 appropriations for that fiscal year, about
3 what NOAA investments would be to support
4 catch shares in that particular year.

5 So the idea of aligning the
6 implementation plan with available dollars
7 seemed to make a lot of sense. The policy
8 would have long-standing value, independent of
9 fiscal year. In terms of guidance, an
10 implementation plan would be done on an annual
11 basis.

12 So there was a structural change,
13 and we'll come out with an implementation plan
14 once we get a budget for FY '11 that's passed
15 by Congress, and map out the specific
16 activities, workshops, data collection,
17 research, monitoring.

18 As we were talking in the Budget
19 Committee this morning, the execution of a
20 budget based on a dollar amount that we get
21 from Congress, as opposed to the aspirational,
22 what we would do if we had an unlimited amount

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1 of money, which was what was in the proposal
2 of what we could do in the original document
3 that was put out for public review in
4 December.

5 Okay. So the next couple of
6 minutes, I'd like to run through the policy
7 statement itself, what's changed or not
8 changed, as well as some of the major
9 guidance, what we're now calling guiding
10 principles or guidance to the Secretary, to
11 NOAA, to stakeholders and to the councils.

12 The specific policy statement is
13 unchanged. So there's a broad statement of
14 considering catch shares, where they're
15 appropriate and NOAA's intent to support
16 councils or interested stakeholders in the
17 design and implementation and monitoring of
18 those programs remains the cornerstone of the
19 policy.

20 Scroll up. The next are these
21 guiding principles, and they're sort of
22 organized, in I think about eight or nine

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1 major bullets. These are drawn directly from
2 the final plan, as we have it now.

3 Specific management goals. All
4 fishery management programs should identify
5 specific measurement goals for management. We
6 had this in the draft policy. Councils should
7 develop these explicit management goals early
8 in the management plan development process, so
9 people understand how that would impact the
10 design choices of putting together a catch
11 share program. Again, these were in the
12 original document itself.

13 Next, scroll up a little bit
14 please. On allocations, this is a change or a
15 modification, that NOAA recommends councils
16 periodically revisit allocations on a regular
17 basis, and this holds true for whether or not
18 that catch shares are the management tool of
19 choice.

20 So in terms of addressing this
21 historical consideration of how we got to a
22 distribution, councils should be looking at

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1 that, seeing if that distribution still makes
2 sense. If it does, that's fine. If it
3 doesn't comport with their goals and
4 objectives for that fishery management plan,
5 conditions have changed. They should consider
6 revisiting that on a periodic basis.

7 As part of that, and I mentioned
8 this in in my introductory statement, that
9 based on comments that we received, councils
10 are advised to consider a broad range of
11 criteria to help evaluate the most fair and
12 equitable distribution of catch shares for a
13 given program.

14 So again, not just focusing on
15 biology, not just necessarily focusing on one
16 dimension, but including some of these other
17 effects, to ensure that again the baseline
18 that we're referring to is there's an FMP. If
19 you set specific management goals and
20 objectives, you can design an allocation
21 program that best suits that, and there's a
22 feedback loop between setting the goals and

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1 setting the design elements of your catch
2 share program.

3 MS. McCARTY: Can we ask questions
4 as we go or do you want to --

5 MR. HOLLIDAY: I'd like to go run
6 through it, because it's not that long, and I
7 think some of these questions -- some of the
8 guidelines intersect with each other.

9 MS. McCARTY: Okay, thank you.

10 MR. HOLLIDAY: On the issue of
11 transferability, councils should assess the
12 range of options and the net benefits of
13 allowing transferability in catch shares.
14 This is something we said in the draft.
15 Clearly, some of the benefits of catch share
16 programs can only result if holders of those
17 privileges are allowed to scale up or scale
18 down or buy in or buy out of the fishery. But
19 at the same time, there's pros and cons to it.

20 So the notion was councils have to
21 make sure they understand either full or
22 limited transferability would affect the

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1 achievement of the goals and objectives, and
2 based on experience, we recommend that
3 councils develop policies on what happens to
4 privileges over time, and circumstances, for
5 example, upon retirement of the initial
6 privilege holder, death or divorce.

7 These are not property rights per
8 se, but if the council doesn't opine as to how
9 they want to treat these privileges and these
10 kinds of circumstances, they'll be leaving it
11 to the courts to decide. So better to define
12 how they want these treated up front.

13 Whatever determinations that are
14 made with respect to the transferability (you
15 went a little bit too far Heidi.) The notion
16 of making sure that the process is transparent
17 and that the public's involved is an essential
18 element of that.

19 I know that sounds a little bit
20 redundant to what the councils are supposed to
21 do, but because transferability has such an
22 impact on the success of programs, the

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1 analysis of these trade-offs and the
2 evaluation of these outcomes in a public
3 forum, with all of the different stakeholders,
4 is really critical to the acceptance and the
5 acknowledgment of what the impacts would be
6 and the buy-in and the success of
7 implementation.

8 There's phrases in the Magnuson
9 Act that talk about creating eligibility and
10 including people who have been substantial
11 participants or substantial dependents, and
12 this is wording that is taken directly from
13 the Act. It said "be established by the
14 Secretary upon recommendation by the council."

15 We haven't done that yet for the
16 2007 reauthorization. So this was
17 recommending that this take place, putting it
18 out there as part of the policy is our
19 commitment to make sure it happens. Whatever
20 the transferability rules that have been set
21 up, there is again, based on comments and best
22 practice that we've seen in catch shares to

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1 date, there ought to be a clear administrative
2 record linking these management goals and
3 objectives to specific provisions limiting
4 transferability, such as owner onboard
5 provisions, use it or lose it provisions,
6 active fishing entities.

7 So there's some reasonable cause
8 and effect between setting up conditions or
9 limits on transferability, and the record that
10 established that is important for the
11 successful implementation.

12 Sort of the flip side of that is
13 councils must be mindful of imposing too many
14 constraints on transferability, that we don't
15 want to stifle or councils shouldn't want to
16 stifle innovation or flexibility of fishermen.

17 They need to have an ability to make cost-
18 efficient, competitive business decision-
19 making capability in the fishing industry.

20 So not layering the implementation
21 of a catch share program and transferability
22 conditions to the point that they're

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1 counterproductive. So there's a fine balance
2 there.

3 One comment, one area of comment
4 that we received and felt strongly about was
5 we need to provide improved information, and
6 in a sense literacy, on helping people during
7 a transition period, where fishermen or
8 entities have no experience in working with
9 markets for privileges. They don't know
10 necessarily their true value, whether they
11 should be leasing or selling them if those are
12 permissible ideas.

13 So NOAA should, has advised the
14 councils to look at that very closely,
15 especially during the transition period, and
16 maybe set up some graduated implementation, to
17 make sure that folks that are involved in
18 receiving this new entity called catch share
19 privileges have information, have data, have
20 support on what those privileges mean, as a
21 means to ensure that they don't make
22 uninformed decisions about selling,

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1 transferring, buying or acquiring additional
2 shares.

3 This last notion that I mentioned
4 in the, as a result of the strong comments,
5 particularly from the recreational
6 constituents, allowing the inter-sector
7 transferability of catch share privileges in
8 the marketplace to allow changes in demand and
9 future access opportunities in multi-sector
10 fisheries. So that's, again, a recommendation
11 to the council.

12 The next major bullet,
13 distinctions among sectors. This was again
14 trying to emphasize that NOAA's policy is not
15 to require, does not require catch shares be
16 used in any sector, that if they choose,
17 councils choose to use it in one sector for
18 commercial fisheries, they are not required to
19 do it in the recreational sector.

20 So it's just putting it on paper.
21 Again, these are principles that were in the
22 draft, and haven't changed. We should

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1 evaluate the effects of catch shares on all
2 participants. Again, that was in the draft.
3 Knowing what the consequences are is important
4 for both those who are receiving the
5 privileges and those who are not.

6 This next item just below the
7 line, NOAA does not advocate the use of catch
8 shares for private recreational anglers. But
9 since the Magnuson Act does allow it, we
10 respect the councils' authority to consider
11 them. So very clear statement that where and
12 when councils choose to use them, it's up to
13 them. But we're certainly not going to say
14 something contrary to what the Magnuson Act
15 says with respect to where they'd be used.

16 The notion, there are many people
17 who opined about recreational catch shares and
18 there's bad data. There's bad data all over
19 the place. It's not just for recreational.
20 So whenever you're considering making choices
21 about allocations, you need to be mindful
22 about the quality of the data.

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1 I think we were pointing out here
2 that a distribution does not necessarily have
3 to be based solely on historical catch, and we
4 have examples from around the country that
5 have used other participation criteria to make
6 allocations, in some cases even, you know,
7 vessel characteristics were used in making a
8 determination of what share of the privilege
9 was distributed to an individual.

10 So it's to take full advantage of
11 the flexibility. This was a principle that we
12 included in the December issuance of the
13 draft.

14 Because data is such a concern,
15 and going to the idea of what data do you need
16 and what are the limitations on data
17 currently, we recommended that councils
18 continue to work with our state partners on
19 data collection, to improve the quality and
20 the quantity of management, including the
21 recommendations from the National Research
22 Council that we improve the quality and

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1 quantity of data from the for-hire sector for
2 recreational fishing operations, maintaining
3 log books, as well as this next point which is
4 new, that NOAA recommends councils consider
5 endorsing the obligatory submission of data,
6 including social and economic data, in return
7 for the private use of the public's fishery
8 resources.

9 So if data are a limiting factor,
10 yet we're not requiring people to submit data,
11 we need to fix that disconnect and say we need
12 sufficient access to information in order to
13 do our economic impacts, in order to do our
14 community impacts, in order to do improved
15 stock assessments as a quid pro quo for using
16 this public resource, this submission of data,
17 to help improve the quality of the management
18 is something that we think councils should be
19 endorsing and including in their consideration
20 of their FMPs.

21 These last two bullets, if you'd
22 just scroll up just a bit, are taken together,

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1 that again, the purpose of the policy is to
2 promote the consideration of catch shares,
3 remove impediments. So NOAA is committed to
4 working with, if it's a council or a state
5 agency, or recreational organization on the
6 development of a recreational catch share.

7 There have been a lot of proposals
8 talked about over the last four or five months
9 about how do you deal with catch shares, not
10 with individual anglers but with giving an
11 allocation to a state or a non-profit entity.

12 If councils want to pursue that,
13 if stakeholders want to, you know, try to
14 develop a pilot program, NOAA is interested
15 and willing to work on that and see if we can
16 develop a program under the Magnuson Act that
17 meets their needs.

18 So it's a recognition that there
19 is a lot of flexibility in design concept, and
20 we could push the envelope on developing
21 something that might make sense. NOAA's
22 interested in whether it's a community,

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1 whether it's a recreational sector, or whether
2 it's a commercial interest.

3 Trying to make sure that we have
4 the capacity to help people consider catch
5 shares for their needs is something that we're
6 committed to doing in this sector -- sections
7 that we've just talked about.

8 The next one, duration is in the
9 draft policy, but it's -- again, there's some
10 degree of uncertainty about or just ambiguity,
11 even though it's clearly stated in the
12 statute, about the duration of catch shares,
13 that they're not issued in perpetuity.

14 So councils need to be very
15 explicit in specifying that in order to
16 convince people to behave as if they're
17 temporary privileges, not property granted in
18 perpetuity. I understand there's a whole
19 range of interpretation of this in the real
20 world.

21 But indeed, councils could help
22 clarify that in the specification of how often

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1 are they going to revisit allocations, how
2 often are they going to revisit the
3 distributions over time. Are they going to
4 reserve certain percentages for future
5 allocation? These are the design elements
6 that go to making this, how enduring
7 privileges is this, and whether or not it
8 conforms with the Magnuson Act.

9 Just a couple more points left in
10 the guidance. Fishing community
11 sustainability. This was, we felt, a strong
12 element of the draft policy. Comments
13 suggested it needed to be stronger so that we
14 tried to beef up the language in that and
15 include what you see here, that councils
16 should not just consider RFAs and FCs, but
17 they should develop policies to promote the
18 sustained participation of fishing
19 communities, and take advantage of these
20 provisions in the MSA.

21 And that as part of that, you
22 know, we want to partner with not just the

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1 councils but interested stakeholders. So if
2 there are ports or groups of people who want
3 to develop a fishing community association but
4 they don't know how to organize themselves,
5 providing information, providing access to
6 resources, whether they'd be part of NOAA,
7 whether they're part of the Department of
8 Commerce Economic Development Administration,
9 whether they're part of the Small Business
10 Administration, how to organize a 501(c)(3).

11 You know, if there are community
12 organizations that want to know how to take
13 charge and be more involved in the local
14 governance of developing an entity that can
15 receive or share in privileges, that NOAA's
16 going to make those kinds of investments to
17 build that capacity and support those
18 communities that want to go that way.

19 If you can scroll up a little bit.

20 This would include, again, not just NOAA's
21 resources but public-private partnerships,
22 collaborations with states and other entities

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1 that are looking at economic development,
2 coastal waterfront preservation, working
3 waterfront preservation, to address the
4 problems associated with long-term, both the
5 fisheries side and the community
6 sustainability side.

7 This ties back into the councils
8 and some of you may recall some GAO reports
9 about limited access programs and public
10 participation, that both councils and NOAA
11 must be more proactive in seeking out
12 community participation.

13 Not just those people who come to
14 council meetings, but going out into the
15 communities and seeking those people who may
16 not traditionally be served by the council
17 process, to ensure that they're not left
18 behind in these small, remote communities.

19 This notion about over-regulation,
20 be mindful of not interfering with the ability
21 of people to make a living and conduct a
22 business, is captured in this next one,

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1 staying clear. Objectives for all stakeholder
2 groups, being able to monitor the performance.

3 There are all issues that were in the draft
4 policy that are in the final policy.

5 And that there are such, you know,
6 a wide range of design options and the
7 capacity to use them really depends on
8 people's ability to tap into expertise
9 elsewhere. So promoting the exchange of
10 information from one council region to
11 another, for one fisheries experience to
12 another, to build on that and use that for all
13 stakeholders is something that is being
14 endorsed by the policy itself.

15 The statement we made in the draft
16 policy remains unchanged, that the councils
17 are given the authority to decide whether or
18 not to use or collect royalty payments. It's
19 not NOAA's authority; it's the councils. But
20 if the councils do choose to use it, we'll
21 work very closely with them on the design of
22 how to do that efficiently and make sure that

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1 those allocations are directed in the manner
2 specified in the Magnuson Act.

3 All right. Same positions that we
4 had in the draft policy on cost recovery. The
5 incremental costs of operating a limited
6 access privilege program. Being mindful that
7 we need to design efficient programs to
8 minimize the costs on the participants and the
9 public.

10 Even though there's a three
11 percent cap by statute on cost recovery,
12 there's no reason for us to go to three
13 percent if we can design programs that are
14 more efficient, and keep costs as low as
15 possible. That should be the council's
16 incentive.

17 I think the last issue on review
18 process, you know, periodically reviewing
19 catch share and non-catch share programs is --
20 for catch share programs, it's required by
21 statute, as you recall. Within five years of
22 a catch share program, councils have to

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1 conduct a thorough evaluation and every seven
2 years thereafter.

3 We think that's such a good idea
4 that councils should do that for non-catch
5 share programs as well, even though there's
6 not a statutory authority. Again, this
7 dynamic of planning to do something,
8 implementing it, checking it and refining and
9 adapting to changing circumstances is just
10 good, is a good practice and while it may seem
11 obvious, putting it on paper sets it as a
12 metric for us to work with the councils on.

13 So having it embodied in relevant
14 performance measures, how do we know we're
15 meeting success? How do we know things need
16 change unless we have some of these explicit
17 goals measured over time, with appropriate
18 data. Again, part of the policy to collect
19 and manage that information.

20 So this just overall statement
21 suggesting that, you know, working with the
22 councils, working with different stakeholder

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1 groups, helping them assess the options that
2 are in front of them, evaluate the pros and
3 cons. Those are the basic premises of the
4 policy. It's not one-size-fits-all, and it's
5 still not a requirement. There's no numerical
6 target for catch shares by the administration.

7 But it is a tool that has proved
8 to be successful in some places. It could be
9 successful in others. If there's an interest
10 in pursuing that, then NOAA's establishing
11 these guidelines and these resources to help
12 people investigate that further.

13 So I should say that, you know,
14 throughout this process, we looked at all of
15 the impacts, excuse me, all of the input that
16 we received from the Internet, from
17 individuals, from different organizations, in
18 developing the draft of the final policy.

19 We specifically went through the
20 checklist from the February meeting of MAFAC,
21 to account for the emphasis areas that you
22 conveyed to us, in crafting the content of the

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1 document itself. So the schedule for release,
2 we're pretty close. Some time in the month of
3 July, you know it is now July 1st, we're
4 hoping that we'll have an opportunity to
5 finalize and make the final policy go public.

6 CHAIR BILLY: Questions or
7 comments? Terry?

8 MR. ALEXANDER: Just a comment. I
9 hate to sound like a broken record, but in New
10 England, we had -- it's not a LAPP, and I have
11 a long-standing relationship with my bank.
12 I'm having trouble borrowing money because
13 it's not a LAPP, and all of the sudden, being
14 in a sector proposes liability issues for my
15 bank, I guess.

16 But I don't think we were aware of
17 that before the May 1st implementation of our
18 sector. So I just -- I don't know how people
19 could find that out before they implemented
20 one, but I mean I think that that's a point
21 that needs to be made to people around. So,
22 that banks aren't necessarily looking on these

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1 real kindly, not being an LAPP, because they
2 really don't have anything to attach, for
3 property rights.

4 MR. HOLLIDAY: Right, and that's
5 an important distinction between LAPPs and
6 these other catch shares that are not under
7 Section 303(a).

8 MR. ALEXANDER: Right.

9 MR. HOLLIDAY: And banks, my
10 understanding is that different banks even
11 within LAPPs have different assumptions about
12 risk and eligibility for using that as
13 collateral. So there's not uniformity in the
14 banking community seeing it the same way.

15 MR. ALEXANDER: Yes, I know. A
16 lot of us work with Farm Credit in this in our
17 area, and they would like to become a member
18 of our sector, just so that they were in
19 there, if they had to repossess one of our,
20 any of our property, you know what I mean?

21 MR. HOLLIDAY: Right.

22 MR. ALEXANDER: So --

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1 CHAIR BILLY: Ed?

2 MR. EBISUI: Thank you, Mr.
3 Chairman. Mark, I think that's a really,
4 good, clear, concise statement of the policy,
5 and I just have one question. Regarding
6 transferability, there was in the advice
7 section, there were three events that are
8 mentioned, retirement, death or divorce.
9 That's not intended to be an all-inclusive
10 list, is it?

11 MR. HOLLIDAY: No, no, no. That
12 was just a for example.

13 MR. EBISUI: Okay, good.

14 MR. HOLLIDAY: So how do you deal
15 with events in the long term that would affect
16 the initial recipient and the circumstances?
17 Do they revert back to the council, and we go
18 into the policy. We get sort of these
19 scenarios of what --

20 MR. EBISUI: Well, what I'm
21 thinking specifically is that in regard to say
22 physical disability or illness, catastrophic

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1 illness or some situation like that. This
2 policy allows the councils' discretion to go
3 beyond the three stated positions; correct?

4 MR. HOLLIDAY: Exactly. It's not
5 limiting. It was more to exemplify that the
6 councils need to consider these what-ifs when
7 they design a program. They don't want to
8 leave that unanswered. So it's to be thorough
9 in that when you are considering
10 transferability, you need to be thorough in
11 looking into the future and considering all of
12 these different events and have a policy, so
13 that the intent of the council is carried out.

14 Those are not limiting. They were
15 just examples of areas where the councils need
16 to consider what they would want to have
17 happen.

18 CHAIR BILLY: Okay, Pam.

19 MS. DANA: You had noted that you
20 had 4,000 not necessarily comments. But you
21 had 4,000 --

22 MR. HOLLIDAY: Responses.

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1 MS. DANA: Responses.

2 MR. HOLLIDAY: Correct.

3 MS. DANA: And the majority being
4 just form letters. What were the pro and con?
5 Do you recall what the percentage was in pro-
6 catch share versus con, and how did you treat
7 those while being a form letter, how did you
8 treat those?

9 MR. HOLLIDAY: Well, I don't think
10 we do have the scoring, I mean, so and I don't
11 ascribe a lot of --

12 (Simultaneous speaking.)

13 MR. HOLLIDAY: No. I don't
14 ascribe a lot of statistical meaning to it,
15 because it's not a particularly unbiased
16 sample of people. When we researched it, we
17 found a couple of different websites that you
18 go to a website and you type your name in and
19 they'll forward the letter on your behalf.

20 So depending on how visible that
21 website is and the membership of that
22 organization, you may be getting 90 percent of

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1 an organization's members, but they only have
2 100 members. Or you may be getting two
3 percent of another organization.

4 So it's really hard to interpret
5 what that means. We did -- so I think it's
6 more of a reflection of how powerful the web
7 engine is on generating that type of response,
8 and how broad a coverage.

9 How do we consider that? I think
10 we were asking for people to comment on the
11 content of a policy, and many of these
12 comments that came in on these form letters
13 were as if they were voting on a referendum up
14 or down. We like catch shares or we don't
15 like catch shares.

16 There really wasn't any we don't
17 like catch shares because this part of the
18 policy doesn't account for this or this
19 doesn't do that or we love catch shares
20 because they do this.

21 They were much more, I wouldn't
22 say emotional, but more on principle. We

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1 don't want anybody, the federal government
2 monkeying around with our fisheries, you know.

3 So I don't think that it provided a lot of
4 valuable information on how to revise the
5 policy, you know, what they liked or didn't
6 like or how the policy could change. It was
7 that they were just ascribing their preference
8 for not having any management, or not having
9 any involvement from --

10 You know, we have enough
11 management, we have enough bureaucracy type of
12 interference, or we really need to just have
13 catch shares and nothing else. That's not our
14 position either. So it's a long-winded
15 answer, but I'm trying to be sensitive that it
16 was considered, but I really didn't have any
17 ability to really influence the specific
18 content of the policy from these more general
19 form letters.

20 MS. DANA: No, I appreciate that.
21 I just was wondering if there were, the bulk
22 of those were for or against, and if they were

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1 for, just how were they treated? I mean it
2 does take a certain amount of initiative to
3 even send a form letter.

4 MR. HOLLIDAY: Yes. I mean
5 Carrie, I don't know if you remember the
6 statistic, but I mean they were more pro than
7 against. But we had form letter campaigns
8 before the policy was even out, I mean, and we
9 still get form letter campaigns today on the
10 issue.

11 So again, I don't think it was --
12 I wouldn't want to elect our president that
13 way, you know. It's not really a
14 representative means of making a choice.

15 (Laughter.)

16 MR. HOLLIDAY: It's informative,
17 but it's not definitive.

18 CHAIR BILLY: Heather?

19 MS. McCARTY: Thank you, Mr.
20 Chairman. I have a couple of questions if you
21 can put it back on the screen. I think the
22 first question was way back in the eligibility

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1 maybe, or criteria or something.

2 MR. HOLLIDAY: Okay.

3 MS. McCARTY: I just can't
4 remember exactly where it was. So maybe you
5 can go to that section. Anyway, maybe I'll
6 just tell you what it is. There was some
7 section where it talked about it doesn't
8 necessarily -- it isn't necessary to use catch
9 history or whatever.

10 MR. HOLLIDAY: Right.

11 MS. McCARTY: In terms of --

12 MR. HOLLIDAY: Initial allocations
13 have traditionally used some grandfathered
14 historical period of time, based on catches.

15 MS. McCARTY: Right.

16 MR. HOLLIDAY: But that's not the
17 only, through experience with other catch
18 share programs, that's not always the only way
19 to do it. So if the record of a historical
20 catch period is incomplete or biased in some
21 way, there are other means to make an
22 allocation, from an extreme of you can divide

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1 by the number of people and everybody gets an
2 equal share. You could auction them off to
3 giving some other weighted criteria.

4 That if you fished in one year,
5 whether you caught a pound or 100 pounds, but
6 you've been in the fishery for 20 years,
7 that's important for the council to
8 acknowledge. They can give an assignment of
9 quota share based on participation. To all
10 sorts of other, you know, parameters.

11 So I think the notion of the
12 recommendation was don't necessarily constrain
13 yourself to thinking that the only way to make
14 an allocation is based on a three or a five
15 year average of historical catch, because
16 that's not true. I mean you can design it
17 however you want. There's no requirement that
18 that be done that way.

19 MS. McCARTY: So I guess I have a
20 question and a comment.

21 MR. HOLLIDAY: Sure.

22 MS. McCARTY: My question is was

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1 that meant to refer only to recreational
2 fisheries, or was that to apply to any fishery
3 the council was considering for a catch share
4 program?

5 MR. HOLLIDAY: It applies equally
6 to any distribution that would be made. I
7 think the comment was raised originally by
8 recreational commenters, who said the record
9 of commercial catches is biased or inaccurate.

10 Therefore, we can discount the use of a catch
11 share program on that basis alone.

12 So but the response was more
13 generally, while that may -- using catch
14 history has been traditional, but that's not
15 the only way one can do it, and we've seen
16 commercial fisheries use other means to make
17 allocations besides historical catch.

18 MS. McCARTY: My comment was that
19 that's somewhat unusual, particularly in the
20 commercial area. So I was just wondering sort
21 of where that came from and so on. It could
22 be in the commercial area, in my experience,

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1 could be a little bit problematic. But that's
2 why I assuming that it came from the
3 recreational sector, where the catch history
4 was not so clear, that there wasn't the data
5 to back up the catch history. Is that sort of
6 where it came from?

7 MR. HOLLIDAY: That's what I said.
8 The origin of the comment came from that
9 sector.

10 MS. McCARTY: On the
11 transferability, inter-sector transferability,
12 I don't know where it is on the screen. But
13 there was a section where you talked about
14 inter-sector transferability. I don't know
15 whether you can put that up there.

16 Consider allowing inter-sector
17 transferability, blah blah blah, in response
18 to changes in demand and so on. One of the
19 things we talked about in Hawaii in regard to
20 that kind of transferability was the potential
21 for large percentages of a fishery to be
22 transferred between or among sectors, and we

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1 talked about there may be a need for a limit
2 for how much can go from sector to sector.

3 For example, there are concerns in
4 the commercial sector, I'll just use this as a
5 hypothetical example. In the commercial
6 halibut fishery, that if there were inter-
7 sector transferability allowances, that there
8 could be gaming that would allow a large
9 percentage of that to go to the recreational
10 sector, and therefore become inaccessible to
11 the commercial sector, or the other way
12 around, depending on where we were and in
13 which fishery. Is that sort of part of the
14 discussion in the potential policy?

15 MR. HOLLIDAY: Well, as I
16 mentioned at the outset, all of these guiding
17 principles intersect with each other. So the
18 transferability that you see in the policy,
19 the transferability section refers back to
20 councils' responsibilities for setting caps
21 and excessive shares on holding privileges.

22 So regardless of what we allow

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1 with transferability, it's still going to be
2 subject to the requirement that they set a
3 target of the maximum amount of privilege that
4 could be held by any one entity.

5 MS. McCARTY: Thank you.

6 MR. HOLLIDAY: There are also --
7 that's one specific cap. But it also talks
8 about excessive geographic concentration or
9 excessive concentration among gear types and
10 things. So there are other requirements that,
11 you know, in the excessive share section of
12 the guidelines, that intersect with
13 transferability.

14 So you can't -- you have to look
15 at all of these sort of together when you
16 design the program. You're absolutely right.

17 You wouldn't want to design a program that
18 allows you to go so far that you're going to
19 start violating these other requirements of
20 the Act.

21 MS. McCARTY: Right, yes. It's
22 kind of hard to judge what the whole thing's

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1 going to look like, just from what we're
2 seeing.

3 MR. HOLLIDAY: Right.

4 MS. McCARTY: And then duration.
5 If you -- you don't have to go to that
6 section. The duration question, which is very
7 interesting and quite a big issue in the most
8 recent catch share program that was passed by
9 the council here just a month or so ago.

10 There was a duration section that
11 was very controversial, saying that it had a
12 duration of ten years, and there was a huge
13 amount of argument against that. I'm
14 gathering from this policy that that is being
15 encouraged by this policy, to set a duration
16 that's very specific, like ten years or five
17 or 20 or whatever.

18 MR. HOLLIDAY: Well again, we
19 don't have the authority or the ability to go
20 beyond what the Magnuson Act says. The
21 Magnuson Act says the duration is for ten
22 years, and unless they're revoked, modified or

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1 otherwise -- the specific language.

2 So there is some existing guidance
3 that says there is a duration period
4 associated with catch shares. So the councils
5 have a responsibility, say if it's ten years,
6 fine. If it's not ten years, what is it, so
7 that they have to answer that question. They
8 should be answering and providing some
9 information to the recipients about duration
10 of the program.

11 That links back to the review
12 requirements of the program as well. So
13 they're again tied together.

14 MS. McCARTY: And my final
15 question is when the policy is complete and
16 it's in place and the Secretarial review of a
17 potential FMP comes, you know, to the
18 Secretary -- it's been passed by the council -
19 - is the Secretary going to have a checklist
20 with these policy items, and is it going to be
21 checked off as to how it adheres to the policy
22 each time?

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1 MR. HOLLIDAY: I would think it
2 would be a consideration in the review of
3 fishery management plans. But recognize, and
4 we've said this from the outset, that this
5 does not have the force of law. These are not
6 federal regulations. So they're akin to the
7 National Standard guidelines that have been
8 published. They're just that. They're
9 guidance, advisory.

10 We think that there's value in
11 abiding by them and they'd be evaluated in the
12 determination by the Secretary to approve or
13 disapprove a plan. But I don't think it's a
14 litmus test of, you know, if you score 80
15 percent and it's approved or disapproved. I
16 think it's not a specific metric checkoff, as
17 you would suggest.

18 MS. McCARTY: I guess I have one
19 more question then. Maybe this is for Eric.
20 Is the representative of the National
21 Fisheries Service region or whatever on each
22 one of the councils going to be expected to

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1 advocate for these policy aspects as they
2 participate in the council process and the
3 development of a catch share program?

4 MR. SCHWAAB: You mean -- so in
5 the context of the council has made a decision
6 to explore or develop a catch share program,
7 is the representative going to advocate for
8 policy elements?

9 MS. McCARTY: Yes.

10 MR. SCHWAAB: I mean I would think
11 to the extent that there are suggestions here
12 with respect to specific considerations, the
13 answer should be yes. I don't know if Mark,
14 you have a different view on that.

15 MR. HOLLIDAY: I don't think it
16 would be any different than his or her
17 responsibility to talk about National Standard
18 1, and the guidelines for declining, over-
19 fishing. I mean these are the guidance to
20 implement the Magnuson Act, and so I think
21 they would be responsible for pointing that
22 out.

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1 MS. McCARTY: Okay. I'm just
2 interested. I know they don't have the force
3 of law. I understand that.

4 MR. HOLLIDAY: Yes.

5 MS. McCARTY: But many times
6 during the course of the Council meeting,
7 somebody will ask a question of NOAA general
8 counsel, for example, who sits right up at the
9 table at our Council, and then that person is
10 asked to opine on a particular point of law.

11 I just wondered if this policy is
12 going to have that sort of strength or that
13 sort of consideration. You may not even know
14 that yet. I mean we just have to sort of feel
15 our way. I don't see anything wrong with
16 that; don't get me wrong. I was just kind of
17 wondering, because everybody's kind of
18 wondering is this policy going to overlay like
19 a law, even though it isn't a law. Or you
20 know, people are wondering how it's going to
21 play out at the Council level. So that's why
22 I'm asking. So thank you.

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1 MR. HOLLIDAY: Right.

2 CHAIR BILLY: Okay, Martin.

3 MR. MARTIN FISHER: Thank you, Mr.
4 Chairman. Doc, great job. I think, I really
5 feel like you listened to most of the things
6 we said in Hawaii, if not all, and responded
7 to them in a very detailed form.

8 I'm very concerned about one thing
9 though, and I brought this up yesterday. But
10 the way that many of the elements of what
11 we've seen today are really called back into
12 question, and that is you're charging the
13 councils with the reallocation process in the
14 many of the statements here that we saw on the
15 board today, without any definition of what
16 the criteria are for choosing the elements
17 that would reward one sector or another sector
18 more or less of the time.

19 So I understand that the chairman
20 wanted that to be a part of the conversation.

21 But I think that that elevates -- I think
22 this elevates it to like here on the table, of

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1 how is NOAA going to give guidance to the
2 councils, of what that criteria is, because I
3 don't see that here.

4 I'm very concerned that without
5 some national discussion of all the
6 stakeholders, that this issue is going to be a
7 conflagration. And also there are statements
8 in here regarding the transferability of
9 quota, and again, I know that there are
10 certain elements in each sector that are
11 trying to hold onto whatever allocation they
12 have, and there are certain elements in each
13 sector that are trying to grab more than they
14 have.

15 It seems to me we need a little
16 bit more guidance or definition of what that
17 means, in terms of transferability, and do we
18 transfer shares or do we transfer annual
19 allocation? If we do transfer shares, how
20 long can the transferees hold them? Because
21 as somebody brought up, I don't know if it was
22 Heather, one sector could virtually put the

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1 other sector out of business.

2 But my main concern is where's the
3 definition, where's the criteria for how to
4 evaluate and award allocation in this
5 reallocation process?

6 MR. HOLLIDAY: Right. Go ahead?

7 CHAIR BILLY: Yes, go ahead.

8 MR. HOLLIDAY: So the final policy
9 is NOAA will issue guidance to councils to
10 consider biological, social, economic and
11 other impacts as criteria in determining
12 allocations, so as to further the greatest
13 overall benefit to the nation.

14 So there's a mark in here that
15 NOAA's going to work with councils and
16 stakeholders to develop specific guidance.
17 Because it goes beyond catch shares, you know,
18 and we didn't think it was appropriate for us
19 to unilaterally determine those criteria and
20 put that into this policy. But we're
21 committing to a process to develop a set of
22 guidance that would be applied by councils,

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1 and we would derive that guidance by a public
2 participatory process.

3 MR. MARTIN FISHER: Are you going
4 to hold a summit, like you did the
5 recreational summit, or --

6 MR. HOLLIDAY: I don't think we've
7 determined whether it's a series of workshops
8 in conjunction with councils, or one big, you
9 know, summit. But I think it's going to be
10 over a period of time to include all of the
11 eight regional council areas, and the various
12 constituent groups, to help frame that
13 guidance.

14 So it's not something you'd
15 unilaterally do over a day. It's something
16 that would be for a period of time, and
17 consider both the implications for catch
18 shares and non-catch share programs, because
19 there's going to be many, many fisheries
20 managed without catch shares, that still are
21 going to be making allocation decisions.

22 MR. MARTIN FISHER: Well,

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1 specifically in the language up here, it looks
2 like there's a change in policy, and that is
3 that I saw a couple of sentences that
4 basically said that councils should or need to
5 consider reallocation before implementation or
6 development of catch share program.

7 So if that's the case, it seems to
8 me that we need to figure this, the issue I'm
9 talking about, out first, and then that could
10 be the focus or the primary goal of furthering
11 the catch share process, because certainly if
12 that's part of the mandate, then we need the
13 guidance from NOAA to know what it is that
14 we're -- how we're suppose to allocate or
15 reallocate.

16 CHAIR BILLY: Okay, Bill.

17 MR. DEWEY: Thanks. One of the
18 concerns we talked about in Hawaii was
19 including some sort of provision to ensure
20 opportunities for new entrants. I didn't hear
21 you speak to that. I'm curious if anything's
22 been done with that or not.

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1 MR. HOLLIDAY: Right. Within the
2 section on providing, using set-asides and
3 other devices to allow for new entrants, I
4 think we've changed the language specifically
5 to emphasize that as a requirement. So the
6 Magnuson Act contains explicit language to
7 allow for that, to consider new entrants as
8 one of the participation and allocation
9 criteria. So we brought that language into
10 the document itself, and there were various
11 means to do that, one of which would be set-
12 asides, one of which subsidized loans, et
13 cetera.

14 So we captured those pieces
15 together and have taken the language out of
16 the statute.

17 CHAIR BILLY: Ed?

18 MR. EBISUI: I'll pass.

19 CHAIR BILLY: Okay. Any other
20 questions? Well, speaking just for myself, I
21 really appreciate the work that's been done
22 here. I think it is quite responsive to the

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1 input from this committee, and obviously you
2 got a lot of good comment from the public at
3 large. So I think it's a job well done.
4 Thank you.

5 MR. HOLLIDAY: Thanks.

6 CHAIR BILLY: Okay. Now we're
7 going to move to the work that was done by two
8 -- oh sorry, I forgot, yes. Please. You have
9 the floor.

10 Summer Flounder Litigation Update

11 MR. O'SHEA: Thanks, Mr. Chairman.

12 Since about a third of the committee is East
13 Coast oriented, there's been an ongoing
14 lawsuit involving the Commission and the
15 Atlantic States Marine Fisheries Commission,
16 state of New York and United Boatmen and other
17 recreational interests in New York regarding
18 summer flounder allocations.

19 But those lawsuits have issues in
20 them that might be of broader interest to the
21 entire committee, Mr. Chairman, and that's why
22 I suggested maybe a five minute deviation,

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1 that the issue was in 2008, the council and
2 the commission made certain allocations of
3 summer flounder to the different states, and
4 most of you know, if you read the Magnuson
5 Act, know that summer flounder has been
6 prominent in national legislation,
7 particularly with regard to rebuilding.

8 So the state of New York sued the
9 Secretary of Commerce, and United Boatmen
10 intervened, and in addition to intervening,
11 also asked that ASMFC be named as a defendant,
12 which the state of New York did not.

13 There are really three key issues.

14 One was that New York alleged and the Boatmen
15 that MRFFS data, per the National Academy of
16 Science report, was flawed and therefore could
17 not be used to manage fisheries.

18 The second allegation was that
19 there was substantial anecdotal evidence that
20 the stock had shifted north and to the east
21 into New York, and that's why New York
22 fishermen were catching a disproportional

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1 share of the quota and going over on their
2 quota, and that the 1998 quotas should have
3 been readjusted.

4 The third issue which brought us
5 in was that because ASMFC receives federal
6 funding through a NOAA grant authorized under
7 the Atlantic Coastal Act, that that turned
8 ASMFC into a quasi-federal agency therefore
9 subject to lawsuit under the Administrative
10 Procedures Act.

11 Well, we petitioned the judge to
12 dismiss us from the lawsuit. The Judge
13 refused to. He bought the quasi-federal
14 agency argument, and we appealed that to the
15 Second Circuit Court of Appeals.

16 On Monday, the Second Circuit
17 Court of Appeals ruled that we are not a
18 quasi-federal agency, that we're accountable
19 through a political process and there is no
20 private right of legal review to ASMFC
21 actions. The fact that we have federal
22 officials on some of our policy boards, the

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1 fact that we receive funding through the NMFS
2 budget, doesn't change our status.

3 So that's important in the sense
4 that it reaffirms the unique status of
5 interstate compact commissions, including the
6 Gulf Pacific, and we've already gotten emails
7 from other, from the middle of country
8 interstate compact commissions, expressing
9 satisfaction with this decision.

10 It was a 3-0 decision. It does
11 not conflict with any other circuit ruling,
12 and it's unlikely that the plaintiffs would
13 prevail in a petition to the Supreme Court to
14 take this case up.

15 On Tuesday -- so that was Monday.
16 Yesterday afternoon, we received word that
17 the ongoing suit between New York DEC,
18 National Marines Fisheries Service and
19 Boatmen, and we were temporarily excused from
20 that until this jurisdiction issue was
21 decided, but there was, I think, strongly-
22 worded decision dismissing plaintiffs' claims,

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1 asserting that the agency was reasonable in
2 using MRFFS data to manage the fishery, and
3 that there was not substance to the allegation
4 that the stock had shifted based on anecdotal
5 evidence that wasn't scientific evidence, to
6 support that.

7 So Jim Balsiger, who's not in the
8 room, gets credit for winning the case, I
9 suppose, because he was named in it. I don't
10 know if they ever updated it, Eric, and put
11 your name on it. But you're in the chair when
12 you've got a victory. But I think it was an
13 important step forward. They were strongly-
14 worded decisions, and I think it's affirmed
15 the right of the management agencies and the
16 agency to use MRFFS data, because the
17 plaintiffs were unable to introduce an
18 alternative thing.

19 So thank you for indulging me, Mr.
20 Chairman. This is something that's been going
21 on for three years in my world.

22 CHAIR BILLY: Thanks, Vince.

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1 Dave?

2 MR. WALLACE: Yes. I just want to
3 point out to those of you who are not from the
4 East Coast and don't think about these things
5 on these terms. The summer flounder total
6 allocation is divided between recreational and
7 commercial, and then it's allocated to states.

8 It's in fact a catch share program
9 that has been in place for a very long time,
10 and the suit is that the state of New York's
11 allocation should have been increased, which
12 would take it away from some other state, and
13 it's a pure, because its transferable among
14 states. States can transfer their quota from
15 one state to the other. So it's a catch share
16 program that is fully transferable. Just for
17 this group's information, for all of you who
18 live in other places.

19 (Laughter.)

20 MR. O'SHEA: And I guess the last
21 part of this, this represents about \$300,000
22 worth of funds for the commission, in that we

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1 don't have an attorney on staff. In some
2 parts of the argument, we certainly stand next
3 to the U.S. Attorney, in arguing and defending
4 them. But otherwise, this is money out of the
5 commission's pocket that doesn't go for stock
6 assessments, it doesn't go for better data
7 collection, it doesn't go for more staff to
8 support the commission activities. It's
9 simply throw rocks at each other. Thank you.

10 CHAIR BILLY: You're welcome.

11 Okay. I'm going to move this on. We focused
12 the first day pretty much exclusively on the
13 oil spill in the Gulf, and asked two of our
14 subcommittees to work together to listen to
15 the information that was presented and the
16 discussion that ensued from the committee to
17 form the basis for a potential set of
18 recommendations from MAFAC to NOAA Fisheries
19 and ultimately the Secretary.

20 Because of some scheduling
21 matters, we had some people sit in as sort of
22 acting chairs, and Keith Rizzardi, with the

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1 assistance and involvement of Bill Dewey,
2 volunteered or agreed to take the lead on this
3 part of that work, and it's my pleasure now to
4 call on Keith to share with us the product of
5 their efforts, and have it be considered by
6 the committee.

7 Ecosystem Management Subcommittee

8 MR. RIZZARDI: Thank you, Mr.
9 Chair. We had a pretty healthy discussion
10 amongst a group that fluctuated at times, and
11 many of you helped contribute with concepts
12 and ideas that I have tried to embody in the
13 document that's on the screen. Thanks Heidi
14 for pulling that up.

15 What I'd like to do is walk
16 through section by section the various pieces
17 of language that all of you contributed, or
18 that the committee came up with as a
19 consensus. This does reflect a consensus
20 recommendation of the committee.

21 I think I've addressed one last
22 piece with Tony and modified one of the pieces

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1 of language accordingly. So again, what I'd
2 like to do, if it's okay, is simply walk
3 through what's on the screen and have this
4 reflect the voice of MAFAC.

5 So it begins with the opening
6 statement that's there on the screen, and I'll
7 simply allow folks a moment to read what's up
8 there rather than reading it verbatim.

9 MS. DANA: This is the same as
10 what you sent out, correct?

11 MR. RIZZARDI: Yes. Yes, it's in
12 the email, sent out at 2:00 p.m. East Coast
13 time.

14 CHAIR BILLY: That threw me a
15 little bit.

16 MS. McCARTY: So Mr. Chairman?

17 CHAIR BILLY: Yes, please.

18 MS. McCARTY: So Keith, you're
19 recommending that as we go, we discuss each
20 element and vote on it as MAFAC, or vote on
21 the entire document at the end as a motion.

22 MR. RIZZARDI: My preference would

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1 be to vote on each part and work our way
2 through it.

3 CHAIR BILLY: Yes. I'd like to
4 use the power of the chair to suggest maybe we
5 can just go through it and have one vote. If
6 not, we'll circle back and do the parts.

7 MR. RIZZARDI: Yes, certainly.

8 CHAIR BILLY: I'd like to try to
9 manage the time. So I'm not trying to short-
10 circuit any discussion on it. So we'll see,
11 and where we start to get into some real
12 discussion, we can change that approach.

13 MR. RIZZARDI: This opening
14 language reflects, in large part, your own
15 views, Mr. Chair. So thank you for that and
16 if you think we can push it on through as one
17 piece, then I'm thrilled with that. Any
18 concerns on the opening paragraph?

19 Heidi, could you scroll down? All
20 right. So the first section of this is about
21 the desire to improve the collection, funding
22 and use of scientific energy relating to -- or

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1 scientific information relating to ocean
2 energy, and the document is broken down into
3 the different pieces of the science, the
4 regulation and the disaster response, which
5 very much mirrors some of the direction we got
6 from Mark yesterday, when he was
7 characterizing our comments and our
8 discussion.

9 This first paragraph is about an
10 MOU, a proposed MOU between NOAA and the
11 Bureau of Ocean Energy. The principles are
12 that we should be ensuring that fisheries
13 management that include safety are adequately
14 considered, that we try to use the least
15 revenues or other revenues to fund in part our
16 scientific programs for getting baseline data
17 and trend data on fisheries and protected
18 resources, and that we develop a process for
19 obtaining expert assistance from government,
20 non-government and even foreign nations so
21 that NOAA is better equipped to ocean
22 disasters when they occur.

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1 CHAIR BILLY: Okay. Any comments?

2 Yes, Bill.

3 MR. DEWEY: So around one sub A, I
4 sent an email around this morning. I've been
5 communicating with the Gulf oyster producers,
6 and just as it relates specifically to good
7 safety, there's a concern there, and the
8 proposed recommendation that I emailed around.

9 I don't know if it's appropriate
10 to try to incorporate it here or as
11 potentially a separate recommendation. But I
12 guess as I read A, I guess I might propose
13 that this might be a place to incorporate it
14 and have it worded such that it says "to
15 ensure that fisheries management and food
16 safety are adequately and appropriately
17 considered."

18 Because that's a concern there. I
19 mean it's not that they're not adequately
20 being considered. It's like it they're too
21 adequately being considered.

22 (Laughter.)

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1 MR. DEWEY: So you know, they're
2 just asking that the reopening criteria for
3 these oyster reefs be vetted through the
4 Interstate Shellfish Sanitation Conference,
5 which is the national body for developing good
6 safety regulations relative to shellfish.

7 So with that addition, and then
8 maybe a sub-bullet under A, specifically the
9 recommendation I forwarded this morning, it
10 might be an appropriate place to insert it.

11 CHAIR BILLY: Can you just read
12 what it is?

13 MR. DEWEY: So the recommendation
14 that I sent around this morning was that
15 "MAFAC requests NOAA recommend to the FDA and
16 the Gulf States that the recently established
17 reopening criteria for oyster growing areas be
18 considered interim until they be appropriately
19 vetted by the Interstate Shellfish Sanitation
20 Conference.

21 "In light of the unusual
22 circumstances presented by the Deep Water

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1 Horizon disaster, NOAA should also encourage
2 the ISSC executive board consider a process to
3 evaluate and approve reopening criteria as
4 soon as possible and not wait for their
5 biannual process."

6 MR. RIZZARDI: Bill, could I
7 suggest that the place to put this is
8 somewhere later in the document, where the re-
9 initiation of compensation issue is raised, as
10 opposed to in this spot, which is related to
11 the MOU with the Bureau of Ocean Energy.

12 MR. DEWEY: That would be great.
13 That's fine.

14 MR. RIZZARDI: Okay. So let me
15 defer the discussion on this point. This
16 number one is limited to the concepts that are
17 things that we're recommending be included in
18 an MOU between NOAA and the Bureau of Ocean
19 Energy.

20 CHAIR BILLY: Any other comment?

21 (No response.)

22 MR. RIZZARDI: Number two is

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1 reflecting some concepts that this committee
2 has certainly dealt with in the past. We are
3 encouraging NOAA and NMFS to once again
4 continue its efforts to develop baseline and
5 trend data for the regulation of ocean energy
6 and other industries, and pointing to Vision
7 2020 and the recommendation of the Ocean
8 Policy Task Force, we want to emphasize again
9 the need to get this information in order to
10 equip NOAA and NMFS to adequately respond to
11 the disaster, and to adequately plan future
12 restoration activities.

13 The third paragraph relates to the
14 same, to the second one, which is encouraging
15 further effort to work with the Council on
16 Environmental Quality and to in the long term
17 develop an ocean trust fund that would provide
18 a funding source to be doing all the work that
19 needs to be done in the development of the
20 scientific information.

21 CHAIR BILLY: Comments?

22 MS. McCARTY: Can you just talk a

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1 little bit more about ocean trust fund and
2 what the ideas would be there, how to develop
3 it?

4 MR. RIZZARDI: Tom?

5 MR. RAFTICAN: I think the
6 concept, we checked around on ocean trust
7 fund, is that most of the stuff being done
8 right now in the Gulf is responsive. It's a
9 crisis, it's after the fact. There's an
10 opportunity right now to set up an ocean trust
11 fund as put forward in the Ocean policy and
12 both the Q and U.S. Commissions on the Ocean,
13 and that now may be a good time to initiate
14 that.

15 But this would be looking at
16 overall, comprehensive look, not necessarily
17 at the Gulf, but so that you can start getting
18 the ducks in a row before the horse is out of
19 the barn.

20 MS. McCARTY: And the revenue,
21 dedicated revenue sources, are those private,
22 public, a combination?

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1 MR. RAFTICAN: I think it would
2 have to be all of those. I think right now,
3 there may be -- you probably will have sources
4 of revenue from BP and the Gulf, because
5 they're going to address very specific things.

6 There probably will also be punitive damages
7 afterwards.

8 I think an excellent opportunity
9 for punitive damages would be how do you put
10 stuff on that actually takes care of things in
11 the future. I wouldn't, I don't think any of
12 the discussion was limiting it to that, but
13 there will be other opportunities to fund
14 this.

15 But you've got a national priority
16 set within Oceans Policy to set up a trust
17 fund, and this might be a good way to get it
18 kicked off.

19 CHAIR BILLY: Cathy.

20 MS. FOY: Tom, if I could respond
21 real quickly and fill in a bit on Heather's
22 question. You'll notice in number one of the

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1 Memorandum of Understanding, we're trying to
2 establish a funding mechanism that directly
3 taps in at the oil company level. What we're
4 attempting there, with this current topic with
5 the trust fund, is we're trying to get a wider
6 base. So we're trying to tap into not only
7 oil companies, but other sources. So that was
8 the intention of the subcommittee.

9 MS. McCARTY: Okay. I was just
10 wondering whether you were talking punitive
11 damages or industry funds or fishing industry
12 funds even, or if it's just a purely energy-
13 directed revenue source?

14 CHAIR BILLY: Well, it's open,
15 sort of open-ended and left to the council and
16 NOAA to figure it out, I guess.

17 MS. McCARTY: Okay.

18 MS. FOY: We didn't feel like we
19 have the expertise to run a separate and
20 unique --

21 CHAIR BILLY: Randy?

22 MR. CATES: I have a word of

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1 caution on that from receiving, being on the
2 other end of that several times. Where do you
3 start and where do you stop? With my permits,
4 it was clearly stated by NOAA officials
5 several times well, we'll give you -- we'll go
6 along with this if you're willing to A, B, C
7 and D. Some of those costs could be very
8 prohibitive to even starting a business.

9 CHAIR BILLY: We could add a
10 sentence here in three at the end that said
11 "MAFAC looks forward to providing further
12 advice and input to the development of said
13 trust fund."

14 MR. CATES: And Tom, I want to be
15 clear. One of the things that is I have no
16 problem with your lease paying for certain
17 things. It's the add-ons on top of the lease
18 is what I'm referring to. I believe a lease
19 should include things like this.

20 But when you have a regional
21 agency that's interested in, for example,
22 turtle counts, and I know part of it's

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1 interested in spinner dolphins, and pretty
2 soon you're having to hire employees to stand
3 out on your site and count turtles every day,
4 and another person to count dolphins and
5 you're trying to do a business.

6 CHAIR BILLY: Good. NOAA looks
7 forward to the opportunity to provide further
8 advice --

9 MR. CATES: MAFAC.

10 CHAIR BILLY: I mean MAFAC,
11 further advice and input to the development of
12 the ocean trust fund. Just the marker. Okay,
13 any other comment? Go ahead, Keith.

14 MR. RIZZARDI: The next category
15 involves NOAA's and NMFS in particular,
16 implementation of its regulatory authority. A
17 couple of observations that we made, paragraph
18 four addresses the relationship between the
19 essential fish habitat consultation process
20 and the Endangered Species Act consultation
21 process, and in looking over the documents, we
22 noted that sometimes the two differed, where

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1 they could be made parallel.

2 So it's a simple suggestion that
3 NOAA work to make sure the two things mirror
4 each other, and when there are recommendations
5 made in one process and they can be made in
6 the other one, they should be.

7 Paragraph five makes the point
8 that the 30-day review process that is allowed
9 for review of exploratory well drilling is
10 extremely short and unreasonably short, and
11 that we encourage NMFS and NOAA to seek a
12 longer period of time. I did hear today that
13 the Senate actually is exploring a bill to
14 make it 90 days, which still strikes me as
15 extraordinarily short.

16 But the point here is the current
17 law is 30 days, and MAFAC would certainly make
18 the statement that 30 days is not long enough
19 to allow for review. The third paragraph, and
20 there's a third paragraph under this heading.

21 Paragraph number six addresses the
22 need for re-initiation of consultation. We

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1 have now had this dramatic event in the Gulf,
2 and once the disaster response activities are
3 stabilized, it seems NMFS should be going back
4 and taking another look at the consultation
5 that took place, and re-reviewing the existing
6 program that's out there on the Outer
7 Continental Shelf.

8 There are, by the way, a number of
9 petitions asking NOAA to undertake that same
10 effort, and it's very much consistent with the
11 plain language of the biological opinion. But
12 we are actually also making the point that I
13 don't expect and none of us expect NOAA to do
14 this tomorrow.

15 The priorities are the priorities,
16 and the first priority is responding to the
17 actual ongoing disaster, and that's the other
18 piece of what's here. Once we're finished
19 with the response to the disaster, then we can
20 move on to the reinitiation of consultation.

21 CHAIR BILLY: Any comment?

22 MS. McCARTY: Mr. Chairman, I have

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1 a comment on number four.

2 CHAIR BILLY: Okay.

3 MS. McCARTY: Is that meant to be
4 a board recommendation or just in relation to
5 energy development and management. That's a -
6 - I mean that's a -- it doesn't say that in
7 number four, so I was just wondering if this
8 meant to go through, beyond this actual DWH
9 response?

10 MR. RIZZARDI: I do see it as
11 something that applies broadly. If you'd like
12 to narrow it to something more specific to
13 ocean energy, we certainly could, and I'll
14 accept that as friendly, since that's the
15 context.

16 But it seems as a basic principle,
17 we're simply asking for consistency in the two
18 consultation processes, and where there is
19 opportunity for one to know where the other
20 is.

21 MS. McCARTY: I have some concerns
22 about that particular element, and I'm not

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1 sure that we understand the implications of
2 that request, if it's broader than just in
3 response to this spill. So I'd have to
4 understand a little bit more about what you're
5 recommending there, in order to go with that
6 recommendation on a broad basis.

7 MR. RIZZARDI: We are, as a
8 subcommittee, we already discussed having
9 essential fish habitat be put on the agenda
10 for the next meeting. So we'll certainly have
11 a discussion about what that is and what it
12 means. I guess I understand your caution, and
13 --

14 MS. McCARTY: Mr. Chairman, I was
15 on the EFH committee in the Pacific Council
16 process that developed the EFH program for the
17 North Pacific. So I understand the EFH part
18 of it pretty well. I don't understand the ESA
19 part at all really.

20 So I just am uncertain as to how
21 they play into each other, and I just, you
22 know, I'd like to know a little bit more about

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1 what you're suggesting before I say "okay."

2 MR. RIZZARDI: There are two types
3 of conditions that can -- go ahead.

4 MS. FOY: Just in the interest of
5 time, since this is an oil and gas-specific
6 document we're suggesting, why don't we
7 clarify that piece, and then we will table
8 this issue until the next agenda, because that
9 we have asked, as a committee, to revisit that
10 at the next meeting.

11 MS. McCARTY: I would be very
12 comfortable with that, Mr. Chairman.

13 CHAIR BILLY: Okay.

14 MR. RIZZARDI: I would accept as
15 friendly any clarification and limiting
16 language that you'd like to place on it.

17 CHAIR BILLY: How about that,
18 what's on the board, the screen?

19 MS. LOVETT: That is under a
20 bullet.

21 (Simultaneous speaking.)

22 MS. LOVETT: It's under "Ocean

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1 Energy Development and Management."

2 CHAIR BILLY: So that's the
3 chapeau for this section?

4 MR. RIZZARDI: Right.

5 MS. FOY: Are you comfortable with
6 that, Heather?

7 MS. McCARTY: No.

8 MS. FOY: You're not.

9 CHAIR BILLY: Okay, Bill?

10 MR. DEWEY: I just actually was
11 going to make the same request Heather did, to
12 come back to number four, because I have the
13 same concerns that she expressed as well.
14 With our Army Corps of Engineers permit for
15 our programmatic mission like 48, it's been
16 through EFH and ESA consultation, and there
17 are different recommendations.

18 I think that's truly because they
19 have different focuses. So while I don't
20 necessarily disagree with this, I'm a little
21 concerned about the ramifications. If it's
22 going to stay in, I'd like to see the

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1 limitation to the ocean energy made clear --

2 (Simultaneous speaking.)

3 MR. RIZZARDI: -- and could you
4 please add those injuries?

5 MS. McCARTY: Mr. Chairman?

6 CHAIR BILLY: Yes.

7 MS. McCARTY: I recommend that we
8 take that out, and discuss the whole issue at
9 a subsequent meeting. I think it's a very
10 interesting concept, and if it could
11 streamline both the ESA and EFH processes, I
12 think that would be wonderful.

13 So I really applaud the idea, but
14 I think in saying this, even though I
15 understand that it's under the chapeau of
16 ocean energy development, I'm still a little
17 bit uncomfortable with the implications of
18 that, if it's taken, you know, out of context
19 and too broadly.

20 I don't see how you could say
21 "just the part that's associated with ocean
22 energy development." I just don't. So that's

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1 -- even if you say that as a qualifier, I just
2 don't see how you can say that, just on those
3 instances. Do you see what I mean?

4 MS. FOY: In the interests of
5 maintaining consensus in the committee then, I
6 would suggest that we remove number four and
7 address it as an agenda item of the next
8 meeting. Tony, comments on that? Are you
9 comfortable? I know you're not happy with it,
10 but can you accept that?

11 MR. CHATWIN: I'm going into my
12 poker face.

13 (Laughter.)

14 MS. FOY: Then you should get a
15 better poker face.

16 (Laughter.)

17 CHAIR BILLY: I think that's fine.
18 I think that's fine, and we can certainly
19 include it on the agenda.

20 MR. DEWEY: And then we address
21 it, if we have the time, right, and we have a
22 resource here in Jim Lecky, that I don't know

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1 -- he may not be at our next meeting. I'd be
2 interested just to hear your perspective on
3 this particular item, if you don't mind.

4 MR. LECKY: So I was in a bit of
5 the conversation upstairs. So EFH and ESA,
6 sort of critical habitat, overlaps in a lot of
7 areas. And so for example on the West Coast,
8 Northwest-Southwest regions, where they do a
9 lot of salmon consultations, there are salmon
10 resources that are protected under the ESA and
11 some that are managed under the Magnuson Act.

12 It's fairly typical to have the
13 EFH consultation incorporated into the
14 Endangered Species Act consultation, and that
15 the terms and conditions essentially are the
16 same. So that's a lot of overlap.

17 In the Gulf, I suspect there's not
18 much overlap within, but I don't know for
19 sure. But you ought to look for that, and
20 where there is overlap, it would make sense to
21 at least look at the EFH recommendations, and
22 see if they support an endangered species

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1 need, and if so, you could put them in the
2 terms and conditions, provided they comply
3 with all of the requirements for being a term
4 and condition.

5 Then they become mandatory, and so
6 it's a way to ensure the EFH recommendations
7 have a little more teeth, I suppose. But it
8 would only be that subset of EFH
9 recommendations that overlap with ESA. So
10 they would only be the EFH recommendations
11 that actually overlap --

12 MS. McCARTY: I understand the
13 concept, but I still am uncomfortable with it.

14 CHAIR BILLY: Yes. We've taken it
15 out.

16 MR. RIZZARDI: Then there would be
17 a new paragraph number six that reflects Bill
18 Dewey's suggestions, the one that he emailed
19 to us already.

20 MR. JONER: I have a comment on
21 five.

22 MR. RIZZARDI: Yes please.

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1 MR. JONER: About two-thirds of
2 the way down, "After the spill is contained,
3 the effects are fully understood." I think we
4 saw from the Exxon Valdez that it took ten
5 years for them to fully if ever understand.
6 So strike that, "As soon as possible after the
7 spill is contained."

8 MR. RIZZARDI: Good. Great
9 observation, Steve. Thank you. And then
10 Heidi, the language that Bill sent around
11 would go --

12 MS. LOVETT: Yes.

13 MR. DEWEY: So I was an initial
14 drafter of number five, and the only reason I
15 put in "and the effects are fully understood"
16 was after our conversation with Jim Lecky,
17 that was their concern, about starting that
18 consultation, reinitiating consultation too
19 soon, until they did have a good handle on
20 what those effects --

21 MR. JONER: Or maybe better
22 understood, but you know, I think --

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1 MR. DEWEY: Both better
2 understood. Jim, what do you think?

3 MR. LECKY: I'm not sure the
4 effects of the spill were not fully
5 understood, as much as we really appreciate an
6 understanding of what really went wrong and
7 how can, you know, how can it be addressed.
8 That's the sort of issue of is it a process
9 error or is it a failure to process, follow
10 the process.

11 MR. RIZZARDI: And at all times
12 the consultation process is driven by a best
13 available information standard anyway. So
14 it's understood that there are going to be
15 limitations as to how much they know. But
16 again, part of the point here is for MAFAC to
17 make a statement that hey, first things first.
18 Deal with disaster response, then move on to
19 consultation.

20 CHAIR BILLY: Okay, all right.

21 MR. RIZZARDI: The next piece here
22 is about disaster preparedness and prevention.

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1 At a macro level, we're recognizing that we
2 are dealing again with a major oil spill that
3 far exceeds any past projections of worse case
4 scenarios, and this seems to be a recurring
5 pattern.

6 So maybe the reality is that we
7 need to be preparing for bigger oil spills to
8 be occurring on repeating occasions. The idea
9 here is that there should be improved disaster
10 preparedness and prevention, and that comes
11 down to a few categories.

12 Paragraph 7(a) addresses the need
13 to take a look at the regulations and guidance
14 documents, and determine whether -- and have
15 NOAA internally determine whether there's a
16 way under their existing authorities, that
17 they could be addressing potentially
18 catastrophic impacts on fisheries and
19 protected resources.

20 B is to develop new programs to
21 better understand the effects of oil and
22 dispersants, and it should say "oil and

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1 dispersants" on 7(b). Thank you, and the
2 potential secondary effects of them on human
3 health.

4 C is to do some investment in
5 research and development, because one of the
6 lessons we've learned is we're still using
7 1989 Exxon Valdez technology to respond to
8 this event in 2010.

9 D is a big idea of consulting with
10 domestic and international organizations, and
11 having NOAA even champion the development of
12 an international oil disaster response effort.

13 MS. FOY: I have one suggestion.
14 I don't remember, sorry, we went over this in
15 subcommittee. Go back up to seven.

16 MR. RIZZARDI: Heidi, could you go
17 back up to the top?

18 MS. FOY: I don't like the word
19 "finds," because I don't really think -- that
20 implies a level of research that we're going
21 to do. But I would say that "MAFAC notes that
22 major oil spills occur on a periodic basis,

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1 and further notes the past such incidents."
2 Sorry.

3 CHAIR BILLY: Okay, Heather.

4 MS. McCARTY: Keith and everybody
5 else on the committee, I was just wondering if
6 you had a conversation about the fact that
7 when the Exxon Valdez caused what happened,
8 there were plans in place and there were
9 requirements for a response and preparedness,
10 but they hadn't been followed.

11 There had been apparently no
12 policing effort or very little. I don't know
13 whose responsibility that was, but it wasn't
14 carried out. I don't know whether this is the
15 space here that you want to put that in there,
16 and whether NOAA has anything to do with that.

17 You know, it's a question of there was a
18 rules, there were rules, but they weren't
19 being followed.

20 There were supposed to be response
21 vehicles and all kinds of response capability,
22 and there wasn't. We had fly in plane loads

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1 of boom from Abu Dhabi that costs millions and
2 millions of dollars that just wasn't there. I
3 think the same thing pretty much happened in
4 the Gulf.

5 There wasn't enough capability
6 there, and I don't know how you phrase that or
7 whether you talked about it or, you know, huge
8 fines for people that don't follow the rules
9 and that the rules are -- that they're checked
10 on every six months. I don't know how you do
11 it and I don't know who does it.

12 MS. FOY: I don't know either.
13 That's a question that I would direct to Mark
14 and Jim. Is that a statutory responsibility
15 of NMFS or NOAA, or does that fall under the
16 jurisdiction of another agency.

17 MS. McCARTY: It might be the
18 Coast Guard.

19 MR. LECKY: Well, I think it falls
20 under the jurisdiction of probably the Coast
21 Guard and now the Bureau of Ocean Energy.
22 Every operation as an oil spill response plan,

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1 and the oil spill response plan describes what
2 resources are available to bring to bear.

3 There are requirements that, you
4 know, certain amounts -- I mean all the, for
5 example, every platform has a boom on a site
6 for small spill containment.

7 MS. FOY: Right. I agree,
8 Heather, that's an important point, but I'm
9 wondering if perhaps it's not appropriately
10 made in this document.

11 MS. McCARTY: Yes, maybe not.

12 CHAIR BILLY: Isn't that the plan
13 that some contractor prepared for all of the -
14 -

15 MR. DEWEY: It included walruses.

16 CHAIR BILLY: That included
17 walruses and -- language?

18 MR. RIZZARDI: And that's part of
19 the problem. It's the disaster plan that did
20 exist didn't correlate to the region.

21 MS. FOY: Right, yes.

22 MR. RIZZARDI: And that

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1 demonstrates the point I think we try to make
2 here, which is NOAA should be going back and
3 looking at the way it regulates and the way it
4 oversees this stuff, to make sure that
5 whatever plans are developed are adequate for
6 the location.

7 That did not happen. You know,
8 Jim and I have had some sidebar discussions
9 about could there be a regulatory standard
10 that's developed in the Endangered Species Act
11 consultation process or the EFH process or
12 anything else, that would look at potentially
13 catastrophic impact, and then require certain
14 elements.

15 I'm not asking MAFAC in any way to
16 speak as to what those things should be. What
17 I am suggesting here is that MAFAC can say to
18 NOAA "This is something that needs to be
19 thought about, and it needs to be looked at in
20 the guidance documents and in the regulations
21 and within the context of its existing
22 authority," because we have learned that, you

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1 know, the disaster plan that was out there was
2 for walruses.

3 CHAIR BILLY: I have a question
4 and a comment. Jim, it would seem like you
5 must make some assumptions about a spill.

6 MR. LECKY: Yes.

7 CHAIR BILLY: And part of that
8 judgment, I would assume, would take into
9 account the plan to respond if something
10 happens causing a spill.

11 MR. LECKY: Right. So in the
12 biological opinion, we looked at oil spills.
13 There are -- oil spills are routine. There's
14 always buckets of oil that get dumped over and
15 form within the water.

16 So we looked at, you know, the
17 probability of spills at different levels, and
18 we talked about one on the order of magnitude
19 of IXTOC. Then we looked at, you know, the
20 fact that that was a fairly rare event, and
21 actually in terms of analyzing the effects of
22 a spill that large, then we really didn't do

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1 that, because we thought it was a really
2 remote likelihood that it would happen.

3 And we talked about prevention
4 technology, and the fact that the thought at
5 the time was that the prevention technology in
6 the event of a blowout to prevent a runaway
7 blowout was adequate to protect against that
8 really rare event.

9 CHAIR BILLY: My comment is that
10 while I agree that whatever steps NOAA can or
11 is authorized to take are probably appropriate
12 here. I'm wondering if at the end of the day,
13 this isn't something for an international
14 organization, an existing one or a new one,
15 because there's a lot that could potentially
16 go into the response and so forth. So
17 Heather?

18 MS. McCARTY: Mr. Chairman, in
19 parts of Alaska, there are regional citizens
20 advisory councils which were formed in the
21 aftermath of the spill. There is one in
22 Prince William Sound. There's one in Cook

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1 Inlet. I think those are the two, and they
2 are made up of stakeholders, the affected
3 parties in the case of an oil spill, including
4 communities and fisheries and all kinds of
5 things.

6 They act as, this is the kind of
7 the counterpoint to an international, you
8 know. But those people are very, very
9 interested in protecting their region, and
10 those regional advisory groups have a lot of
11 power politically and everything else.

12 So I would recommend that maybe we
13 should say look at that as a model for the
14 regional aspect of these kind of response
15 mechanisms and processes.

16 MS. FOY: Could we do that here
17 Heather, because I'd really like to see
18 something like that on the next agenda.

19 MS. McCARTY: Sure, yes.

20 MS. FOY: Especially on the
21 appropriate way we can get involved, and
22 that's what we're going to be developing.

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1 (Off mic comments.)

2 CHAIR BILLY: So leave this
3 language alone for now, but make note of the
4 interest in exploring that, this idea of
5 further, both from a regional, national and
6 international perspective. I like that.
7 Okay.

8 MR. RIZZARDI: Mr. Chair, if I
9 could make one other point on this particular
10 language in 7(a), and this goes back to the
11 point I made the first day. Currently the
12 regulations require James' group, for example,
13 to review an event that is reasonably likely
14 to occur.

15 So what do you do with the event
16 that may be reasonably unlikely to occur, but
17 has potentially catastrophic impacts for the
18 fishery or for the protected resources? Right
19 now, that activity is escaping any layer of
20 regulatory scrutiny, and what I'm suggesting
21 is that there is an opportunity for NOAA to
22 think about the catastrophic action and how to

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1 at least make sure that there's a disaster
2 plan in place for the potentially catastrophic
3 action.

4 CHAIR BILLY: Okay. I think we've
5 got the language. Let's move on.

6 MR. RIZZARDI: Heidi, could you
7 scroll down to the last piece? Eight is sort
8 of a placeholder for the next meeting, and
9 this goes to the point that Eric had made
10 earlier in our meeting. What do you do when
11 you get to the next phase, and we're looking
12 at restoration efforts, and there's a fund
13 established in accordance with the NRDA
14 process, and we're trying to figure out which
15 projects fall within.

16 Does a project up in Missouri
17 qualify for funding from Gulf Coast disaster
18 relief? At some point, we need to start that
19 public process, where we develop criteria at a
20 more specific level, of how that funding would
21 be spent on and on which projects it would be
22 spent.

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1 This group is certainly a good
2 place to have that discussion go on, and there
3 needs to be a public process. So for now,
4 what we suggest is that that be one of the
5 topics for the agenda at the next meeting, and
6 we encourage NOAA to start that public
7 process.

8 CHAIR BILLY: Are there criteria
9 now that help with this?

10 MR. RIZZARDI: Mr. Chair, there
11 are some statutory criteria that require you
12 to identify alternatives. But what hasn't
13 been done is to regionalize those statutory
14 criteria, and to try to address the basic
15 issue that Eric raised, which is how do you
16 draw the nexus between the money and the
17 project, and the point about the three
18 politicians in Alaska versus the 83 that we
19 have in the Gulf, and to avoid the potential
20 for all of them coming and wanting money for
21 pet projects? How do you draw those lines to
22 make sure which has a sufficient nexus? That

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1 process hasn't really been undertaken yet.

2 CHAIR BILLY: Okay, very good.

3 MS. FOY: So I move that MAFAC
4 accept the recommendations laid out from the
5 subcommittee.

6 MR. RAFTICAN: Second.

7 CHAIR BILLY: With the changes
8 that have been made.

9 MS. FOY: With the changes that
10 have been made.

11 MR. RIZZARDI: Could we make sure
12 that Bill's language gets looked at by --

13 CHAIR BILLY: Oh, I'm sorry.

14 MR. RIZZARDI: The placeholder.

15 MR. DEWEY: I was also, while
16 she's trying to find that, I was going to
17 suggest a potential friendly amendment on --
18 it was in under 78, where it says "invest in
19 research and development and required
20 regulated entities to invest in research and
21 development of new technologies to clean oil
22 spills."

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1 MS. FOY: Clean and prevent oil
2 spills.

3 MR. DEWEY: Well, I was going to
4 suggest maybe "that impacts the oil spills,"
5 because I think it's not just an issue of
6 cleaning, and whether it's dispersants or
7 other things that they're using to minimize
8 the impact of the oil. It's not just a
9 question of cleaning up the oil.

10 MS. LOVETT: Good point. So hang
11 on.

12 (Simultaneous speaking.)

13 MS. LOVETT: So you had some
14 additional changes?

15 MR. DEWEY: Oh not there. No,
16 that would be for that specific one, and then
17 down, further down under 8, instead of "clean"
18 in the second line, I was going to suggest
19 "mitigate impacts of," because I was thinking
20 about dispersants or other things that we're
21 using besides just cleaning or maybe new
22 technology.

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1 CHAIR BILLY: Okay. Go back up to
2 the new six.

3 MR. DEWEY: And I heard back from
4 three people I've been communicating with in
5 the Gulf, that are leaders in the industry
6 down there, all verified this morning that
7 this would be great language if we could get
8 it inserted.

9 MS. FOY: I personally am not
10 familiar with this issue, but I do trust Bill
11 Dewey's expertise, and the expertise of the
12 lawyers at the table.

13 CHAIR BILLY: And I used to run
14 that program in another life. I think it's a
15 good idea.

16 MS. FOY: And I as a member am
17 comfortable with those changes.

18 CHAIR BILLY: We've got an
19 interstate commission that manages shellfish
20 safety, and --

21 MR. DEWEY: It's the national body
22 that does it. So to have something of this

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1 significance happen separately in the debate
2 around the Gulf issue, is very frankly not
3 appropriate. I mean they need these criteria,
4 and it's appropriate that they do them for the
5 interim to help these guys get reopened. But
6 ultimately it needs to be vetted by the
7 national body.

8 CHAIR BILLY: And could have
9 ramifications nationally.

10 MR. DEWEY: Absolutely.

11 CHAIR BILLY: So I think running
12 it through the Interstate Shellfish Sanitation
13 conference is a good idea.

14 MR. DEWEY: The same thing happened
15 actually -- unfortunately, it didn't come
16 back before the national body, but with the
17 New Carissa spill in Coos Bay, Oregon, Oregon
18 State was left grappling with what do they do
19 to develop reopening criteria. So to have a
20 national body review it and come up with
21 something would be helpful.

22 MS. FOY: Any other concerns and

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1 discussion from the membership on paragraph
2 six?

3 (No response.)

4 MS. FOY: No concerns noted then,
5 I'm going to reopen my motion to accept the
6 document as revised.

7 MR. RAFTICAN: Second.

8 CHAIR BILLY: Okay. Motion's been
9 made and seconded. Any discussion, further
10 discussion?

11 (No response.)

12 CHAIR BILLY: All those in favor
13 say aye?

14 (Chorus of ayes.)

15 CHAIR BILLY: Opposed?

16 (No response.)

17 CHAIR BILLY: Thank you. Okay.
18 Cathy, are you ready?

19 MS. FOY: Yes sir. We'll give
20 Heidi just a second. Let me go ahead and
21 brief while they're doing it, but when you get
22 a chance, please get my individual

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1 subcommittee report back to committee.

2 MS. LOVETT: So you've sent us the
3 report --

4 Protected Resources Subcommittee Report

5 MS. FOY: I've sent it. It's my
6 last. So to give the general membership a bit
7 of background, so that we can fly through this
8 report, our subcommittee met, following the
9 briefing by Jim Lecky, and our old business
10 was to go back through our recommendations to
11 committee in November 2009, and then revisit
12 it again in our special session in February of
13 2010, to make sure that we had addressed all
14 of the issues, and to see if there were any
15 further actions or recommendations from the
16 council that needed to come forward.

17 CHAIR BILLY: From the council?

18 MS. FOY: From the subcommittee
19 that needed to come forward, to address the
20 concerns of the council from Jim Lecky's
21 presentation. So from that, we had, and I'm
22 going to punt here, our first issue that we

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1 were concerned about and continue to be
2 concerned about from November 2009 and then
3 February, and then again after Jim's talk, was
4 that litigation seems to be driving the
5 prioritization in Jim's lap, or Jim's life.

6 So as soon as Heidi gets that up
7 there, we have a recommendation for NOAA, for
8 the general committee to approve, that we'd
9 like to run through, and then after we get,
10 I'll wait for the language to get up there.

11 But then our new business was to
12 go through upcoming agenda items that we'd
13 like to address, and so that those, I think,
14 can be pretty quickly tabled.

15 So you see where it's bold there,
16 "Recommendation for Consideration of Full
17 Committee," I gave you the background and
18 everything in the text of the subcommittee
19 report.

20 But "MAFAC recognizes Endangered
21 Species Act implementations as the National
22 Marine Fisheries Service's most important

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1 obligations." That's one of them. "That the
2 rigid time frames in the ESA, the process for
3 the third party petitions, limited agency
4 staffing and the scientific complexity of the
5 issues can at times inhibit the successful
6 implementation of the statute.

7 "Accordingly, MAFAC offers the
8 following recommendations." I'm going to let
9 you guys read number one, because obviously I
10 need glasses.

11 MS. LOVETT: Would you like me to
12 read them?

13 MS. FOY: Would you?

14 MS. LOVETT: "MAFAC notes that ESA
15 implementation requires analysis of complex
16 science, especially with respect to the
17 effects of climate and habitat changes,
18 pesticides, ocean energy development and ocean
19 noise on listed species.

20 "MAFAC recommends that NMFS seek
21 additional staffing and funding for the Office
22 of Protected Resources, to enable the agency

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1 to better respond to the increasing demands of
2 ESA implementation, and to otherwise address
3 the concerns noted in three below."

4 MS. FOY: Any discussion on Item
5 No. 1? Tom?

6 CHAIR BILLY: Is there a plan? Is
7 there a -- saying additional staff and funds
8 is like "eat more apple pie" or something like
9 that, I don't know. Or what is it?

10 (Simultaneous speaking.)

11 MS. FOY: Let me give you a little
12 bit of background here.

13 CHAIR BILLY: I'm not disagreeing.
14 I just -- is there something that we can hook
15 into that is specific? Did you submit a plan?
16 Do you have -- was there a past budget
17 proposal or something that --

18 MR. LECKY: Where's Mark? I mean
19 so yes. We have budget initiatives that we
20 put forward all the time. I just don't know
21 how we can cheer for that stuff.

22 CHAIR BILLY: Well, number one,

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1 it's just we're recommending NMFS seek
2 additional staffing and funding for the Office
3 of Protected Resources.

4 MR. HOLLIDAY: Jim liked that one
5 yesterday. I heard --

6 CHAIR BILLY: Well, I like it too.

7 (Laughter.)

8 CHAIR BILLY: So how much is
9 enough? So if there's one pie, what are you
10 going to give up to get it?

11 MR. HOLLIDAY: Or is it more pie -
12 -

13 MS. FOY: Can I address this with
14 maybe just a quick amendment to it?

15 CHAIR BILLY: Yes.

16 MS. FOY: I would put in as
17 appropriate to work with, because Jim's
18 workload changes minute to minute, depending
19 on whether or not he's got 82 species of coral
20 coming up or a major disaster that changes his
21 entire life. Would you be happy with addition
22 of that?

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1 CHAIR BILLY: Eric?

2 MR. SCHWAAB: I was just curious
3 as to whether this is also going to be
4 reflected in the recommendations of the
5 Strategic Planning, Budget and Program
6 Management Committee, whether it's going to be
7 consistency across the two?

8 CHAIR BILLY: We'll fix that.

9 MR. HOLLIDAY: That report has not
10 been written yet.

11 CHAIR BILLY: My point is about
12 enhancing your chances of success. That's
13 what I'm trying to --

14 MS. FOY: Okay. So that made it.
15 It looks like the bosses are collaborating
16 over there. Why don't we move on to number
17 two, and we'll come back to a discussion on
18 number one. Heidi, would you --

19 MS. LOVETT: "MAFAC recommends
20 NMFS give increased attention to celebrating
21 and publicizing the successes of ESA, in part
22 by completing the process of downlisting or

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1 delisting species where appropriate.

2 "In particular, NMFS should
3 evaluate the existing science of sperm whales,
4 complete its determination of whether the
5 Hawaiian populations of green sea turtles or
6 humpback whales constitute distinct population
7 segments, and determine whether these species
8 or their distinct population segments can be
9 downlisted or delisted."

10 MS. FOY: Discussion on number
11 two?

12 CHAIR BILLY: Good job.

13 MS. FOY: And are the powers that
14 be ready to discuss number one? Eric? Eric,
15 you're not going to be able to play poker with
16 me ever.

17 (Laughter.)

18 MR. SCHWAAB: I'm going to play
19 with Tony.

20 (Laughter.)

21 MR. RAFTICAN: Don't write that
22 down.

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1 MR. SCHWAAB: So well first of
2 all, I don't think that -- I mean just a
3 couple of comments. I mean first of all, this
4 is obviously something that is very important
5 to us. It's a weakness that we recognize, and
6 but I don't think that --

7 I think that it's a tough budget
8 climate, and that if we're going to obtain
9 additional resources for an activity like
10 this, it's likely going to be at the expense
11 of something else within our budget.

12 The third thing I would note is
13 that just in general, any kind of a new
14 budget initiative that would be --
15 particularly would be additive, although not
16 exclusively additive, goes through a fairly, I
17 think you guys know, sort of hierarchical
18 vetting process. It has to get out of
19 Fisheries, it has to get out of NOAA, it has
20 to get out of Commerce, OMB, and then
21 ultimately be passed upon favorably in the
22 Congress.

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1 So it's just generally tough, to
2 just say well, we need more to do our job or
3 we need better science or we need -- you know,
4 those things aren't, don't generally fare that
5 well.

6 CHAIR BILLY: That's my concern.

7 MR. SCHWAAB: And so to the extent
8 that, you know, we can provide some very
9 specifically compelling argument, you know, we
10 do better. You know, it's a cost-saving
11 thing, it's a jobs thing, you know, there's
12 something that matters to somebody other than
13 the people that care of --

14 MS. FOY: Reduction of people
15 piece, that NOAA has to --

16 MR. SCHWAAB: If you could show it
17 to be cost-effective, if that's true. I'm not
18 saying don't make this recommendation. I'm
19 just trying to introduce sort of a dose of
20 reality, number one, and I would reiterate the
21 point I raised earlier, which is that, you
22 know, if we could bargain through the Budget

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1 Committee other recommendations, it would help
2 us to have some understanding of how this fits
3 in relation to some other recommendations that
4 MAFAC might want to make to us.

5 MR. RIZZARDI: Are you talking
6 about number one or number two?

7 MS. FOY: One.

8 CHAIR BILLY: One.

9 MR. RIZZARDI: Okay, sorry.

10 MS. FOY: So discussion from other
11 committee members on number one?

12 MS. McCARTY: In the Budget
13 Committee, we made several recommendations.
14 We did not make this a particular issue. But
15 we could incorporate that into the budget
16 discussion that --.

17 MS. FOY: Would it be more
18 appropriate to keep all of the budget
19 recommendations in one place, or would it --
20 because we have to talk about that this
21 afternoon, budget recommendations from the
22 subcommittee.

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1 CHAIR BILLY: We could have
2 language here that talks about, if it's true,
3 you know, enhanced resources would reduce
4 response times, improve the quality of the
5 work or, you know, things like that, that
6 MAFAC is observing that that's -- and then
7 that would tie to the budget part, whatever is
8 true about that.

9 MR. RANDY FISHER: Just for my
10 curiosity, is there any way of actually the
11 people that are petitioning, I mean they have
12 no big dog in the fight to some degree,
13 because they don't have to put any money into
14 it.

15 I mean is there any way that you
16 can charge the petitioners for helping do your
17 job?

18 MR. RIZZARDI: No. We pay the
19 petitioners. Seriously, that's what happens.

20 This goes to the attorney's fees issue, but
21 when they file that petition, they're going to
22 get paid, and they're going to get paid at

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1 prevailing market rates. So you know, 300,
2 450 an hour.

3 MR. LECKY: So I think there are
4 ways to recover administrative costs. But the
5 problem with that though is the administrative
6 costs tend to be relatively small, compared to
7 hiring staff to do the work. But even if you
8 could charge for that, without special
9 authorizing language from Congress, it doesn't
10 come back to the agency for its use. It goes
11 into the general fund.

12 MR. RIZZARDI: Right.

13 MR. LECKY: So you don't get the
14 benefit from it.

15 (Simultaneous speaking.)

16 MR. RANDY FISHER: --the people
17 that are petitioning, because they're up to
18 something else. I mean you've got to figure
19 out a way of making them hurt somehow.

20 MS. FOY: Well actually, with that
21 note, Randy, I think that leads right up to
22 number three. I'm going to ask Keith to speak

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1 to that, because I don't have the statutory
2 background. Keith, would you go over number
3 three for me?

4 MR. RIZZARDI: Number three is the
5 topic that I discussed yesterday, after Jim's
6 presentation. The regulatory agencies are now
7 seeing these mammoth petitions, and NOAA has
8 this petition for 83 coral species, and under
9 the statutory deadlines, they have to respond
10 within 90 days with an initial determination,
11 and within one year, they have to decide on
12 all 83 species.

13 The process is bogging down the
14 staff. It's causing staff to divert its
15 resources, and this ties back to number one
16 and why MAFAC folks believe that there should
17 be increased staff, because inevitably what
18 happens is the agency misses a deadline and
19 then the agency pays out for attorneys fees
20 when the petitioners come in and say you
21 missed your deadline.

22 So fundamentally, what we're

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1 suggesting is that the deadlines process needs
2 to change, and we're asking that NOAA go to
3 Congress and seek a change in that deadline
4 process, because it's a box that NOAA cannot
5 get out of, and with the new types of
6 petitions being filed, the 83 on coral species
7 and the 404 wetlands species in the
8 Southeastern United States that hit the U.S.
9 Fish and Wildlife Service, they have the same
10 problem.

11 The petitioners are now deciding
12 the agency's priorities for them, no matter
13 how well staffed the agency is.

14 MS. FOY: So I'd ask the
15 membership to read through the language on
16 number three, and then see if there's any
17 further discussion on that.

18 MR. WALLACE: Heidi, read through
19 it for us.

20 MS. LOVETT: Read it again?
21 "MAFAC notes that a thorough scientific
22 analysis takes time and expresses its concern

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1 that some petitions for new species, such as
2 the recent petition to list 83 species of
3 coral, may not be adequate to be responded to
4 within the statutory time frames of 90 days
5 for an initial determination, or 12 months for
6 a final determination.

7 "MAFAC also notes its concern that
8 the deadlines associated with this petition
9 process, as well as the associated litigation
10 and court orders can, at times, limit the full
11 exploration and exercise of NMFS' scientific
12 expertise and also renders it unable to meet
13 its existing priorities.

14 "For example, deadlines associated
15 with listing petitions for new species can
16 interfere with existing efforts to develop and
17 implement recover plans of species already
18 listed. To the extent that the ESA petition
19 process requires a deadline for NMFS to
20 respond, MAFAC encourages NOAA to ask Congress
21 to consider alternatives such as "an
22 unreasonable delay," as included in the

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1 federal Administrative Procedure Act, would be
2 more appropriate."

3 MR. RIZZARDI: Two modifications.
4 There should be an "and" in front of
5 "unreasonable delay."

6 MS. LOVETT: Okay.

7 MR. RIZZARDI: Down at the very
8 bottom.

9 MS. LOVETT: And.

10 MR. RIZZARDI: And in front of the
11 word "alternatives," please put "whether."

12 MS. LOVETT: Whether such?

13 MR. RIZZARDI: Yes. "Whether
14 alternatives, such as an unreasonable delay
15 standard."

16 MS. LOVETT: Oh.

17 MS. FOY: Discussion on the topic?

18 MR. RIZZARDI: Jim?

19 MR. LECKY: We'd be happy to carry
20 that forward. I know how reluctant the
21 Congress is to take up ESA again. You'd be
22 hard-pressed if you can get it through the

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1 Department.

2 MR. RIZZARDI: Understood.

3 MR. LECKY: To send something up.

4 MS. FOY: So on number one, I need
5 clarification point for myself as well as the
6 record. Are we moving number one to Heather's
7 agenda or -- are we going to do that?

8 (Off mic comments.)

9 MR. RIZZARDI: So strike one from
10 here and copy and paste it for a future
11 discussion with Heather's?

12 MS. LOVETT: Right. I'm going to
13 have to make a note of that, so --.

14 MS. FOY: So with that, I move
15 that the committee accept the recommendations
16 from the subcommittee.

17 MR. RIZZARDI: Second.

18 CHAIR BILLY: The motion has been
19 made and seconded. Any further discussion?

20 (No response.)

21 CHAIR BILLY: All those in favor,
22 say aye?

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1 (Chorus of ayes.)

2 CHAIR BILLY: Opposed?

3 (No response.)

4 CHAIR BILLY: So moved.

5 MS. FOY: Thank you.

6 CHAIR BILLY: Okay. You have five
7 minutes.

8 (Whereupon, at 12:26 p.m., a
9 luncheon recess was taken.)

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1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 2:38 p.m.

3 Recreational Fisheries Subcommittee Report

4 CHAIR BILLY: Okay. I'd like to
5 get back on the agenda. Our next report out
6 is on rec fish, recreational fisheries, and
7 Ken, the floor is yours.

8 MR. FRANKE: Thank you, Mr.
9 Chairman. In order to save some time, first
10 I'm going to assume that everybody had an
11 opportunity to take a look at the actual
12 website, with the recreational action agenda.

13 But a little bit of historical piece to it,
14 just so that everybody's up to speed on the
15 background behind it.

16 The recreational fishing community
17 is a substantial group of folks that are all
18 impacted by the activities of the councils,
19 etcetera, and we had a pre-summit survey that
20 was conducted. Everybody had an opportunity
21 to turn in their feedback on things of
22 concern, etcetera, just to find out from the

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1 impacted parties where we're at. What are,
2 from your perception and your regions, the
3 problems, and more importantly, what do you
4 think of the solutions, because some of the
5 low-hanging fruit maybe could be dealt with.

6 So that was submitted. Then we
7 had 177 people that attended the summit
8 meeting, from all of the different regions
9 including Hawaii. At the summit, there was a
10 good vetting opportunity for all the survey
11 materials.

12 Items were ranked, prioritized as
13 far as impact on the different areas. A
14 summary report was put together, and a piece
15 of that also was an open, verbal dialogue that
16 Eric and Dr. Lubchenco, throughout an entire
17 afternoon on, you know, let's hear it.

18 So thank you, Eric. Everybody was
19 really excited to have that opportunity. End
20 product out of this, we ended up with the
21 action agenda, which is in the web notes on
22 our MAFAC website.

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1 So the document that you see
2 before here on the board, I'm not going to
3 read it to you because it's pretty
4 straightforward. It lays down the foundation
5 of how we arrived at the summit, as well as
6 how we developed the Recreational Fishing
7 Working Group. We had 22 people that were
8 identified in the group.

9 Again, a lot of care was taken by
10 the MAFAC subcommittee members to make sure
11 there's a good representation nationwide of
12 all of the different groups. So after the
13 summit, we ended up with the final draft
14 action agenda, which the uncut version is in
15 our web notes.

16 But in this document here that you
17 should have all received, you're going to see
18 the synopsis just from a high level, the five
19 goals that were identified, as well the
20 objectives for each one of those goals.

21 Each one of those objectives, if
22 you refer to the website, has a long list of

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1 detailed, actionable items that, for the most
2 part, could be measured and specifically
3 addressed by NOAA.

4 As we move through the document,
5 we historically had a conference call on June
6 21st with the Recreational Fisheries Working
7 Group. Again, that was -- we had Russell
8 Dunn. We had -- Mark was there also on the
9 conference call, as well as -- I think it was
10 22 people attended that.

11 They had already received copies
12 of the action agenda draft, and were asked for
13 okay, what do you think now, you know? Is
14 this a true reflection of the summit and your
15 ideas? Categorically, the answer was yes.
16 They did have a few unique items that weren't
17 necessarily action item agendas. But there
18 were some comment teams.

19 I'd like to drill down into those,
20 that the action agenda have measurable action
21 items with deliverables and due dates; that
22 there be equitable representation on the

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1 management councils, panels and committees;
2 and that consideration be given to
3 compensation for members of the subpanels.

4 That NOAA staff interact more
5 directly with the fishing community and that
6 recreational fishing coordinators be assigned
7 full-time for each region. Currently, they're
8 in some cases collateral assignments. That
9 communication efforts provide that it include
10 non-electronic media outreach with
11 consideration given to regional issues, the
12 human element, level of education and
13 diversity of languages.

14 After their feedback was received,
15 we had our subcommittee meeting yesterday, and
16 we had an opportunity to discuss pretty much
17 all the material that we had on the table. At
18 the -- just to bring it down to a focus, there
19 were two issues that we wanted to bring back
20 to you all.

21 One was from a vetting standpoint,
22 how do we move forward with this group, this

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1 Recreational Fisheries Working Group. How do
2 we engage them with MAFAC? Then the second
3 item is with regard to the action agenda, what
4 kind of recommendations with regard to
5 recreational fishing, could we bring forward
6 to you for consideration.

7 So at this point, I'd like to go
8 and take a look at those specifically. With
9 regard to the Recreational Fishing Working
10 Group tasking and management, we would propose
11 to recommend the following on behalf of MAFAC:

12 That NOAA fund, at least once a
13 year, a meeting of the Recreational Fishing
14 Working Group. I've got to say it was an
15 impressive group of people. I mean they
16 really knew their stuff. I learned a lot just
17 about different things in the regions that I
18 wasn't aware of.

19 Number two, that the Recreational
20 Fishing Working Group continue to provide
21 input on recreational fishing issues, as
22 directed by the Recreational Fisheries

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1 Subcommittee. Again, I think there was one
2 questioner. He asked where do they fit in our
3 matrices, and their duty is to provide
4 regional insight to our Subcommittee of the
5 issues, and then our subcommittee in turn
6 reports to you all.

7 Again, I learned a lot of stuff
8 about the Southeast especially that I didn't
9 know, in having them represented and providing
10 us input. It was incredibly valuable.

11 Number three, that the
12 Recreational Fishing Working Group be tasked
13 with ongoing identification of regional-
14 specific concerns and solutions, and to act as
15 a focal point and data source for MAFAC.

16 One of the things that I think
17 everybody saw at the summit was the need for
18 communication. We have a lot of groups and
19 organizations that NOAA can connect with, and
20 once that connection is made, their pipelined
21 onto a good network of information.

22 Because I think in every one of

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1 your regions, you've got experts there that,
2 had somebody asked them, they probably would
3 have come up with an answer to some of the
4 problems.

5 Number four, that the Recreational
6 Fishing Working Group identify impacted groups
7 and organizations for regional NOAA
8 recreational fisheries represents to
9 communicate and to establish an improved
10 communications network.

11 Number five, that the Recreational
12 Fishing Working Group determine what methods
13 of communication can be utilized in their
14 region to get information out to the public in
15 the most effective manner. This includes
16 specific sources, where anglers currently
17 receive and distribute information, such as
18 newsletters, radio shows, etcetera,
19 consideration again be given non-electronic
20 media outreach and the human element.

21 We have people, depending on where
22 they are in the country, that may not

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1 necessarily speak English, may not have access
2 to electronic media, etcetera. We heard from
3 a number of areas of the region that they
4 wanted to make sure those people were
5 connected with as well.

6 At NOAA right now, as I understand
7 it, we have our regional recreational
8 coordinators, have been identified, as well as
9 their assistant coordinators. In my region in
10 the Southwest, they are actually getting out
11 now and connecting with us, wanting to know
12 who the players are. So I applaud NOAA for
13 that effort.

14 Moving on to the second series of
15 recommendations, this is specific to the
16 recreational saltwater fishing action agenda,
17 and this is with regards specifically to those
18 five goals that that they stated in the
19 agenda.

20 That NOAA move forward with
21 implementation of the action agenda, with
22 consideration given to prioritizing issues,

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1 while developing specific line item funding
2 for the stated objectives. When practical,
3 due dates should be assigned to each
4 initiative. So each one of those goals is
5 supported by objectives, and getting down into
6 the grass and the weeds, each one has a series
7 of line items that NOAA put together as being
8 actionable, things that they can accomplish.

9 When we did our conference call,
10 every one of them, it was the Show Me State.
11 They said okay. We've told you what our
12 concerns are. We want to see something done.

13 We'd like to see some conclusion to some of
14 these things.

15 So it's not a perfect world, and
16 they recognize that not everything's going to
17 be dealt with overnight. But they'd like to
18 see some movement and some forward movement on
19 some of their ideas.

20 Number two, that NOAA consider
21 community outreach on the topic of marine
22 conservation in their communications to the

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1 recreational fishing public. We felt that it
2 was important at this stage of the game to
3 just start it rolling out there, the whole
4 topic of conservation.

5 Number three, that NOAA identify
6 increased funds in fiscal year 2001, beginning
7 October 1st, 2010, to conduct (a) cooperative
8 research, (b) stock assessments of key valued
9 species, and (c) analyses of recreational
10 fisheries related to socioeconomic impacts.

11 That was the reallocation that we
12 were discussing in our previous subcommittee
13 discussion of the budgets.

14 Number four, that NOAA provide
15 guidance to the councils to conduct periodic
16 re-evaluations of quota allocations and adopt
17 a broad range of biological, social and
18 economic criteria as a basis for rationale,
19 reasonable allocations.

20 With regard to the overarching
21 action agenda document, they did a good job.
22 They accurately reflected the concerns, if you

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1 will, of the entire nationwide recreational
2 community. Now it's a matter of, you know,
3 we've had three cuts of this thing, digging it
4 to back to NOAA to implement.

5 Then one of the things in our
6 group we felt was important was okay, we're
7 going to make some recommendations. But then
8 we are our level need to go back to our
9 constituency and say okay, what can we do to
10 help?

11 One of the things that's tied to
12 these recommendations on a go-forward basis is
13 that our Recreational Fishing Working Group
14 would act as data points and actual connection
15 points for communicating with all the
16 different organizations and groups in their
17 region, so that we can get two-way
18 communication going, and try and work through
19 some of the problems as we go along.

20 At this point, I'd like to open it
21 up to any questions.

22 CHAIR BILLY: Why don't we circle

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1 back?

2 MS. McCARTY: Okay, you want to
3 circle back?\

4 CHAIR BILLY: Back up to -- where
5 should we start? I guess --

6 MS. McCARTY: Move up to the top
7 of the two pages. Mr. Chairman, can I just
8 raise a question?

9 CHAIR BILLY: Yes.

10 MS. McCARTY: Everybody knows
11 number one and number three on that last list
12 were identified as Ken as the two budget
13 issues that we then considered in the Budget
14 and Management Subcommittee, and brought them
15 forward there for discussion there, if you
16 wish, or here, depending on what you want to
17 do.

18 MS. FOY: Can we do the same thing
19 with our budget request, as was done with
20 Protected Resources?

21 MS. McCARTY: It's up to the
22 committee.

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1 (Off mic comments.)

2 MS. McCARTY: I added that to my
3 report, the ESA.

4 CHAIR BILLY: So they're presently
5 included in your report?

6 MS. McCARTY: Yes, they are.

7 CHAIR BILLY: Okay.

8 MR. FRANKE: Mr. Chairman, if
9 they're included in her report, should we then
10 remove them from ours, as far as our
11 committee? Should I leave them in?

12 MS. McCARTY: I think you should
13 leave them in.

14 MR. FRANKE: Okay.

15 MS. McCARTY: I'm just saying we
16 don't need to talk about them twice.

17 MS. FOY: Well --

18 CHAIR BILLY: Go ahead.

19 MS. FOY: Back to number one on
20 the first page. No, right there. I have the
21 same concerns that were voiced in the November
22 2009 meeting in the established working group.

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1 We do not have working groups that are
2 representative of our other constituents,
3 notably aquaculture, commercial fishing or
4 environmental concerns.

5 MR. WALLACE: Could you speak up
6 please?

7 MS. FOY: Sorry, Dan. I noted
8 that we don't have working groups or
9 representative groups that are funded by NOAA
10 in any of the other constituent groups. We
11 don't have commercial fishing, aquaculture,
12 environmental groups, academic groups, any
13 consumers, anything else other than the
14 Recreational right now.

15 That, number one, is a big
16 stumbling block for me. I don't know if
17 that's shared by others around the table or
18 not.

19 MS. DANA: Why are you -- what
20 bothers you about it? I mean I heard what you
21 said with the first part.

22 MS. FOY: I have had quite a few

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1 people come up to me and express concern that
2 NMFS and NOAA is not expressing concerns of
3 other parts of their constituent base, that
4 commercial fishermen are really ignored. They
5 have concerns that I believe -- I'm sure it's
6 to a certain extent, typical fishermen
7 paranoia.

8 But they feel like they may be on
9 the chopping block. They don't feel like NMFS
10 is listening to them, and I know that that was
11 a big thing for the recreational group, is
12 that for the first time you felt like you were
13 being listened to.

14 Now the commercial fishing
15 industry, aquaculture, environmentalists and
16 academics, and consumers feel like they are
17 being excluded. If we fund an annual meeting
18 of the Recreational Working Group through
19 NOAA, I see that discontent really gaining
20 speed. That's a concern to me.

21 MS. DANA: So how would that be
22 different, having an annual meeting in person

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1 versus an annual phone call? Because to not
2 utilize the expertise of these individuals
3 across our nation, to help Marine Fisheries
4 and NOAA better work with them, or at least
5 develop a better relationship, we would be
6 remiss. So I'm just --

7 MS. FOY: I agree, but how is it
8 different to recreational fishing, as opposed
9 to our other groups? We don't fund them.
10 Maybe.

11 CHAIR BILLY: Okay, Ed.

12 MR. EBISUI: Yes. In response to
13 Cathy's query, I think the answer from my
14 perspective is that recreational fisheries, of
15 all the sectors, is the least cohesive. You
16 know, they're not as organized as the other
17 sectors. They aren't as well-funded. So I
18 think that this really is an attempt to bring
19 this large loose-knit sector to parity with
20 the other sectors.

21 The recreational guys have always
22 lagged behind in terms of united front, a

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1 cohesiveness, always.

2 MR. CATES: Well, you're one step
3 above us.

4 CHAIR BILLY: Heather.

5 MS. McCARTY: I was going to say
6 hello to Randy. You know, I thought it was a
7 really good idea to have this working group,
8 and to have the summit, and to have that
9 bringing together of the recreational folks.
10 I take your word for it that they're not as
11 well organized as the commercial fishing
12 sector, because I think that's probably true.

13 I also agree with Cathy's
14 comments. As I think I said yesterday, that I
15 do see this divisive issue, and I do see the
16 paranoia from the commercial fleets, you know.

17 I talked about that yesterday and it was sort
18 of confirmed by some of the people that were
19 sitting in the audience.

20 Maybe it's just in Alaska, but I
21 think it's Alaska and the West Coast at least.

22 I mean I don't know where else that people

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1 feel as though they might be getting left
2 behind in the commercial sector. Regardless
3 of why they feel that way, they do.

4 So I worry as well that we don't
5 want to give the appearance of advancing the
6 priorities of one sector over another. If we
7 can avoid that, I think we should. But you
8 know, I'm not saying that that would take the
9 shape of not funding this annual meeting. I
10 think that's fine.

11 I don't want to take anything away
12 from the recreational boats in terms of
13 communication and access, but I would like to
14 somehow reassure the commercial and maybe the
15 other sectors that they are being thought of
16 with as much, you know, concern. I don't know
17 how else to put it. It's just I think it's a
18 very real perception amongst the commercial
19 folks.

20 So how do we deal with that?
21 That's the problem.

22 CHAIR BILLY: Okay, Randy.

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1 MR. CATES: I would like to say
2 that Cathy's fears are being expressed in
3 Hawaii as well, both from the commercial,
4 aquaculture. I do agree that it's important
5 to have our rec fish working group, but I
6 think part of the problem is coming from NOAA
7 itself, from maybe expressing more of an
8 interest with one working group over the other
9 in some places.

10 But in the aquaculture, in our
11 sector, we're feeling pretty like a non-
12 industry, and some of us are trying to get
13 together to create our own conference at our
14 own expense, to figure out the direction on a
15 national plan.

16 Because we don't have a budget or
17 anywhere to go to. So I sympathize with her
18 concerns. I'm hearing from the commercial
19 fishing, as well as aquaculture in Hawaii.
20 But I think it's self-induced by NOAA, to be
21 honest.

22 CHAIR BILLY: Okay. Mark?

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1 MR. MARTIN FISHER: Thank you, Mr.
2 Chairman. I share Cathy's concern. With the
3 new language in the catch share policies, in
4 conjunction with this first, number one and
5 the last item on this document. It's sending,
6 I believe it's going to send a message to the
7 commercial industry that this administration
8 cares more about recreational interests and
9 allocation than they do about maintaining the
10 status quo or until more research is done or
11 whatever, especially without any kind of
12 national definition of how we evaluate or
13 value the different sectors, in terms of how
14 they will receive allocations.

15 So I'm not saying that we throw
16 out the bathwater with the baby, but it does
17 seem to me that there are going to be several
18 sectors here that are going to be saying
19 there's changes in the catch share policy
20 that's echoed here in this document. There's
21 talk, there's the language about allocation
22 and assessing allocation. It's worrisome.

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1 Thank you.

2 CHAIR BILLY: Cathy?

3 MS. FOY: I am trying to figure
4 out how to word this. I appreciated Ken's
5 comments yesterday, from reading the
6 recommendations, where he noted that if you
7 took recreational fishing out of the wording,
8 in every case it applied to all of our
9 different sectors.

10 We have a problem creating not
11 only a one NOAA outlook, but in creating a one
12 seafood, one outlook, one fishermen, out of
13 recreational, sports, charter, commercial,
14 aquaculture. I worry that we are heading into
15 a greater divide, instead of trying to bring
16 everybody together.

17 That's all I'm trying to get at.
18 I think it is appropriate that we listen to
19 the recreational fishermen, and because they
20 don't have an organized voice, it's more
21 difficult. However, we don't want to create a
22 favorite child situation either, or at least

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1 have the others perceive a favored child or a
2 favored user group situation. So --

3 CHAIR BILLY: George?

4 MR. NARDI: If memory serves me
5 right, when we were discussing this last
6 night, I think I brought up a similar concern
7 at the last meeting, and that I was reassured
8 that the funding was for the purpose of
9 getting the expertise and input for the
10 planned summit activity, and that after the
11 summit, you know, there would be some
12 expertise to tap into.

13 But there was never, I think, a
14 discussion about ongoing funding. I would
15 hate to lose expertise of the rec group, but I
16 would think that could be handled by
17 conference call or keeping a list of email,
18 but necessarily having to fund a meeting
19 annually, with no -- how many years does that
20 go on for, and how do we treat the other
21 groups?

22 CHAIR BILLY: Ed.

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1 MR. EBISUI: Thank you, Mr.
2 Chairman. I think if there's any hope for
3 consensus, understanding, buy-in, we've got to
4 have a rec sector at the table. I don't think
5 there's any way to even hope to obtain
6 anything as lofty as consensus without having
7 them at the table.

8 That's why I think it's crucially
9 important to keep this working group together
10 and functioning. It's a great conduit for
11 information to go both ways, from the
12 government to the fishermen and the fisherman
13 to the government.

14 CHAIR BILLY: Dave.

15 MR. WALLACE: You know, I come
16 from the Mid-Atlantic, and we have New York
17 and New Jersey, who have a lot of recreational
18 fishermen. They have recreational fishermen
19 who write newspaper articles. If you have a
20 public hearing, you know, the Mid-Atlantic
21 Council, when they're talking about
22 allocations of species shares that's

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1 pertaining to the recreational and commercial
2 sectors, sometimes hundreds of people show up.

3 Vince and his group, because a lot
4 of these are shared between the states and the
5 federal government, NOAA and they have
6 hundreds that show up. This notion that they
7 don't have any money, they talk about the
8 billions of dollars that they generate, and
9 then, on the other hand, they don't have any
10 money.

11 That's a contradiction. Their
12 main point is we generate billions of dollars
13 compared to the commercial, and therefore we
14 should be given special consideration. That's
15 what this says. This says is we get special
16 consideration over all other user groups.

17 That's how I read this, and I
18 don't mind sharing input with other folks.
19 Any of the user groups, you know, the
20 environmental community actually doesn't have
21 much money. But they sort of work together;
22 they're focused in Washington, and they are

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1 probably the most effective.

2 But they should say, you know, we
3 should get money too, you know. We should --
4 NOAA should sponsor a meeting of all the
5 environmental participants that have fisheries
6 and ocean interests, and fund a big meeting
7 for that.

8 Well, let me tell you this.
9 There's no point in having a commercial
10 meeting funded by NOAA, because we would
11 disagree with each other to the point that it
12 would not be worth it, you know, because we
13 wouldn't be able to agree on what date to have
14 it or what time.

15 But the fact of the matter is that
16 while I have no problems having MAFAC be the
17 facilitator for the recreational community, to
18 get together and air their grievances, most of
19 it isn't, you know, isn't what the MAFAC is
20 about.

21 One of their proposals is to have
22 more rec fishermen appointed to the councils,

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1 given essentially preferential treatment.
2 First of all, you have to get the governor to
3 put them on the list.

4 We have nothing to do with that,
5 and the second thing is that NMFS actually and
6 Congress actually looks at the balance between
7 all the different user groups, and if you want
8 to see the big increase in numbers on
9 councils, look at the environmental community.

10 They're the ones that are making the big
11 headway, not the --

12 And it's usually at the expenses
13 of both recreational and commercial fishermen.

14 The Mid-Atlantic Council, the appointment
15 before this, and Eric knows a lot about that,
16 you know, they took off a commercial fishermen
17 and a recreational fishermen and replaced them
18 with two environmentalists were up for
19 reappointment.

20 They were both on the list and
21 they got replaced. Both of those were very,
22 very good representatives of the fishing

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1 industry. So I think that we really need to
2 get this all in perspective, and you know, I'm
3 a recreational fisherman. I'm happy to be a
4 recreational fisherman, you know.

5 There are lots of us commercial
6 folks here who have fished recreationally, and
7 I like that as much as anybody. But you know,
8 I don't expect any preferential treatment
9 because I'm a recreational fisherman, and I
10 don't expect that the commercial fishery
11 should be penalized because they feed the
12 nation.

13 CHAIR BILLY: Okay. I've got Pam,
14 Ken, Bill in order. Pam?

15 MS. DANA: Thank you, Terry. I
16 have -- I mean I totally understand all the
17 perspectives that have been brought forth. I
18 just want to remind everyone that it was less
19 than a year ago that the recreational
20 community from all the different perspectives
21 that they were coming from, as I said earlier,
22 was about to implode, and they were --

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1 I mean NOAA and Marine Fisheries
2 were essentially under siege. I thought it
3 was -- I think they would have been remiss had
4 they not did what they did in first of all,
5 establishing or working with our Recreational
6 Subcommittee, to have a working group
7 representative of key, respected leaders from
8 throughout the nation, that could speak on
9 recreational fishing.

10 Then, in fulfillment of Dr.
11 Lubchenco's commitment to bring them together
12 in a summit. I think, and maybe it's our
13 fault for wording it this way, but I think
14 that number one, the way it's reading, it's
15 not intended to show preferential treatment
16 only to the recreational fisheries, or
17 recreational fishing sector.

18 What it's meant to do is not say
19 you guys, we brought you to a summit; okay,
20 now go away, everything's fine. It's to
21 utilize or to maximize the value of these
22 respected leaders, and to ensure that we have

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1 a pipeline of good information coming to us,
2 and that they in turn can filter down NOAA
3 perspectives or issues back to their
4 constituent area.

5 As I said to you earlier, Cathy,
6 what's the difference between this group
7 meeting in person or by phone? I think Ken,
8 yesterday we had this discussion, that for us
9 it was important that we go back to this group
10 and show them that their input was not for
11 naught, and to make sure that we continue a
12 relationship with them. So that it doesn't
13 get to that point of less than a year ago,
14 where it's just this massive distrust and
15 rumor-mongering, et cetera, et cetera.

16 So I don't think we're so stuck on
17 the annual meeting, as much as we are stuck on
18 keeping this good group of people together
19 that can make a difference for NOAA and for
20 Marine Fisheries.

21 CHAIR BILLY: Ken?

22 MR. FRANKE: Yes, Mr. Chairman.

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1 First of all, for everybody's edification, I
2 appreciate the comments. Number one, the
3 summit and the Recreational Fishing Working
4 Group, the rec fishermen weren't very well
5 organized. Their attempt was to get organized
6 with no disrespect intended to any commercial
7 fishing, aquaculture or anything else.

8 It wasn't even on the table. As I
9 had mentioned yesterday, if you take out, like
10 you said Cathy, if you take out the word
11 "recreation" out of all of this, it's the same
12 thing. It's stock assessments. It's the
13 things that were on their mind that are the
14 same things that are on the mind of the
15 commercial fishermen and the aquaculture
16 people, the environmentalists.

17 We had our subcommittee meeting
18 yesterday and we had a woman in there whose
19 husband's a commercial fishermen. We went
20 over the items that we saw that were
21 important, and those are the same ones that
22 were important to them as well.

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1 Mr. Chairman, with regard to Item
2 No. 1, I would recommend that we take that off
3 the table. Give us some time to work on it.
4 I am also sensitive to the perceptions of
5 other groups. We don't want to do anything
6 that's going to harm the credibility of MAFAC
7 as being an equitable and fair group of
8 people, to move forward agenda items to NOAA.

9 So I recommend we table that. But
10 again, the intent of this, we're trying to get
11 organized. With regard to the councils, at
12 summit, as well as with the working group, it
13 wasn't pushing recreational placement as much
14 on any councils, as much as to make it
15 equitable for everybody. That was the common
16 theme.

17 As an example, there was one
18 gentleman that brought up that in his region,
19 they have zero people on the council. So
20 nothing that affected them was ever even
21 brought before the council. So those were the
22 simple things, the equitability and as you

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1 said, you know, everybody wants to make sure
2 that they're getting their fair shake.

3 Yes, the Recreational fishermen
4 finally feel that they got some attention.
5 But we all want to be fair about it as well.
6 So anyway, Mr. Chairman, to cut to the chase,
7 I'd like to go ahead and table that Item No.
8 1. I think it's the right thing to do.

9 CHAIR BILLY: Thanks Ken. Bill?

10 MR. DEWEY: Thank you, Mr.
11 Chairman. So I definitely appreciate the
12 concerns that have been raised about somehow
13 this rising to special representation for this
14 one individual group. But I think what we're
15 losing perspective of is that we haven't
16 changed the structure of MAFAC. We haven't
17 increased rec fish representation on MAFAC.

18 We've created a work group that
19 can better inform us on decisions relative to
20 the rec fishing community, which is disparate
21 and perhaps less organized, and at least in my
22 perspective, more diverse throughout the

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1 country. So personally, I appreciated the
2 information that the summit you has generated,
3 and the information, Ken. I'd like to
4 compliment you for very effectively bringing
5 that information forward.

6 I would not want to see this rec
7 fish work group go away, and I would hope to
8 MAFAC, as we delve into other areas or where
9 it's appropriate that we look to establishing
10 similar work groups in other interest areas or
11 other stakeholder groups as the need arises.

12 But I don't, I guess I don't share
13 the same concern, because we're not changing
14 the structure of MAFAC. I appreciate the
15 information.

16 CHAIR BILLY: Keith?

17 MR. RIZZARDI: I'd just like to
18 make a procedural point, which is I went back
19 into the transcripts. I went back into the
20 meeting notes and looked at what was done in
21 the Silver Spring meeting when this came up.

22 It looks like what the body said

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1 is we definitely endorse having a summit, and
2 then we directed for a group to be established
3 with one year term, with the potential to be
4 reappointed, which does suggest that this was
5 supposed to be more than one-shot deal.

6 I will also acknowledge that
7 there's a lot of ambiguity, based on the
8 record, on this very point. But I want to
9 make a procedural point, that this is exactly
10 why it is important that when MAFAC has these
11 discussions, we try to codify things, so that
12 we don't have, you know, just a few meetings
13 later, the return of the disputes that we
14 think are put to bed.

15 From a personal perspective, I'll
16 also note, I think this is a very important
17 constituency to be heard, because it ties very
18 closely to the protected resources issues, and
19 a big part of the tension that we had was
20 between marine sanctuaries and recreational
21 fishers, and some of the butting of heads on
22 those issues.

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1 So I do think that having some
2 special attention given to the recreational
3 fishers would benefit some of our other
4 constituencies. That said, I also recognize
5 the need to have a fair discussion of it. I
6 just wanted to emphasize the importance of the
7 record. Thanks.

8 CHAIR BILLY: I had a hand over
9 here somewhere. They put it down. Guess not.
10 Okay. Heather?

11 MS. McCARTY: Yes. I think this
12 is the right place to have this discussion,
13 and I think it's a good one. I recall now
14 Keith that we did have a discussion about
15 whether this was an ad hoc type of
16 arrangement. I think we landed someplace in
17 between permanent and ad hoc. It was like it
18 isn't just going to have one meeting and then
19 go away necessarily.

20 MR. RIZZARDI: Right.

21 MS. McCARTY: But it may continue
22 to have a life as part of the MAFAC structure,

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1 but not necessarily a permanent part. I think
2 if it was a permanent part, then we will have
3 changed the structure of MAFAC, and we ought
4 to consider additional advisory groups of some
5 kind that have the same function for different
6 sectors, because that's essentially what this
7 is.

8 So I personally don't have any
9 problem with this group having an additional
10 meeting, particularly follow-up from the
11 summit and the action items and so on. I
12 would not like to see it sort of codified as a
13 permanent part of MAFAC at this point, until
14 we see whether we need it, you know, into
15 perpetuity and maybe if we do, then maybe we
16 ought to think about having additional
17 advisory groups that meet on sort of a semi-
18 regular basis, to advise us on particular
19 topics.

20 So that's kind of the way I
21 thought of it when we did it in Silver Spring,
22 and I still kind of think of it that way, is

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1 that it's a place where additional focus
2 needed to be put, and we put it there, and
3 this has been the result. Then now we have to
4 decide, going forward, whether we want to
5 continue that emphasis, whether we want to
6 support the action items that have been
7 brought forward, et cetera, et cetera.

8 CHAIR BILLY: One of the things
9 that strikes me is that we had the input of
10 the working group in the lead into the summit,
11 and some very good ideas and suggestions about
12 where NOAA should go from here came out of
13 that process.

14 To me, one of the things that's
15 missing now is that the program manager, the
16 office director, I don't know what the title
17 is for rec fishing, ought to take all that and
18 turn that into -- for a better term, a
19 strategic plan, an action plan, and then if
20 the program people needed further advice or
21 fine-tuning, they can come back to NOAA and
22 within the framework of -- I mean come back to

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1 MAFAC, within the framework of MAFAC, the
2 subcommittee and the working group, to get
3 some further advice and counsel as
4 appropriate.

5 I think there's something missing
6 here. I'm not objecting to any of this. I'm
7 just -- it seems like what came out of the
8 summit ought to be subsumed into the
9 programmatic culture of NOAA Fisheries, and
10 then we move forward. To the extent we need
11 more specialized advice fine, let's get it.

12 The working group is established
13 and could be the means to do that. So those
14 are just my observations for your
15 consideration.

16 MR. CHATWIN: I have a concern
17 about the second number one, which is in the
18 second batch. I'm not sure why it was
19 structured that we have two batches of
20 recommendations. But that's neither here nor
21 there.

22 It's the second number one, and

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1 it's where we, as a body making
2 recommendations for implementation of the
3 action agenda, with the priority issues and
4 develop, that we're recommending developing
5 specific line item funding for the stated
6 objectives.

7 So as I can tell, we as a body
8 haven't really discussed the action agenda. I
9 think the subcommittee has, but we haven't
10 discussed that. I stated, I think it was
11 yesterday or the day before, that I had a
12 concern about us, that one piece of the action
13 agenda, which was -- I'm trying to find it --
14 the idea of --

15 There was language that I saw
16 either yesterday or the day before, that
17 talked about evaluating the council membership
18 for recreational fishing. When I looked in
19 the action plan, it doesn't have that same
20 language. It says "Review 2010 Fishery
21 Management Council -- with regard to each
22 sector, inter-sector balance." That, I'm fine

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1 with.

2 However, the other language that
3 was quoted, I'm not sure where that language
4 lies. I didn't, I wasn't, I'm not comfortable
5 with endorsing that and asking NOAA to develop
6 a budget line item for that and a specific
7 deadline for that, that was focused on
8 recreational fishing.

9 So that recommendation is a -- the
10 second number one is a broad recommendation,
11 that is recommended to afford a whole series
12 of priority items that I don't feel that we've
13 really discussed. So I raise that, but my
14 specific concern was asking for you guys, for
15 NOAA to get money to reassess the composition
16 of the councils.

17 It's not that I don't think they
18 should do it. I just don't think, again to
19 preserve MAFAC, I don't think we should be in
20 the business of telling NOAA to reevaluate
21 composition of the council for one interest
22 sector.

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1 So I know that's a string of
2 events, but that's kind of how these
3 recommendations are structured.

4 CHAIR BILLY: Eric.

5 MR. SCHWAAB: So I've just come to
6 understand that not only did we confuse our
7 chairman, but we've confused apparently some
8 other members of the committee.

9 So just to be clear, so that there
10 was a summary, and it was the thicker book
11 that I held out, and you all had access to it,
12 at least a web version, that came, that
13 encapsulated what was said at the summit.

14 Russ Dunn took the lead and Russ
15 Dunn is our, is my senior recreational policy
16 advisor, which was the other commitment that
17 Dr. Lubchenco had made, and Russ actually
18 would have been at this meeting, except he's
19 out at the Western Pacific Council meeting.

20 So Russ took that, at my
21 direction, and developed what you have seen,
22 and when we talk about it yesterday, it's this

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1 recreational fishing, saltwater fishing action
2 agenda. That does not have the, you know,
3 more --

4 That has the language about, that
5 Tony just quoted.

6 MR. CLAMPITT: The inter-sector
7 balance.

8 MR. SCHWAAB: Relating to
9 achieving, you know, inter-sector balance on
10 the councils. It does not in any fashion
11 speak specifically to increasing recreational
12 seats on the council.

13 We took that action agenda as a
14 draft back to the Recreational Working Group
15 in a phone call, and got some feedback from
16 that working group. There is also a summary
17 document that I think is available in your
18 materials that talked about the feedback that
19 we got from that group in that phone call.

20 It is now incumbent upon this, and
21 this action agenda remains out, and it is
22 incumbent upon us, based on continuing advice

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1 from MAFAC, the Rec Subcommittee and the
2 working group, anybody else that wants to
3 provide us advice, to continue to refine this
4 action agenda and execute this action agenda.

5 So it's our action agenda, based
6 upon input that we got from the summit and
7 have continued to get through the process that
8 we set up. So if there's any lack of clarity
9 around who owns what product, I hope that
10 helps to clear it up, and I apologize for any
11 misunderstanding about that.

12 CHAIR BILLY: Are we in either of
13 these lists, then making any recommendations
14 with respect to the action agenda?

15 MR. CHATWIN: Number one.

16 MS. DANA: It was essentially that
17 when NOAA has, when they're looking at their
18 budget, that they consider the issues that
19 were laid out by the recreational sector. For
20 example, when and if possible, to have funding
21 for research, stock assessment research. So
22 wherever possible, to have funding prioritized

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1 in the NOAA budget.

2 It's not asking for any line item
3 announced. That's just good practice on
4 NOAA's part to be able to follow up.

5 CHAIR BILLY: Okay, Tom?

6 MR. RAFTICAN: A couple of things.

7 Before getting to the line item on the
8 budget, Ken helped muster a conference call,
9 where we went through a group of people who
10 invested a lot of time, came to a recreational
11 summit, traveling on their own dime, came
12 back, put together a conference call, and
13 asked them, you know, here are some things
14 that came up. How do we do this?

15 This is pretty much verbatim what
16 we got back, and it puts -- I want to make
17 sure that we know it puts Ken in a very
18 difficult position. We talked well hey, look.

19 These are tough points, but understand that
20 this is -- you know, we asked people for their
21 input. This is what we got, all right?

22 So this is actually the input from

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1 the recreational fishing community out there.

2 We're doing our best to carry it back as they
3 expect us to do. So this will be -- you know,
4 it is a little -- it's going to be rough. You
5 know, normally you can find some language to
6 make it a little bit better.

7 But it is going to be a little
8 more open and up front. I think when you
9 start looking at it and also, in terms of the
10 budget items, there is very little dedicated
11 funding to looking at stock assessments that
12 are particularly of consequence to
13 recreational anglers.

14 This is not -- again, it's overall
15 information that's going to help everybody,
16 but there are certain ways of -- it's like hey
17 look. There's certain ways you can fund this
18 stuff that's going to make sense to help us
19 out.

20 You know, if you look at the grand
21 scale of things, you know, it's hard to say
22 that recreational -- that Russ is going to

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1 look at recreational funding. But when we
2 look at the overall funding for, you know,
3 statistics and fishery management, where we
4 had been down the line is a significantly
5 small part.

6 What this is is trying to get back
7 on the map again.

8 CHAIR BILLY: Okay, and I'd like
9 to apologize, because I was stuck on the
10 tasking and management of the working group
11 and not focusing further on with the action
12 agenda. So that was my fault. Dave?

13 MR. WALLACE: First, I'd like to
14 preface my remarks by saying that my remarks
15 were not in any way focused at anyone in this
16 room.

17 MS. DANA: As he looks straight at
18 Ken.

19 MR. WALLACE: Huh? Okay. No,
20 well but he's just the messenger, right? And
21 you know, you always shoot the messenger.

22 (Laughter.)

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1 MR. WALLACE: But you know, this
2 is a very interesting thing. Eric says that
3 this whole thing is their idea, and I had
4 raised my hand to say is this document NMFS'
5 document or is it the recommendations of the
6 working group?

7 MR. SCHWAAB: Not this document.
8 It's an action agenda that this refers to.

9 MR. WALLACE: Okay.

10 MR. FRANKE: But you also have
11 this one.

12 MR. SCHWAAB: Right.

13 MS. McCARTY: Can I ask a
14 question?

15 CHAIR BILLY: Sure.

16 MS. McCARTY: And could I jump
17 ahead just a little bit? I guess what I'm
18 wondering now is whether we work from the
19 subcommittee's recommendations, or whether we
20 work from the draft agenda, action agenda that
21 we got earlier in the meeting, and make our
22 recommendations and comments based on that,

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1 rather than on the subcommittee one?

2 There's a lot of crossover.
3 There's a lot of the same language, but it's
4 slightly different, if you look at them side
5 by side. So I'm wondering what will be most
6 helpful, in terms of advice or comment from
7 MAFAC is whether we should go just to the
8 subcommittee staff, and not that other
9 document that we were given as a draft. So
10 that's my question, I guess, to Eric maybe or
11 Ken.

12 CHAIR BILLY: Okay. A couple more
13 comments and then we'll pow-wow. Martin and
14 then Tony.

15 MR. MARTIN FISHER: Thank you, Mr.
16 Chairman. I asked Keith, because he's such a
17 good searcher, to find our original language
18 for that charter, and we've sent it over to
19 Heidi.

20 MS. LOVETT: Is that right? It's
21 what on the web?

22 MR. MARTIN FISHER: Yes, yes. Can

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1 you put it up for us?

2 MS. LOVETT: Sure.

3 MR. MARTIN FISHER: That's my
4 first thing. My second thing is one of the
5 things that disturbs me about this document,
6 so far I haven't identified one paragraph that
7 talks about how do we count for fish. There's
8 no accountability measure that's mentioned in
9 these recommendations and requests.

10 Allocation is mentioned four or
11 five different times. Allocation is
12 mentioned, but accountability is not. That
13 disturbs me deeply.

14 MR. HOLLIDAY: Just as a favor for
15 us when we come back and try to interpret the
16 transcript for this, when we're referring to a
17 document or, you know, this paper or that
18 paper, could you help us out by -- which
19 reference are you referring to? So is it the
20 subcommittee's report or the terms of
21 reference or the

22 MR. MARTIN FISHER: The

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1 subcommittee's report.

2 MR. HOLLIDAY: Just as a general,
3 because it's going to get very confusing when
4 we go back and read this a couple of weeks
5 from now.

6 MR. MARTIN FISHER: You're
7 absolutely right, and I have may have missed
8 it. I may be there, but I haven't seen it.
9 And again, I really get disturbed when people
10 want to start reallocating when we can't count
11 the fish. If we don't know what we're
12 catching, how can we reallocate and why should
13 that be our focus?

14 MS. LOVETT: So where are we now?

15 MR. MARTIN FISHER: Okay, I'm
16 sorry. Number two. MAFAC appoints a
17 recreational fishing work group of up to 25
18 people for up to one year, to be extended at
19 the discretion of MAFAC, to be charged with
20 assisting of the planning and organization
21 with the fishing summit, further building upon
22 recommendations, the FR -- will advise MAFAC

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1 on issues of importance to the recreational
2 fishing community.

3 MR. RAFTICAN: This is verbatim.

4 MR. MARTIN FISHER: Exactly. But
5 it doesn't say that we should be asking NOAA
6 to fund.

7 MR. RAFTICAN: You asked for
8 information from the recreational fishing
9 community, and that's what Ken has brought
10 back to you.

11 MR. MARTIN FISHER: And that's
12 beautiful.

13 MR. RAFTICAN: It's verbatim
14 information. It's precisely what you asked
15 for.

16 MR. MARTIN FISHER: Yes, and I
17 have no problem with that, Tom, none at all.
18 I think that's great. We need that.

19 CHAIR BILLY: But perhaps we can
20 get a motion. Yes, Eric?

21 MR. SCHWAAB: So I think it's
22 important, if I go back to the point I was

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1 making a moment ago, to note that out of the
2 summit, which the subcommittee and the working
3 group helped us to produce, came a summary
4 document. That summary document was used by
5 NOAA staff to develop this draft recreational
6 saltwater fishing action agenda, which I would
7 note, Martin, just to help you out on one
8 point, that --

9 MR. MARTIN FISHER: Thank you.

10 MR. SCHWAAB: Goal two is improve
11 the recreational catch effort and status data.

12 Goal one, improve communications. Goal two,
13 what I just read. Goal three, improve social
14 and economic data on recreational fisheries.
15 Goal four, improve recreational fishing
16 opportunities.

17 Goal five, institutional support
18 and orientation, which speaks to better
19 integrating recreational values into the NOAA
20 fisheries core mission, et cetera, et cetera.

21 I think perhaps the rub is maybe
22 what some people were concerned about when we

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1 set this up this way, is that now the
2 recreational -- a key part of the recreational
3 input on this action agenda, which we continue
4 to procure through the working group and the
5 subcommittee and ultimately up through MAFAC,
6 is that there's a point, and I think we're
7 here, where the specific interests and
8 priorities of the Recreational community, as
9 they make their way up through MAFAC, run into
10 a point where maybe some of the members are a
11 little uncomfortable with the focus, right.

12 I think the challenge that the
13 committee is maybe running up against right
14 now, Mr. Chairman, is that at what point does
15 the committee pass along the working group and
16 the subcommittees' advice as a follow-up to
17 the summit, either you know, in its pure form,
18 which is what I think was up on the screen
19 here a minute ago, and at what point does the
20 committee say yes, but we have some discomfort
21 with that going too far in one direction.

22 So that's this place that we're

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1 running up against. I think you know frankly,
2 maybe the way forward for the committee is to
3 acknowledge in some fashion that this is the
4 advice of the Recreational Fishing Working
5 Group and the subcommittee, but here is some
6 additional sort of sideboards that the MAFAC
7 wants to express in putting that forward.

8 So the sideboards that I'm hearing
9 are well, let's not get too far afield in just
10 attending to the communications with the
11 recreational community. Let's not go spend
12 money just to give those guys a higher
13 profile, without some appropriate attention to
14 the broader interests, et cetera, et cetera.

15 I don't think frankly that there's
16 a whole lot in this action, from what I heard
17 in the communication, that the committee as a
18 whole would have any particular objection to.

19 I think if you just sort of went back and
20 revisited, that you feel pretty comfortable.

21 But if there are things in here
22 that despite having my just said, me having

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1 just said that, that make you uncomfortable,
2 we would love to hear that. So you know,
3 maybe there's a way that the committee can
4 sort of advance the advice of the working
5 group, without fully endorsing it or with some
6 additional sort of, you know, independent
7 input.

8 MR. MARTIN FISHER: Well that was
9 going to be my next question. Can we pass
10 this along as these are the recommendations of
11 the working group, without necessarily giving
12 it the endorsement of MAFAC?

13 CHAIR BILLY: The answer to that's
14 yes. That can be in the report.

15 MR. MARTIN FISHER: Simply say
16 MAFAC has received the recommendations and
17 here they are.

18 (Simultaneous speaking.)

19 MR. MARTIN FISHER: What is the
20 point?

21 MR. SCHWAAB: I said if we took a
22 position like that, it would not be the

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1 fulfillment of our mission to make that. I
2 mean if everybody's concerned about it,
3 correct?

4 MS. FOY: No, no, no. Wait a
5 second here. Sorry if I just jump in. The
6 mission in establishing the summit was to hear
7 the concerns of the Recreational Fish Working
8 Group. It is not my job as a biologist to say
9 well yes, but I want to soften that, by giving
10 it anything else. Really, if we want to hear
11 the concerns of the recreational fish working
12 group, we need to send it on up the line and
13 say "this is what this subpart of the
14 constituency is concerned about."

15 It's not, it really doesn't have
16 anything to do with how I feel about it. So
17 we want to hear what they said, and that was
18 the whole purpose of the summit. I don't know
19 that we should get into that, soften it.

20 CHAIR BILLY: Bill?

21 MR. DEWEY: So Cathy, I
22 respectfully disagree with that, in that I

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1 think the way we structured that work group
2 was to provide information to MAFAC. So I
3 think it's irresponsible of us just to take
4 that information and pass it along and say do
5 what you want with it. I think we should
6 react to it, you know. If we bless it, that's
7 great.

8 But if Eric, as Eric says, if
9 there's things in there that trouble us and
10 the rest of the constituents, then it's our
11 responsibility to speak up and say so.

12 CHAIR BILLY: Okay. I've got
13 Terry and then Paul and then Heather.

14 (Simultaneous speaking.)

15 MR. ALEXANDER: -- only what's
16 done within the subcommittee. So that's what
17 I'm talking about, and number four, the
18 allocation issues. Those battles have been
19 fought and they were hard-fought and in our
20 area, and the data that we had to provide,
21 NMFS, had to come from log books, bill
22 receipts, trip reports, I mean like all kinds

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1 of data.

2 I'm concerned with them revisiting
3 the allocation again, and saying well -- and
4 at that time, the recreational community only
5 has diverse data, which everybody knows was
6 less than desirable. You know, I had to go
7 prove what I did, and they got a big whack of
8 the fish, because they have big numbers, not
9 because they can prove one way or the other,
10 that they actually caught those fish. So
11 that's my concern with number four.

12 CHAIR BILLY: Paul?

13 MR. CLAMPITT: I think, Mr.
14 Chairman, you did a heck of a job, Ken, in
15 getting these people together and now we're
16 looking at their recommendations. I guess
17 we've determined that it's our duty to comment
18 on them and after listening to Carrie, the
19 same kind of thing stuck up, stuck in my face.

20 It seems that NOAA's, one of its
21 primary objectives now, is to go through with
22 catch shares, and the reason why they want to

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1 go through with catch shares is to get rid of
2 these allocation issues. So I look at number
3 four here, and they want to conduct a periodic
4 reevaluation of quota allocations.

5 That just means to me an endless
6 allocation fight. I mean we're seeing it
7 already in southeast Alaska with halibut, you
8 know, and being part of MAFAC and listening to
9 the recreational people, and I can understand
10 their concern.

11 But you don't want to be put under
12 that allocation issue. You don't want to be
13 involved in catch shares, from what I'm
14 hearing, because you want endless growth. I
15 don't mind endless growth, as long as there's
16 some kind of way to exchange allocation
17 between user groups in an equitable manner.

18 But to just, you know, have it --
19 because this is the way I'm reading it, and
20 correct me if I'm wrong. But when I read
21 that, it just sounds like, you know, we're
22 going to do a cost-benefit analysis on a

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1 regular basis to determine, you know, how much
2 the recreational fishing group is, you know,
3 contributing to the economy.

4 By that, we're going to either
5 raise our allocation or lower our allocation.

6 I'm just fundamentally opposed to that.
7 That's my comment on this paper.

8 MR. MARTIN FISHER: I have a
9 solution, Mr. Chairman.

10 CHAIR BILLY: Hold on. Heather.

11 MS. McCARTY: I'd like to go back
12 to the process issue, and what we're really
13 commenting on, and it seems to me as though
14 this summit happened. They made
15 recommendations. Those recommendations
16 basically went straight to NOAA.

17 They didn't come back through
18 MAFAC yet. They're coming back through MAFAC
19 now, but in addition, there's been a parallel
20 process taking place, where those
21 recommendations have been in part adopted by
22 NOAA, in a draft form.

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1 I'm not saying that's a bad thing.
2 I'm just saying that seems to be what
3 happened, that there was a summit, you know.
4 The working group and the subcommittee folks
5 were part of the summit. Something came out
6 of the summit. We're seeing it now through
7 the subcommittee report, but we're also seeing
8 it through this other document that we have,
9 which is the action agenda that NOAA has
10 developed in response to the summit.

11 So we need, as I was saying
12 before, to sort of look at where NOAA thinks
13 they're going with this series of
14 recommendations, and what they're sort of
15 planning to do. It seems to me that it sort
16 of embodies the recommendations of the working
17 group and the summit, and that seems to be
18 where NOAA's going with those. Is that right?

19 So it seems like we should be
20 commenting on that as well, in conjunction
21 with the other document.

22 MR. SCHWAAB: So as I recall the

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1 terms of reference for the working group, it
2 was to help us produce the summit. So while
3 the working group members helped us sort of
4 frame the conversation at the summit, and
5 actually for the most part participate in the
6 summit, they were a small part of the
7 audience.

8 So there was never any expectation
9 that the entire input from the summit would
10 feed back through MAFAC.

11 MS. McCARTY: Right. I see that.

12 MR. SCHWAAB: Right?

13 MS. McCARTY: Yes.

14 MR. SCHWAAB: So then what we did,
15 based upon the summary of the summit, was
16 develop this draft action agenda. This is the
17 best indication of where we think we're going.

18 MS. McCARTY: That's right.

19 MR. SCHWAAB: And we are
20 aggressively seeking input on this.

21 MS. McCARTY: That's what I was
22 saying.

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1 MR. SCHWAAB: Through the working
2 group, but also through this committee. So
3 that's where I think we're -- I think we're
4 sort of back to what I think is a little bit
5 of tension, because you, as MAFAC, sort of
6 licensed the working group to continue, at
7 least for some period of time, provide us
8 advice.

9 So we had a phone call two weeks
10 ago, and they saw this and provided us some
11 comment. Now you know, now here we are two
12 weeks later, and the working group commentary
13 is feeding also up through this committee.

14 So I would suggest that the best
15 use of anybody's time is to focus on providing
16 us the best advice you can provide us with
17 respect to the action agenda.

18 MS. McCARTY: That's what I wanted
19 to know. Thanks.

20 CHAIR BILLY: Tony.

21 MR. CHATWIN: Yes, and that's
22 where I mean to the last piece of the

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1 description, is where I understood things,
2 where NOAA went and sought advice from the
3 working group that's supposed to advise MAFAC
4 directly. I think that's where I think
5 there's some crossed wires.

6 MR. SCHWAAB: So maybe, and I
7 might be actually mischaracterizing that a
8 bit, because I think the scheduling of the
9 working group is actually intended to precede
10 this meeting, and there's a summary document
11 that I think probably we have, but also has
12 been utilized by the subcommittee in its --

13 MR. FRANKE: It was yesterday.

14 MR. SCHWAAB: In its discussions
15 yesterday. So you know, I might sort of be
16 slightly mischaracterizing that, the nature of
17 that teleconference.

18 MR. CHATWIN: So what I hear is
19 here is what you guys want to hear from us
20 whether or not we have comments on your
21 proposed plan of action. This is your
22 proposed plan of action that you got from the

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1 summit?

2 MR. SCHWAAB: Our proposed plan of
3 action that we developed based on what we
4 heard at the summit.

5 MR. CHATWIN: Yes.

6 MR. SCHWAAB: We didn't get it
7 from the summit. We didn't get the plan of
8 action from there.

9 MR. CHATWIN: No, no. You
10 developed it from what you heard at the
11 summit.

12 MR. SCHWAAB: Derived from the
13 summit, from the input of the summit, right.
14 Derived from the summit.

15 CHAIR BILLY: Okay, and is that
16 then the last, the recommendation from the
17 subcommittee is the last four recommendations,
18 "Recreational saltwater fishing action agenda,
19 MAFAC recommends the following"?

20 MR. FRANKE: We broke it into two
21 sections, Mr. Chairman.

22 CHAIR BILLY: I understand, but

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1 based on the conversation that just occurred -
2 -

3 MR. FRANKE: Those last four items
4 are exclusively for that agenda.

5 CHAIR BILLY: So if we react to
6 these, if we need to make some changes or
7 adjustments, whatever, and then we can take
8 action on this set? Because the others are
9 due in again, the meeting of the working
10 group, right?

11 MR. FRANKE: That's correct.

12 MR. HOLLIDAY: There are Rec Fish
13 Subcommittee recommendations on how MAFAC
14 could utilize the working group. So they
15 didn't -- the Recreational Working Group
16 didn't come up with this; these are ideas that
17 the subcommittee came up with.

18 CHAIR BILLY: Okay, all right.
19 Let's start over here. Ed?

20 MR. EBISUI: Well, I was wondering
21 if this is an appropriate time to go back and
22 comment on Recommendation No. 4. It's

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1 supposed to be the comments of Terry and all
2 that are about the reallocation issue.

3 CHAIR BILLY: I just want to make
4 sure -- I think so. But I want to make sure
5 we're -- can we now just focus on these four,
6 and decide what we want to do with them as a
7 full committee, any adjustments --

8 MS. DANA: I think that's what
9 we've been talking about, and number four.

10 CHAIR BILLY: This list that's
11 called for.

12 MS. DANA: He's referring to
13 number four.

14 CHAIR BILLY: I understand. But -
15 -

16 MR. EBISUI: My comments are
17 directed to number four, and others. There's
18 a little bit of a pushback from some
19 commercial fishermen with respect to the
20 mention of reevaluating and possibly
21 reallocations. From my perspective, I think
22 the council member has the duty to continually

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1 evaluate and reevaluate fishery management
2 plans.

3 I don't see this as being -- I
4 think number four is very consistent with
5 that, and I'm trying to understand why there
6 is resistance to that. You know, it's -- we
7 all know the fisheries, the stocks, everything
8 is dynamic, and the managers ought to be able
9 to react to changing conditions.

10 That's why it's really important
11 to continually reevaluate. I don't think this
12 is a new concept. It's part of that duty to
13 analyze and reevaluate FMPs.

14 CHAIR BILLY: Okay. Pam and then
15 Terry.

16 MS. DANA: I agree with what Ed
17 just said, and I think that number four is
18 going to be a hinging point like the number
19 one from the previous, the once a year
20 meeting. Perhaps that particular item might
21 be something that the chair of our
22 subcommittee also take back.

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1 I don't know. You know, I just
2 think that we're probably not going to get
3 beyond this point. With how it's written
4 right there, I think in my opinion, with the
5 recreation groups that have come together,
6 their focus is more not on the reallocation,
7 but it's on accurate data.

8 They are of the opinion that you
9 can't have allocations until you know what
10 fish are out there. So --

11 MR. HOLLIDAY: Procedurally, I
12 don't know if you want to have the
13 subcommittee change their recommendations and
14 take it off the table. You can either table
15 it or you can vote them down. But to have
16 them change their -- they voted to send it
17 forward to the committee for consideration.

18 CHAIR BILLY: Right, right.

19 MR. HOLLIDAY: So I'm wondering if
20 it's appropriate to tell them to take it off.
21 If you don't like it, you can vote them off.

22 CHAIR BILLY: Well that's what I'm

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1 trying to get a sense for.

2 MS. DANA: Five minute stand-down.

3 CHAIR BILLY: Yes. A couple more
4 comments. Terry?

5 MR. ALEXANDER: Well, I just -- I
6 agree that the council, by law, is supposed to
7 re-look at the allocation, and I understand
8 that part. But I mean this little -- us
9 endorsing this little number four seems like
10 we are saying maybe they should get a little
11 special treatment over, I don't know.

12 That's not that -- when we do
13 commercial allocations, we wouldn't of course
14 say that, you know. So that would be why I
15 think it should be done.

16 CHAIR BILLY: All right. Terry or
17 Paul, Bill and then Martin.

18 MR. CLAMPITT: Thank you. I
19 disagree with you Ed, but I wanted to ask
20 Mark, and I don't know if you can ask, I would
21 ask Eric, but the catch share program is
22 really designed in a large sense to eliminate

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1 these allocation practices. Am I right?

2 MR. HOLLIDAY: Eliminate them?

3 MR. CLAMPITT: Well, it's to --
4 maybe not, I mean you can't ever possibly
5 eliminate it, but it's to answer these
6 problems, correct?

7 MR. HOLLIDAY: It provides a way
8 forward to -- any allocation that a council
9 makes is contentious, okay. If a catch share
10 program is in place, it allows transfers. Any
11 unfair or perceived negative consequences of
12 that allocation because of the transfers can
13 accommodate a different outcome that the
14 market would take, would allow for.

15 So it's -- I don't think it's
16 eliminating them; it's providing another tool
17 to resolve it in a more effective way. So
18 right now the allocations are made and they're
19 not perfect, but they are locked in time.

20 MR. CLAMPITT: Okay. Well, so if
21 I look at number four, I mean I would agree
22 with you. If you removed the allocation.

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1 NOAA provides guidance to councils to conduct
2 periodic reallocations of quota, and adopt a
3 broader range of biological, social and
4 economic criteria as a basis for rational,
5 reasonable allocations.

6 MR. HOLLIDAY: That has a
7 different meaning for you?

8 MR. CLAMPITT: Yes. I would
9 remove the last allocation too, I guess. I
10 mean, you know, NOAA's going to do that
11 anyway. They're going to reevaluate the
12 quota. That's what they do every year. But
13 as far as, you know, continually going back
14 and having an allocation fight between
15 sectors, I just think it turns into civil war.

16 I mean we see it already. I mean
17 we spent at least ten years allocating the
18 halibut resource. It took from 1984 to '94,
19 and then they made the mistake of not
20 including the recreational groups. They
21 should have.

22 There was an explosive growth in

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1 halibut recreational fishery, and the real
2 losers in that were the commercial guys. They
3 lost half of their allocation in southeast
4 Alaska and they're still losing it, because
5 the National Fisheries Service and NOAA
6 refuses to act on putting an end to that, by
7 adopting a catch share program.

8 That catch share program was
9 approved three years ago, and they still
10 haven't actually acted upon it. So I mean
11 number four is a problem.

12 CHAIR BILLY: All right. We're
13 going to -- what we're going to do is we're
14 going to take a break for five minutes and
15 regroup, and we'll talk to you, all right? So
16 you can come up, Ken. Five minute break.

17 (Whereupon, the above-entitled
18 matter went off the record at 4:00 p.m. and
19 resumed at 4:10 p.m.)

20 CHAIR BILLY: Okay. Here's what
21 I'd like to do. I'd like the committee to
22 react to these four items. We'll consider

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1 each one at a time, and if need be, we'll make
2 some changes. But then they will represent
3 our reaction to the action agenda, based on
4 the input from the subcommittee.

5 All right. Number one is that
6 NOAA move forward with the implementation of
7 the action agenda, with consideration given to
8 prioritizing issues, of developing specific
9 line item funding for the stated objectives,
10 when practical due dates should be assigned to
11 each initiative.

12 My recommendation is we have a
13 full stop after prioritizing issues. So we're
14 saying NOAA move forward with implementation
15 of the action agenda, with consideration given
16 to prioritizing issues. Full stop.

17 MS. LOVETT: Delete everything
18 else?

19 CHAIR BILLY: Yes. Well --

20 MS. McCARTY: I so move.

21 CHAIR BILLY: Thank you. All
22 right, second?

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1 MR. ALEXANDER: I'll second that.

2 CHAIR BILLY: All right.
3 Anyfurther discussion?

4 MS. McCARTY: Mr. Chairman,
5 speaking to the motion, I think it's
6 appropriate to move forward with what you
7 suggested, while taking out the more
8 contentious aspect of this recommendation,
9 which is developing the funding.

10 CHAIR BILLY: Pam?

11 MS. DANA: Speaking to that, I
12 agree. I think that if NOAA was prioritizing
13 those issues, then if appropriate, they would
14 assign funding.

15 CHAIR BILLY: That's what I'm
16 assuming. Tony?

17 MR. CHATWIN: I'd like to make a
18 motion to amend, unless it's accepted as a
19 friendly. But I agree with your motion. I
20 would like to add to it that MAFAC recommends
21 that, and I don't have all the language
22 because five minutes is a tad short, but that

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1 it consider, I don't know what we call it
2 here, but MAFAC --

3 What I want to say is that there
4 is an objective in there that says, Ensure
5 appropriate balance of stakeholder
6 representation in a range of decision-making
7 processes, and that this document is not
8 recreational fishing, but that NOAA should
9 consider all stakeholder groups when applying,
10 when ensuring balanced stakeholder
11 representation.

12 CHAIR BILLY: Well, we're not --
13 we're going to do each one separately.

14 MR. CHATWIN: But that's the one
15 I'm talking about, because that one is --
16 number one right there, NOAA move forward with
17 implementation of the action agenda. In the
18 action agenda, there is an objective under
19 goal number one that states, the title of the
20 objective is ensure appropriately balanced
21 stakeholder representation in the range of
22 decision-making processes.

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1 Under that, it's all about one
2 stakeholder group. This document is
3 appropriate to be under the one stakeholder
4 group. I think MAFAC needs to make the
5 statement that while this document is about
6 recreational fishing, we recommend that NOAA
7 consider all stakeholders when applying that
8 standard of ensuring balanced stakeholder
9 representation.

10 That's what I'm trying to say.
11 The language itself, it's hard to make a
12 succinct statement.

13 CHAIR BILLY: Okay. Let's --

14 MS. McCARTY: Mr. Chairman, he's
15 asking you if it's a friendly -- and I just
16 wanted to get some clarity on that. Could we
17 have on the screen the action agenda, so that
18 people can understand what Tony's talking
19 about. We went through the same discussion in
20 the Budget Subcommittee.

21 I asked Ken. So in accepting
22 number one, would MAFAC be accepting all of

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1 these going forward. So Tony's exactly right,
2 that there is -- there are a number of items
3 in that action agenda and by passing number
4 one, we would be agreeing with those, or
5 endorsing them.

6 So we need to look at what they
7 are, so that we all know where we're at.

8 MS. LOVETT: So it's right here on
9 the left side. Everybody can pull it up on
10 their own screens or I can enlarge it. So the
11 third bullet is operational efficiency issues.

12 But I have it here, and this list is six
13 pages long. So I don't know what part of it
14 specifically.

15 MR. CHATWIN: It's goal one, and
16 the second objective under goal one.

17 MR. NARDI: Goal one?

18 MR. CHATWIN: Yes, improve
19 communications. Then there's a first
20 objective, a second objective a little further
21 down.

22 MS. LOVETT: Oh, the second

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1 objective. I'm sorry.

2 MR. CHATWIN: Ensure appropriately
3 balanced stakeholder representation in a range
4 of decision-making processes. Then the next
5 bullet, we heard from Eric that that is
6 already done. But other than that bullet,
7 every bullet talks about recreational
8 participation.

9 That is appropriate for this
10 document, because it's about recreational
11 fishing. But I think that to be for -- my
12 suggested comment to MAFAC is that in
13 referring this, we would just make a statement
14 that we think, and here, I'm coming to the
15 language, that all stakeholder groups be
16 represented, and be considered when
17 implementing this objective.

18 MS. McCARTY: That's a friendly
19 amendment, right?

20 MR. CHATWIN: So I have some
21 language -- oh, you're writing it?

22 MS. LOVETT: Yes. What do you

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1 want it to say?

2 MR. CHATWIN: So here you go.

3 MS. LOVETT: MAFAC recommends that

4 --

5 MR. CHATWIN: Yes. MAFAC further
6 recommends that as NOAA implements the
7 objective -- no, the objectives, and there are
8 no numbers, so we'll just have to state the
9 title of the objective, which is ensure
10 appropriately balanced stakeholder
11 representation in a range of decision-making
12 processes.

13 So yes. Okay. I think it's
14 grammatically probably better if it goes MAFAC
15 further recommends that NOAA consider all
16 stakeholder groups when implementing the
17 objective.

18 MS. LOVETT: Okay. That NOAA
19 consider.

20 (Off mic comments.)

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

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1 CHAIR BILLY: Any other comment on
2 the motion?

3 MS. McCARTY: I have a question
4 for Ken. Ken, you know, since I don't have
5 the two documents side by side, the action
6 agenda from NOAA's document yesterday, and
7 this one from your subcommittee, I think you
8 told me earlier today or some time that they
9 were very much the same, except the NOAA one
10 had more detail. Could you just --

11 MR. FRANKE: The goals and the
12 objectives are verbatim.

13 MS. McCARTY: Right. That's what
14 I thought.

15 MR. FRANKE: The only piece that
16 was missing in the piece that we brought
17 forward was all of the text, as far as the
18 initiatives underneath each objective.

19 MS. McCARTY: Okay. That's what I
20 thought. I wanted the rest of the group to
21 understand that. But they're word for word
22 pretty much --

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1 MR. FRANKE: There's zero
2 wordsmithing.

3 MS. McCARTY: Just more detail in
4 the NOAA one.

5 MR. FRANKE: Okay.

6 CHAIR BILLY: All right. Any other
7 comment on this Item No. 1? Bill.

8 MR. DEWEY: Just the document that
9 we've had and that we've reviewed and we're
10 commenting on, doesn't have a date or anything
11 else associated with it. It just says draft.

12 I mean it would be nice to have some
13 assurance that we're at least identifying the
14 document that we're referring to. Is that a
15 concern?

16 MS. McCARTY: And we're working
17 with the subcommittee document on the screen,
18 right?

19 MS. LOVETT: No, it's not.

20 MS. McCARTY: That's the NOAA one?

21 MR. WALLACE: That is the actual
22 NOAA document.

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1 MS. McCARTY: I couldn't tell.

2 MR. WALLACE: That's a draft
3 document.

4 MS. LOVETT: And this is the
5 document that was sent around to the
6 Recreational Fishing Working Group, as part of
7 their conference call last week. It hasn't
8 changed.

9 MR. DEWEY: My only point is that
10 the word document recommendation on the action
11 agenda, at least at this point, still says
12 draft on it. Now we need to reference a
13 certain dated draft or something that we're
14 endorsing, because we don't know that this
15 isn't going to be amended.

16 MS. LOVETT: We could call it the
17 June 2010 draft.

18 MR. DEWEY: Thank you.

19 CHAIR BILLY: Okay. Any other
20 comment on -- I think that's good. Any other
21 comment on number one?

22 (No response.)

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1 MS. LOVETT: Is that okay?

2 CHAIR BILLY: Okay, okay. Someone
3 moved the motion. Call for a vote.

4 MS. LOVETT: Do you want me to
5 read it now?

6 MS. FOY: You should call for the
7 question, Mr. Chairman.

8 CHAIR BILLY: Call the question.

9 MS. FOY: I move to accept number
10 one, as written.

11 (Simultaneous speaking.)

12 MS. McCARTY: That motion's
13 already been made. The motion's already been
14 made.

15 CHAIR BILLY: Okay. All those in
16 favor?

17 (Chorus of ayes.)

18 CHAIR BILLY: Opposed?

19 (No response.)

20 CHAIR BILLY: Okay. Number two.

21 MS. McCARTY: Mr. Chairman, I move
22 that MAFAC recommend that action item.

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1 MR. MARTIN FISHER: Second.

2 CHAIR BILLY: Any discussion?

3 (No response.)

4 CHAIR BILLY: Okay, hearing none,
5 all those in favor?

6 (Chorus of ayes.)

7 CHAIR BILLY: Opposed?

8 (No response.)

9 CHAIR BILLY: Thank you. All
10 right, number three.

11 MS. McCARTY: I'm not moving that
12 one.

13 CHAIR BILLY: All right.

14 MS. McCARTY: Mr. Chairman, if I
15 could just speak to the budget issue, because
16 we're not going to have time to speak to it
17 when we have the budget discussion. We were
18 told that we have probably zero ability to
19 affect the budget process in 2011, almost zero
20 in 2012, and we can talk about 2013 if we want
21 to, in terms of budget formulation.

22 So clearly, there's pots of money

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1 that are available for reallocation within
2 those budgets, 2011 and 2012, particularly
3 2011 because it's already basically been not
4 set in stone, but it's there already.

5 So what we're actually talking
6 about, and people had a little bit of
7 heartburn with it when we talked about in the
8 Budget Subcommittee is, you know, we did put
9 it on our agenda to talk about, but we didn't
10 vote on it.

11 So to me, one of the things that
12 you might want to know here is how much and
13 where from. If you're going to be taking --
14 and all that Ken was talking in our
15 subcommittee group as well, he was concerned
16 about reallocation of funds from science
17 centers to catch share implementation, and
18 where that was coming from and whose science
19 centers big chunks of money to the catch share
20 initiative.

21 I guess I have the same question
22 about this. So while I identify this as a

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1 need and understand that people want to do
2 this, I'm nervous about recommending it,
3 because I don't know where the money's coming
4 from and I don't know how much it is. So
5 that's my comment on that particular item.

6 CHAIR BILLY: One that we could do
7 would be to just pick up the last part about
8 the MAFAC notes the importance of cooperative
9 research, stock assessments and analysis of
10 recreational fisheries related socioeconomic
11 impacts, that we're acknowledging the
12 importance of that, or something along that
13 line.

14 MR. FRANKE: And not get tied into
15 the budget piece of it?

16 MS. McCARTY: Yes.

17 CHAIR BILLY: And then we're
18 working to try to have more influence on the
19 budget, and we'll keep track of this and a
20 number of other things we've talked about, as
21 priority items going forward.

22 MS. McCARTY: And we do in our

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1 piece.

2 CHAIR BILLY: Yes. So that's what
3 I'm thinking. We're not going to lose this.
4 We're going to come back to it in the broader
5 context of budget and budget priorities. But
6 we're just acknowledging what came out of the
7 summit is important, so these things.

8 MS. McCARTY: Mr. Chairman, I move
9 that MAFAC recognizes the importance of
10 cooperative research, stock assessments of key
11 valued species, and analysis of recreational
12 fisheries related to socioeconomic impacts.
13 I'm moving while I'm trying to read it, I can
14 hardly see it anyway.

15 I guess in the budget piece that
16 we put forward, we say that those things are
17 important to all sectors, and that you know,
18 stock assessment is huge; cooperative research
19 is huge. We did not include that number three
20 in our general comments. But recommend that
21 emphasis be placed for recreational fisheries
22 interests on one, two, three, or A, B, C. How

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1 about that?

2 MR. FRANKE: Mr. Chairman, I was
3 just going to just throw it out on the table,
4 just something to the effect of MAFAC
5 recommends NOAA monitor their 2011 budget for
6 opportunities to fund, because as they go
7 through and do their projects, if they have
8 any extra money somewhere, then they can
9 dedicate those as they see fit to move forward
10 with it.

11 MS. McCARTY: Ken, would you agree
12 that that's important for the other sectors --

13 MR. FRANKE: Exactly. That's an
14 equitable thing that affects everybody
15 involved.

16 MS. McCARTY: So this would not
17 just for recreational.

18 MR. FRANKE: Non-specific to
19 recreational fishing.

20 MS. McCARTY: Okay, all right.
21 That's friendly.

22 CHAIR BILLY: Okay. Any other

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1 discussion on three as modified there?

2 (No response.)

3 CHAIR BILLY: Call the question.

4 All those in favor?

5 (Chorus of ayes.)

6 CHAIR BILLY: Opposed?

7 (No response.)

8 CHAIR BILLY: All right. Number
9 four.

10 MR. FRANKE: And that was one, Mr.
11 Chairman, that I thought we had decided we
12 were going to remove from consideration.

13 CHAIR BILLY: And I appreciate
14 that. Okay. Any objection to removing that
15 one?

16 MR. EBISUI: Hell yes.

17 (Laughter.)

18 MR. MARTIN FISHER: Yes, we'd
19 better leave it in.

20 CHAIR BILLY: Ed?

21 MR. EBISUI: Yes. Thank you, Mr.
22 Chairman. I think it's important that the

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1 record shows the reason for removing number
2 four. If nothing else, just so that the
3 people that were involved in the working group
4 can understand that it wasn't some arbitrary
5 decision on MAFAC's part to do that.

6 So if I may for that purpose, if I
7 could go ahead and state the reason why number
8 four is being withdrawn or eliminated from the
9 recommendations, and that reason is that the
10 councils are already under legal obligations
11 to continually review their fishery management
12 plans.

13 So if we kept number four, it
14 would merely be a restatement of the duties
15 that they're already under. So it's
16 superfluous. Good recommendation, but
17 unnecessary. Thank you.

18 CHAIR BILLY: Okay.

19 MS. LOVETT: Would that one word
20 satisfy everyone?

21 CHAIR BILLY: What?

22 MS. LOVETT: That NOAA continue to

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1 provide guidance, because they always have
2 before.

3 CHAIR BILLY: We're eliminating
4 number four. All right, it's gone. Now what
5 are we going to do with the rest of it?

6 (Simultaneous speaking.)

7 MS. McCARTY: Actually, are we
8 going to go into the other parts of their
9 report.

10 CHAIR BILLY: Ken, do you have a
11 suggestion then in terms of the rest of your
12 subcommittee report? It will appear as your
13 report --

14 MR. FRANKE: As submitted. Have
15 it be just a submission and not necessarily a
16 recommendation for approval by MAFAC. Sound
17 reasonable? How's the rest of our committee
18 feel about that? I'm getting nods.

19 MR. RAFTICAN: I think -- yes,
20 you're getting nods. I'd make that motion if
21 you want.

22 CHAIR BILLY: I'll second it for

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1 you. Is that all right?

2 MS. McCARTY: But I don't
3 understand. The implications of it, I don't
4 know what it means.

5 CHAIR BILLY: That it would be --
6 it would be incorporated into the report of
7 the meeting as the -- what was discussed by
8 the subcommittee.

9 MR. FRANKE: That these were, this
10 was the consensus of the feedback from the
11 Recreational Working Group, and we're making
12 you aware of it. We're not submitting it for
13 a recommendation from MAFAC.

14 MS. McCARTY: Okay. So for
15 example then, taking that one that people got
16 stuck on last time about funding the annual
17 meeting. Did you take that out?

18 MR. FRANKE: We've removed that.
19 That one's been removed.

20 CHAIR BILLY: Vince?

21 MR. O'SHEA: You know, we had this
22 issue before, I think, and you addressed by

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1 nuance in the words. You accepted the report
2 rather than approved the report. So it was
3 put in front of you and you got it.

4 CHAIR BILLY: Yes, we accepted the
5 report.

6 MR. O'SHEA: And we accepted it,
7 right.

8 (Off mic comments.)

9 CHAIR BILLY: Right. Okay. Now
10 one thing I think, before we move to the next
11 item on the agenda, it's obvious to me
12 certainly that we need to sort through the
13 future role of working groups.

14 You know, Mark has made the point
15 and I know it for a fact. I've experienced it
16 when I was at Agriculture, that many advisory
17 committees having standing working groups,
18 because certain subject areas demand such
19 attention that they need that expert advice.

20 And so I'm not taking a position
21 about whether we need one or 20, but I think
22 we need to get our arms around the notion that

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1 there may be periods of time where we need one
2 or more working groups to help us do a better
3 job of advising the Secretary and NOAA
4 officials.

5 That's all I'm saying, whether we
6 went along last time for a year, for the focus
7 in particular on the summit. But you know,
8 whether there's an ongoing need and how long,
9 what it would be made up of, I think that's
10 all grist for the future discussion. Yes,
11 Bill?

12 MR. DEWEY: Mr. Chair, I agree,
13 and I think there's clearly some ambiguity
14 amongst us based on the discussion today, and
15 perhaps that would be an agenda item for the
16 Strategic Planning, Budget and Program
17 Management Committee to take up at the next
18 meeting for some discussion.

19 MS. McCARTY: I agree with that
20 Bill. Thank you, Mr. Chairman. I think that,
21 you know, looking at what we would be passing
22 over, I mean I don't see any problem with

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1 taking it up, except for the time element.
2 But if we're saying -- if we could say that
3 the working group will continue to provide
4 input on recreational fishing issues and all
5 of that stuff. I think if we take off that
6 number one, which was making it permanent
7 basically, then we may have a working group
8 that we acknowledge, and is that what --
9 you're shaking your head at me.

10 MR. HOLLIDAY: No. I think you're
11 misreading number one. Are you talking about
12 the terms of reference?

13 MS. McCARTY: I'm talking about
14 the other recommendations from the Rec Fish.

15 MR. HOLLIDAY: By earlier comment.
16 I don't know which document we're talking
17 about.

18 MS. McCARTY: Okay. I'm back to
19 the working group/subcommittee document now.
20 We've decided to accept it -- not accept it,
21 but we got it. We got the report, but we
22 decided not to take any action on it.

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1 I'm just saying I don't have any
2 problem with that series of recommendations
3 myself. So I just wanted to put that on the
4 record, without number one.

5 CHAIR BILLY: Tom?

6 MR. RAFTICAN: Mr. Chairman, you
7 know, I hear this discussion about a working
8 group that we actually asked to form, and it
9 wasn't totally us. I think if you go back and
10 take a look at what Dr. Lubchenco asked for
11 last year, we were pretty much asked to do
12 this.

13 We came back with a report, and I
14 see a real reticence on the MAFAC to even
15 accept the report on something that was tasked
16 from above and from below. You know, I know
17 it's late and I know it's on Thursday
18 afternoon, and clearly this needs more
19 discussion, more airing.

20 But understand that you've got
21 people from both sides that are saying hey
22 look, take a look at this. We want your

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1 expertise on it. This was an opportunity to
2 MAFAC to raise itself by the way it dealt with
3 this report. We're not doing a very good job.

4 MS. McCARTY: Well Mr. Chairman,
5 that's why I was suggesting that we take a
6 quick look at it and see if these elements in
7 this recommendation are acceptable to us. You
8 know, I think the first one was difficult
9 because of the potential permanent nature of
10 the working group, which I don't think we ever
11 intended.

12 So we've taken off number one and
13 we can talk about that later, whether the
14 working group will last longer than a year or
15 whatever, as was the original motion. The
16 others, I think are very useful and I
17 personally would not have a problem with them.

18 I, Mr. Chairman, would move their
19 acceptance.

20 MS. FOY: I would second.

21 (Pause.)

22 MS. McCARTY: Call for the

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1 question.

2 MR. MARTIN FISHER: For
3 acceptance, excuse me?

4 MS. McCARTY: Yes.

5 CHAIR BILLY: Okay.

6 MS. McCARTY: I mean I don't see
7 any discussion.

8 CHAIR BILLY: Would you restate
9 the motion?

10 MS. McCARTY: I move that MAFAC
11 accept or endorse the recommendations on the
12 screen at the moment from the Subcommittee on
13 Recreational Fisheries, numbers one through
14 four.

15 MR. MARTIN FISHER: I'll second
16 it.

17 MR. HOLLIDAY: It's already been
18 seconded.

19 CHAIR BILLY: Okay. The motion
20 has been made and seconded. Any other
21 discussion?

22 MR. RIZZARDI: Can we look at

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1 number five?

2 MS. McCARTY: I can't see it, so
3 what is it?

4 MR. RIZZARDI: It says to
5 communicate with, to establish and improve
6 communications network.

7 MS. McCARTY: Yes. So that needs
8 to be fixed, yes. I would recommend that it
9 say Representatives to establish and improve
10 communications network.

11 MR. RIZZARDI: To establish
12 communications, right. So simply strike
13 "communicate with." You don't need to add
14 anything. You just need to strike the word
15 communicate with.

16 MS. LOVETT: She said to
17 establish.

18 (Simultaneous speaking.)

19 MR. HOLLIDAY: One at a time
20 please.

21 MS. McCARTY: I'm sorry. I was
22 just going to speak to the motion very

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1 briefly. As I said earlier, I think that
2 these other tasks are really reasonable, and
3 it's the kind of thing that a working group
4 should be doing.

5 If we're going to keep this
6 working group alive, which we are, by saying
7 that the working groups continue to provide
8 input, then these things are reasonable ways
9 of them carrying out that task or those tasks.

10 So I would recommend that we do that.

11 CHAIR BILLY: Okay. All those in
12 favor of the motion say aye?

13 (Chorus of ayes.)

14 CHAIR BILLY: Opposed?

15 (No response.)

16 CHAIR BILLY: Okay, thanks. Okay.

17 Now it's my pleasure to call on Heather to
18 report out on the Strategic Planning, Budget
19 and Program Management.

20 Strategic Planning, Budget and Program
21 Management Report

22 MS. McCARTY: Thank you, Mr.

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1 Chairman. I'm going to make this pretty
2 quick. I have it on my screen and I'm
3 assuming you guys all have it, because I think
4 Heidi sent it out. She's finding it for us.

5 We had a good discussion. We
6 focused on four main topics. Number one was
7 MAFAC comments on the developing NOAA
8 strategic plan. Number two was MAFAC comments
9 and recommendations, if any, on the requested
10 budget tracking model, which we asked for at
11 our last meeting and we had delivered to us at
12 this one.

13 Number three, any comments we have
14 on the NOAA budget and the process and our
15 role in the NOAA budget process. Then
16 finally, which was suggested by the chairman,
17 review and possible revision of the MAFAC 2020
18 document to align with new priorities. I made
19 those last words up.

20 So and I also wanted to say that
21 the subcommittee decided not to take any votes
22 on these recommendations. But we ascertained

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1 as we went that we were comfortable with each
2 of them being forwarded to this full committee
3 for your consideration. So we did not vote
4 these up or down, because that would have been
5 difficult.

6 As to the NOAA strategic plan and
7 the MAFAC 2020 review and revision, it was
8 suggested that regarding comments on the
9 strategic plan and this possible revision,
10 that the subcommittee be tasked with doing a
11 side by side comparison of the 2020 document
12 and the NOAA strategic plan and then, as a
13 result of that review, make recommendations to
14 the full committee as to possible changes or
15 additions to the NOAA strategic plan to
16 reflect MAFAC priorities, and then those
17 recommendations from the full group would be
18 forwarded to NOAA.

19 We determined that the best way to
20 do this was by teleconference first of the
21 subcommittee, and then of the full MAFAC
22 group, with the proper notice and timing for

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1 that effort. So Mr. Chairman, that's what we
2 thought we should do on that, rather than do
3 two different processes, and we knew that we
4 couldn't go through the strategic plan at this
5 meeting, or the 2020 document.

6 So if you want to take action on
7 that or whatever, you want to do it all at
8 once or -- okay.

9 Second, the budget tracking model.
10 We agreed that the model was extremely
11 responsive and very helpful, and there were a
12 couple of suggested specific additions to this
13 summary, which admittedly does increase its
14 detail and probably complexity, but we hope we
15 can get this without too much problem.

16 Under the catch shares category,
17 if you recall, that had all these categories
18 and subcategories, right down the budget
19 amount by region and program, including the
20 amount allocated for cooperative research. We
21 know that the cooperative research line item
22 was rolled into this line item, and we would

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1 like to know how much that is on an ongoing
2 basis, you know, how much is allocated for
3 cooperative research within that budget sub-
4 item.

5 So number two was under data
6 collection. Under potentially survey and
7 monitoring or maybe some of the other line
8 items, we're not sure. Clarify where the
9 survey and stock assessment activities are
10 located, and then sort of indicate by region
11 what those costs are, what those allocations
12 of budget numbers are.

13 CHAIR BILLY: Okay.

14 MS. McCARTY: Under budget input
15 and MAFAC role in the budget process -- oh,
16 I'm sorry. I missed one thing up above for
17 the strategic plan, and that was a suggestion
18 by Vince that adequate emphasis be placed in
19 the strategic plan on partnerships with the
20 states. I'm sorry. I neglected to mention
21 that.

22 Okay. Back down to budget input.

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1 Overall suggestions for 2012, 2013 and beyond.

2 Number one, consider the MARFIN process. Did
3 I get that right, spelling-wise? In the
4 Southeast as a model for determining research
5 spending priorities by region.

6 Captain O'Shea mentioned that this
7 was a really good process that they had, and
8 that various stakeholders and constituent
9 groups and agencies and stuff were able to get
10 together and talk about what these priorities
11 might be, and it was an effective way of
12 getting that input and making those decisions.

13 Number two, request that MAFAC be
14 informed about the regional budget request
15 submitted to headquarters as part of the
16 budget process, so those priorities could be
17 understood and supported.

18 We talked quite a long time about
19 the black box, as someone referred to it, of
20 the budget process, and knowing that we can't
21 see the budget, the proposed budget until the
22 President puts it out, which is way after all

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1 of these things have actually happened inside
2 NOAA, inside NMFS, inside Commerce. We talked
3 about complexities of trying to follow, you
4 know, these priorities through that process
5 and how difficult it is when it's not
6 available.

7 So we thought that it was worth
8 asking if we can be informed at least about
9 what the regional budget requests are.

10 MR. HOLLIDAY: What do you define
11 it as? What does a regional budget request
12 mean?

13 MS. McCARTY: What we thought it
14 meant was that this would be the budget
15 request that comes from each region and goes
16 to headquarters within this. That's what we
17 meant when we said that.

18 CHAIR BILLY: So NMFS region?

19 MS. McCARTY: Yes.

20 MR. HOLLIDAY: And you're talking
21 about budget formulation? You're talking
22 about future budget formulations?

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1 MS. McCARTY: Yes.

2 MR. HOLLIDAY: That's not how the
3 budgets are developed, but -- that's not --
4 the budget process is not from the regions
5 requesting money that go to headquarters.
6 It's a little bit different than that.

7 MS. McCARTY: A little bit
8 different. Well, we understood it very
9 little, let's put it that way. That speaks to
10 the black box aspect of this, I think.

11 Number three, provide for adequate
12 surveys and stock assessments in all regions,
13 to help minimize levels of uncertainties and
14 stock abundance. I hope I captured that,
15 Terry.

16 MR. ALEXANDER: Yes.

17 MS. McCARTY: That was a
18 discussion that we had about what we, in
19 different parts of the country, perceive as
20 inadequate funding for surveys and stock
21 assessments. So that the result is very high
22 levels of uncertainty in these stock abundance

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1 assessments.

2 So that then leads to extreme
3 caution in management of these stocks. I hope
4 I'm paraphrasing that adequately. Other
5 members jump in if I'm not getting these
6 right. I'm doing it kind of shorthand.

7 Number four, develop a system of
8 known criteria to determine the allocation and
9 reallocation of funding. How is that done,
10 particularly within these blocks of money that
11 we see. It could perhaps change from year to
12 year, and it was suggested is one basis for
13 funding the level of employment provided by a
14 particular fishery, and it is gauged in that
15 way, as to the basis for those judgments.

16 Number five, support a level of
17 industry contribution to the funding of
18 management and research priorities such as
19 stock assessment, particularly in those
20 fisheries with catch share programs.

21 It was discussed that, you know,
22 there's a lot of needs and not a very large

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1 pot to draw from for all of the needs that we
2 have, and that industry might be expected,
3 particularly in catch share fisheries, to
4 contribute to those efforts.

5 Then number six, adequately fund
6 cooperative research in all regions. Some
7 people have lost or think they've lost pretty
8 big chunks of money in that area, and a lot of
9 people think that's a really important area,
10 and would like to see that funding continue
11 and be augmented.

12 CHAIR BILLY: Just to be clear, so
13 these are overall suggestions.

14 MS. McCARTY: Yes, those are for
15 like the future of development of budget and
16 so on.

17 MR. LECKY: Mr. Chairman, could I
18 ask you a question?

19 CHAIR BILLY: Yes.

20 MR. LECKY: So we talked earlier
21 today about a budget item under protected
22 resources, and we noticed there's -- so

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1 there's a comment her about adequate stock
2 assessments. It would be helpful if that was
3 --

4 MS. McCARTY: There's another list
5 of suggestions that are more specific further
6 down.

7 MR. LECKY: Well, that's a big
8 issue for protected resources, stocks as well.
9 I note that that doesn't say limit stock
10 assessments, but --

11 MS. McCARTY: Okay. That's your
12 number three there. Number three, if you
13 check it out.

14 MR. LECKY: Yes.

15 MS. McCARTY: Then specific
16 suggestions, there was members who said for FY
17 2012, adequately fund cooperative research. I
18 know that sort of sounds redundant, but we
19 were looking at it on the short term, and the
20 long term.

21 Same with number two, FY 2012.
22 Take equally from all regions and science

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1 centers in the reallocation of funds to catch
2 shares. Determine, and this was a particular
3 concern of one of the members, the Southwest
4 Fisheries Science Center could be without
5 adequate operating funds, and we don't --
6 can't really tell if that's true or not, but
7 there was a lot of concern about that because
8 there was big chunk gone from that center in
9 the summary budget that we got, actually for
10 '11, I believe.

11 So that's probably -- that
12 probably should read for FY 2011, not 2012.
13 Should yours too Terry?

14 MR. ALEXANDER: No. Well, I
15 always thought it was '11, and they actually
16 said the budget for the Southwest Science
17 Center was at zero.

18 MS. McCARTY: Yes. That was, I
19 think, misleading, but anyway, we wanted to
20 figure that out.

21 MR. HOLLIDAY: What's that
22 reference that you were saying?

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1 MR. ALEXANDER: On that sheet that
2 you sent us.

3 (Off mic comments.)

4 MS. McCARTY: This is a
5 controversial one, number three, and we
6 acknowledge that it was controversial.

7 MR. HOLLIDAY: Before you go to
8 that, I don't understand the syntax: take
9 equally from all regions in the reallocation.
10 What does that mean -- I don't understand the
11 meaning of that.

12 MS. McCARTY: Sorry. I was doing
13 this in shorthand. Of course.

14 (Simultaneous speaking.)

15 MR. FRANKE: The issue was that
16 there was a line item on the spreadsheet where
17 the Southwest Fisheries Science Center lost
18 one million dollars that reportedly went to
19 catch shares.

20 But they absorbed what appeared to
21 be 100 percent of the burden, and the question
22 was is was it equitably shared with the other

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1 science centers, or were they the only ones
2 that basically a million dollars in the deal,
3 because that's the way the spreadsheet
4 appeared.

5 So that was the reason that that
6 issue was brought up. Should it equitably be
7 shared with all the science centers and not
8 just one.

9 MS. McCARTY: Maybe it shouldn't
10 say equally. Maybe it should say equitably.

11 MR. HOLLIDAY: Well, I'll get back
12 to the committee. There's no relationship
13 between that line and the formation of the
14 catch share request. So that's a specific
15 program, but I don't have the detail.

16 MR. FRANKE: They actually told me
17 at the center, their administration, that that
18 money was removed for catch shares. So that
19 information may be wrong.

20 MR. CHATWIN: We had a
21 presentation on the budget at the last MAFAC
22 meeting, that this aim in the Southwest

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1 Fisheries Science Center budget was explained.

2 And again, I don't remember all the details,
3 but if you look at the previous meeting notes,
4 it's in there, and that has to do with the
5 fact of the building and the rental. I don't
6 know. But there is an explanation for it.

7 MS. McCARTY: Mr. Chairman, I hope
8 you understand that we have very limited
9 ability to understand the budget summary when
10 we were discussing these things. So we may be
11 completely misinformed and completely upside
12 down on some of this stuff.

13 MR. HOLLIDAY: And just to
14 reiterate, we've provided you this table as a
15 prototype, as a model of were we being
16 responsive, and it wasn't considered a final
17 document or complete in that sense. So that a
18 work in progress is what we were trying to get
19 feedback on.

20 MS. McCARTY: Roger. So number
21 three, freeze funding for further catch share
22 program development and restrict catch share

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1 spending to the implementation of those
2 programs already authorized and in place.
3 That was --

4 MR. CHATWIN: Is that a 2012
5 budget? What is that?

6 MS. McCARTY: Well yes. We were
7 talking, I believe, immediate --

8 MR. ALEXANDER: Do you want me to
9 respond?

10 MS. McCARTY: Please respond, yes.

11 MR. ALEXANDER: That's kind of me,
12 the right wing wacko in the room.

13 MR. MARTIN FISHER: At least you
14 know yourself pretty well.

15 (Laughter.)

16 MR. ALEXANDER: Okay. In the
17 Northeast, and here I go again, in the
18 Northeast, the industry cannot afford the
19 observers aboard the boats. We have funding
20 through 2011, but we don't have anything
21 guaranteed out through 2012. There's a
22 certain amount of money dedicated to catch

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1 shares and we can't pin anybody down on
2 whether or not we're going to get financing
3 for the observers.

4 We think that if they want to push
5 an agenda of catch shares and they want to pay
6 for catch shares, then they should pay for the
7 ones that they already have in service before
8 they give them to somebody else. So is that
9 -- and I understand that not everybody's going
10 to be for that, and I don't take offense if
11 anybody disagrees with me on anything.

12 MR. HOLLIDAY: So point of
13 information. Do we do cost recovery? Does
14 the industry pay for any of the three percent
15 cost recovery in the Northeast at all?

16 MR. ALEXANDER: Not yet, no.

17 MR. HOLLIDAY: No.

18 MR. ALEXANDER: No.

19 MR. HOLLIDAY: So we're
20 subsidizing both the observers and the cost
21 recovery --

22 MR. ALEXANDER: At this point, we

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1 are.

2 MR. HOLLIDAY: Or they are, I
3 should say, because you used the term "they
4 are."

5 MR. ALEXANDER: Yes. Yes, they
6 have. But I mean the observers are -- I mean
7 if you do an analysis on what the -- it would
8 cost us ten percent of the gross revenue just
9 to cover the observer costs. Ten percent for
10 their total fishery would be to cover the
11 observer costs, off the top.

12 Last time I did my calculus, 70
13 percent was, you know, a decent profit. So I
14 mean if you take ten percent more off there, I
15 mean there's just -- the money is just not
16 there.

17 MS. McCARTY: The last three
18 items, four and five, were taken from the
19 commercial, I mean for the recreational
20 fisheries suggestions. The first one is
21 consider support for allocation of 2011 funds
22 for the recreational fisheries priorities in

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1 their report.

2 Number five, consider support for
3 the 2012 and 2013 budgetary needs to support
4 the recreational fisheries priorities -- I
5 just threw those years in because I didn't
6 know when those things might happen.

7 Then six, consider support for the
8 ongoing ESA funding needs expressed by that
9 subcommittee. Sorry, my computer just died.
10 So I can't -- I just ran out of battery. So
11 those were our recommendations, but we didn't
12 vote on them. So we expect you to.

13 CHAIR BILLY: Okay. Discussion?
14 Questions?

15 (Off mic comments.)

16 MS. McCARTY: Okay. Go ahead,
17 Dave.

18 MR. WALLACE: Yes. You know, I
19 suggest that we remove in the specific
20 suggestions four and five, make number six
21 number four. Then I move that we accept the
22 rest of the report.

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1 MS. FOY: I would speak to that
2 point. Dave, when we were going through the
3 recreational report, those items were removed,
4 specific suggestions, with the intention that
5 they were placed in here and that Heather, I
6 think at the last minute, scrambled to put
7 those in. That was my understanding.

8 MR. WALLACE: Well, that's not my
9 understanding.

10 MS. McCARTY: So what did we do,
11 Ken, with those two things?

12 MR. WALLACE: My understanding,
13 well first, that we had just put that -- they
14 were just put it in as sort of a placekeeper,
15 depending on what would happen in the
16 recreational deliberation. Since that has
17 been essentially removed from the recreational
18 document, then we're inconsistent.

19 MS. McCARTY: In number four, and
20 I think this I remember very well, is that
21 what we did with that particular one was we
22 adopted the suggested language that Ken had

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1 for looking for opportunities in the 2011
2 budget, for the items that were listed, and
3 that was --

4 MR. FRANKE: Cooperative research.

5 MS. McCARTY: Cooperative
6 research.

7 MR. FRANKE: To be shared
8 equitably by commercial fishing, aquaculture.

9 MS. McCARTY: And stock
10 assessment.

11 MR. FRANKE: Everybody. It wasn't
12 specific to recreational.

13 MS. McCARTY: But the first two
14 were both sectors, and the third one was
15 recreational fisheries, social and economic
16 data. So we did that pass that, but in a
17 different form. So I agree that number four
18 should come off the list, just *a priori*,
19 rather than having to be moved, because we've
20 already dealt with that issue.

21 Number five, I'm not quite so sure
22 about, but number four I think should come off

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1 the list, in his list.

2 MR. FRANKE: Mr. Chairman, one
3 thing on number five, it should be "I
4 recommend specific to the action agenda," and
5 not specifically just recreational fishing.

6 CHAIR BILLY: To support the
7 action agenda for recreational fisheries.

8 (Simultaneous speaking.)

9 MS. McCARTY: That's what we did,
10 and we took the budget part out of it, didn't
11 we? That's what we did. So it should just
12 come off this list, I think, as well. Would
13 you agree to that Ken, since it was dealt with
14 in the other action agenda?

15 MR. FRANKE: Agreed.

16 MS. McCARTY: Okay.

17 MR. CHATWIN: So where are we in
18 the procedure?

19 MS. McCARTY: Well, there's been,
20 as far as I know, a motion.

21 MR. WALLACE: There's a motion and
22 a second.

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1 MS. McCARTY: Yes, so we probably
2 shouldn't be speaking to it. But I think we
3 just needed to clarify what happened with
4 those two agenda items. I think the intent
5 originally was to deal with them all in the
6 budget part, but knowing that we needed to
7 deal with it then, we agreed to do that. So I
8 think they don't need to be included again.
9 Do we have a second to Dave's motion? Could
10 you repeat your motion please?

11 MR. WALLACE: Well, I'm not sure
12 that my motion hasn't -- you haven't suggested
13 my motion be amended, because you -- didn't
14 you want, didn't you suggest that number five
15 should be kept?

16 MS. McCARTY: No.

17 MR. WALLACE: You didn't? Okay.
18 So my motion was to accept all of this
19 document, except for under specific
20 suggestions, number four and five. That was
21 my motion.

22 MS. McCARTY: Okay, thank you. Is

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1 there a second?

2 CHAIR BILLY: I'll second it.

3 MS. McCARTY: Tom Billy seconds
4 the motion. So we have then four and five
5 being removed, not because we don't agree with
6 them, but because they were dealt with in the
7 previous agenda item. So I just think we need
8 to make that clear for the record.

9 MR. CHATWIN: So on number three
10 of the specific suggestions, can someone give
11 me a list of what catch share programs will be
12 eligible to receive funding and will not be
13 eligible to receive funding, and what happens
14 to those for which there is a plan that's
15 being considered for approval, that hasn't had
16 an approval yet?

17 So the council went through the
18 whole process of developing it, and it hasn't
19 yet gotten a decision from the Secretary, if
20 there is such a thing? I mean what are we
21 thinking about, because obviously I cannot
22 support that, because I don't think we have

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1 that priority.

2 MS. McCARTY: Understood. I
3 personally agree with that assessment, and
4 when I wrote this, I put it already
5 authorized. Then I thought well maybe he
6 meant in place, because there is a difference,
7 and I recognize that there is a difference and
8 I didn't know exactly what you meant.

9 MR. ALEXANDER: Yes. The ones
10 that are -- what I'm asking for -- I'm sorry.
11 Can I speak to the motion?

12 MS. McCARTY: Go ahead.

13 MR. ALEXANDER: What I'm asking
14 for is that, you know, we place restrictions
15 on boats and fisheries, and then you know, and
16 it looks like oh, this is okay, because we're
17 doing already under these restrictions. Then
18 all of the sudden the funding goes away and
19 bam, nobody's left, because they can't afford
20 to stay in the business, because the reality
21 is there's not \$780 a day left on one of these
22 boats that can afford to --

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1 That you know, unless you're a 130
2 foot boat. If they want a fleet of 130 foot
3 boats, then probably that's what they ought to
4 say, you know, not that we want a diverse
5 fleet, because those observers don't care how
6 big your boat is. The price is the same as
7 when they come aboard the boat, all the way up
8 through.

9 Some boats are grossing \$2,000 a
10 day and some boats are grossing \$10,000 a day.

11 I just don't think the industry can afford it
12 by 2012, because the stocks are not going to
13 be rebuilt enough so that there's enough
14 allowable catch share. So --

15 MS. McCARTY: As I said, we knew
16 that this was a controversial item, and Tony,
17 if you prefer to amend the motion by removing
18 that one, I think that that would be your
19 call.

20 MR. CHATWIN: Well, I will make
21 that, and again, my explanation is that I
22 cannot -- I don't have the information to

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1 determine here what regions and what fisheries
2 should be eligible to get catch share funding
3 and which should not. So I move to amend the
4 motion to strike number three from the --.

5 MS. McCARTY: Is there a second to
6 the motion?

7 MR. DEWEY: Second.

8 MS. McCARTY: It's been moved and
9 seconded to strike number three from the
10 motion. Is there any discussion on that
11 amendment? Bill?

12 MR. DEWEY: I would just -- I
13 don't, I'm not sure I disagree. I mean I can
14 see where it's a controversial report, and I
15 was trying to find a compromise, just throw
16 this out. If there's no interest, we'll just
17 let it go.

18 But I was going to suggest perhaps
19 rewording it to say "ensure adequate funding
20 for implementation of currently authorized
21 catch share programs prior to funding new
22 programs."

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1 MR. ALEXANDER: Well, I like that.

2 MS. McCARTY: Okay. We're voting
3 on the amendment to the amendment. We can do
4 that.

5 MR. DEWEY: It seems like it's --

6 MS. McCARTY: Discussion.

7 MR. RIZZARDI: I'm sharing Tony's
8 concern, is I don't have enough understanding
9 of the universe of information to make this
10 statement. I also feel like well, okay,
11 Terry, I hear you. There are problems in the
12 fisheries, but then it seems like you're
13 targeting catch shares as the solution to
14 solving that dilemma, and there may be other
15 things that we should be looking at as funding
16 issues.

17 So I almost feel like we're
18 picking on catch shares, and I don't think
19 that's appropriate either. So I'm operating
20 in an information vacuum and I think that
21 we're targeting one particular program, which
22 you may not like. I understand that, but I

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1 don't think that's what this body should be
2 doing, is turning around and freezing catch
3 share spending just because of that. There
4 are other ways to get behind you and other
5 programs to target.

6 MS. McCARTY: Okay. Well, we have
7 an amendment to the amendment on the floor,
8 and that's Bill's amendment. Are there any
9 other discussion? Is there any other
10 discussion on that amendment?

11 CHAIR BILLY: Terry moved.

12 MS. McCARTY: No. The amendment
13 to the amendment -- we're speaking to Bill's
14 amendment to the amendment.

15 (Simultaneous speaking.)

16 MR. CHATWIN: So procedurally, I
17 don't think the mover or the seconder accepts
18 it as a friendly.

19 MS. McCARTY: No, it isn't a
20 friendly.

21 MR. DEWEY: So then it could
22 operate as a substitute motion. If it's not a

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1 friendly, I can offer it as a substitute
2 motion.

3 MS. McCARTY: That's what I
4 thought you did. No. I would say it's an
5 amendment to an amendment, because we don't
6 want it to be substitute motion -- we want to
7 vote on his motion. So shall we vote on the
8 amendment to the amendment?

9 CHAIR BILLY: Sure. Call the
10 question.

11 MS. McCARTY: Okay. All in favor
12 of Bill's amendment --

13 MR. CHATWIN: Is there a second?

14 MS. McCARTY: There was.

15 MR. HOLLIDAY: To Bill's?

16 (Simultaneous speaking.)

17 MS. McCARTY: He seconded it. So
18 we're going to vote on Bill's amendment to
19 your amendment.

20 MR. HOLLIDAY: Can you read it
21 again?

22 MR. CHATWIN: His amendment is not

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1 an amendment. It isn't a substitute. So just
2 for clarity, he's not changing a small piece
3 of it. It's a complete --

4 MS. McCARTY: If there's a
5 substitute motion and it fails, then we go
6 back to your amendment.

7 CHAIR BILLY: Yes.

8 MS. McCARTY: That's what I wanted
9 to know.

10 MR. HOLLIDAY: I mean there is a
11 substitute motion.

12 MR. DEWEY: So I would say
13 Robert's Rules, this is a radically different
14 than their motion. They're not accepting it
15 as friendly. so I would offer it as a
16 substitute motion, and that is "ensure
17 adequate funding for implementation of
18 currently authorized catch share programs
19 prior to funding new catch share programs."

20 MS. McCARTY: So all in favor of
21 that say aye?

22 (Chorus of ayes.)

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1 MS. McCARTY: All opposed?

2 (Chorus of nos.)

3 MS. McCARTY: Raise your hand, all
4 opposed?

5 (Show of hands.)

6 MS. McCARTY: It carries.

7 MR. HOLLIDAY: Abstentions.

8 MS. McCARTY: Abstentions. Are
9 there any abstentions?

10 MS. FOY: Can you read it one more
11 time?

12 MR. DEWEY: "Ensure adequate
13 funding for implementation of currently
14 authorized catch share programs prior to
15 funding new catch share programs."

16 MR. CHATWIN: All right. Can I
17 ask a question about --

18 MS. McCARTY: Yes, you can. I
19 think it passed. So --

20 MR. CHATWIN: Well, it passed, and
21 now if it's the substitute, it's the
22 amendment. So we have to vote on it.

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1 MS. McCARTY: If a substitute
2 motion passes, it carries that whole thing.
3 You don't go back to the original amendment.
4 It was a substitute motion. Is that your
5 understanding, Bill?

6 MR. DEWEY: Yes.

7 MR. CHATWIN: It was a substitute
8 for the whole thing?

9 MR. DEWEY: No, a substitute for -
10 -

11 MS. McCARTY: Your amendment.

12 MR. CHATWIN: To my motion, yes.

13 MR. DEWEY: Yes. So we still need
14 to go back to the motion --

15 (Simultaneous speaking.)

16 MR. CHATWIN: So we still need to
17 vote whether the substitute to the amendment
18 is going to be the full --

19 MS. McCARTY: That's right. Yours
20 goes away.

21 MR. CHATWIN: So mine is gone, but
22 I can I ask a question?

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1 MS. McCARTY: Yes.

2 (Laughter.)

3 MR. CHATWIN: So authorized,
4 currently authorized.

5 MR. HOLLIDAY: I don't know what
6 it means.

7 MR. CHATWIN: Your motion now, as
8 what's currently in there, makes a distinction
9 between catch share programs at some stage of
10 development and other catch share programs in
11 other stages of development. Where is that
12 list?

13 MR. DEWEY: I'm just trying to
14 capture the wording from the original number
15 three. My understanding of currently
16 authorized would be catch share programs that
17 are currently approved and being implemented.

18 MR. MARTIN FISHER: That's
19 different.

20 MR. CHATWIN: I mean, okay. So --

21 MS. McCARTY: I think, Tony, we
22 could ask Mark if he would help us in how the

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1 wording might be more clear. Is there a way
2 that you can think of, Mark, that it might be
3 clarified?

4 MR. HOLLIDAY: I don't want to be
5 too helpful on this one.

6 MR. RIZZARDI: May I speak to the
7 motion?

8 MS. McCARTY: I want to hear from
9 Mark.

10 MR. HOLLIDAY: I think you --
11 (Simultaneous speaking.)

12 MR. RIZZARDI: It's only been
13 approved as a substitute amendment. It's not
14 approved as the actual motion.

15 MS. McCARTY: That's correct,
16 that's correct. I just was asking Mark if
17 there is a distinction between approved and
18 authorized.

19 MR. HOLLIDAY: There's a big
20 difference. I mean each term has specific
21 meanings. Authorizations simply talk to
22 monies. Approved, meaning is it an approved

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1 FMP that's been signed off on by the
2 Secretary, for which we have a regulation in
3 place.

4 I think the question might be
5 clarified by asking what effect does this have
6 on the Pacific groundfish ITQ program. It's
7 been worked on for the last six years. It has
8 not taken effect yet. There's money in the
9 pipeline to support it when it becomes
10 effective. Its projected effective date is
11 January 1 of 2011.

12 It's not authorized. What's the
13 other word that you were using? So do we
14 fund? Do we support? Is it your intent to
15 support that program? Is it the intent to
16 support that type of program, or only those
17 for which we have -- that have been approved
18 by the Secretary, rules are in place, and is
19 operating to date?

20 MS. McCARTY: That's a very good
21 question.

22 MR. HOLLIDAY: That's what I'm

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1 hearing as the source of the uncertainty.

2 MS. McCARTY: Very clarifying.
3 Thank you. Keith?

4 MR. RIZZARDI: The reason I
5 support saying nothing, as I said before, is
6 because I think we're operating in an
7 information vacuum. I don't know what it
8 means to be authorized. I don't necessarily
9 know what a new catch share program means. I
10 don't think we have a thorough understanding
11 of whether or not there is a catch share
12 program that is highly controversial, that's
13 well on its way towards being finished, versus
14 one that's newer but has a whole lot of
15 consensus that could race to the finish line.

16 I think that under this language,
17 we're now stopping the newer one that has a
18 lot of consensus for the sake of the older one
19 that's bogged down in controversy. I think we
20 are imposing ourselves upon NOAA and second-
21 guessing their budgetary judgments.

22 I have some real concerns with

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1 this language, and I think we would be much
2 safer as a body to say nothing on the subject.

3 MS. McCARTY: Any other comments?

4 MR. HOLLIDAY: Again for
5 clarification, there are other catch share
6 programs in various stages of lesser
7 development, but that are significantly
8 important to that council. I think you go for
9 New England with monkfish, Mid-Atlantic, the
10 South Atlantic.

11 I mean they're all going -- the
12 rockfish pilot program, you go around the
13 country, that are in various stages of
14 consideration, that would have -- this would
15 have consequences for, because they are not a
16 currently approved FMP by the Secretary with
17 rules in place today.

18 MS. McCARTY: Okay. So let me
19 just check on where I think we are. We have a
20 motion to accept these recommendations, but
21 with the amended part of that freeze one,
22 which is your amendment that you proposed.

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1 So if people don't like that
2 particular aspect, then they're either going
3 to have to propose another amendment. But I
4 don't think you can, because we've already
5 voted on that part. So I think you have to
6 vote the entire motion down if you don't agree
7 with that particular part of it, and then we
8 have to start over.

9 Is that right from the Roberts
10 Rules of Order?

11 MR. WALLACE: That's right. That
12 would be the procedure in this situation.

13 MS. McCARTY: All right.

14 CHAIR BILLY: Call the question.

15 MS. McCARTY: Do we have further
16 discussion on this, or do you want to have the
17 vote?

18 MR. JONER: That was going through
19 my mind, Mark, the Pacific Coast groundfish
20 program that's ready to roll, roll out the
21 door. I thought well, that's not authorized,
22 but in my mind it was completed.

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1 MR. HOLLIDAY: But it's not. It's
2 not legally binding.

3 (Simultaneous speaking.)

4 MR. JONER: I agree. I couldn't
5 show up at the next council meeting if I was
6 guilty of trying to pull funding out from it.
7 So I would vote --

8 MS. McCARTY: Okay. Do you have a
9 comment on this, Martin?

10 MR. MARTIN FISHER: As it's
11 stated, I would probably also vote against it.

12 I think the intent that Terry and the people
13 that do support something similar to this is
14 that we don't start development of any new IFQ
15 programs. Those that are in development,
16 they're in development.

17 But that we not take a new species
18 like kingfish in the Gulf of Mexico or some
19 other species somewhere else, and develop a
20 catch share program for that until some of
21 these issues are taken care of, and we see
22 what's going to happen in the long run. Is

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1 that really the intent that you want, Terry?

2 MR. ALEXANDER: Look. My
3 intention is that I just don't think that we
4 should be mandating programs to people,
5 throwing them lots of money at first, getting
6 people on board with it, and then tearing it
7 away from them.

8 I mean people -- there's a reason
9 why you have to go to a catch share. It's
10 because the industry's not making money off,
11 you know, or whatever. You can't just take
12 the money away once you get the program in
13 place. I understand. I truly understand your
14 concerns. I mean I really do, and I know that
15 it's going to be controversial.

16 But the other day, when they said
17 that we could comment on little ways in the
18 2012 budget, that's what we were trying to get
19 -- I was trying to get the point across that
20 we needed to fund what we had in place now,
21 instead of --

22 MS. McCARTY: One thing -- we

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1 understand your concerns.

2 MR. ALEXANDER: Yes.

3 MS. McCARTY: One of the things
4 that we could do is we could, and this is just
5 a suggestion and I'm a little bit
6 uncomfortable doing the chairing thing, but I
7 think one thing we could do is someone on the
8 prevailing side of that last vote could ask
9 for a reconsideration. That might get us out
10 of the hole that we're in.

11 MR. ALEXANDER: How about I do
12 that?

13 MS. McCARTY: Did you vote for?

14 MR. ALEXANDER: I did vote for.

15 MR. JONER: And I second that.

16 MS. McCARTY: Okay. What's your
17 motion?

18 MR. ALEXANDER: To reconsider the
19 substitution.

20 MS. McCARTY: Reconsider the
21 substitute motion.

22 MR. ALEXANDER: Make that motion.

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1 MS. DANA: I mean if you have --
2 no matter what the program is, if you
3 implement a program, we should have the
4 funding for it, rather than spinning your
5 wheels and creating new programs. I don't
6 think there's any harm in making a statement
7 that fund what you start.

8 MS. McCARTY: Pam, I agree with
9 you, and I understand that concern. I think
10 that the wording of the substitute motion put
11 us in a place that we don't know where we
12 really are. I think if we reconsider the
13 vote, that I believe that we should reconsider
14 it, and I believe we should come up with
15 better wording, if that's the concern that you
16 want to express. Are you prepared to do that
17 somebody?

18 Okay. There's been a motion made
19 to reconsider that motion, and there's a
20 second. So first we have to vote, I believe,
21 on the reconsideration?

22 CHAIR BILLY: Yes.

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1 MS. McCARTY: Okay. All in favor
2 of reconsidering that motion, substitute
3 motion from Bill Dewey say aye?

4 (Chorus of ayes.)

5 MS. McCARTY: All opposed?

6 (No response.)

7 MS. McCARTY: Okay. So we're
8 going to reconsider your motion.

9 MR. DEWEY: So listening to the
10 discussion, and the purposes of additional
11 discussion, and trying to address the concerns
12 I heard, see if this language would work.
13 "Ensure adequate funding for implementation of
14 catch share programs which are approved or
15 currently in development prior to funding the
16 development of additional new catch share
17 programs."

18 MS. McCARTY: I'm going to allow
19 that as a motion, even though we technically
20 should vote down your other one.

21 MR. DEWEY: We did. We voted down
22 the other one.

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1 MS. McCARTY: No. We voted to
2 reconsider it.

3 MR. HOLLIDAY: No. We voted to
4 reconsider it.

5 MS. McCARTY: So technically we
6 should reconsider your motion. So we're going
7 to put his original motion back on the table,
8 and we're going to vote on it.

9 MR. CHATWIN: I think we could,
10 with the agreement of his seconder, modify his
11 motion.

12 MR. DEWEY: It might be simpler
13 procedurally.

14 MS. McCARTY: Is everybody okay
15 with that from the procedural standpoint? I
16 am, but technically I believe you have to vote
17 it down, but I don't think it matters that
18 much.

19 (Simultaneous speaking.)

20 MR. DEWEY: So the seconder
21 agrees. So this would now be the motion that
22 we're deliberating.

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1 MS. McCARTY: Okay. Please read
2 your motion one more time.

3 MR. DEWEY: One more time?
4 "Ensure adequate funding for implementation of
5 catch share programs which are approved or
6 currently in development prior to funding the
7 development of additional new catch share
8 programs."

9 MS. McCARTY: There's a second.
10 Should we vote?

11 MR. RIZZARDI: What was the
12 motion?

13 MR. DEWEY: One more time. I have
14 to catch up here. So "ensure adequate funding
15 for implementation of catch share programs
16 which are approved or currently in development
17 prior to funding the development of additional
18 new catch share programs."

19 MR. CHATWIN: And so this is now
20 the one that's going to -- if it passes, it
21 substitutes for my motion?

22 MS. McCARTY: Yes.

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1 MR. JONER: I have a question.
2 "In development" means that a council has
3 started working on it, not that there's talk
4 about it in the hallway or that somebody's
5 given public comment.

6 MR. HOLLIDAY: You have to define
7 it. It's not defined in the law. "In
8 development" -- there's nothing in the
9 Magnuson Act that says, constitutes "in
10 development."

11 MR. JONER: I would accept this,
12 with the understanding that "in development"
13 means a council is formally working on it, and
14 that it isn't just something that's been
15 suggested in public comment or in the advisory
16 panel or something.

17 MS. McCARTY: I think that's a
18 good clarification. So let the record show
19 that that's what we intend to mean by that.
20 Is there other discussion on this? Keith?

21 MR. RIZZARDI: Bill, I greatly
22 appreciate your effort to clarify, and I

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1 certainly find this language better than what
2 we had previously.

3 MS. McCARTY: I couldn't hear you.

4 MR. JONER: I find this language
5 better than what we had previously. I still
6 oppose the language. We're still operating in
7 an information vacuum. I still don't
8 understand which programs suffer, which ones
9 don't. I don't know which programs are near
10 the end but bogged down in controversy. I
11 don't know what programs we haven't yet
12 started development on that we should be
13 developing, and I think we are stopping any
14 ability to discuss better priorities through
15 this language, if indeed it's followed, and
16 obviously it's our recommendation.

17 But if this were followed, then we
18 are crippling NOAA's ability to be responsive
19 to the catch share program, and to address
20 what needs to be done out there in the field,
21 and I don't have enough information to support
22 this. So I will vote no.

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1 MS. McCARTY: Thank you, Keith.
2 Dave?

3 MR. WALLACE: Well, you know, and
4 it may fly directly in the face of NOAA's
5 catch share policy, which is about to be
6 published, and so it could be in direct
7 conflict with the people, the Secretary, who
8 we're supposed to be advising. So I think
9 that we're on very, very unstable ground here.

10 MS. McCARTY: So I think we're
11 going to vote on it. We're going to vote on
12 this substitute motion.

13 MR. CHATWIN: And again, if this
14 motion fails, then we're back to striking
15 number three.

16 MS. McCARTY: That's right, and we
17 have to vote on that. So if you vote on this
18 substitution motion, that's what will be in
19 the main motion -- if you vote for it. If you
20 vote against it, we revert back to your
21 motion, which was to strike that element
22 altogether.

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1 MR. WALLACE: It was my motion,
2 and that would be the primary motion which is
3 underlying this whole thing?

4 MS. McCARTY: Correct. So all in
5 favor of the new, substitute motion that's on
6 the screen in number three, please raise your
7 hands.

8 (Show of hands.)

9 MS. McCARTY: Are you voting?

10 CHAIR BILLY: Yes, I --

11 (Laughter.)

12 MS. McCARTY: Okay, one, two,
13 three, four, five, six, seven, eight. All
14 against, raise your hand?

15 (Show of hands.)

16 MS. McCARTY: One, two, three,
17 four, five, six, seven, eight.

18 CHAIR BILLY: Motion fails.

19 MS. McCARTY: What?

20 MR. HOLLIDAY: We've got a tie.

21 MS. McCARTY: I don't know whether
22 I vote or not. I guess I do.

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1 (Simultaneous speaking.)

2 MS. McCARTY: It fails on a tie
3 vote, I believe. So that substitute motion
4 failed. So we revert back to your amendment,
5 which is --

6 MR. CATES: This is like a tennis
7 match.

8 (Laughter.)

9 MS. McCARTY: -- to remove, remove
10 which element?

11 MR. CHATWIN: To strike number
12 three.

13 MS. McCARTY: Okay. So now we're
14 going to vote on that, and we're going to vote
15 on that motion to remove number three from
16 this list. Yes, discussion.

17 MR. DEWEY: I just, I would
18 support that at this point, just because I'd
19 like to see MAFAC work by consensus and to see
20 that last one go down and split like that, I
21 think that this is the best position.

22 MS. McCARTY: I agree.

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1 MR. HOLLIDAY: And I agree with
2 that.

3 MS. McCARTY: That's why I made
4 the tie.

5 MR. RIZZARDI: If I may also
6 suggest at one of our upcoming meetings, it
7 would be good to get some sense of the
8 existing universe of catch share programs, and
9 we can go back and evaluate the priority
10 question. Because again, pursuing the goal of
11 consensus, I might be voting differently if I
12 understood the status of all of the catch
13 share programs.

14 MS. McCARTY: Absolutely. So
15 might I. So we might all. Okay, Mr.
16 Chairman. We're going to vote on this motion,
17 the amendment to remove number three. All in
18 favor of that say aye?

19 (Chorus of ayes.)

20 MS. McCARTY: All opposed?

21 (No response.)

22 MS. McCARTY: It's gone. Now

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1 we're going to -- the main motion is back on
2 the floor. Is there any further discussion or
3 amendments on the main motion?

4 (No response.)

5 MS. McCARTY: Seeing none --

6 MR. FRANKE: Heather, I have one
7 question.

8 MS. McCARTY: Okay.

9 MR. FRANKE: The comment about the
10 Southwest Fisheries Science Center, as I
11 understood, that that money was being
12 reallocated. Mark's saying that was incorrect
13 information. We may want to amend the
14 language and just remove that as well.

15 MS. McCARTY: Would you make that
16 motion please?

17 MR. FRANKE: I'd like to make that
18 motion to remove the language reference to
19 Southwest Fisheries Science Center.

20 MS. McCARTY: Second?

21 MR. CHATWIN: Second.

22 MS. McCARTY: Okay. It's been

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1 moved and seconded to remove that language.

2 COURT REPORTER: Who seconded it?

3 MS. McCARTY: Tony. It's been
4 moved and seconded to remove that language
5 from the current number two. All in favor of
6 that say aye?

7 (Chorus of ayes.)

8 MS. McCARTY: Opposed?

9 (No response.)

10 MS. McCARTY: It passes. So we're
11 removing that language. So the amended -- I
12 can't see the screen, so I can't see.

13 CHAIR BILLY: The last sentence
14 only.

15 MS. McCARTY: Just the last
16 sentence.

17 (Simultaneous speaking.)

18 MS. McCARTY: In number two, the
19 intent was to keep the first sentence and
20 remove the second sentence. Is that right,
21 Ken?

22 MR. FRANKE: Correct.

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1 MS. McCARTY: Okay. That's what
2 we want to do. I can't see the screen well
3 enough to see what she's doing. So, now the
4 amended main motion is back on the floor. Is
5 there further discussion? Tony?

6 MR. CHATWIN: So just on number
7 two, I thought we were voting on it all, but I
8 think we're assuming that in the 20 -- which
9 version are we talking about?

10 MS. FOY: 2011.

11 MR. CHATWIN: On the 2011 budget.

12 MS. McCARTY: I made that mistake,
13 and with your permission, I would make it 2011
14 rather than 2012, because I think it was meant
15 to be 2011, I believe. I think that's what
16 Ken was referring to in his original comment
17 to the subcommittee. Is that correct?

18 MR. FRANKE: Yes, correct.

19 MS. McCARTY: Okay. So with your
20 guys' permission, I would in number two make
21 that FY 2011 rather than 2012. I said that
22 when I made --

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1 MR. CHATWIN: That's fine, that's
2 fine. We are assuming that there is a
3 reallocation?

4 MR. ALEXANDER: We're asking.
5 (Off mic comments.)

6 MR. FRANKE: We were informed that
7 there was a reallocation, and that was at the
8 summit.

9 MS. McCARTY: If that proves to be
10 incorrect, then this is a moot point. So with
11 the information that we have currently, this
12 is our assumption. If it's wrong, it's wrong,
13 so it goes away.

14 MR. FRANKE: Heather, I'd like to
15 make another recommendation.

16 MS. McCARTY: Okay.

17 MR. FRANKE: I think right now
18 we're speculating, and I hate making decisions
19 in a vacuum. I would move that we remove that
20 first sentence as well.

21 MR. MARTIN FISHER: Second.

22 MS. McCARTY: It's been moved and

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1 seconded to take out the rest of number two.
2 All in favor of that say aye?

3 (Chorus of ayes.)

4 MS. McCARTY: Opposed?

5 (No response.)

6 MS. McCARTY: Okay. Two is gone.
7 The amended main motion is back on the floor.
8 Any further -- yes?

9 MR. CATES: Are you at the point
10 where you can take new suggestions?

11 MS. McCARTY: I would guess.

12 MR. CATES: I have a suggestion,
13 that we add an item -- Bill, you're going to
14 need to word this. Basically what it would
15 say is that we ask the Secretary to consider
16 operating in support for all research, catch
17 share programs, in a fiscally sound and
18 responsible manner.

19 MS. McCARTY: Okay. Say that one
20 more time.

21 MR. CATES: That the Secretary of
22 Commerce consider operating and funding all

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1 catch share and research programs in a
2 fiscally sound and responsible manner. That
3 would alleviate getting in a situation of
4 creating programs with inadequate funding.

5 MS. McCARTY: Is there a second?

6 MS. DANA: I'll second it.

7 MS. McCARTY: Okay. It's been
8 moved and seconded to recommend that the
9 Secretary of Commerce adequately fund catch
10 share --

11 MR. CATES: And operate.

12 MS. McCARTY: Fund and operate
13 catch share programs and research programs in
14 a fiscally responsible way, to alleviate the
15 possibility of creating programs that are
16 underfunded.

17 MR. CATES: Like the rest of the
18 government does.

19 MS. McCARTY: Is there any
20 discussion on that? Dave?

21 MR. WALLACE: I don't know whether
22 the Secretary's going to take the

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1 recommendation.

2 MS. DANA: That doesn't matter.

3 (Simultaneous speaking.)

4 MS. McCARTY: Tony?

5 MR. CHATWIN: So I have -- I
6 believe the Secretary does operate and
7 consider funding in a fiscally responsible
8 way. So I don't want to be recommending that
9 he -- making a recommendation that would
10 assume otherwise, okay. So I'm not going to
11 support this.

12 MS. McCARTY: Not going to support
13 that amendment.

14 MS. FOY: Would you consider a
15 friendly amendment?

16 MR. CATES: Sure.

17 MS. FOY: That he continue
18 operating and funding all research and catch
19 share programs in a financially responsible
20 way.

21 MR. CATES: I don't agree with the
22 statement, but I'll accept it. I haven't seen

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1 it yet. I mean how do you -- just for
2 discussion. How do you create a research
3 program and then you don't adequately fund it?

4 That's not doing it in a fiscally sound and
5 responsible manner. I see that all the time.

6 MS. McCARTY: Mark?

7 MR. HOLLIDAY: I think we're
8 reopening the work of the subcommittee.

9 MS. McCARTY: That's okay.

10 MR. HOLLIDAY: Okay.

11 MS. McCARTY: Well, I mean what we
12 decided what we were going to do --

13 (Simultaneous speaking.)

14 MS. McCARTY: We are reopening it.

15 Well, we're adding to it. What we decided to
16 do at this meeting was to talk about how we
17 might contribute to the budget process, right?

18 So the subcommittee met and discussed some of
19 these things, or the things that you saw,
20 originally.

21 But they didn't discuss
22 everything. So now it's MAFAC's time to

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1 discuss what they might want to add to it and
2 make as a recommendation.

3 I think it's fine, Mr. Chairman.
4 I'm sorry, but I do. If people want to make
5 those kinds of suggestions, I think we have to
6 consider them, because it's MAFAC now. It
7 isn't just the subcommittee.

8 So there's a motion on the floor.
9 Has it been friendly amended?

10 MS. LOVETT: What is it? I was --

11 MR. CATES: The amendment, well,
12 why don't you read it? Was to continue --

13 MS. FOY: That the Secretary of
14 Commerce continue to consider operating and
15 funding all research and catch share programs
16 in a fiscally responsible manner.

17 MR. CATES: Fiscally sound and
18 responsible manner.

19 MS. McCARTY: Who was the
20 seconder?

21 MS. DANA: I was the second to
22 his.

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1 MS. McCARTY: Okay. Are you okay
2 with the friendly amendment? Don't you have
3 to agree? Doesn't she have to agree?

4 MR. DANA: I'm actually with
5 Randy. I just -- I'm not certain at all
6 programs are necessarily, are continuing to be
7 funded responsibly.

8 MS. McCARTY: Well, let's vote on
9 the motion. Let's vote on the amendment the
10 way it is.

11 (Simultaneous speaking.)

12 MS. McCARTY: Well, if you don't
13 agree, she can't friendly amend. So we have
14 to vote it up or down. Are there any further
15 comments on this amendment?

16 MR. RIZZARDI: Wait, that we
17 strike the word --

18 MS. McCARTY: Go ahead, Keith.

19 MS. DANA: We strike the word
20 "continue."

21 MR. RIZZARDI: Strike the word
22 "continue."

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1 MR. CHATWIN: The reason I don't
2 support this is because I don't think it's --
3 that the problem of underfunded programs is
4 solely the responsibility of the Secretary.

5 COURT REPORTER: One person at a
6 time, please.

7 MR. CHATWIN: Solely the
8 responsibility of the Secretary of Commerce.
9 The federal budget process is complex and no
10 agency gets all the money it wants.

11 MS. McCARTY: Okay. Well, let's
12 vote on it.

13 MR. CHATWIN: Perhaps, Homeland
14 Security in the last few years, has been
15 getting what it's asked for.

16 MR. CATES: He's the guy in
17 charge. He directs --

18 MS. McCARTY: Can we just vote on
19 it?

20 MR. CATES: Yes.

21 MS. McCARTY: Let's vote on this
22 amendment, which is basically an addition to

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1 this list of recommendation, and one that some
2 people might agree with and others not. Who's
3 in favor of this particular amendment, say
4 aye?

5 (Chorus of ayes.)

6 MS. McCARTY: Opposed.

7 (Chorus of nos.)

8 MS. McCARTY: Okay. The nays have
9 it, so it does not pass. Are there any other
10 suggested recommendations here that we might
11 consider?

12 (No response.)

13 MS. McCARTY: If not, should we
14 vote on the main motion?

15 CHAIR BILLY: Call the question.

16 MS. McCARTY: Okay. We're going
17 to vote on the main motion, which is to accept
18 these suggestions, not just the specific ones
19 but the other ones above two, right?

20 MR. RIZZARDI: Can we go back to
21 that list?

22 MS. McCARTY: Let's go back down

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1 so you can see it. No, no, just the general
2 suggestions.

3 MR. RIZZARDI: Further down.

4 MS. McCARTY: Just a little bit
5 further down.

6 CHAIR BILLY: No, move the --
7 there you go.

8 (Off mic comments.)

9 MS. McCARTY: Dave, could you
10 clarify what your intent was by your motion,
11 what parts of the --

12 MR. WALLACE: Well, the motion was
13 to accept all of the document except for what
14 was then four and five, and then it's a whole
15 bunch of things that have been done since
16 then. But that was the original motion.

17 MS. McCARTY: Not just the budget
18 stuff, but the whole --

19 MR. WALLACE: Right.

20 MS. McCARTY: Okay. So the motion
21 is to accept the recommendations in this
22 document, as amended. Any further comment?

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1 (No response.)

2 MS. McCARTY: So all in favor,
3 raise your hand?

4 (Show of hands.)

5 MS. McCARTY: All opposed.

6 (No response.)

7 MS. McCARTY: Unanimous
8 acceptance. Okay. Okay, Mr. Chairman.

9 CHAIR BILLY: Thanks. Good job.
10 One last report out, and that's by the
11 Commerce Subcommittee. Steve, the floor is
12 yours.

13 MR. JONER: Heidi, do you have
14 that?

15 MS. LOVETT: Just give me a
16 second.

17 (Simultaneous speaking.)

18 Commerce Subcommittee Report

19 MR. JONER: Are we ready?

20 CHAIR BILLY: Yes.

21 MR. JONER: We have four
22 recommendations here, so I don't know if you

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1 want to go through them all or take them one
2 at a time. What's the pleasure of the chair?

3 MS. McCARTY: Did you send this
4 out, Heidi?

5 MR. JONER: No.

6 MS. McCARTY: No, okay. Sorry.
7 I'm just going to move up.

8 (Simultaneous speaking.)

9 MR. JONER: So while you're
10 waiting to receive that, I can get started on
11 the first one, if that's okay. All right. We
12 met today on the report of the committee, and
13 our first recommendation is that the
14 subcommittee recommends drafting another
15 request to meet with Secretary Locke, and this
16 letter would include the signatures of all
17 MAFAC members.

18 A letter was sent following our
19 November meeting in Silver Spring, and from
20 what we know, there's been no reply. We had a
21 number of concerns we wanted to address with
22 the Secretary. What prompted this was the

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1 need to get Commerce more active in
2 developing, a development of a food pyramid
3 with USDA, because fish was really playing
4 second fiddle to other food sources.

5 We wanted to emphasize the need
6 for adequate representation of seafood in the
7 food pyramid, and addressing any seafood
8 safety concerns, while emphasizing the
9 nutritional value of seafood.

10 So our recommendation is that we
11 send a letter signed by all of us, and maybe
12 that would have a little more impact. But
13 should we go through these one at a time, or
14 shall I just go through all of them?

15 Do all of them? Okay. Let's go
16 for it. So the second one, we recommend NOAA
17 allocate funds to waive cost of the voluntary
18 seafood inspection, particularly in the Gulf
19 region, to help the Gulf of Mexico industries
20 to improve the national perception of seafood,
21 and raise the profile of the seafood
22 inspection program.

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1 So this was aimed primarily at the
2 Gulf and the need to start getting out the
3 word, and so this is, we thought, a good way
4 of doing it, that it would provide the
5 necessary funding relief to the industry
6 there, as well as emphasizing the seafood
7 inspection program.

8 MR. DEWEY: Specific to that one,
9 did we -- we talked briefly about a time
10 period to do that. I mean the way it's
11 worded, it sort would come across as
12 indefinitely. We might want to say
13 temporarily waive or something.

14 MR. JONER: Yes. I'm sure there's
15 some sort of state of emergency criteria we
16 could follow.

17 MR. CHATWIN: So just for
18 clarification, again I don't know anything
19 about it. So what is the cost? What are
20 these costs that are waived? What's the order
21 of magnitude?

22 MR. JONER: Do you know, Tom, what

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1 those costs are?

2 CHAIR BILLY: Costs, depending on
3 the service, if you have a lot of product, a
4 shipment, it can be several hundred dollars.
5 If you have an inspector in the plant that's
6 producing product, it's something on the order
7 of \$40 an hour or something like that.

8 MR. NARDI: That sounds like it's
9 like a one-time fee. If you're in the export
10 business, you need a stamp --

11 CHAIR BILLY: It's a form. It's a
12 fish form.

13 (Simultaneous speaking.)

14 MR. NARDI: That's probably one to
15 two hundred dollars.

16 CHAIR BILLY: You don't get the
17 product back into international commerce.

18 MR. CHATWIN: Yes, and so the only
19 flag, I guess, it raises, if those costs are
20 actually helping ensure the inspection and
21 quality control of the seafood coming out of
22 the Gulf of Mexico, it might be working at

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1 cross-purposes of the idea of ensuring that
2 people know that the seafood there is safe to
3 eat.

4 So I just don't know anything
5 about it, and it's just something -- it was a
6 gut reaction. I don't really have too much to
7 say about it. There's a lot of if's there, if
8 waiving the cost has an impact on the ability
9 to inspect, and at the same time you want to
10 make sure that consumers know that you can
11 have, that you can consume seafood from the
12 Gulf of Mexico. That's all.

13 MR. JONER: I think we saw it more
14 as a type of promotion of the program, while
15 offering relief to the people that need it
16 right now.

17 MR. DEWEY: Well, it was offering
18 consumer confidence in the seafood coming out
19 of the Gulf, or it would help give that Gulf
20 seafood an elevated profile of confidence, so
21 to speak, and also to give an added profile to
22 the health benefits of seafood and that

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1 inspection program.

2 MR. CHATWIN: So there'd be an
3 announcement that we'd waive the cost of
4 health inspectors?

5 MR. DEWEY: Yes. The idea was to
6 kind of help on multiple fronts here. As Tom
7 Billy suggested, it seemed like out of the box
8 thinking as a way to both be responsive to the
9 Gulf problem but also help on a number of
10 other priorities that MAFAC had talked about.

11 MR. JONER: And then with regards
12 to the national aquaculture policy, "MAFAC
13 acknowledges and appreciates that NOAA is
14 using the ten-year plan to guide the national
15 aquaculture policy. The subcommittee requests
16 a breakdown of the FY 2011 and 2012 budgets
17 for aquaculture.

18 "C. In regards to the national
19 aquaculture policy, we recommend that MAFAC
20 have the opportunity to comment and input on
21 the draft policy, that MAFAC consider an
22 aquaculture -- MAFAC consider" -- maybe that

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1 should be NOAA, right, that second one?

2 MR. HOLLIDAY: Yes.

3 MR. JONER: That should say -- yes,
4 okay. "NOAA consider an aquaculture
5 initiative to launch with a policy when it is
6 finalized and released, including
7 reappropriations of the 2012 budget." Any
8 questions?

9 MR. HOLLIDAY: I have a question
10 about the breakdown, further than the total
11 amount of the increase. When you talk about
12 the budget, I'm sorry, the request for a
13 breakdown of the FY '11 budget. Breakdown
14 meaning what?

15 MR. JONER: What kind of projects
16 are funded, what's the direction of the
17 research needs.

18 MR. HOLLIDAY: So how, once FY '11
19 budget execution takes place, where are the
20 funds being expended? Is that --

21 MR. JONER: Yes, specifics.

22 MR. HOLLIDAY: Talk about

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1 specifics. And for FY '12, what funds would
2 be in the budget formulation when the
3 President's budget is released. Got you.

4 MR. CATES: To be specific with
5 that, what we're looking for is the industry's
6 asked from time to time to support funding for
7 aquaculture, and are we using the resources in
8 the best possible manner, and if so -- if not,
9 then MAFAC could give recommendations on how
10 to utilize those funds. Right now, we don't
11 know what you are using them on.

12 MR. HOLLIDAY: Well, I think
13 there's a lot of information that is available
14 from the grant program and what grants are
15 funded through the aquaculture. So we can
16 summarize information and hold a place for it.

17 MR. NARDI: I think one of the
18 things we also talked about, and that applied
19 to everything else, as part of your ongoing
20 improvement of that one-pager, is if it
21 evolves to a point where, you know, some of
22 those items, then if it were an electronic

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1 version, you could cover over it, you know,
2 click on it and then get kind of a drop-down
3 menu, where you can drill down in, if that's a
4 particular concern to your interests.

5 But having that nice one-pager, it
6 was a great overall comparison. But that's
7 sort of where we were going. So if you had a
8 particular interest, you could sort of dig
9 into it without searching through it, 400
10 pages of varying budgets.

11 MR. HOLLIDAY: All right, and
12 that's -- what you're asking, though, is the
13 execution is really not a budget table. It's
14 a program activity table, saying what --
15 you've got certain amounts of money, that even
16 if we showed you they went to this region, the
17 budget people would not be able to tell you
18 what activities and projects are getting
19 funded under that grant program. We'd have to
20 go the activity and the grants management
21 division and pull them back in.

22 MR. NARDI: Right, right.

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1 MR. JONER: Okay. On D, it's
2 "Recommend NOAA consider a major aquaculture
3 initiative that includes (1), public health
4 benefit of farmed and wild fish; (2) regional
5 initiatives including NMFS regional
6 coordinators, increased training for
7 commercial fishermen to use aquaculture to
8 complement wild harvest or as alternative
9 livelihood; (3) targets production, including
10 developing -- which includes developing
11 performance measures and accountability, and
12 for implementing the national aquaculture
13 policy; and (4) implementing the national
14 aquaculture policy. Questions on that one?

15 MR. CHATWIN: Just a minor grammar
16 thing. Initiatives that includes public
17 health benefits. What about the public health
18 benefits? I just think there's something
19 missing there. Includes promoting?

20 MR. JONER: Well, the four things
21 that are included in that initiative is an
22 effort to --

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1 MR. HOLLIDAY: To promote --

2 MR. JONER: Promote. Yes, I think
3 that's, what would be missing.

4 MR. CHATWIN: Okay, and then the
5 same -- along the same lines on number three.

6 If you read it, "Initiative that includes
7 targets production." Just something.

8 (Off mic comments.)

9 MS. McCARTY: Targeting.

10 CHAIR BILLY: Targeting, I-N-G.

11 MR. CHATWIN: Does that increase
12 production? So that targets increased
13 production?

14 MR. JONER: Well, production is
15 production, whether it's increased or not.
16 We're targeting, I guess, the concept of
17 producing and having these performance
18 measures.

19 MR. CHATWIN: Okay. Item E,
20 recommend that NOAA ensures that fisheries and
21 aquaculture be recognized in the coastal and
22 marine spatial planning initiative, that the

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1 committee be regularly updated on progress of
2 the CMPS initiative, and utilize MAFAC members
3 to represent the industry for that process.

4 So we talked a little about this
5 our first day, I think, and the need to stay
6 on top of it. There's a lot going on, a lot
7 of different activities there, and we want to
8 be sure that aquaculture is well represented
9 in that process. Item F --

10 CHAIR BILLY: Does that have to be
11 MAFAC members or just aquaculture people,
12 whatever the right wording is?

13 MS. McCARTY: I think we need a
14 working group.

15 (Laughter.)

16 MR. JONER: Mr. Chairman, our
17 interest is to be sure that this is being
18 tracked, where the subcommittee knows it's
19 being tracked, and that somebody is available.

20 I guess I could see where if there was a
21 listening session somewhere, where none of us
22 lived or none of us were nearby or were

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1 available, we could ask somebody from the
2 industry.

3 MR. DEWEY: And also just actually,
4 it may be better to move this out from
5 underneath three and put it up above, as a
6 separate item. We want to make it a new
7 number three and make aquaculture four,
8 because we offered it in reference to -- when
9 we were talking about marine spatial planning,
10 we weren't just talking about aquaculture. We
11 were talking about fisheries as well, you
12 know. So it's broader than just aquaculture.

13 That really follows the stakeholder
14 interests here on MAFAC really need to be
15 centered on the marine spatial --

16 (Pause.)

17 MR. DEWEY: Steve, up on (D)(2),
18 also I raised in our committee meeting that
19 those regional initiatives maybe should be
20 considered, including the common property
21 aquaculture, which was --

22 MR. JONER: That's right, yes.

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1 MS. FOY: Where is that?

2 MR. JONER: (D) (2).

3 MR. DEWEY: It would be (D) (2).

4 MR. JONER: The regional
5 initiative.

6 MR. DEWEY: We're talking about the
7 regional initiatives, where you could just add
8 at the end of it, and common property,
9 aquaculture, which I don't know if it's
10 broader than it was. Actually, when Vinsel
11 said it, it's the first time I've actually
12 heard that term, but I thought it actually
13 described what they're doing here.

14 MR. JONER: It refers to the
15 aquaculture associations there.

16 MR. DEWEY: Oh, I see.

17 MR. JONER: And then our final
18 recommendation is we had made a request,
19 following the November meeting, and we're
20 making that request again for a briefing or
21 presentation on the fisheries loan programs,
22 past and current experiences, and impediments

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1 to utilizing funds for aquaculture development
2 and demonstration project, catch shares,
3 stranded funds and CCF, and how to make better
4 use of this programmatic tool for changes in
5 authority or operation.

6 Also recommend raising debt
7 ceiling. Allow other than zero risk loans.
8 Revive working capital, operating costs,
9 revolving loan fund, and amend CCF to allow
10 funds to be invested into aquaculture.

11 So this was again the original
12 request that we made back in November, which I
13 believe was approved. There were only about
14 three people left in the room when we did
15 that, but it was approved.

16 MS. McCARTY: Steve, can I ask you
17 a quick question?

18 MR. JONER: Sure.

19 MS. McCARTY: Is this dealing with
20 more than CCF? It's dealing with the
21 fisheries loan program and the CCF?

22 MR. JONER: Yes.

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1 MS. McCARTY: So on the last
2 sentence, "also recommend raising debt
3 ceiling," that's in reference to the NMFS or
4 the NOAA loan program?

5 MR. JONER: Correct, yes.

6 MS. McCARTY: Okay, and I believe
7 that there's a piece of legislation. I don't
8 know whether it passed. Does anybody know
9 about this change in CCF, that allows other
10 uses? Does anybody know about that? I think
11 that's already been done, but I could be
12 wrong.

13 MR. ALEXANDER: I believe it has.
14 I'm pretty sure it has.

15 MS. McCARTY: Did it pass?

16 MR. ALEXANDER: I believe it has
17 been passed, just like in the last two weeks
18 or something, right.

19 MS. McCARTY: Yes. Lisa Murkowski,
20 Senator Murkowski was a co-sponsor, I believe.
21 I just don't know the details.

22 MR. ALEXANDER: Somebody had said

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1 something to me about it.

2 MS. McCARTY: Yes. I believe that
3 that has sort of happened, but I could be
4 wrong. I just wanted to put that in there.

5 MR. JONER: What was the change
6 for?

7 MS. McCARTY: Well, it was to allow
8 individuals to take their -- basically
9 stranded capital out of CCF, because it was
10 supposed to be used for additional fishing
11 power and the country doesn't need any
12 additional fishing power is the reasoning.

13 So it's to allow the use for, and I
14 don't know what it allows. I know that it
15 allows people to put it into retirement funds,
16 instead of keeping it in CCF. But I don't
17 know what else it allows, because that was the
18 only part I was interested in. So we might
19 look into that.

20 MR. JONER: So that's our
21 subcommittee report.

22 CHAIR BILLY: Okay. How would you

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1 like to deal with it?

2 MR. JONER: I'll ask my
3 subcommittee members if they'd like to move
4 through this one at a time or --

5 CHAIR BILLY: Okay.

6 MR. JONER: There's a question from
7 Paul.

8 CHAIR BILLY: Yes, go ahead Paul,
9 or Tony I mean.

10 MR. DEWEY: I was going to make the
11 suggestion procedurally, since it's late, it's
12 going to take time to go through this one at a
13 time. Maybe we ought to ask if there's
14 something that people would like to hold for
15 separate consideration.

16 MR. CHATWIN: And I have a
17 question, and it's not -- I don't want to --
18 or do anything like that. In Item No. 1, the
19 subcommittee recommends that the discussion
20 was mainly around the one item in the seafood.
21 Are there -- if we are going to do this, go
22 through the work of having this letter signed

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1 by everybody, do we want to include additional
2 topics?

3 MR. CATES: I'd like to speak to
4 that. I would suggest yes. We have been
5 suggesting for years and years to open a
6 dialogue with the Secretary of Commerce. So
7 it's not just related to one issue; it's
8 really a procedural thing in my mind.

9 And the way this is written, I
10 would word it differently with signatures. It
11 says "with all MAFAC members." Maybe it
12 should be "all willing MAFAC members." Maybe
13 some people wouldn't want to sign it.

14 But it's basically we've made a
15 request; we've gotten no response. Nothing in
16 writing. I thought we had something in
17 writing, but we've gotten, if I understand it,
18 no response. So if we draft a letter and we
19 all sign it, it should be the next step.

20 MR. JONER: I just have a question
21 for Mark or Heidi. We talked about this
22 briefly, but is there a mechanism in place

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1 where you could get all of our signatures?

2 MR. HOLLIDAY: I'm sure we'd figure
3 it out, but I would point out that Eric and I
4 have talked about the larger question of
5 getting greater interaction between NOAA
6 leadership and the Department's leadership,
7 and he's very interested in pursuing that.

8 He had intended to take that up
9 prior to our meeting here, but with the oil
10 spill, he's not been able to schedule a
11 meeting with Dr. Lubchenco and Margaret
12 Spring, chief of staff and others in NOAA
13 leadership to talk about it.

14 But he intends -- he does intend to
15 schedule that meeting prior to the October,
16 the next meeting of MAFAC, to try to work out
17 a process for greater interaction, certainly
18 at the NOAA leadership level, as well as to
19 carry forward the interests of the committee.

20 I think Tom made a great
21 observation the other day, that I think Eric
22 gets it, you know, as a spokesperson for -- as

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1 a member of the committee, he understands the
2 importance and the relevance of that kind of
3 interaction, and he would be -- he's willing
4 and interested in pursuing that.

5 So I'm not for or against the
6 motion. Just as a point of information, it's
7 something that we have been talking about. He
8 is interested in trying to resolve it, and get
9 a better outcome than we've had in the past.
10 Just for your information.

11 MR. JONER: And our thought is
12 we're serving here at the pleasure of the
13 Secretary, and so we're taking this
14 opportunity to, by our signature, to let him
15 know that we'd like to sit down with him.

16 CHAIR BILLY: Okay.

17 MR. JONER: Any opposition to any
18 of the recommendations?

19 CHAIR BILLY: Tony.

20 MR. CHATWIN: Yes, just another
21 clarification. I know, so the proposal is
22 that we all sign it. But are we saying that

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1 we all want to meet with him?

2 (Off mic comments.)

3 CHAIR BILLY: I have no opposition
4 to that, but I don't think it would work.

5 MR. CATES: The original request
6 was that our chairperson would meet with the
7 Secretary of Commerce, and it was suggested
8 once a year. Now I'm going back in time. But
9 that was our original request. I don't think
10 it's reasonable that we all --

11 CHAIR BILLY: To convey the things
12 that we agree on, that are relevant to
13 consideration by the Department.

14 MR. CHATWIN: So it's just
15 clarification.

16 CHAIR BILLY: Yes. That was the
17 idea.

18 MR. CHATWIN: I agree, that we have
19 the chair.

20 MS. McCARTY: Mr. Chairman?

21 CHAIR BILLY: Yes.

22 MS. McCARTY: Has anybody made a

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1 motion on this yet?

2 CHAIR BILLY: Not yet.

3 MS. McCARTY: I move that we
4 endorse these recommendations.

5 MR. CLAMPITT: Well, I mean I'd --

6 MR. ALEXANDER: Second for the
7 motion.

8 MR. CLAMPITT: Second.

9 CHAIR BILLY: Okay, Paul.

10 MR. CLAMPITT: Thank you. I guess
11 I don't know if this is a good time to put it
12 in here, but you know, as a representative of
13 the commercial fishing industry that, you
14 know, has competed directly with, you know,
15 aquaculture, you know, I've seen what happened
16 to the salmon industry in the early 90's.

17 You know, I don't know if this is
18 Commerce. I don't see that you're asking for
19 a lot of money here, but we've never been able
20 to understand why some of aquaculture can't
21 stand on its own? Why, you know, if there's
22 such a good market.

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1 But I just feel like, you know,
2 there are some definite concerns, you know,
3 with wild-type raised fish that would compete
4 with open ocean wild fish, you know, the
5 problems of escape and everything else. I
6 just feel like I need to get that on the
7 record.

8 For the most part, I don't find
9 anything particularly wrong with this,
10 although I would like to have an explanation
11 to (D) (2).

12 MR. NARDI: Can I just answer a
13 couple of those points you raised? You know,
14 I think we just, we're talking about a former
15 fisheries financed program or a CCF or
16 whatever it's going to go by now, and many of
17 the people in the fishing industry needed
18 loans, needed financing for the boats, they're
19 capital-intensive. Now all the boats are paid
20 off.

21 But a lot of the industry
22 developed, particularly in the Northeast, with

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1 assistance from the government for their
2 vessels. Aquaculture is very capital-
3 intensive as well, and it's in a similar sort
4 of stage of development, where we can't go to
5 a bank. A bank won't touch most aquaculture
6 operation with a ten foot pole.

7 So you know, there is that life
8 cycle in terms of the development of an
9 industry, where that assistance is staged. So
10 that addresses one of the issues. We're not
11 at the same place in time in terms of the
12 development of an industry, with marine
13 aquaculture.

14 MR. CATES: I think the answer to
15 your question is what is needed with the
16 aquaculture bill and these motions is to get
17 permission. Aquaculture does not have the
18 ability to stand on its own, because he can't
19 get permission to operate. It would be like a
20 commercial fishing fleet that's not allowed to
21 go outside of the harbor, and then saying
22 "Well, he should be able to stand on his own

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1 two feet financially."

2 I think what the industry needs is
3 a process to obtain permission. He's right
4 about loans. If we treat aquaculture in the
5 same context as a commercial fishery, it's all
6 that anybody would ask. The same rules. I
7 mean I can give you an example.

8 For example, in my aquaculture pen
9 I had to weigh my zincs every year. I don't
10 have to do that for my commercial fishing
11 boat. Where is the equity there? Those type
12 of things.

13 The aquaculture coordinator is
14 really about educating the regional offices
15 for NOAA folks and the inter-agency it helps.
16 There's a big disconnect. I hope that
17 answers that question.

18 MR. DEWEY: So just again Paul,
19 trying to understand your concern, and trying
20 to -- I just wanted to provide some context
21 around which this recommendation was developed
22 and the discussion we had around it, which was

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1 trying to get past this farm versus wild
2 controversy, into a benefits of seafood
3 initiative.

4 You know, so it's an initiative.
5 It's the health benefits of both farm and wild
6 fish. It's regional initiatives that build
7 the infrastructure that both of us need, that
8 utilize and maximize the fisheries industry
9 there, and lets them supplement their -- if
10 they're interested in getting involved in
11 aquaculture and encouraging staff.

12 You know, it's trying to foster the
13 advancement of American fisheries and
14 aquaculture together, not pit them against
15 each other. Trying to be sensitive to the
16 market competition and so on.

17 That was context by which we had
18 the conversation here, and frame this --

19 MR. JONER: That was the intent of
20 our regional focus here, of recognizing Alaska
21 would have different interests and cultural
22 attitudes toward it than another part of the

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1 country. Since each region is different, we'd
2 tailor it and begin that. So we put in the
3 performance measures and the accountability.

4 But as Randy said, permitting's the
5 real hurdle, and you know, most of the
6 questions that you've raised, you know, would
7 be addressed.

8 MR. CLAMPITT: Yes, yes. You know,
9 I recognize that. To answer -- George, you
10 know, the commercial industry really works --
11 you know, the CCF program, it's basically, I
12 mean it's a tax write-off. It's not a loan
13 program, and you know, at the end of the day,
14 you've got to pay it back. I mean it's like -
15 -

16 MR. CATES: Well, I want to -- at
17 one point here. There were people in that CCF
18 fund that would have liked to have invested in
19 aquaculture to have a property, but they
20 weren't allowed to. That's why it's --

21 CHAIR BILLY: Keith, did you have a
22 comment?

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1 MR. RIZZARDI: I had four editorial
2 clarification issues with the whole pile of
3 stuff that's on the screen. So if we're ready
4 to move forward.

5 CHAIR BILLY: Go ahead.

6 MR. RIZZARDI: Okay. On (D)(1), I
7 think that should say "promotion of public
8 health benefits," public health benefits
9 plural. On (D)(2), I think after -- I'll let
10 you catch up with me, Carrie. (D)(2), after
11 "NMFS regional coordinators," it should say
12 "to increase training."

13 And then to increase training, so
14 no D on the end. But then it goes later in
15 that sentence, it says "to use aquaculture to
16 complement wild harvest or as alternative
17 livelihoods in common property aquaculture."
18 It's sort of a fragmented sentence, and I'm
19 not sure what was being said.

20 MS. MACLAUHLIN: I think -- I
21 mean.

22 MR. RIZZARDI: I don't know what

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1 that whole phrase "or as alternative
2 livelihoods" was getting at, and I am not sure
3 if it was just fragment that got left in there
4 from somewhere else.

5 MR. CATES: Basically, it's trying
6 to keep working waterfronts operating.

7 MR. JONER: It's working with the
8 fishing industry, the existing fishing
9 industry.

10 "As an alternative --." Is that
11 better?

12 MS. MACLAUHLIN: Would you not
13 just be knowing if it's common property
14 aquaculture?

15 MR. RIZZARDI: I guess it means
16 something to all of you, but I'm not
17 understanding the structure of the whole
18 concept. But the next one talks about
19 targeting production, including development of
20 performance measures and accountability.
21 Maybe I'm missing something.

22 MR. JONER: Well, the problem is we

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1 did this on the fly --, so we've got to refer
2 to the first sentence. "A major aquaculture
3 initiative that includes targeting production
4 of" -- well, that targeting was added, and
5 maybe it shouldn't have been added. "That
6 includes aquaculture production including
7 developing performance measures --"

8 (Simultaneous speaking.)

9 MR. CATES: Hold on Steve. If you
10 don't mind.

11 MR. JONER: No. Jump in please.

12 MR. CATES: I think we do mean
13 targeting production, because one of the
14 problems and criticisms we have is NOAA gets
15 the funding, and then it targets concerns for
16 the environmental side.

17 Okay. So what's happened in the
18 last ten years, in my opinion, NOAA gets the
19 funding and we've got the NGO groups directing
20 where that money's going towards, and we're
21 not really promoting or increasing production.
22 We're looking at fish food and we're looking

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1 at alternative fees and all these different
2 things, which are important, but it's totally
3 taken over and controlled where the money
4 goes.

5 MR. RIZZARDI: All right. So part
6 of what I'm reacting to is the word
7 "targeting," which kind of throws me off.
8 That's when I start to think about targeting a
9 type of fish, as opposed to -- I think what
10 you're saying is promoting for production.

11 CHAIR BILLY: Then say that, say
12 that. Promoting more production.

13 MR. RIZZARDI: Yes, and then --

14 MS. MACLAUHLIN: Is it more about
15 promoting --

16 MR. JONER: Or focus on production.

17 MS. MACLAUHLIN: --research on
18 production? Yes?

19 CHAIR BILLY: "Promoting more
20 production."

21 (Simultaneous speaking.)

22 MR. RIZZARDI: Yes. "Research"

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1 sounds good, you know. "Investment" or
2 "promoting new aquaculture initiatives."

3 MR. CATES: I wouldn't say just
4 research. I would say promoting production,
5 because demonstration projects are a good
6 tool, for example.

7 MR. RIZZARDI: Increased
8 production. Yes. And then the last piece is
9 a little bit more substantive, but it's still
10 somewhat into it, which is going back to
11 number one, and the whole issue of the letter
12 that you'd like to have signed by the
13 membership.

14 The first point I think I'd like to
15 make is if we're going to write this letter, I
16 think we should be asking for an annual
17 meeting between the chair and the Secretary of
18 Commerce. That should be the specific point
19 in the letter, instead of just requesting a
20 meeting.

21 Requesting an annual meeting
22 between the chair of MAFAC and the Secretary

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1 of Commerce.

2 CHAIR BILLY: Agree, which is
3 chartered to advise the Secretary of Commerce.

4 MR. RIZZARDI: Right. The next
5 point is if we're going to write that letter
6 or request that meeting, we need to have
7 something very specific to say. I've heard
8 talk that we want to talk about promoting
9 seafood as being part of the pyramid of food.

10 That sounds like a great idea. I would like
11 to specify that there, as part of what we
12 intend to do in this year's letter.

13 Then the related point I'd like to
14 make is I know we talk about this a lot, but
15 please understand, the way the federal system
16 is structured, just because you're not talking
17 to the Secretary of Agriculture doesn't mean
18 you're being ignored.

19 We had Eric sitting here today, you
20 know. When we speak to Jane, we're speaking
21 to somebody who is, you know, in the absolute
22 leadership here. A meeting with the Secretary

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1 is not the be-all, end-all, and within federal
2 advisory committee structure, that is often
3 the person who you report to because it's the
4 cabinet official, and Congress, as a default
5 mechanism, will list that person.

6 There are going to be times where
7 it's not the Secretary of Commerce that you
8 want to be meeting with, that you actually
9 want to be somewhere down the chain to the
10 person who's more directly involved in the
11 issue.

12 So I think we need to be judicious
13 in asking for a meeting with the Secretary of
14 Commerce, and not just say well, we have to
15 have our annual meeting. We should be talking
16 to the Secretary when we have something to
17 say.

18 MS. McCARTY: That's a friendly
19 amendment.

20 CHAIR BILLY: Well, it sounds
21 promising that Eric's going to follow up in
22 terms of Jane and the other parts of the NOAA

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1 leadership. So I'd like to see that sort of
2 played out. Hopefully, it will lead to
3 something very good. Any there other
4 comments? Okay.

5 MS. McCARTY: Randy?

6 CHAIR BILLY: Randy.

7 MR. CATES: Again, I would just say
8 that I really think it's important to have
9 that meeting in the request. I'm saying that
10 from my involvement with this committee and
11 past members that are no longer here. It was
12 a long and serious issue. There were really
13 valid reasons for it.

14 I've seen the benefits of meeting
15 with the Secretary of Commerce. I haven't
16 seen how it hurts. So I do think it's a
17 worthwhile try here.

18 CHAIR BILLY: It's here, okay? You
19 finished.

20 MR. JONER: Yes, I appreciate your
21 assistance.

22 CHAIR BILLY: Any other comments?

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1 MR. JONER: We did this on the fly
2 and we didn't have the luxury of a screen in
3 front of us, and we all went to lunch after
4 the meeting. Terry did a good job of
5 capturing our ramblings in there.

6 CHAIR BILLY: She did a great job.
7 Are we ready for the vote?

8 MR. JONER: Yes.

9 CHAIR BILLY: Is there a motion?

10 MS. McCARTY: Yes, there's a
11 motion. It's been seconded, and there have
12 been many friendly amendments.

13 CHAIR BILLY: Yes. So with those
14 amendments, all those in favor?

15 (Chorus of ayes.)

16 CHAIR BILLY: All those opposed?

17 (No response.)

18 CHAIR BILLY: Thank you. We're
19 almost done, folks. The end is in sight.

20 MR. JONER: I just have a question
21 for Mark. Who will draft the letter to the
22 Secretary? Do you want us to help you with

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1 that, or can you do it?

2 MR. HOLLIDAY: It's your choice.

3 MR. JONER: You don't need me.

4 (Laughter.)

5 MR. HOLLIDAY: Then we'll do it.

6 New Business

7 CHAIR BILLY: Next meeting. What's
8 the dates now?

9 MR. HOLLIDAY: October 19th, 20th
10 and 21st.

11 CHAIR BILLY: And do we have a
12 target area for the meeting?

13 MR. HOLLIDAY: North America.

14 CHAIR BILLY: How about, is there
15 any interest from the Florida contingent in
16 having the meeting in Florida?

17 MS. DANA: If we were to do one in
18 Florida, let me just offer this up, and I'd
19 love to have you there. If so, I would like
20 to work with Mark and Heidi to make most cost-
21 effective that location. So whether it be in
22 Destin or St. Pete or Key West, whatever, then

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1 we could make it work money-wise.

2 MR. CATES: Just a point of
3 clarification. What time of year?

4 MR. HOLLIDAY: October 19th, 20th
5 and 21st.

6 MR. CATES: And then the following
7 meeting would be roughly in what months this
8 time?

9 MR. HOLLIDAY: We haven't scheduled
10 the 2011 meetings at this point. We'll take
11 that up at the October meeting, to schedule
12 both meetings for 2011.

13 CHAIR BILLY: Steve, and then
14 Martin.

15 MR. JONER: As long as we're
16 looking ahead, I'd like to consider for a
17 meeting following, some time next year, that
18 we go to New England. We've been all around
19 the country. We've had discussed going to
20 Boston in March and went to Hawaii instead.

21 I'm not complaining about that.
22 But I still would like to go to New England

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1 while I'm still on the committee.

2 CHAIR BILLY: Okay. Martin?

3 MR. MARTIN FISHER: Thank you, Mr.
4 Chairman. As a Florida representative, I
5 don't want to appoint anybody in my local
6 area, but it seems to me that the next meeting
7 is also going to be oil-related to some
8 extent, and that we should be near some center
9 of NOAA that's directly dealing with it.

10 Now certainly Southeast region is
11 dealing with the fisheries level, but not
12 necessarily on the research and development
13 and the oil and all that.

14 So I was thinking either in Mobile
15 Bay, so we can get to the Pascagoula Lab, or
16 Pascagoula itself, something like that, which
17 wouldn't necessarily pose -- that's not the
18 most expensive place in the world to say, is
19 what I'm saying, and it might pop out in
20 budgetary constraints.

21 I would love to have the meeting in
22 St. Pete, my home town, but personally,

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1 considering what's going on, I don't think
2 that's the appropriate place to have it.

3 CHAIR BILLY: Okay. I'll take that
4 under advisement. Any other thoughts about
5 the next meeting?

6 MR. CATES: I have a question. I
7 agree with both suggestions, but if we're
8 going to do it in the Northeast, let's pick
9 the time of year wisely. Then D.C. Mark,
10 maybe you could chime in. Is there any time
11 of year the importance of being there? We do
12 go there more than a lot, but is there any
13 feedback on that?

14 MR. HOLLIDAY: Tom's pointed out to
15 a number of members that the probability of
16 getting to see your leadership increases the
17 closer you are to their home base. So when
18 Monica Medina heard we were going to Alaska
19 she said, "that's nice, we're not going
20 there." I mean it's just too much out of
21 their time to travel to come here and make an
22 appearance for a day, and then travel back.

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1 MR. CATES: So based on that, if
2 we're thinking oil-related issues, is it more
3 better for D.C. or better to go to the Gulf?

4 CHAIR BILLY: I think they're
5 probably down in the Gulf more than they are
6 in D.C.

7 MR. CATES: But that's now.

8 CHAIR BILLY: The action right now
9 is centered in Pascagoula, I think and New
10 Orleans, sorry. But that may change. I don't
11 know.

12 MR. HOLLIDAY: What is the action
13 there? What's the relevant action for the
14 committee to be co-located in Pascagoula?

15 CHAIR BILLY: I'm picking up on
16 Mark.

17 MR. MARTIN FISHER: To safety,
18 dispersant and other toxic issues with --

19 CHAIR BILLY: The ships are there.
20 (Simultaneous speaking.)

21 MR. HOLLIDAY: Well, I just was
22 responding.

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1 MR. MARTIN FISHER: And could I ask
2 a question? Are we still on a three meeting,
3 three times a year frequency?

4 MR. HOLLIDAY: Unless we have a
5 change in budget, we're at two meetings a
6 year. That's our normal --

7 (Simultaneous speaking.)

8 CHAIR BILLY: Keith?

9 MR. RIZZARDI: As a result of the
10 Protected Resources and Ecosystem Committee
11 dialogue, one of the points we made is sooner
12 or later NOAA's going to need to start the
13 public process relating to NRDA.

14 If in fact MAFAC is going to be
15 part of that process and help steer the
16 process, there may be a needed opportunity for
17 a third meeting or for us to locate a meeting
18 appropriately in the Gulf, for purposes of
19 that public participation.

20 So it's just something we need to
21 be thinking about as we go down this path. If
22 it's the next meeting that's fine; if not,

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1 then the one after that. That's fine too.

2 CHAIR BILLY: Okay.

3 MR. HOLLIDAY: Airfare is the
4 largest component of our travel. So wherever
5 you choose, I would look to a nice, nearby hub
6 for airfare purposes.

7 MS. McCARTY: So are we going to
8 decide -- are you guys going to decide or how
9 is that supposed to work?

10 MR. HOLLIDAY: I mean. If we're
11 listening for if there's a sense of the group,
12 we'll take that. If not, we'll continue to
13 explore.

14 MR. RIZZARDI: Can you help us with
15 coastal hubs? I mean it seems that one of the
16 problems we have is, you know, we address
17 fisheries issues, we look for public
18 participation places which generally are
19 coastal, and hubs are generally inland. So
20 what's a hub that meets coastal criteria?

21 MR. HOLLIDAY: Well, again
22 Pascagoula is not an inexpensive trip, because

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1 you have distance from a major airport to get
2 people back and forth from.

3 MR. MARTIN FISHER: Well, Key
4 Biscayne will be appropriate, Mr. Chairman,
5 because there's the science center right
6 there. And Tampa would be appropriate too. I
7 mean by that time, there could be oil all over
8 my beach.

9 MS. DANA: Key West has a NOAA
10 presence and work a lot with the Navy there.
11 They also have marine sanctuaries and such
12 right there.

13 MR. HOLLIDAY: It's a long ways.

14 CHAIR BILLY: All right.

15 MR. HOLLIDAY: I don't hear any
16 clear consensus.

17 CHAIR BILLY: So we'll take all the
18 input under advisement.

19 MR. HOLLIDAY: We can do a doodle
20 poll if we come up with a couple of options.

21 CHAIR BILLY: Okay.

22 MR. HOLLIDAY: And have people vote

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1 on that in the next four weeks.

2 MR. JONER: But the date is pretty
3 well set?

4 MR. HOLLIDAY: The date? It's been
5 set for a year, right.

6 MR. JONER: Right. Just making
7 sure.

8 CHAIR BILLY: Any other last
9 minute? It better be -- oh, I'd like to
10 thank, before I do this, you reminded me. I'd
11 like to thank the fishermen --

12 (Applause.)

13 CHAIR BILLY: Feel free to consider
14 doing it once again at our next meeting.

15 (Laughter.)

16 MS. McCARTY: I'd like to thank you
17 for the pie.

18 MR. MARTIN FISHER: Wait, wait,
19 wait. I had my hand up.

20 CHAIR BILLY: Martin.

21 MR. MARTIN FISHER: Thank you, sir.
22 In no way is this directed at you Mark, but

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1 way back when, MAFAC asked for and we were
2 starting to get like a performance review at
3 the beginning of the meeting about our past
4 actions and what kind of progress they were
5 making.

6 Specifically, I have not heard
7 anything about the capital construction fund,
8 and if that was sent up to the Hill, and if
9 that has been modified or changed. I would
10 find it extremely useful if on the very first
11 day, one of the first agenda items could be a
12 review of --

13 CHAIR BILLY: Progress since the
14 last meeting.

15 MR. MARTIN FISHER: Thank you very
16 much.

17 MR. HOLLIDAY: Well, it was on this
18 agenda. We just didn't do it.

19 MR. MARTIN FISHER: Okay. Is that
20 because we had lunch?

21 CHAIR BILLY: Among other things.

22 MR. HOLLIDAY: That was under the

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1 first item after introductions.

2 MS. McCARTY: We got it the last
3 time, and it really good and helped.

4 MR. MARTIN FISHER: Yes, the last
5 time it was great.

6 CHAIR BILLY: Yes. That was my
7 fault.

8 MR. HOLLIDAY: No. We had it --

9 MR. MARTIN FISHER: That's why I
10 said it wasn't directed at Mark.

11 CHAIR BILLY: All right, Keith.

12 MR. FRANKE: I'm going to say a
13 thank you to Mark and to Heidi for getting
14 that agenda together well before the meeting.

15 It was wonderful having all the resources,
16 having that web page, you know, being able to
17 read up. So --

18 (Applause.)

19 MR. DEWEY: The annotated agendas
20 with the hyperlinks and stuff, I thought that
21 was all great.

22 MR. JONER: And on behalf of myself

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1 and Vince, we'd like to thank you for the work
2 on putting the snacks together for us. That
3 was really great.

4 (Laughter.)

5 CHAIR BILLY: Anything else? All
6 right, thank you everyone. Good job. Safe
7 trip home.

8 (Whereupon, at 6:23 p.m., the
9 meeting was adjourned.)

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