

U.S. DEPARTMENT OF COMMERCE

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NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

+ + + + +

MARINE FISHERIES ADVISORY COMMITTEE

+ + + + +

THURSDAY,  
OCTOBER 21, 2010

+ + + + +

The Marine Fisheries Advisory  
Committee met at Historic Inns of Annapolis-  
Maryland House, 6 Church Circle, Annapolis,  
Maryland, Tom Billy, Chair, presiding.

MEMBERS PRESENT:

- TOM BILLY, Chair
- HEATHER D. McCARTY, Vice Chair
- TERRY ALEXANDER
- RANDY CATES
- ANTHONY CHATWIN
- PAUL CLAMPITT
- PAMELLA J. DANA
- BILL DEWEY
- PATRICIA DOERR
- MARTIN FISHER
- CATHERINE L. FOY
- STEVE JONER
- GEORGE C. NARDI
- TOM RAFTICAN
- KEITH RIZZARDI
- DAVID H. WALLACE

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CONSULTANTS TO MAFAC:

JOHN V. O'SHEA

STAFF PRESENT:

MARK HOLLIDAY, Designated Federal Official

HEIDI LOVETT

KARI MacLAUHLIN

ERIC SCHWAAB

ALSO PRESENT:

STEVE ALEXANDER

MACKENZIE HUFFMAN

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

2 (8:40 a.m.)

3 CHAIR BILLY: I think we'll get  
4 started. Anyway, good morning, everyone.  
5 Thank you again for the lovely evening. It  
6 was excellent.

7 I'd chosen the place where the  
8 skipjack boat to be put on the wall. It  
9 didn't take long. That's okay. Most of it  
10 was deserving. It was great fun. I had a lot  
11 of fun.

12 We're going to pretty much stick to  
13 the agenda today other than we still have that  
14 one item from the first day, MAFAC business,  
15 that includes the process of sorting out the  
16 chairmanship and ongoing action items and so  
17 forth that Mark will cover for us, and we're  
18 going to do that right after lunch, so right  
19 after lunch.

20 I'm going to try to have lunch  
21 right on schedule. Some of you may need to  
22 check out or whatever. We'll make sure we do

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1 it that way. Do you have any other?

2 MR. HOLLIDAY: Just our plan for  
3 this morning after the presentation in this  
4 room we're going to take a short field trip,  
5 and if you haven't taken advantage, there's  
6 some background material on the MAFAC website  
7 about the site, a little bit of explanation  
8 about why we're going there. It'll be a  
9 guided tour of a local restoration site.

10 It's a beautiful day out there.  
11 It's a very short walk. It's no more than  
12 where we walked to the restaurant last night,  
13 maybe a little bit shorter, but we'll  
14 accommodate anybody who wants to get a ride  
15 over there and get the van to bring people  
16 over and back.

17 So, it's a nice day. I think it'll  
18 be informative and also just a little bit of a  
19 break from being in a meeting room over the  
20 last few days.

21 CHAIR BILLY: Sounds good. Good,  
22 thanks. All right. Well, our first item is

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1 sort of a fresh look at the services that the  
2 National Marine Fisheries Service provides to  
3 stakeholders, consumers, fishermen,  
4 communities, just the whole suite of  
5 stakeholders that have an interest in the  
6 areas that the Fisheries Service is involved  
7 in or perhaps should be involved in.

8 I think it's a timely topic,  
9 because there's a lot going on that brings  
10 into question whether the National Marine  
11 Fisheries Services should be doing more or  
12 less or something different as it relates to  
13 the broad area of services.

14 We're fortunate this topic is also  
15 being addressed within the Agency, and because  
16 of that they've prepared some materials, and  
17 Mark has extracted from those materials to  
18 provide us an initial presentation that can  
19 provide the framework for our discussion.  
20 Mark?

21 MR. HOLLIDAY: Thank you, Tom. As  
22 further elaboration, I first gave this

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1 presentation in August of last year for Jim  
2 Balsiger at our Leadership Council meeting  
3 when he wanted to introduce this topic of  
4 planning for the future and looking at current  
5 services and looking at what changes we might  
6 be making in the future as a result of  
7 different drivers, different authorities,  
8 different needs, and so we initiated the  
9 discussion then. We've followed up since  
10 then, talking about it at our Leadership  
11 Council meeting again this past August, a  
12 couple months ago, and we're still developing  
13 ideas, and we wanted to try and pick your  
14 brain and use this morning sort of as a  
15 brainstorming session, so it's not really a --  
16 it's not intended to be passive. It's trying  
17 to generate some discussion about services,  
18 and if I were to turn this on first --

19 MR. CATES: How much flexibility do  
20 you folks have on the budget side?

21 MR. HOLLIDAY: Well, you can't talk  
22 about one without the other. If we don't

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1 think the services we're providing today are  
2 the right mix or the right tools, we should be  
3 stopping some things.

4           Maybe there's issues for  
5 reprogramming funds to other, higher priority  
6 needs. If we're talking about getting new  
7 monies to initiate a program, do we want to  
8 make -- we don't want to forget. We want to  
9 make sure we include the services component of  
10 that activity, as well, so it's --

11           But you're right. I mean, there is  
12 no free lunch. If there is a need, we need to  
13 find the resources to do it, but there are  
14 different ways one can approach that problem.

15           So this morning's discussion, you  
16 know, while our emphasis is really on living  
17 marine resource stewardship -- I mean, that's  
18 our mission -- when we're doing that, we are  
19 providing services, and our question, you  
20 know, for this morning is what current and  
21 future services should we be providing, and  
22 who should we be providing them to, so our

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1 current clients, our current stakeholders, and  
2 our future stakeholders.

3 So our goal this morning in the  
4 next hour or so is to define services so we  
5 understand what we're talking about when you  
6 say service and I say service, so we're on the  
7 same page, and discuss the current services  
8 and the future services that MAFAC thinks NMFS  
9 should be providing. So that's the charge to  
10 our group this morning.

11 As context, I mean, there is a long  
12 history of the National Marine Fisheries  
13 Service and its predecessor agencies going  
14 back centuries, and it's interesting when  
15 looking at this research how some of the  
16 things we think are modern or are current day  
17 areas of focus were really part of the  
18 original focus of the organization of the  
19 Agency from its outset in terms of research,  
20 looking at both the stocks, the health of the  
21 stocks, their life histories, and still doing  
22 many of those research activities today.

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1 Fish culture, you know, we're  
2 developing a national policy on aquaculture,  
3 but the U.S. Government was the leading  
4 provider of, you know, fish brood stock for  
5 the world as part of the research component of  
6 the Bureau of Commercial Fisheries of the U.S.  
7 Fish Commission at the turn of the century in  
8 the past.

9 Traditional roles for providing  
10 services to industry, marketing and product  
11 development, there was a very large emphasis  
12 on that from the outset in the 1900s. How do  
13 you catch fish? How do you -- how do you cook  
14 them? How do you prepare them? Developing a  
15 niche for seafood in the U.S. economy.

16 And, again, research that we  
17 continue to uncover about the healthful and  
18 nutritive values of fish oil didn't begin in  
19 the last ten years or the last 20 years. This  
20 was something in the 1900s that we were  
21 looking at, we were researching -- we, I mean,  
22 our ancestors, if you will, in the National

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1 Marine Fisheries Service were working on it.

2           So there's this little quote here,  
3 you know, that in 1919 our annual report said  
4 in no branch of fisheries is there greater  
5 need for exhaustive study in the methods of  
6 preservation of fishery products, so that's  
7 the current picture, though, of our  
8 laboratory.

9           CHAIR BILLY: I think that might be  
10 me. That's where I started.

11           MR. HOLLIDAY: Very good. As we  
12 progressed, you know, from the turn of the  
13 century and the 1900s and this era, these are  
14 just random blocks of time, but they sort of  
15 had some affinity, transferring of the history  
16 of the Agency to the Department of Interior,  
17 establishment of five regional fisheries  
18 offices, you know, moving away from a  
19 headquarters or Washington, D.C.-centric,  
20 looking at uses, processing, marketing.

21           We also entered an era of expiatory  
22 fishing, you know, finding out where the fish

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1 were. We had very much a coastal-centric view  
2 of the world, and exploration of new fisheries  
3 around the world, high seas fisheries, was  
4 something that was part of the service of  
5 providing fishermen, providing citizens of the  
6 U.S. access to these protein resources around  
7 the world.

8 To help develop fisheries, research  
9 and development under the Saltonstall-Kennedy  
10 Act, this was sort of a milestone piece of  
11 legislation in the mid-fifties that, again,  
12 focused part of our mission on providing  
13 development of gear, providing development of  
14 markets, of product -- process products,  
15 seafood as an entity in the U.S. diet.

16 A change in the late fifties and  
17 the sixties, again, we've been under various  
18 organizations and split with the Bureau of  
19 Sport Fisheries and the Bureau of Commercial  
20 Fisheries. Many people remember BCF. Some of  
21 the old-timers still, you know, refer to NMFS  
22 as the Bureau of Commercial Fisheries, despite

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1 our balance of commercial and recreational  
2 focus.

3 In that period of time, again,  
4 other services like the Fisheries Loan Fund  
5 was initiated in the mid-fifties, providing  
6 loans, loan guarantees, capital construction  
7 funds, fishing vessel obligation guarantee  
8 program, fishing damage compensation funds,  
9 all services to fishermen to help provide them  
10 financial access to funds that may not have  
11 been available in the public market for  
12 financing.

13 Continuing, you know, these new  
14 fishing technologies, the advent of  
15 electronics and gear research and development.

16 We had separate laboratories in place who  
17 actually conducted this research, transferred  
18 that knowledge to the fishing industry, and  
19 our, again, continuing production on the West  
20 Coast in developing salmon culture were,  
21 again, services to provide to the industry.

22 From the 1970s to the 1990s, you

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1 know, sort of a shift in focus of the Agency  
2 itself with the reorganization of the Bureau  
3 of Commercial Fisheries and the creation of  
4 NOAA during the Nixon administration under an  
5 Executive Order. Our organization was into  
6 these three bins of resource research.

7 We still looked at what the science  
8 was behind the life history and the  
9 sustainability of stocks, looked at  
10 utilization and development with the fisheries  
11 in front of it -- and fish management.

12 We had this idea of, again, centers  
13 of excellence around the country to conduct  
14 research, centers of research and science. We  
15 also had a plethora of other mandates, okay.

16 We became suddenly moving from a  
17 science organization to an applied science  
18 regulatory organization as NEPA, the National  
19 Environmental Policy Act, the Marine Mammal  
20 Protection Act, and the Endangered Species Act  
21 were passed, and, of course, the landmark  
22 Magnuson-Stevens the Fishery Conservation and

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1 Management Act of 1976.

2 All of these were legislative  
3 drivers that helped shape what it is that we  
4 do and what coincident services might be  
5 associated with providing our service on  
6 behalf of the public.

7 The last part of this history tour,  
8 I think, is we did a major reorganization  
9 internally of the Agency in 1996. Many of  
10 these functions of industry services and  
11 marketing, product research, development were  
12 located centrally in an Office of Industry  
13 Services. That was split apart.

14 We transferred some of those  
15 functions to the Office of the Assistant  
16 Administrator, others to the Office of  
17 Sustainable Fisheries. Financial services,  
18 the loan programs were later transferred to  
19 the Office of Management and Budget.

20 So now these are spread out into  
21 different -- we have a trade group. We have -  
22 - you'll see some of the examples of that when

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1 we talk about current services in a subsequent  
2 slide.

3 VICE CHAIR MCCARTY: Do you want us  
4 to ask questions as you go?

5 MR. HOLLIDAY: Your preference.  
6 Sure.

7 MR. CATES: I had a question on the  
8 previous slide. You eliminated industry  
9 services. Was that request from within NOAA,  
10 or did that request come from outside of NOAA?

11 MR. HOLLIDAY: That was an internal  
12 reorganization, so the Administrator at the  
13 time, Rolland Schmitten, and the Deputy  
14 Assistant Administrator, Nancy Foster, they  
15 held an Agency-wide process of involving all  
16 of the different members of the organization  
17 and looking at how we deliver our science, how  
18 we deliver our management. So it wasn't  
19 driven from outside. It was an internal  
20 reorganization.

21 VICE CHAIR MCCARTY: I had a quick  
22 question.

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1 MR. HOLLIDAY: Sure.

2 VICE CHAIR MCCARTY: On the  
3 financial side of things -- isn't there still  
4 a NOAA loan program?

5 MR. HOLLIDAY: Yes.

6 VICE CHAIR MCCARTY: Yes, so not  
7 everything was --

8 MR. HOLLIDAY: It eliminated the  
9 office so that there was -- it didn't  
10 eliminate all the services. It basically was  
11 reorganizing where those services reported to  
12 --

13 VICE CHAIR MCCARTY: Okay.

14 MR. HOLLIDAY: -- as opposed to  
15 transferring responsibility for that to the  
16 different areas within the organization. So,  
17 yes, we do have a Fisheries Loan Fund that's  
18 still active and, in fact, provides support to  
19 aquaculture industries, provides support for  
20 catch share fisheries in the form of  
21 subsidized loans or Government-backed loans.

22 CHAIR BILLY: I think an important

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1 distinction is you had an Office of Industry  
2 Services whose number one priority was  
3 industry services.

4 MR. HOLLIDAY: Right.

5 CHAIR BILLY: That -- that was its  
6 purpose in its orientation. Some of these  
7 functions were continued and moved, but if  
8 it's located in the Office of Sustainable  
9 Fisheries, the service part of it may not be  
10 its number one priority.

11 It's a component of what they do,  
12 and there are other examples like that, so  
13 it's -- you know, some of these functions are  
14 still around. They're just part of other  
15 activities as under the current organizational  
16 structure.

17 MR. HOLLIDAY: Right, and a  
18 corollary to that observation, Tom, is the  
19 leader of an office is usually a Senior  
20 Executive. So in our organizational structure  
21 the Senior Executive Service, an office  
22 director is normally a Senior Executive, and

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1 when these functions were transferred, they're  
2 now --

3           There's a Senior Executive in  
4 charge of the Office of Sustainable Fisheries,  
5 but his or her job is broader than just  
6 providing services, as Tom said, so it affects  
7 who is accountable and who is the leader of it  
8 in priority. So it just does a -- I'm trying  
9 to provide some context for the trigger  
10 questions, which are coming up next.

11           So when we talk about services and,  
12 you know, who these customers are, I think we  
13 need to arrive at sort of a common  
14 understanding of who we should be including as  
15 the target consumers of our services, and so  
16 these have question marks after them.

17           Is it the commercial seafood  
18 industry? Is it just fishermen? How far do  
19 we extend? Do we -- are we including  
20 processors, brokers, distributors, importers,  
21 exporters? You know, we have trade services  
22 now. We have, you know, functions that

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1 support directly harvesters, but we also have  
2 to provide services to others.

3           What's our responsibility to  
4 provide service to consumers, to the general  
5 public, people who aren't in the fishing  
6 business but we have these mandates for  
7 protected resources, healthy ecosystems? You  
8 know, critical habitats we talked about  
9 yesterday and essential fish habitat.

10           People who don't have a particular  
11 -- they're not consuming a fishery, but they  
12 are wanting to know what's happening with the  
13 environment, what's happening with the marine  
14 ecosystem. What are we doing to support the  
15 stewardship of that? Do we owe them any  
16 services, ecological services that we get from  
17 the resources? Are the general public and  
18 consumers part of our target audience?

19           Recreational stakeholders. It's  
20 not the Bureau of Commercial Fisheries. It's  
21 the National Marine Fisheries Service, NOAA  
22 Fisheries. Are they the anglers themselves,

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1 the people who run businesses to provide  
2 services to recreational anglers, just the  
3 private anglers?

4 What about manufacturers, the  
5 allied support industries? Who should we be  
6 putting under this umbrella, or who should be  
7 under the tent of the community that we  
8 provide services to?

9 We've talked in the last couple  
10 days about communities, coastal communities,  
11 the people who live in the coastal communities  
12 that their economy and their culture and their  
13 history is driven by some aspect of fisheries.

14 Do we have responsibilities to provide  
15 services to coastal communities as a target  
16 audience of our services? Bill?

17 MR. DEWEY: While it didn't make  
18 your list, I'd like to advocate for  
19 aquaculture to be included in the tent.

20 MR. HOLLIDAY: It's there. You  
21 don't see it. It's below the screen. These  
22 are question marks. It's a trigger question.

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1 It's not a list. It's a trigger question, so  
2 the answer is we should include aquaculture.  
3 That's the discussion we're going to have. So  
4 --

5 MS. FOY: Do you want to move this  
6 now?

7 MR. HOLLIDAY: No, we're going to go  
8 through the -- I have like three or four more  
9 slides, and then the last slide has the actual  
10 trigger questions itself. This is all, again,  
11 giving you a flavor for why I think it's  
12 important for us to talk about it and what  
13 we're looking to get from MAFAC by stimulating  
14 some of these things that we do currently.

15 So, you know, who are the people  
16 that we provide services and for what purpose?

17 So should we be, you know, including  
18 activities that provide direct assistance?  
19 Here we are talking about what is a service?  
20 Is it direct assistance?

21 Are we trying to define a word by  
22 using the word, direct assistance or direct

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1 service, but is it targeted to improve or  
2 develop the industry, to ensure safe seafood,  
3 to promote or facilitate trade, you know,  
4 commerce, purchasing decisions, provide  
5 information to consumers about food safety or  
6 food health or nutritive values, to promote  
7 compliance with regulation?

8 I mean, these are all questions  
9 that we're trying to put on the table as we  
10 look at the current services we provide and  
11 what services we should be looking in the  
12 future. And as we've talked about it, we have  
13 struggled with this question.

14 Is outreach and communication, is  
15 that itself a service? Is it a tool to  
16 deliver a service, or is it both? I mean, it  
17 may seem obvious, but I think as you start  
18 looking at examples, there may be some  
19 distinctions that one would want to make. So  
20 we do provide these as sort of an inventory of  
21 some of the current services that we provide  
22 to industries, communities, and consumers.

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1           Habitat restoration--our community-  
2 based restoration program. We're going to  
3 take our field trip today, look at a grant  
4 program that we sponsor to provide assistance  
5 to communities to restore habitat where they  
6 live, coastal marine habitats.

7           We continue to provide financial  
8 services through the loan program that Heather  
9 was referring to earlier. We provide services  
10 through financial disaster assistance in the  
11 case of catastrophic hurricanes, fishery  
12 resource disasters, oil spills, so we provide  
13 services and assistance currently in those  
14 areas.

15           We currently have a voluntary  
16 seafood inspection program. You've heard from  
17 Tim Hansen many times about the program that  
18 he operates as part of our organization.

19           We do some degree of consumer  
20 education and outreach, Fish Watch. We've had  
21 briefings on the Fish Watch website, providing  
22 consumers unbiased, scientifically based

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1 advice on the current status of fisheries and  
2 their sustainability.

3 We do foster and advance  
4 aquaculture. I've got it there. We help U.S.  
5 -- some of that through grant programs, some  
6 of that, you know, through collaborative  
7 research, technical assistance. We do help --  
8 continue to help U.S. fisheries navigate  
9 international access to markets, you know, in  
10 the EU, certificates of origin, various  
11 standards to make sure that we can engage in  
12 international commerce.

13 We do continue to fund projects to  
14 reduce the negative impacts of fishing gear.  
15 We have cooperative research programs. We  
16 have, you know, different innovative gear  
17 grant programs.

18 Bycatch reduction engineering  
19 program is one of our examples of that where  
20 we grant monies to people to develop different  
21 approaches to fishing that has a smaller  
22 footprint on either the environment or

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1 unintended catch of prohibited species.

2 We continue to administer this SK  
3 Program from the 1950s. You know, it's grown  
4 and shrank over time in its size, but we still  
5 have a program where we identify a competitive  
6 program for helping research and development  
7 of the industry over time.

8 So those are some of the current  
9 concern regarding services that we provide.  
10 Why are we asking this question? I think  
11 there are a couple of slides, two slides here  
12 that talk about, well, as you looked at in  
13 2020 and looking at the vision of fisheries in  
14 the future, what are some of the drivers that  
15 may be on the table that we need to be  
16 considering?

17 So we don't want to be static. We  
18 want to anticipate what's happening in the  
19 future. What are some of these national  
20 concerns that might drive our decisions about  
21 future services that we should be providing?

22 We're in the middle of a, you know,

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1 a huge economic recovery, our economy, our  
2 basic infrastructure of sustainable living, in  
3 a sense, in coastal communities, jobs, just  
4 the general standard of living. And how do  
5 fisheries play into that, and how are people  
6 being affected in the economic recovery as a  
7 national concern? Should we be doing more to  
8 provide support and service to people as a  
9 result of where we are in our economy today?

10 Energy security. We're very much  
11 concerned about the -- I mean, we've been for  
12 years but, again, looking at alternative  
13 energy in the environment, the impacts of  
14 traditional offshore oil and gas development.

15 Are there concerns that we should be  
16 examining that might drive services that would  
17 relate to some of these drivers, climate  
18 change, mitigation and adaptation?

19 You know, should we be thinking  
20 about what some of these consequences might be  
21 on our mission of living marine resource  
22 stewardship and provide -- what sort of

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1 services would they generate?

2 The issue that we talked about many  
3 times here on food security, is as you know,  
4 what are we doing to promote food security,  
5 and our concern about that. Are we doing  
6 enough? Are the services we're currently  
7 providing covering that issue properly?

8 The last issue we talked about  
9 yesterday with Alan about regulatory  
10 compliance. You know, to be successful are we  
11 doing all that's necessary to complete that  
12 cycle of, you know, planning and executing a  
13 program and making sure that it's effective  
14 through encouraging regulatory compliance?

15 So those are some, you know, major  
16 national concerns. What are some of the more  
17 specific things happening in the ocean or, you  
18 know, locally in our world that are drivers  
19 that are going on?

20 This administration through this  
21 National Ocean Policy that we heard Sam Rauch  
22 talk about yesterday -- sustainable coastal

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1 economies and communities is a very important  
2 objective for the administration. Seafood  
3 security continues to be an issue. You heard  
4 Monica Medina talking about that.

5 Healthy ecosystems underpin all of  
6 these things. We need healthy, sustainable,  
7 long-term resilient ecosystems in order to  
8 take a sustainable harvest from it. In order  
9 to continue to do all these other potential  
10 activities in the ocean environment, we still  
11 have to have as our baseline a healthy  
12 ecosystem when all the dust settles.

13 Again, climate change and impact is  
14 an important driver for this administration,  
15 and one of the tools that they're encouraging  
16 us to look at and use and apply through these  
17 regional planning bodies is marine spatial  
18 planning.

19 This -- I haven't updated this  
20 slide, but there are -- you know, a lot of  
21 these drivers get reflected in potential  
22 legislation. None of these has passed as

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1 laws.

2 Not much has passed in Congress  
3 recently affecting the ocean, but national  
4 aquaculture legislation, you get a sense of  
5 seafood consumer protection issues when we had  
6 scares last year about the quality of food in  
7 our system, not necessarily seafood but  
8 protecting ourselves from, you know,  
9 adulteration or other concerns.

10 There was a bill introduced about  
11 energy and security and how these things  
12 affect ourselves, on the community side, a  
13 Working Waterfront Preservation Act, a  
14 reauthorization of the Coastal Zone Management  
15 Act.

16 These are all drivers that have  
17 some impact or will have impact on the public,  
18 the Fish Habitat Conservation Act. So  
19 Congress is interested in things that will  
20 have an effect on us in conducting our  
21 stewardship responsibility.

22 So, all of this was in the context

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1 of trying to bring us to these three questions  
2 is that we're trying to get feedback from you  
3 about what customers should we try to  
4 accommodate in our strategy for future NMFS  
5 services. If you're happy with the people --  
6 I've tried to give you a snapshot of the  
7 people we're serving now.

8 If you think that's the right mix  
9 or we need to emphasize some groups more than  
10 others or add others to the list, that's part  
11 of the answer that we might generate in our  
12 discussion about what customers should we try  
13 to accommodate, and I think Randy's  
14 observation is, you know, well, it's not  
15 necessarily in an ideal world but in the world  
16 in which we live and work.

17 You know, we can't be everything to  
18 all people for all purposes. There may be  
19 areas that are underserved that would be  
20 giving us big payoff if we made some  
21 investments there, so I think we have to have  
22 that simultaneous discussion of it's a good

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1 idea, and how -- where does it fit relative on  
2 a priority scale to other things that we're  
3 doing?

4 If you have observations about how  
5 we're currently serving the customers, if  
6 you're satisfied or you know, in your  
7 community you're not satisfied or the people  
8 you live and work with and deal with on a  
9 daily basis think that our services and our  
10 delivery are not up to snuff or that they're  
11 no longer serving a purpose and should be  
12 dropped, we'd like to hear feedback on that.

13 If everything, status quo, is okay,  
14 that's okay, too, so I'm not trying to force  
15 an answer. I'm trying to get some feedback.

16 The third element of the trigger  
17 question is, you know, how could we better  
18 serve the customers we identified in the first  
19 question? Do we need to think about a new  
20 suite of services or an expansion of existing  
21 services, or is there something that we could  
22 do to improve the, you know, the delivery of

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1 the service that we have now through better  
2 coordination or different means?

3 I mean, we keep pounding at it by -  
4 - you know, how many websites can we put in  
5 front of a person? That suddenly is not  
6 really achieving any marginal benefit.

7 Maybe we need some other tool or  
8 some other approach to serving people. If you  
9 have ideas about things that you'd like to see  
10 us work on or that you think would work  
11 better, we'd like to hear about it.

12 So I'm looking for an open-ended  
13 discussion but trying to focus on at least  
14 partially addressing any or all of these three  
15 questions that we can then take back to the  
16 group in the Fisheries Service that are  
17 working on this question now for Eric that may  
18 result in reorganization, reprogramming, new  
19 initiatives, or new tools to the delivery of  
20 services.

21 CHAIR BILLY: Okay. We'll open up  
22 for discussion. Heather, start with you.

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1                   VICE CHAIR MCCARTY: I have kind of  
2 a basic question. How does this fit into the  
3 framework of the NOAA Strategic Plan and the  
4 whole process that you're basically -- is  
5 there leeway allowed in the Strategic Plan for  
6 the kinds of changes that people may want to  
7 see in NMFS?

8                   MR. HOLLIDAY: Yes, I think it's  
9 clear that within -- we have a home in healthy  
10 oceans within the NOAA Next Generation  
11 Strategic Plan that these services are all  
12 captured under that umbrella. You know,  
13 between the coastal goal and the healthy ocean  
14 goal, I think we have wide latitude to  
15 recommend the delivery of what services to  
16 deliver.

17                   I mean, I can't guarantee it, but I  
18 think they -- in our assessment, we're okay.  
19 We are consistent with the direction we're  
20 going with the Next Generation Strategic Plan  
21 and how that's -- what that's including.

22                   VICE CHAIR MCCARTY: Okay, but this

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1 is kind of like a -- almost like an  
2 implementation step, in a sense, within this.

3 MR. HOLLIDAY: As Paul Doremus said,  
4 right, one of the things that we're doing in  
5 the next level of strategic planning is  
6 developing these five-year implementation  
7 plans.

8 Part of this activity is supporting  
9 what activities should we be subscribing to  
10 over the next five years, and we are asked --  
11 being asked to look at what programs are we  
12 ramping up, what programs would we be ramping  
13 down, what new starts would we be proposing,  
14 because that's part of the function of the  
15 strategic plan is to help us drive budget  
16 formulation for the future.

17 VICE CHAIR MCCARTY: Okay. Thanks.  
18 That's what I wanted to know.

19 CHAIR BILLY: Okay. Steve?

20 MR. JONER: Mark, I'm kind of  
21 curious here. On your last slide you're  
22 referring to the people being served as

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1 customers. I never thought of it in that  
2 context, and I kind of have a feeling that  
3 most of your customers would feel more like  
4 they're the regulated rather than the served  
5 and the customer.

6 I don't know if I could really  
7 develop that much beyond that's kind of a -- I  
8 know that's probably your approach, but I  
9 don't know if it comes across that way, kind  
10 of a general perception by people, and I guess  
11 I'd say you're a far cry from the Department  
12 of Licensing, for example, where you go stand  
13 in line and are treated like, you know, a  
14 criminal off the street when you get your  
15 license renewed, but it's not --

16 I don't know. I guess I'll use a  
17 West Coast thing. It's not Les Schwab Tires.

18 Les Schwab is a local tire store. When you  
19 drive up, you've got some young guy running  
20 out, running to find out what you need, you  
21 know, and --

22 PARTICIPANT: Meets you at your car.

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1 MR. JONER: What's that?

2 PARTICIPANT: Meets you at your car.

3 MR. JONER: Yes, right. They still  
4 do that.

5 MR. HOLLIDAY: So, just so I'm -- I  
6 mean, I hear what you're saying, but I'm  
7 asking back. How does that affect answering  
8 the question? Is it one of just the word  
9 usage, because we see --

10 I've said this for years. The last  
11 word of our name is Service, National Marine  
12 Fisheries Service, so we do -- and I think  
13 many of us think that we're here to serve the  
14 public, and so if we're using the --

15 Are we at risk because we're using  
16 a commercial term like a customer by getting  
17 things wrong as a result of that, or is it  
18 just something to be sensitive to when we talk  
19 to people who might not think of themselves as  
20 a customer? They think of themselves as a  
21 regulated --

22 MR. JONER: Yes, I think it might

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1 take some work to get people to recognize that  
2 they are -- you are the server, and they are  
3 the customer. I don't know. I'm not sure  
4 what other people think about that.

5 It's not necessarily a direct  
6 criticism but more of the best -- that being  
7 the case, maybe there's a little work to do to  
8 do a little more education both through the  
9 customer and to the Service.

10 CHAIR BILLY: Paul?

11 MR. CLAMPITT: I see a lot of  
12 overlap, and I kind of wonder -- you know,  
13 there's a lot of waste. You talk about food  
14 safety. Isn't that what the Food and Drug  
15 Administration is for? Why are you wasting  
16 time with that? I don't get that, and then  
17 the other one is Department of Energy.  
18 Shouldn't they be worried about energy  
19 security? I don't know how much NFMS has to  
20 do with any of these.

21 Then the other comment I had was  
22 climate change. You know, it's -- even if you

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1 buy the ATW, what's National Marine Fisheries  
2 Service going to do about it or NOAA? I mean,  
3 that's driven by the developing world.

4 So my concern is just, you know,  
5 I'd like to see some savings and put the money  
6 into fisheries science and stock assessing,  
7 those kind of things that were the core of the  
8 National Marine Fisheries Service.

9 CHAIR BILLY: Randy?

10 MR. CATES: Thanks, Tom. Mark, I  
11 appreciate the talk. One of the things you  
12 said that you wanted to hear feedback from us.

13 From my perspective, NOAA is many different  
14 things, and I deal with NOAA on many different  
15 aspects, whether it's research, aquaculture,  
16 or commercial fishing.

17 At a national level, I think you  
18 guys are doing really good, actually. It's  
19 very easy to approach NOAA. You guys listen.  
20 There's a lot of opportunities. There's a lot  
21 of services there for anybody who wants to  
22 utilize NOAA if that person reaches out, and I

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1 think far too often NOAA --

2           You know, you always hear, "We need  
3 to educate our consumers a little bit more,"  
4 and maybe it's a little overdone, because the  
5 person wants to have to utilize that service.

6       Fish Watch is a great example of that. You  
7 know, somebody has to want to get that  
8 information.

9           Where the disconnect is is down at  
10 the local level, and I think one thing that  
11 you folks could do is educate your own  
12 department at the local level on what you  
13 expect them to do.

14           From my experience at the local  
15 level, it's the biggest barrier for my  
16 business. NOAA is the biggest obstacle for my  
17 business to be successful. It's also the  
18 biggest, the best tool for me to be  
19 successful. You get both.

20           At the local level, I get comments  
21 by NOAA employees that they view their jobs,  
22 and they have said this in meetings several

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1 times, is to look for the negative in your  
2 industry. Their role is to find what's wrong  
3 with your business, and they have the  
4 precautionary approach.

5 So they're taking the buzz words,  
6 and they're interpreting them, and what you  
7 don't hear is that part of their job -- that  
8 is part of their job.

9 Part of the job is how to make  
10 things work, too, and so they're choosing the  
11 negative, and they say, "That's our role.  
12 That's our function. We have to make sure  
13 that what you're doing doesn't harm the  
14 environment, and even though I like your  
15 project, I'm not allowed to support it," and  
16 that is just -- it doesn't make sense, and I  
17 never hear that at the national level.

18 At the national level, I hear,  
19 "Aquaculture is part of NOAA. It's part of  
20 the strategic goal, and we want to find what  
21 works-- yes, we want to look for the  
22 environmental concerns, but we also want to

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1 find ways to make it work." That's a major,  
2 major disconnect.

3 Same thing with -- when you get  
4 into other commerce issues that deal with, for  
5 example, coral issues. If you have a project  
6 that is needed for your area, a harbor  
7 development or something, it's the same thing.

8 "Well, we've got to find the  
9 negative, and our job is to put the roadblocks  
10 up, because we're there for the environment,"  
11 and there's got to be a balance, and that's  
12 the biggest thing I can see of improvement.

13 NOAA, I think, having said all  
14 that, NOAA does a lot of good things, and I've  
15 seen it, and I think with regard to fisheries,  
16 they could do a little bit better servicing  
17 the fishermen. There is a disconnect.

18 We've heard that they're not there  
19 to serve the fishermen, so I think you're  
20 making a step in the right direction, at  
21 least, and your own constituents and your own  
22 employees, if that was expressed to them, it

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1 would really change things.

2 CHAIR BILLY: Dave?

3 MR. WALLACE: Yes, you know, I was -  
4 - I saw the list that Mark put up, all the  
5 potential groups that could receive support  
6 from the Agency, and, you know, we looked at -  
7 - it was suggested that we could think about  
8 importers.

9 You know, I think that NMFS is more  
10 of a regulator today than they are anything  
11 else. You know, they implement and import  
12 regulation essentially on U.S. fishermen.

13 What we need is we need the support  
14 of the Agency to grow the entire business,  
15 domestic business, because we are getting  
16 killed by inexpensive imports, which are  
17 making it less and less possible for us to  
18 maintain a reasonable fishing industry within  
19 the United States.

20 So I'm very, very interested in  
21 seeing the Agency -- I don't want to say stop  
22 being a policeman, but where they work hard to

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1 advance the U.S. fishing industry for  
2 consumption of food in the United States and  
3 for those products that we can produce in  
4 excess of what we need for export to other  
5 countries and being more focused on trying to  
6 develop and support the U.S. industry.

7 I've worked all over the world, and  
8 you go to other countries. We don't have to  
9 go very far to see this. Just go to Canada,  
10 and the Department of Fisheries and Oceans  
11 meets with the industry all the time and says,  
12 "What can we do to help you improve your  
13 business to make money?" you know, and to --

14 And so they have all these programs  
15 that help Canadian companies do well on the  
16 international market, and I don't see that  
17 here. And that's the reason that I think that  
18 we are a Third World fishing country, and as  
19 long as we continue to have the policies that  
20 we have, we're going to continue to be a Third  
21 World fishing country.

22 And I've been saying that now for

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1 40 years, and I'm not happy about being a  
2 Third World country, because we have the  
3 technical capability to be the world's leader  
4 as far as fishing is concerned.

5 Some of it is legislative, and we  
6 have to work on Capitol Hill to fix that, but  
7 we also need the perception from the Agency to  
8 have profitable, successful commercial fishing  
9 industries in the United States, and we need  
10 the cooperation of -

11 (Telephonic interference.)

12 Thank you.

13 MR. HOLLIDAY: So, David, I mean,  
14 take your comments to the next step, if you  
15 could. I mean, can we give examples of what  
16 the Agency would do differently? I mean, you  
17 talk about DFO and this Canadian model.

18 What can we do to help? But what  
19 are the -- what are the kinds of things that  
20 we're talking about in this context with  
21 services that would be a visible, tangible  
22 evidence of change in our approach here?

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1 MR. WALLACE: Well --

2 MR. HOLLIDAY: I mean, I completely  
3 understand the sort of the 20,000-foot  
4 message.

5 MR. WALLACE: Right.

6 MR. HOLLIDAY: But I'm looking at,  
7 okay, when I take this back and we think  
8 about, well, what really Dave meant was here  
9 is an example of what's not working and that  
10 would be better in a -- that would be changed.

11 MR. WALLACE: Okay, let me --

12 MR. HOLLIDAY: You can think about  
13 it for a bit if you want, and I can come back  
14 to you.

15 MR. WALLACE: Let me I guess let me  
16 be brutally frank.

17 MR. HOLLIDAY: Sure.

18 MR. WALLACE: DFO has this really  
19 interesting way of doing things. They have --  
20 whoever is in whatever industry it is, they  
21 decide to have a meeting. DFO calls a  
22 meeting.

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1           They go into a conference room.  
2 They shut the door, and DFO says, "What are  
3 you doing with this product? What are you  
4 doing?" all around the table, and then they  
5 say, you know, "What do you all need to do it  
6 better so that you can make more money so you  
7 can pay more taxes?" and so they sit together,  
8 and they say, "Okay, these are the  
9 regulations."

10           Now, I'm going to stop and say in  
11 our system, because we have the councils, the  
12 group that has in the past been writing the  
13 rules. Then NMFS implements them and enforces  
14 them, and that is a different situation in  
15 some respects, but what has become very, very  
16 obvious in the recent future that the current  
17 -- just recently is that this is becoming more  
18 and more a top-down versus a bottom-up  
19 process.

20           I never cease to be amazed now  
21 where the Regional Director that I deal with  
22 comes to the council and says, "This is what

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1 you're going to do," and then -- and we have  
2 plan development teams. The plan development  
3 teams are made up of all federal officials,  
4 and each one of them, they want to have it  
5 that one's a sustainable fisheries person,  
6 because they're going through all the  
7 regulatory requirements.

8 So the administration comes in and  
9 starts driving the train. In the old days,  
10 they didn't drive the train. They just  
11 listened, so if you're going to drive the  
12 train, then drive the train to help this, not  
13 to hinder it.

14 And I would prefer to go back to  
15 the good old days where the Regional  
16 Administrator gives advice on what can be done  
17 because it's not policy or it's not the law  
18 but not actually putting forth how a fishery  
19 is supposed to be managed or run. But if  
20 you're going to do that, okay, then we don't  
21 have to worry about the councils to make  
22 fishing more accessible and profitable.

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1           You know, we have to have a  
2 profitable industry -- and we have to have  
3 fish, so I don't have any problems with  
4 sustainable fisheries, as long as it's driven  
5 by good science with reasonable amounts of  
6 money to do the surveys and assessments that  
7 are necessary so that we're not shooting in  
8 the dark.

9           We don't want to overfish the  
10 stocks, because that's counterproductive in  
11 the long-term, but we also don't want to be so  
12 conservative that we just stymie the whole  
13 process, and that's a fine balance, but it all  
14 has to be driven by good science, and so I'm a  
15 very strong proponent of good science and  
16 funding what it takes to make that all happen.

17           CHAIR BILLY: Steve has a specific  
18 example with regard to DFO.

19           MR. DEWEY: Yes, I'm aware. DFO  
20 folks in Vancouver would make a trip. I  
21 haven't talked to them for a few years about  
22 this, but they would take a trip to Japan with

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1 their sable fish industry folks as part of the  
2 planning process for the year, promoting deep  
3 sea sable fish, connecting with the markets  
4 there, and it was more than just a marketing  
5 thing.

6 It was also that would be kind of  
7 the basis for their regulations and harvest  
8 strategies, and I always thought that was kind  
9 of curious that DFO was doing that. They do -  
10 - even though --

11 Like on the flip side of that, when  
12 we were negotiating the Whiting Treaty, the  
13 big selling point for the Canadians to strike  
14 a deal was that there would be then an open  
15 process similar to our council process, rather  
16 than just their Fisheries Minister dictating  
17 what the outcome was going to be, and so they  
18 saw --

19 They looked on what we did through  
20 the consulate as a positive thing, and we  
21 still haven't implemented that. We're still  
22 waiting for the legislation to correct it, but

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1 there is a difference in how they deal with  
2 industry in promoting the products and really  
3 seem to be more promoting the welfare of the  
4 industry.

5 MR. NARDI: I'd like to just follow  
6 on Steve on that. I'm part of a large  
7 Canadian project, and it's an \$18 million  
8 project, lots of universities, researchers,  
9 and industry, and just as a point to follow up  
10 on that, no paper gets published unless  
11 industry reviews it first, and we can stop the  
12 research from getting published if it's going  
13 to affect the commercial product at the end.

14 So it's a big difference. You know,  
15 it's a industry-led approach so that, you  
16 know, there's a lot of the papers will get  
17 published, but if it comes on a -- if it  
18 affects something being developed for one of  
19 the industrial partners, you know, we have the  
20 final say and say, "No. Thank you for the  
21 work. It's going to help us, but we don't  
22 want it to be out there for the public," and,

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1 you know, that's a different approach, but  
2 it's what they needed to get industry to  
3 really jump on and be partners.

4 CHAIR BILLY: Okay. Let's see.  
5 Pamella, did you --

6 DR. DANA: Well, -- I'll defer.

7 CHAIR BILLY: Okay.

8 MR. NARDI: Randy made my point.

9 CHAIR BILLY: Okay. I've got  
10 George, Martin, Heather, Bill, as well, Tom,  
11 Cathy.

12 MR. NARDI: I just wanted -- my  
13 comment was I assume we're talking about the  
14 National Fisheries Service and not NOAA as a  
15 whole in terms of this, and so for me I kind  
16 of follow the fish, and I think that the  
17 Fisheries Service, you know, is the expert or  
18 should be the expert from, you know, the  
19 beginning of the fish until it hits the market  
20 and falls into the hand of the consumer.

21 So you have the services such as  
22 the inspection program, which are voluntary,

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1 if you need an export permit. If we're  
2 exporting product, I've got to go to  
3 Gloucester and get a piece of paper, and the  
4 guys are friendly, and they do what they can  
5 to help me, so it is a service. There are  
6 those services.

7 My concern is a little bit in the  
8 budget. You know, I want you to do those  
9 services well and well funded and not be  
10 everything to all people, so when you get too  
11 far out into the community where all of a  
12 sudden those differences are going to be  
13 exponential in concerns and difference and  
14 you're going to be pulled so many different  
15 ways, I'd rather see you when that fish --

16 Your customer, yes, is the  
17 retailer, and that's kind of the public. You  
18 know, when it gets -- because the fish is  
19 still there. It's not yet in the hand of the  
20 consumer, but once it gets to the consumer, I  
21 just don't -- I can see you being pulled in so  
22 many ways you can't do your job well is my

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1 fear with the -- with the budget constraints,  
2 and you have information for the consumer.

3 I mean, if someone needs a  
4 question, you guys should be the expert. You  
5 should have the answers, but I more or less  
6 see you as something operating in the  
7 background to support your customers, to  
8 provide the support service and not be out  
9 there on the street. That's just my opinion.

10 MR. HOLLIDAY: So, Tom, I'm sure you  
11 remember the Seafood Promotion Act. There was  
12 an opportunity years ago where part of the  
13 Government's mission at that point in time was  
14 at the consumer level of, you know,  
15 Government-directed or Government-sponsored  
16 marketing boards for a particular species, and  
17 so that mind set is now -- has now retreated  
18 from that, and that's --

19 MR. NARDI: But you're still -- but  
20 that was to service the industry so that they  
21 could get their product into --

22 MR. HOLLIDAY: Right.

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1 MR. NARDI: -- these new markets  
2 that you were helping to develop.

3 MR. HOLLIDAY: So what's an example  
4 of the consumer service, then, that is sort of  
5 being stretched beyond -

6 MR. NARDI: I'm just concerned about  
7 you jumping into the communities as sending,  
8 you know, field people out saying, you know,  
9 "We're NMFS. What can we do for you, you  
10 know, Mr. Nardi?" as a public person, as  
11 opposed to a company or even a community. I  
12 just feel like you might not be able to do the  
13 job if it's so broad.

14 MR. HOLLIDAY: Okay. Thank you.

15 VICE CHAIR MCCARTY: Can I ask him a  
16 quick question? Does that include labeling,  
17 the idea of having a label that guarantees,  
18 you know, similar to -

19 MR. NARDI: Well, I think that's  
20 because that is going back to the industry.  
21 You're supporting the industry to the  
22 consumer.

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1 CHAIR BILLY: Martin?

2 MR. MARTIN FISHER: Thank you, Mr.  
3 Chairman. I see the problem as something like  
4 this, and at the top is your regional offices,  
5 sustainable fisheries, your councils, the  
6 choke point, and then the science centers.

7 What drives fisheries is science.  
8 What drives fisheries science is stock  
9 assessments. I think NOAA needs to take a  
10 look at reworking the models for the very  
11 dynamic and fluid species of fish that we're  
12 dealing with, the life cycles of the fish.

13 The changing temperatures in the  
14 world and ocean temperatures is changing the  
15 model, and the model is five years behind  
16 where we actually are today, and this is --  
17 this is the greatest problem.

18 All this information, all this  
19 information hits a choke point, and then it  
20 has to be expanded and disbursed out to the  
21 community through the various regulatory  
22 agencies. Without the good science, as

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1 everybody around this table knows, and we're  
2 going to say it until we're blue in the face,  
3 without good science, we have not good  
4 management, and it's all about that.

5 So if NOAA could do anything at  
6 all, take \$34 million from catch shares and  
7 put it into redeveloping the scientific models  
8 for how we look at MSY, OY, and all the  
9 different aspects of maintaining sustainable  
10 stocks, because that's where our disconnect  
11 is.

12 That's where our breakdown is, and  
13 that's what's causing all of us to be  
14 frustrated at this table. It's that simple.  
15 It's the data, stupid, and it really is. It's  
16 the data, and it's how we relate in a Triple-A  
17 and then extrapolate the data.

18 Unfortunately, there are agendas  
19 associated with how we do that, and often on  
20 the SSCs there are agendas there, and I have  
21 seen the data get massaged. I've been  
22 involved with several SEDARS, and, you know,

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1 you come to the table, and it gets put up on  
2 the board. "Oh, my God, fish are collapsing."

3 Well, they scratch their head, and  
4 they go back in, crunch numbers for an hour  
5 and a half, come back. "We've never had a  
6 problem with this fish. This fish has never  
7 been over-fished. It's always been -- the  
8 threshold has always been below OY."

9 No more problem, but for the  
10 previous seven years, they were going to take  
11 40 percent of the tack away. It's absolutely  
12 ludicrous that we're dealing with antiquated,  
13 prehistoric modeling for a dynamic ocean, and  
14 I don't know what else to say.

15 CHAIR BILLY: Heather.

16 VICE CHAIR MCCARTY: Thank you, Mr.  
17 Chairman. I agree with almost everything  
18 that's been said so far, I'll tell you that,  
19 particularly the idea of the modeling, and I  
20 think driving that was surveys.

21 One of the reasons that didn't  
22 happen in the North Pacific is because there

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1 haven't been adequate surveys, and when there  
2 aren't adequate surveys, there is so much  
3 uncertainty that they can't open fisheries in  
4 the North Pacific, and I'm sure that happens  
5 across the country, so I wouldn't want to  
6 associate myself with those remarks.

7 I have a couple of organizational  
8 issues that I have been thinking about for  
9 quite a while. One of them has to do with  
10 community protection, community service,  
11 community waterfront maintenance, and the on-  
12 the-docks kind of services that I think are  
13 more and more needed and less and less there.

14 You said one of the drivers in the  
15 future and now is the economic recovery, and I  
16 believe that. As Monica said the other day,  
17 she's beginning to realize how important the  
18 community aspect of the catch share program  
19 is, and I really welcome that, because I think  
20 for a long time the catch share mania had sort  
21 of taken over the communities themselves and  
22 the economic impacts of programs on

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1 communities and individual demographics, you  
2 know, individual groups of users.

3 So it's all wrapped up in the same  
4 concern for the fishing part, and, along with  
5 that, what we see in our region is a lot of  
6 services being promoted by Sea Grant. We talk  
7 about outreach and on-the-dock kind of help  
8 that fishermen need, and that includes  
9 recreational fishermen, as well.

10 You have the Sea Grant guy. That's  
11 who you go to see, or the Sea Grant girl, and  
12 that's the visible face of NOAA, if you will,  
13 and Sea Grant isn't part of NMFS. It isn't  
14 administered through NMFS, and it should be,  
15 in my opinion.

16 So I have that sort of an  
17 organizational issue that goes beyond NMFS but  
18 I think is very recognizable as a problem when  
19 Sea Grant is someplace -- I think -- is it  
20 OAR? I think it should be NMFS, because I  
21 think Sea Grant needs to be used more for the  
22 outreach and implementation and basic help

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1 that folks need, which is part of the NMFS  
2 mission, so that's one of the organizational  
3 issues. I have another one, but --

4 MR. HOLLIDAY: Well, it's just --  
5 it's an observation about Sea Grant and the  
6 organizational structure. A lot of discussion  
7 over the years has been about using Sea Grant  
8 more, you know, the Marine Advisory Service of  
9 Sea Grant.

10 When you look at the structure of  
11 Sea Grant, it's basically a \$60 million grant  
12 program, so not only is it located in OAR, but  
13 they then let out grants to Sea Grant  
14 universities. The Marine Advisory Service  
15 employees are not employees of NOAA.

16 They're not employees of OAR or  
17 NMFS. They're employees of the University of  
18 Fill-In-The-Blank, Alaska, Florida, whatever,  
19 so in terms of being able to tap into,  
20 directly tap into the Marine Advisory Service  
21 as a conduit for a NMFS or a NOAA objective or  
22 a priority, it's still at arm's length.

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1           We control the grant, but we  
2 basically are passing the money through a  
3 block to an organization that decides what  
4 their priorities are, and in some cases --  
5 this is not trashing Sea Grant at all, but  
6 those Marine Advisory Service priorities are  
7 set by the universities and what they want to  
8 emphasize.

9           If it's a touchy regulatory issue,  
10 they may not want to be associated with  
11 regulatory activities, because those are not  
12 fun, or they're not -- you know, you don't get  
13 a lot of personal benefit from, you know,  
14 getting involved in a controversy.

15           So I think the observation about  
16 how do you access people is more than just it  
17 should be in NMFS. It's what's the model of  
18 using Marine Advisory Services to deliver --

19           VICE CHAIR MCCARTY: Good point

20           MR. HOLLIDAY: the right kinds of  
21 services when they're not NOAA employees.

22           VICE CHAIR MCCARTY: Right, it's in

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1 the hybrid.

2 MR. HOLLIDAY: Yes, it is.

3 VICE CHAIR MCCARTY: The -- agents  
4 are Sea Grant folks, but they're not really  
5 Sea Grant folks.

6 MR. HOLLIDAY: Yes.

7 VICE CHAIR MCCARTY: Yes.

8 MR. HOLLIDAY: The other point about  
9 Sea Grant is that it's erratically funded. It  
10 seems to be erratically funded. It goes up  
11 and down politically, I think, is why. Part  
12 of the budget process that I don't entirely  
13 understand is what happens with Sea Grant.

14 They have permanent employees, and  
15 then they have nobody, you know, and then  
16 there is a person there, and then there isn't.

17 It's not solid, but it should be beefed up.

18 It could be the face of service,  
19 you know, because if that's what you're after  
20 for NMFS, that's a good conduit or a good  
21 model in the sense that that's what Sea Grant  
22 does, and it's very public and very

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1 interactive, if that's what you're looking  
2 for. So that's one of the things.

3 CHAIR BILLY: Before you move on  
4 that point, when I was at Agriculture, I was  
5 focused on food safety, meat and poultry  
6 safety in particular, and all of these kinds  
7 of services we talk about as existing or in  
8 the past or potentially in the future for NMFS  
9 exist in Agriculture for agricultural products  
10 and production.

11 The Land Grant, which is the  
12 parallel to Sea Grant, has a budget in the  
13 billions -- that's with a B -- and they have  
14 both national priorities and regional and  
15 local priorities.

16 I was quite successful in  
17 influencing the Land Grant priorities both  
18 nationally and locally to be more effective in  
19 terms of the services and information and so  
20 forth that was going out through that very  
21 elaborate system, not only domestically but  
22 around the world, so NMFS doesn't have to be

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1 passive.

2 My point is that if you choose, you  
3 can make a difference in terms of what's  
4 happening, and we successfully did that from  
5 NMFS when we were working on the idea of  
6 applying HACCP, Hazard Analysis and Critical  
7 Control Point systems to seafood safety. We  
8 got a Sea Grant to be a critical player in  
9 that process, and so it's a good idea in terms  
10 of how some of these things might be done.

11 VICE CHAIR MCCARTY: Another thing  
12 that Sea Grant has that's very impressive is  
13 they have a Public Advisory Board in the  
14 state. I don't know whether it's regional or  
15 state, but that's been my experience that  
16 works really, really well.

17 They're relatively large, and  
18 they're probably unwieldy, but certainly they  
19 form -- they're an opportunity for people like  
20 us. They're advising NMFS. They're advising  
21 Sea Grant, and they are very hands-on, and  
22 it's a way to get that feedback going, both

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1 incoming and outgoing.

2           The other sort of big area that I  
3 see a huge problem in is the disconnect within  
4 NMFS as particularly in regards to marine  
5 mammal issues. It's kind of mixed up in the  
6 conflict between the MSA and the MMPA, and it  
7 has to do inside the Agency with NMFS being  
8 both -- I think they call it the consulting  
9 agency and the action agency.

10           So there is a war within the actual  
11 organization between the people who are  
12 sitting at the table who are proponents of  
13 fisheries and the people who are sitting at  
14 the table who are proponents of a threatened  
15 marine mammal species, for example, and that  
16 has caused so much conflict and so much  
17 dysfunction in the region that I'm most  
18 familiar with.

19           I don't really know whether it's a  
20 problem nationwide, but it certainly is in our  
21 region, and I don't, frankly, know what the  
22 solution to that is, but it's almost

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1 unbelievable, really, that, you know, a guy in  
2 this office is saying to a guy in this office,  
3 "You can't do this, because I'm telling you  
4 that we've got to do this with marine  
5 mammals," and the other guy over here is  
6 saying, "No, because fishermen over here" --

7 I think you get the point. It's  
8 very difficult, and somehow wrapped up in that  
9 also is the enormous influence that NOAA GC  
10 has on the regulatory process.

11 They don't work for NMFS. We all  
12 know that, but the public thinks they do, and  
13 so when NOAA GC asserts itself into a council  
14 action or a regulatory issue, they take  
15 precedence over -- their views take  
16 precedence.

17 They have more power than a lot of  
18 people think they should, and so it looks like  
19 the Agency is being run by NOAA GC from the  
20 outside looking in, and in some cases that's  
21 really true. Of course, there is so much fear  
22 of litigation and so much precaution on the

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1 part of the Agency that, you know -

2           There's a fellow who runs the  
3 science center, who talks like an attorney,  
4 because he is more concerned about organizing  
5 a particular action in regards to, let's say,  
6 sea lions.

7           He's more concerned about who is  
8 going to sue and how he's going to -- you  
9 know, how he's going to effectively manage the  
10 fishery and not get sued. He walks a fine  
11 line, and there's just this enormous amount of  
12 power and, in my opinion, dysfunction.

13           CHAIR BILLY: Okay. Good. I've got  
14 Bill, Tom, Cathy, Vince, and we've got about  
15 ten minutes. Okay, and Keith. So Bill?

16           MR. DEWEY: Thanks, Tom. So I just  
17 wanted to echo Randy's observations that he  
18 made earlier about the difference in attitude  
19 between the national offices and the regional  
20 offices. I would be more specific.

21           It's really at senior management in  
22 the AA's office, and within the aquaculture

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1 program that we both support internationally  
2 the protected resources and habitats is not  
3 there. The difference is it's, "What can we  
4 do for you?" from certain people, and then  
5 it's, "What we can do to you," by others, and  
6 that's what certainly we face in the region,  
7 more of the "What can we do to you?" attitude,  
8 and that's not something you would expect from  
9 an organization, and that's, frankly, that's a  
10 big distinction.

11 Go back to the difference between  
12 DFO, you know, what you see in Canada, versus  
13 what you see here in the United States. Our  
14 company, because we haven't been able to get  
15 permits to go to Washington State in the last  
16 six years, we've spent about \$15 million  
17 buying farms in Canada, just in Canada.

18 Having the experience now working  
19 out there for a half dozen years, it's quite  
20 amazing the level of support and just the  
21 general atmosphere and attitude towards  
22 aquaculture. Federally, they have embraced

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1 it. It's not just the people coming from the  
2 national office.

3 It's a very strong, "We embrace  
4 aquaculture as part of our providing seafood  
5 in Canada," and what a difference it makes  
6 when you actually try to go and do business up  
7 there and get permits and operate. It's huge,  
8 and we're a long ways from that,  
9 unfortunately.

10 As far as the future service  
11 drivers you mentioned, I wanted to  
12 respectfully disagree with what Paul and --  
13 that's something NOAA has been helping -- very  
14 helpful with us on the ocean acidification  
15 issue. The science that they've been doing  
16 has been instrumental in helping us adapt, so  
17 I'd like to speak in support of those  
18 services.

19 Whether it's appropriate at NMFS or  
20 where, I'm not sure. The meeting I attended  
21 yesterday morning was all about this new kind  
22 of services that the reorganization within

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1 NOAA is trying to provide, so I'm not sure  
2 where that lands but definitely an important  
3 service, regardless of where it's coming from.

4 Then the economic recovery and food  
5 security, you know, are two things, once  
6 again, that if nationally we embrace  
7 aquaculture, it's one area where fisheries  
8 could provide both of those things, and  
9 there's probably more they can do, frankly,  
10 with the wild fisheries.

11 You know, I mean, we all recognize  
12 that, you know, we've got limitations as far  
13 as what we can produce from our wild  
14 fisheries, and we're working to sustainable  
15 fisheries, but, you know, maybe there's more  
16 that can be done from a value-added product  
17 development or just looking at the wild  
18 fisheries and ways upstream and downstream to  
19 provide more jobs. I'll stop there.

20 CHAIR BILLY: Good. Thanks. Tom?

21 MR. RAFTICAN: Twenty thousand feet,  
22 maybe 40,000 feet, really are as close as I

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1 can see services tasked with managing,  
2 conservation, allocation of public trust  
3 resources, and right now I think there is this  
4 yin and yang, this pull back and forth between  
5 a regulatory agency and essentially a group of  
6 trade associations working to better promote  
7 pieces of that.

8 The common denominator is the  
9 science. Science is really expensive, and we  
10 all need it to varying degrees and use it, and  
11 this goes back and forth. This goes back to  
12 what Heather was saying. You've got mammals  
13 competing with other resources, and how do you  
14 take care of this in the Agency?

15 I would just bring up that if we  
16 all look back in history, way, way back about  
17 a year ago, there used to be an organization  
18 called MMS. MMS got into a hell of a lot of  
19 trouble, because they confused their  
20 regulatory roles with their onsite basically  
21 allocation roles within offshore petroleum.

22 We are at risk of doing the same

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1 thing, and I would go to something like  
2 Heather is saying. Let's start looking at  
3 things like Sea Grant. How do you start  
4 pulling some of these things apart so that we  
5 don't confuse regulatory responsibilities with  
6 the promotion?

7 I agree with Dave. You know, we're  
8 the largest economic power in the world, and  
9 we're getting allocated into the back row  
10 because of the things -- some of this  
11 confusion.

12 We have to do a better job of not  
13 only managing our resources but promoting our  
14 resources, and key is going to be aquaculture  
15 in this, but right now you've got everything  
16 under one roof, and I'm not sure it can be --  
17 it can be effectively done there. You know,  
18 we all have different seats at the table and  
19 pull in different directions.

20 CHAIR BILLY: Cathy?

21 MS. FOY: Thank you, Mr. Chairman.  
22 I'll try and keep this just short, quick, and

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1 to the point. I agree with most of what's  
2 been said. In particular, I echo Heather and  
3 Randy. I'd like to talk a little bit more  
4 about the point that Randy started.

5 If we are going to keep this all  
6 under pretty much this same NMFS umbrella, I  
7 would like to see -- I can't think of a better  
8 way to say it, but I think we need to  
9 indoctrinate the staff into the mission of  
10 NOAA and NMFS when they come on board, and I  
11 think we need to refresh that every so often.

12 There needs to be stronger hand  
13 slaps when staff steps outside the NMFS  
14 mission to carry their own personal agenda,  
15 and I would like some clear understanding -- I  
16 wouldn't like understanding, but I would like  
17 staff to have some clear understanding of how  
18 their individual jobs and the mission of those  
19 jobs fit within the NMFS mission.

20 My other point to bring up that I  
21 believe is new, I heard some talk about  
22 expanding the constituency to include the

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1 retail suppliers to NMFS constituents, the net  
2 wholesalers, the people that are selling boats  
3 or selling tackle or whatever it is that  
4 fishermen use, and I think that is  
5 inappropriate.

6 I believe that it's highly  
7 different when NMFS is promoting something for  
8 ensuring the safety of a product that has been  
9 produced under their umbrella. It's quite  
10 something different to have an outside entity  
11 of whatever sort trying to get at NMFS  
12 constituents through NMFS. I don't -- I don't  
13 think that's morally appropriate under our  
14 system.

15 My last point is I really think  
16 that NOAA is missing their own boat when it  
17 comes -- when it comes to education. I think  
18 we're starting our education process too far  
19 up the chain.

20 I think I've said it before, but I  
21 really think we need to start talking to the  
22 kids. They're going to be the ones that are

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1 going to be the future drivers, so if we want  
2 to make a change in the sustainability of our  
3 fisheries, it's going to have to start with  
4 the kids.

5 So I'd like to see -- I don't know  
6 if that's through Sea Grant, which may be the  
7 appropriate thing, and I was interested in  
8 Heather's idea of bringing Sea Grant more  
9 under the NMFS umbrella, but I'd like to see  
10 lesson plans or whatever made available to  
11 kids in Kansas.

12 MR. CATES: I want to comment on  
13 that. One thing I wanted to say earlier, I'm  
14 real concerned about educating the kids on  
15 this, because it's happening in Hawaii, and  
16 here is an example of the problem.

17 My five-year-old goes to a surf  
18 camp, and there is a person there with a NOAA  
19 shirt, a NOAA hat, and a big map of the  
20 northwest Hawaiian islands and all these bad  
21 pictures of commercial fishing and commercial  
22 fishing that's talking about how bad over-

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1 fishing is and how the impact -- really bad  
2 messages coming across, and I asked that  
3 person, "Whom do you work for?"

4 Now, the average person thinks of a  
5 NOAA person as a fisheries person. Of course,  
6 he was part of NOAA but a different branch of  
7 NOAA and not, you know, promoting -- not in  
8 NMFS.

9 So how that message comes out is  
10 vitally important, and I don't know how NOAA  
11 would control that at that level, but it would  
12 -- it was very disturbing, and, of course, I  
13 didn't make any points as a parent telling  
14 this guy he's absolutely wrong.

15 CHAIR BILLY: Vince?

16 MR. O'SHEA: Thank you, Mr.  
17 Chairman. I think, you know, the states,  
18 Mark, are already on your list of customers.

19 What I would just reinforce is that  
20 the states -- that any strategy going forward  
21 includes the states if for no other reason  
22 than, you know, they all have Senators, and if

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1 there's 24 coastal states, that's 48 Senators  
2 that if they're well satisfied with NOAA may  
3 be inclined to vote for your budget. Thank  
4 you.

5 CHAIR BILLY: Keith?

6 MR. RIZZARDI: Quickly, I'm going to  
7 try to -- I have some key points. The first  
8 one is putting aside the issue of regulating  
9 carbon and global warming. Sea level rise is  
10 a documented reality. It's only a question of  
11 magnitude.

12 That is squarely within the  
13 responsibility of NOAA, and NOAA should  
14 continue doing the planning and adaptation.  
15 Assistance is absolutely critical.

16 The next issue is this discussion  
17 of regulatory versus trade promotion and the  
18 tension that exists, and there is a necessary  
19 conflict. It is a commonplace problem within  
20 many organizations of the Federal Government.

21 It is driven by the statutory  
22 schemes. Yes, it is very legal. I think it's

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1 important that NOAA make sure it maintains the  
2 departmental divide between the scientific  
3 professionals and the regulatory groups on the  
4 one side and the trade people on the other.

5 I think we just have to accept that  
6 that tension is going to happen, but I'd also  
7 point out that the management of healthy  
8 ecosystems and the protection of all the  
9 natural resources is just as important as the  
10 fisheries trade, and we have spent a lot of  
11 time at this table talking about aquaculture.

12 Aquaculture is a \$1.5 billion  
13 industry in the United States. Whale watching  
14 is a \$1.25 billion industry in the United  
15 States. Five hundred million dollars goes to  
16 the U.S. Virgin Islands alone for ecotourism.

17 So the dollars here are significant  
18 on the protection of natural resources side  
19 and the ecosystem side, just as they are on  
20 the trade side, and I just think we have to  
21 all respect each other's positions on that and  
22 the tensions that are inherently going to

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1 exist.

2 CHAIR BILLY: Thank you.

3 MR. RIZZARDI: Whale watching is  
4 \$1.25 billion.

5 MR. CATES: But what is the money  
6 going towards?

7 MR. RIZZARDI: There's \$500 million  
8 in ecotourism in the U.S. Virgin Islands  
9 alone.

10 MR. CATES: An example of that,  
11 though, with the impact level is -- you cannot  
12 -- aquaculture is basically eliminated from  
13 the whale sanctuaries because they can be  
14 viewed as potential threats.

15 MR. RIZZARDI: Sure.

16 MR. CATES: Every year, we have 11  
17 to 15 strikes on whales from whale watching  
18 groups, and we never addressed that, but we're  
19 going to ban something that has never had an  
20 impact on a whale anywhere in the world, so  
21 the balance is way off. Every year, we had 11  
22 to 15 animal strikes from whale watching

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1 boats.

2 MS. FOY: Many of them mortalities,  
3 believe it or not.

4 MR. RIZZARDI: Which should be  
5 addressed. That's also part of NOAA's  
6 responsibilities.

7 CHAIR BILLY: It's part of his point  
8 is that it needs to be balanced.

9 MR. RIZZARDI: I'm not saying don't  
10 regulate it.

11 MR. JONER: I want to thank the  
12 Committee for filling in in great detail my  
13 official comment about the served versus the  
14 regulated, and I think everything that was  
15 brought up was right on point.

16 I think there is one simple action  
17 that could be taken that as we start out, a  
18 real positive thing, and that was the State of  
19 the Fisheries Report. I think it went two  
20 years, and then it ended, and I thought that  
21 was a very positive thing. It focused on the  
22 good things that are being done and rewarded

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1 those.

2 It brought people together, and why  
3 that ended I don't know, but it couldn't have  
4 cost very much to put that on. It seemed like  
5 a very positive thing for the cost of doing  
6 it, so I strongly recommend that that be  
7 revived, started.

8 CHAIR BILLY: Okay.

9 MR. CATES: Mark, I have a  
10 suggestion for the question. When we think  
11 about MAFAC, I'm thinking about whatever you  
12 need, but your regional areas, the regional  
13 offices, would it make sense when we have a  
14 meeting -- I mean, if they were sitting here  
15 and hearing some of this, would that be a  
16 benefit? Is there any way we can get them to  
17 something like this?

18 MR. HOLLIDAY: Yes. I mean, the  
19 answer is sure. Depending on where we've met,  
20 we've had people. You know, when we were at  
21 Juneau, clearly we were, you know, steps away  
22 from the regional office, and when we met in

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1 St. Pete, that was where the regional office  
2 was. Roy Crabtree and his staff came to the  
3 meetings.

4 So I think where we have those  
5 venues that are, you know, reasonably close to  
6 get by -- meeting in Annapolis, you know,  
7 wasn't as likely for that to happen. There  
8 were also some conflicting meetings this week  
9 for the RAs.

10 MR. CATES: My suggestion would be  
11 when we go to an area --

12 MR. HOLLIDAY: Right.

13 MR. CATES: -- bring them in  
14 somehow, maybe not the Director but --

15 MR. HOLLIDAY: That's a good --  
16 that's a good reminder.

17 CHAIR BILLY: Heather?

18 VICE CHAIR MCCARTY: I was just  
19 going to ask, Mark, are you going to create a  
20 summary?

21 MR. HOLLIDAY: Yes.

22 VICE CHAIR MCCARTY: Okay.

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1 MR. HOLLIDAY: I've been taking  
2 notes. We've got the transcript. Kari or  
3 Heidi's been helping, so we'll try to capture  
4 the discussion and summarize it, play it back  
5 to the Committee.

6 VICE CHAIR MCCARTY: Okay, and then  
7 go through Eric?

8 MR. HOLLIDAY: Yes.

9 VICE CHAIR MCCARTY: Cool.

10 CHAIR BILLY: Any other last  
11 thoughts?

12 VICE CHAIR MCCARTY: Is that the  
13 action? I mean, it said action here, so I was  
14 just wondering if there's something further  
15 that --

16 MR. HOLLIDAY: Well, I think the  
17 objective was to have this discussion, so the  
18 action would be that we're -- I'm going to  
19 play this back to you as a full committee. I  
20 didn't -- there's no subcommittee meetings  
21 between now and the end of the day, so we'll  
22 do this virtually, and then that product will

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1 then be part of a report out of the full MAFAC  
2 meeting.

3 VICE CHAIR MCCARTY: Cool.

4 CHAIR BILLY: But then at subsequent  
5 meetings, the next meeting, as an example, an  
6 action item could come out of based on our  
7 discussion and further discussions within the  
8 Agency.

9 MR. HOLLIDAY: Oh, right, this is  
10 the starting point.

11 CHAIR BILLY: This is the beginning  
12 of a process.

13 MR. HOLLIDAY: So as we develop  
14 further our thoughts about how to implement  
15 these ideas, I think we'll come back with,  
16 "Well, this is what we heard, and here is a  
17 particular strategy," and continue that  
18 dialogue. Let's refine it. What do you  
19 think?

20 VICE CHAIR MCCARTY: Fabulous.

21 CHAIR BILLY: Yes, Martin?

22 MR. MARTIN FISHER: Thank you, Mr.

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1 Chairman. I just wanted to be clear  
2 concerning my previous remarks that I was  
3 talking about the national level. I wasn't  
4 just talking about the Southeast region, and  
5 the other thing that I wanted to include is  
6 that we often --

7 In the Southeast I'm hearing about  
8 the Northeast. I'm hearing about the South  
9 Atlantic. There is a disparity of experience  
10 between what the science says and what the  
11 anecdotal evidence is, and the anecdotal  
12 evidence is not necessarily inaccurate.

13 In many cases, it's right on the  
14 money, and there seems to be a proliferation  
15 of certain species of fish that are considered  
16 over-fished, and there's classes coming in  
17 that aren't being recognized by the data.

18 So there is evidence from region to  
19 region to region to region that the stock  
20 assessment process is out of sync with the  
21 current reality, and it's obvious if you  
22 examine the stock assessment process that the

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1 data is several years old by the time any  
2 fishery management plan is implemented in  
3 relationship to it.

4 So I just wanted to make sure,  
5 because I don't use the national perspective  
6 enough, that everybody understood that I was  
7 talking about the United States of America.  
8 Thank you. And all fishery management  
9 councils.

10 MR. JONER: So, Mark, next time I  
11 show up to Silver Spring, rather than those  
12 sour face security people, I want to see  
13 somebody in a blue jacket saying, "Welcome to"

14 --

15 MR. HOLLIDAY: I'm going to have to  
16 run out on the street, right? Of course,  
17 you'd have to take two tires home.

18 CHAIR BILLY: Or years ago, when we  
19 were in the Page Building, when one of the  
20 security guards accidentally fired his weapon  
21 in the lobby. That was an exciting  
22 experience. All right. We'll have a short

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1 break, and then when will we leave?

2 MS. LOVETT: Well, I'm going to give  
3 Steve a call right now --

4 CHAIR BILLY: Okay.

5 MS. LOVETT: -- just to let him  
6 know.

7 CHAIR BILLY: Okay, folks, short  
8 break, about quarter after. Ten minutes.

9 (Whereupon, the foregoing matter  
10 went off the record at 10:11 a.m. and resumed  
11 at 1:25 p.m.)

12 CHAIR BILLY: Okay. It's good to  
13 get outside, a lovely day, a good fall day.  
14 The next item of business on our agenda is  
15 MAFAC business, as it's headed on page one of  
16 the agenda, and included in that is the  
17 election, nominations and election, new  
18 business, and the next meeting or meetings.

19 So my proposal is to deal with it  
20 in that order, and with respect to the --

21 MR. HOLLIDAY: What order was that?

22 Okay, the same order that I have. The review

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1 of action items?

2 CHAIR BILLY: First, oh, action  
3 items. Sorry. It must be that lunch I had.  
4 Action items, nominations, new business, and  
5 next meeting, in that order. So I'm going to  
6 turn it over to Mark for action items, and  
7 then we'll go on to nominations and election,  
8 that part of it.

9 MR. HOLLIDAY: Thanks, Tom. We've  
10 put together a spreadsheet, a Microsoft table  
11 that's posted on the MAFAC website that  
12 outlines the actions that you have agreed to  
13 or recommended to NOAA or to others, and I've  
14 assigned them either as a short-term, mid-  
15 term, or long-term objective.

16 For each entry, we have identified  
17 in the last column the status of that, what's  
18 been completed, what progress has been made.  
19 We posted that in advance of the meeting, and  
20 this is our sort of metric of tracking what's  
21 happened in these recommendations.

22 So we posted it in hopes that

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1 people have a chance to look at it before the  
2 meeting under that agenda item, that if there  
3 are questions about the follow-up or the  
4 status or clarification or further explanation  
5 that we take up those topics in the full  
6 session.

7           So I think it's pretty self-  
8 explanatory in terms of what the status is. I  
9 think there are some things that are sort of  
10 long-term, far-reaching, require legislative  
11 action, working on trying to move certain  
12 things in that direction, others about  
13 providing specific advice to somebody,  
14 completing a task, passing it on to Paul  
15 Doremus's office.

16           You know, there is an explanation  
17 of what happened, and it says, "Complete," so  
18 there is a range of the short-, medium-term,  
19 long-term objectives and recommendations that  
20 we have been tracking, and that's our report  
21 back to you.

22           CHAIR BILLY: Okay. Any questions,

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1 comments?

2 MR. HOLLIDAY: It's a tool that we -  
3 - this is not the first, you know, meeting  
4 that we've done it at, but it's our ongoing  
5 tool of trying to keep track of what the  
6 findings and recommendations that you passed  
7 motions on and assigned to us to follow  
8 through.

9 MR. JONER: That's on the MAFAC  
10 website?

11 MR. HOLLIDAY: Yes.

12 CHAIR BILLY: I think it's a really  
13 good tool, and I really appreciate the fact  
14 that we're keeping track of the things, the  
15 actions that this committee is recommending to  
16 the Agency and in a position to monitor  
17 progress or flag any problems that might come  
18 up that requires further attention by the  
19 committee, so I appreciate the tool, the  
20 effort that you've put in to making, you know,  
21 creating it.

22 MR. HOLLIDAY: And from -- again,

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1 there is a relationship between meetings, as  
2 well, and so when we do an annotated agenda  
3 for a meeting, you know, this device that we  
4 have on the agenda that says what topic it is  
5 that is going to be in front of us. We sort  
6 of tee up the question.

7 We have the meeting. We take an  
8 action. We record that action in the Word  
9 document here, this table of actions, and if  
10 we continue the dialogue at a subsequent  
11 meeting on that same topic, and some topics we  
12 continue to talk about, we take this status  
13 report out of the table and put it in the next  
14 meeting's annotated agenda so that we know  
15 where it came from and what progress we've  
16 made.

17 So there's a little bit of a thread  
18 here between the annotated agendas for each  
19 meeting and this summary report in order to  
20 keep us moving forward and not going over, you  
21 know, the same ground. It's, I think, a  
22 useful device if we can discipline ourselves

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1 to rely on it and utilize it in a way that it  
2 was intended.

3 CHAIR BILLY: Okay. Any comment?  
4 Yes, Keith?

5 MR. RIZZARDI: I just want to give  
6 compliments to you and Heidi, and I know I've  
7 said this to a few people. The annotated  
8 agenda and the way you're using the  
9 transcripts and going back to fill in what we  
10 did as a body is really a good documentation  
11 of the process. I think it's outstanding.

12 I would ask that upcoming meetings  
13 you continue that direction, and you've now  
14 got the form where you laid it out with an  
15 options analysis and a recommendation on it.  
16 It would be great if before we even get here  
17 the folks who are doing presentations could  
18 give us some idea of what direction they think  
19 they want us to go, so when items do go on the  
20 agenda, they've laid it out.

21 "Here are some of the  
22 recommendations that we want you to think

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1 about, MAFAC." You know, "Here are some  
2 options for you to evaluate. Here's the basic  
3 direction, and here's why we're giving you  
4 this presentation," because I think what  
5 you're doing right now is exactly the  
6 direction we need to go as an organization to  
7 make our body more effective.

8 One other suggestion is as you're  
9 doing it, if there is some way to encapsulate  
10 our minutes and then distribute them to the  
11 Regional Fishery Management Councils, that  
12 might be helpful, too. To the extent that  
13 issues that we work on have that kind of  
14 national and regional significance, then we  
15 should be sending our message out to the  
16 councils. Really great work. Thank you.

17 MR. HOLLIDAY: On Keith's last  
18 point, we have the overall report that we do,  
19 the summary report where we sit down, we read  
20 the transcripts, we review our notes, and then  
21 we prepare -- it's probably a 15- or 20-page  
22 summary of the entire meeting, and that's what

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1 we use to inform the upper echelons of NOAA  
2 and the Department.

3 But from that those issues that are  
4 relevant to the Regional Fishery Management  
5 Councils we could create a separate report and  
6 on a routine basis update them on what  
7 happened at the MAFAC meeting as of, you know,  
8 July and send that out under the Chairman's  
9 signature as an FYI. So we could do that.

10 CHAIR BILLY: Yes, that's good. Any  
11 other comments? No? Heather?

12 VICE CHAIR MCCARTY: A lot of these  
13 items, there is a further ramification from  
14 the Subcommittee -- did you notice that. When  
15 we get to that, we might want to bring it up  
16 again and take a look at it --

17 MR. HOLLIDAY: Sure.

18 CHAIR BILLY: Okay.

19 VICE CHAIR MCCARTY: -- and use it  
20 as we discuss the recommendations.

21 CHAIR BILLY: Okay. Remind us.

22 VICE CHAIR MCCARTY: Okay.

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1 CHAIR BILLY: Okay. All right.  
2 Let's move on, then, to the next item, which  
3 is nominations and election. I'd like to set  
4 the stage for that by making a series of  
5 suggestions.

6 I've thought about our earlier  
7 discussion and the situation we find ourselves  
8 in, and my suggestions are as follows. First,  
9 I suggest that we separate out the question of  
10 election of a new Chair from the issue of  
11 modifying the charter.

12 I think we should move forward and  
13 request that the charter be modified as we  
14 discussed earlier in terms of the eligibility  
15 of people so it's not limited to just someone  
16 with two years of time left on the committee.

17 So one action, then, would be to modify the  
18 charter to fix what I think was an unintended  
19 consequence of the previous modification of  
20 the charter.

21 The second suggestion I have, and  
22 it's subject, obviously, to both Eric being

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1 satisfied with this approach as well as  
2 Heather being satisfied or it's being  
3 acceptable to each of them, and that is that  
4 we postpone the election, and I will rotate  
5 off.

6 Heather is the Vice Chair, and she  
7 will as the Vice Chair then serve as the  
8 Acting Chair and run one or two meetings,  
9 depending on what it takes, the time it takes  
10 to get the charter modified, which is open-  
11 ended. We don't know.

12 It should be months, but that would  
13 serve in the way of providing what I believe  
14 is continuity. It would clean up the  
15 situation we find ourselves in and then allow  
16 the election to occur once the charter is  
17 modified.

18 The third suggestion I have is  
19 based on a suggestion that Bill Dewey made,  
20 which is to do it by electronic ballot. I  
21 like that idea -- we should have thought of  
22 that earlier -- and that could occur, you

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1 know, with appropriate notification once these  
2 other things have been addressed.

3 MR. JONER: You're referring to the  
4 electronic ballot would be on the election of  
5 the Chair, not on --

6 CHAIR BILLY: The election of the  
7 Chair, right, and there's several ways to do  
8 that. It's no problem. You know, that will  
9 get sorted out.

10 So those are my three suggestions.

11 Obviously, we'll open the floor for comment,  
12 but before I do that, Eric, does that -- does  
13 my suggestion present any problem to you?

14 MR. SCHWAAB: No, I don't think so.  
15 We had a little bit of a chance to talk about  
16 that with Mark at lunchtime, and while the  
17 process is a little bit lengthy for the  
18 amendment, it's certainly something that is  
19 doable, and so if that's the direction the  
20 Committee wants to head, we're certainly  
21 comfortable going that way.

22 CHAIR BILLY: Okay, good, and,

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1 Heather, this has to be acceptable to you,  
2 obviously, in terms of the role that you would  
3 be expected to play, and I'd like to get your  
4 comment.

5 VICE CHAIR MCCARTY: Thank you, Mr.  
6 Chairman. I do think it's a solution that  
7 works. I think it fixes the unintended  
8 consequence issue with the charter, and I  
9 think it allows for a continued leadership  
10 presence that has, you know, some background,  
11 so I'm completely fine with that if Eric is  
12 and the rest of the Committee. That's could  
13 be a solution to me.

14 CHAIR BILLY: Okay. Dave and then  
15 Bill.

16 MR. WALLACE: Yes, Mr. Chairman. I  
17 would like to make a motion that we hold off  
18 on the election until -- we request that NOAA  
19 redo the charter to clarify the election  
20 process and we hold off the election until  
21 such time as that has been completed.

22 MR. JONER: Second.

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1 CHAIR BILLY: Okay. The motion has  
2 been made and seconded. Further discussion?  
3 Yes, Pam?

4 DR. DANA: In the event that the  
5 charter is not revised in a timely manner,  
6 that would put Heather in kind of a long-term,  
7 potentially, interim status, so that needs to  
8 be something that everyone is comfortable with  
9 as Chair.

10 CHAIR BILLY: Heather?

11 VICE CHAIR MCCARTY: Mr. Chairman, I  
12 see that, and, you know, people thought that  
13 it might be able to be done by early next  
14 year. I think it remains to be seen, but I  
15 don't think it's going to be forever.

16 Obviously, I'll be gone at the end  
17 of next year, so it can't be any longer than  
18 that, certainly, but I think -- I think it  
19 will be taken care of before then. I mean,  
20 that's my assumption when saying what I said  
21 to the Chairman earlier. That would be my  
22 assumption.

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1 CHAIR BILLY: Okay, Bill and then  
2 Tony, and we'll come back.

3 MR. DEWEY: Maybe we do this in a  
4 separate motion, but I wanted to be clear on  
5 what the charter -- you know, we need to be  
6 asking for this charter amendment as part of  
7 this activity. Is that charter amendment  
8 simply a clarification that it says up to two  
9 years? Is it more complicated than that?

10 VICE CHAIR MCCARTY: Mr. Chairman, I  
11 would make a recommendation that it be more  
12 specific, that it not just say up to two  
13 years, because it's been pointed out in  
14 conversations that we don't have any idea what  
15 it could be.

16 It could be four months. It could  
17 be one month. It could be anything up to two  
18 years, and so if you want it to be more  
19 specific, you could say something like one or  
20 two years if you wanted it to be specific.

21 MR. DEWEY: Well, maybe we deal with  
22 the charter amendment in a separate motion. I

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1 hear you. I understand your point. It's a  
2 bit complicated.

3 CHAIR BILLY: Tony?

4 DR. CHATWIN: Yes, my comment is  
5 along those lines. Right now there is  
6 clarity, but I think it's, as mentioned  
7 before, there is an unintended consequence to  
8 that clarity.

9 So I'm all for removing the  
10 unintended consequence, but I would like to  
11 discuss how we're going to address that  
12 unintended consequence before I vote on a  
13 motion to postpone the election, because we do  
14 -- look at the rules.

15 There is -- it's pretty clear how  
16 to do it, so let's address the issue, and then  
17 I would suggest then take a vote on postponing  
18 the election.

19 CHAIR BILLY: Okay. Thank you.

20 DR. CHATWIN: So if I have to make a  
21 motion to substitute yours so that we do it in  
22 that order, I'm happy to do that.

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1 CHAIR BILLY: Hold off a minute.  
2 Let's get a couple more comments and then pick  
3 up that. Steve?

4 MR. JONER: Well, I made a motion  
5 yesterday that was tabled, and is that going  
6 to just sit there and die for lack of action,  
7 or can I withdraw that? I'd prefer to  
8 withdraw it, and we've got something else to  
9 take its place, so if that's appropriate, I'd  
10 like to withdraw the motion.

11 CHAIR BILLY: Okay. Good. Martin?

12 MR. MARTIN FISHER: Thank you, Mr.  
13 Chairman. You forgot my name?

14 CHAIR BILLY: No, I only hesitate  
15 about calling on you.

16 MS. FOY: Mr. Billy, we're going to  
17 miss you.

18 MR. MARTIN FISHER: I would like to  
19 offer, Dave, just a little clarification on  
20 your motion. It seems to me that we need to  
21 focus on term limit and eligibility, and if  
22 you could reword your motion to be more

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1 specific to those two things, I would feel  
2 more comfortable with the motion.

3 MR. WALLACE: Mr. Chairman, if I may  
4 respond to it. First of all, my motion  
5 actually doesn't talk about that at all,  
6 because I had thought that we could get  
7 through that process of getting this motion, a  
8 motion that says we're going to postpone the  
9 election, and we are going to work on the  
10 charter.

11 Then I envision someone else or  
12 maybe myself coming back with a suggestion to  
13 the administration on what we would suggest  
14 the modifications be, but I saw that as two  
15 different issues, not one issue.

16 MR. MARTIN FISHER: Okay, when you  
17 said your motion, I heard a little bit of the  
18 second part, and just maybe I misheard.

19 MR. WALLACE: I didn't talk about it  
20 was just so it just said that we would ask the  
21 administration to rework the charter as far as  
22 the election is concerned, and that's all.

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1           Then we would make recommendations  
2 to them on what we would prefer they do. You  
3 know, it's not our decision. It's their  
4 decision, the way I understand it. Is that  
5 true, Eric?

6           MR. SCHWAAB: I'm sorry. Say that  
7 again.

8           MR. WALLACE: I said it's how the  
9 charter -- we can recommend the charter  
10 changes but ultimately it's the  
11 administration's responsibility to decide what  
12 you want to do or what you don't want to do.

13          MR. SCHWAAB: I think that we -- the  
14 nature of this conversation is such that I  
15 think we're pretty much in sync with your  
16 thinking --

17          MS. LOVETT: -- something is not  
18 following the GSA pro forma that they like to  
19 see the charters in, then they ask us to move  
20 things around or change the wording a little  
21 bit, but that's, I know, above us, but  
22 generally we've written them the way you all

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1 have suggested they be written.

2 MR. CATES: I had a comment, but  
3 Eric got my curiosity up on something. I  
4 think it's fine what I'm hearing. It's a  
5 solution to the problem. I think it will be  
6 better for MAFAC to solve that.

7 My only concern is if we ask to  
8 amend the charter, will there be other  
9 amendments inserted in that? Is there a  
10 danger of other amendments being requested  
11 from the administration to change MAFAC, and  
12 does -- for example, would NOAA have the  
13 ability to do that?

14 MR. SCHWAAB: I think that the  
15 answer, the short answer is no. I think that  
16 what Heidi just said is accurate in that there  
17 might be some more stylistic oriented changes  
18 as it moves up through the review process, and  
19 it might also be that there could be --

20 I mean, I don't -- I wouldn't  
21 anticipate running into any major stumbling  
22 blocks, but it certainly is conceivable that

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1 there could be somewhere in that review  
2 process that somebody would say, "No, we don't  
3 want to do this," not substitute some other --

4 MR. CATES: You don't think that the  
5 response would be a, "Thank you for your  
6 service"?

7 MR. SCHWAAB: Well, we can do that  
8 any time.

9 CHAIR BILLY: Mark and then Tom.

10 MR. HOLLIDAY: To the question, no  
11 one has perfect knowledge of what could  
12 happen, but I would point out that there has  
13 been increased attention paid under this  
14 administration to federal advisory committees,  
15 so in the last round -- and there continues to  
16 be a concern about lobbyists serving on MAFAC  
17 or other advisory committees.

18 There may be at the next charter  
19 change language inserted about eligibility to  
20 serve on the committee. That would not  
21 surprise me. That would not be directed  
22 solely at MAFAC, but it would be directed at

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1 any --

2           There may be new rules for federal  
3 advisory committees and how they're selected,  
4 and so we may be subject to further Government  
5 oversight of the process under the Federal  
6 Advisory Committee Act implementation, but it  
7 wouldn't be, "Oh, MAFAC's doing a bad job.  
8 We're going to get rid of MAFAC." It's more  
9 concerns with the propriety of selecting  
10 people and having them advise the  
11 administration consistent with an open,  
12 transparent Government.

13           So I'm not saying that to scare  
14 anybody. I'm just saying that there has been  
15 a lot of discussion. We've had to jump  
16 through more hoops. That seems to be of  
17 interest to this administration with respect  
18 to membership.

19           MR. CATES: From your guys' point of  
20 view, is there a danger for us, for MAFAC, to  
21 make this -- is there a downside?

22           CHAIR BILLY: I don't think so.

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1 MR. HOLLIDAY: I don't think there's  
2 a danger. I just think that it's not -- there  
3 is no guarantee, okay. I mean, there's the  
4 small -- you know, if you're being risk averse  
5 or if you want 100 percent sure that they'll  
6 go through and no one's going to object to it,  
7 I can't -- no one can tell you that, but I  
8 don't --

9 I think there's a low risk of  
10 something bad happening, but there is -- and  
11 there's a higher risk of somebody adding other  
12 provisions to a charter to be consistent with  
13 the general administration's goal, but I don't  
14 think there is any high risk of somebody  
15 torpedoing the essence of and the existence of  
16 MAFAC.

17 MR. CATES: Well, if we made this  
18 request but a similar request came in, who  
19 would we report to? Could they change that?

20 MR. HOLLIDAY: Well, again, the --  
21 you realize that the charter is -- you know,  
22 the federal agency is the person submitting

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1 the charter, right, so we don't really control  
2 our own destiny. We are -- we as members --  
3 you as members exist at the favor of the  
4 Government.

5 So the Government ultimately will  
6 decide what they want in the charter or not  
7 want in the charter, but what we're trying to  
8 say is that there has been great deference  
9 given to what the membership has identified as  
10 the appropriate means to manage and conduct  
11 the business.

12 So that's the best assurance, you  
13 know, the strongest assurance I can tell you,  
14 because I can't guarantee that the Office of  
15 the Secretary for Administration at the  
16 Department of Commerce may want language put  
17 in there about conflicts of interest and  
18 lobbying and something else that goes in all  
19 charters from this point forward. That  
20 doesn't outweigh the value of what you're  
21 trying to do to solve the problem that you've  
22 identified with the current charter.

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1 CHAIR BILLY: Tom?

2 MR. RAFTICAN: I think it's been  
3 covered. Thanks.

4 CHAIR BILLY: Okay.

5 DR. DANA: I think yesterday during  
6 our discussions the three options that you  
7 rolled out that fit real nicely together, I  
8 think we discussed them yesterday, as well,  
9 and so I'm comfortable with proceeding in that  
10 direction if your motion reflects that.

11 CHAIR BILLY: Okay.

12 DR. CHATWIN: So, again, I'd like  
13 clarity on the things that I'm voting on, and  
14 I feel that the motion as stated has a bit of  
15 an indefinite feel to it. There is no date by  
16 which we're going to have an election, and the  
17 way things are now when the Chair comes off  
18 the committee or his or term expires, there is  
19 an election to replace them.

20 So I would rather table this motion  
21 until we discuss what it is that we're going  
22 to be suggesting as our change to the charter.

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1 I'm not sure that there is interest in doing  
2 that, so I move to amend the motion on the  
3 table to say no later than the next meeting we  
4 hold this election, because, I mean, I don't  
5 think we should stay in a temporary structure  
6 for longer than that.

7 CHAIR BILLY: David?

8 MR. WALLACE: I don't --

9 CHAIR BILLY: Heather?

10 VICE CHAIR MCCARTY: Could you  
11 restate your motion, Mr. Wallace?

12 MR. WALLACE: The motion, actually,  
13 is two parts. It covers both the Chairman's  
14 three-point -- covers the first two of his  
15 three points. The first portion of the motion  
16 is that we request that the administration  
17 rework the charter to address this unintended  
18 consequence of the change in the charter which  
19 was taken two or three years ago before that,  
20 and I'm glad to see an explanation.

21 Before that, the administration  
22 appointed the Chairman, and there was no

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1 election. Whoever the administration thought  
2 was the person, then they were appointed, so  
3 the first portion of it is to rework and to  
4 solve what I perceive as a structural problem  
5 and an unintended consequence of the charter  
6 change that was made to allow this entity to  
7 elect their own Chairman.

8 The second portion of that was to  
9 hold off on the election until such time as  
10 that has taken place, and that seems to be the  
11 thing that is problematic to Tony, because it  
12 is open-ended, but the last -- I think that  
13 the last time that it happened, it happened  
14 pretty quickly, and so I see no reason to  
15 think that it wouldn't happen quickly.

16 The only thing that I don't want to  
17 do is be in a situation where we are forced to  
18 do something where we end up in the same kind  
19 of situation that we are right now where if we  
20 just follow the rules, we have to elect a  
21 Chair and a Vice Chair from a very small group  
22 of new appointees because of the way it's

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1 stated, and I don't think that that was the  
2 intent when it was written.

3 And it just got past all of us, and  
4 so be it, but, you know, because something was  
5 -- there was an unintended consequence, I hope  
6 that we don't have to live with unintended  
7 consequences all the time, because a lot of  
8 times they are very painful.

9 CHAIR BILLY: Tony?

10 DR. CHATWIN: I take all those  
11 points, and I also, like I said before, I  
12 support clarifying and doing away with  
13 unintended -- fixing unintended consequences,  
14 but I think if we vote to make a  
15 recommendation to NOAA that says, "Would you  
16 please address it to remove unintended  
17 consequences?" without going -- being clear  
18 about what those unintended consequences are,  
19 we're doing a disservice.

20 So I, again, I would be much more  
21 amenable to voting for this motion if we were  
22 clear about what we were saying, and that does

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1 bring to the floor what is it we want this  
2 charter to look like, and that's why I say  
3 again that we need to -- we need to have a  
4 discussion about that, because asking to,  
5 without any guidance, addressing one  
6 unintended consequence can have several  
7 different connotations.

8 CHAIR BILLY: Mark?

9 MR. HOLLIDAY: My concern is that by  
10 the time we leave here that we have the exact  
11 language that we want the charter -- what we  
12 want the charter to say, so I'm not  
13 comfortable staff have heard that yet that we  
14 want to have the election by the majority vote  
15 of the members, of the eligible voting  
16 members, to elect a Chair for one year with an  
17 option for a second year, or if it's one or  
18 two year I don't think is specific enough for  
19 us to write something that is acceptable to --  
20 will be acceptable to the attorneys and the  
21 FACA people reviewing this. That seems rather  
22 ambiguous.

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1           So if your intent is to have a --  
2           serve a term of one year with an option for a  
3           second year, that can be clearly spelled out,  
4           and I don't know what the sequence is of how  
5           you do that. It's up to you, but from the  
6           Executive Director standpoint, we need to have  
7           very explicit language that you don't want to  
8           leave it to us to interpret what you mean by  
9           resolve unintended consequences.

10           CHAIR BILLY: Okay. Heather?

11           VICE CHAIR MCCARTY: Mr. Chairman,  
12           I'd like to propose an amendment to the  
13           motion.

14           CHAIR BILLY: Hold on. Hold on.

15           MR. HOLLIDAY: If you want to start  
16           with the existing motion, they can type it up  
17           there, and then we can amend it.

18           VICE CHAIR MCCARTY: Okay, does  
19           everybody have the charter available to them  
20           so they can look at it?

21           MR. HOLLIDAY: You want the charter  
22           up on the -- no. Thanks for getting what

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1 we're doing up on the board. Thank you. It's  
2 helpful.

3 VICE CHAIR MCCARTY: What I am  
4 proposing is a proposed amendment that gets  
5 more specific than Mr. Wallace's motion  
6 currently does, but if we would like to wait  
7 until we have his motion on the board before I  
8 suggest an amendment, that would be fine.

9 MR. WALLACE: I had my hand up to  
10 say I was going to make a second -- if this  
11 carried, then I was going to make a second  
12 motion that the Chair and the Vice Chair would  
13 be elected for one year if they are eligible.

14 If their term does not expire within one year  
15 from meeting to meeting, then they can serve.

16 Keith said, and I'm going to accept  
17 his suggestion, that the Chair then serve up  
18 to two years, and so that gets us out of the  
19 technical thing, technical problem that if the  
20 person's term is going to expire at the end of  
21 one year, then that addresses that issue, and  
22 if the person stays and is reappointed, then

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1 they can serve the second year, and so there  
2 is continuity in the administration.

3 So that was his suggestion. I  
4 think if this motion carries, then either he  
5 or I will make that motion to clarify what we  
6 think the charter should say. You want to  
7 just amend this motion?

8 VICE CHAIR MCCARTY: I can just  
9 amend it the motion.

10 MR. WALLACE: You want to amend this  
11 motion?

12 VICE CHAIR MCCARTY: Yes.

13 MR. WALLACE: Okay. You amend the  
14 motion, and I'll accept it as a friendly  
15 amendment.

16 MR. RIZZARDI: The motion is simply  
17 to put off the elections so you can complete  
18 the process of amending the charter to allow  
19 the Chair to serve for a period of up to two  
20 years.

21 MR. WALLACE: I accept that as a  
22 friendly amendment.

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1 CHAIR BILLY: Now a comment.  
2 Heather?

3 VICE CHAIR MCCARTY: I think that's  
4 a good way. I think that's a good direction  
5 to go, but I understood from earlier comments  
6 that there may still be some uncertainty as to  
7 whether you stop at one year or whether you go  
8 to two years and when you decide if someone is  
9 being elected to one year or two years and  
10 that it isn't specific enough for maybe for  
11 some folks.

12 So just serving up to two years  
13 doesn't pinpoint the amount of time that you -  
14 - such that you understand it when you're  
15 elected that way. In other words, when you  
16 have an election, does someone say, "I would  
17 like to serve for one year," or do they say,  
18 "I would like to serve for two years"?

19 Is that how it happens? The  
20 process is still a little bit unclear if it  
21 says that, so that would be my only thought  
22 ast to that language. I don't know if other

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1 people share that concern.

2 CHAIR BILLY: Bill?

3 MR. DEWEY: I just had a question.  
4 The charter as it currently reads says that a  
5 term will be eligible for a one-year extension  
6 by a majority vote of committee members, and  
7 are we proposing to delete that, or would that  
8 stand as a part of --

9 CHAIR BILLY: Yes.

10 VICE CHAIR MCCARTY: Yes what?

11 MR. WALLACE: This would get  
12 completely new -- the whole section would go  
13 away, and this would be put in its place.

14 MR. DEWEY: So you would not -- a  
15 Chair would not be eligible to serve three  
16 years, which you are currently?

17 CHAIR BILLY: May serve up to two  
18 years.

19 VICE CHAIR MCCARTY: So we're  
20 looking at Section 10.

21 CHAIR BILLY: Okay, so let's -- your  
22 question is answered?

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1 MR. DEWEY: It is. I'm not happy  
2 with that answer, but --

3 CHAIR BILLY: Fair enough. All  
4 right.

5 MR. DEWEY: I'm glad to know the  
6 answer.

7 CHAIR BILLY: Okay. Cathy?

8 MS. FOY: I just wanted to make a  
9 suggestion on language. Put off the elections  
10 until the charter is amended to allow the  
11 Chair to serve for a period of one year with  
12 the option of reelection the following year or  
13 a following year. Yes? Something along those  
14 lines?

15 VICE CHAIR MCCARTY: Could you look  
16 at Section 10c, which currently reads, "The  
17 Chairperson and Vice Chair will be elected by  
18 a majority vote of committee members to serve  
19 a two-year term."

20 It goes on to say, "A term will be  
21 eligible for a one-year extension by a  
22 majority vote of committee members." We could

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1 simply use that language and replace two-year  
2 with one-year. If you look at the language --

3 That way, you have, "The  
4 Chairperson and Vice Chair will be elected by  
5 a majority vote of committee members to serve  
6 a one-year term. The term will be eligible  
7 for a one-year extension with a majority vote  
8 of committee members."

9 That language would stay. Now, I  
10 don't know what Mr. Dewey's intent is in terms  
11 of this, but that is a cleaner way than  
12 rewriting the whole section.

13 CHAIR BILLY: So is that a friendly  
14 amendment, offered as a friendly amendment?

15 VICE CHAIR MCCARTY: Yes.

16 MR. WALLACE: I second.

17 CHAIR BILLY: Bill?

18 MR. DEWEY: My point was that  
19 personally I think if we've got a good  
20 Chairman, I'd like the option to have a three-  
21 year term.

22 CHAIR BILLY: Hear, hear.

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1 MR. WALLACE: And so potentially  
2 another alternative would be following along  
3 with what Heather said, but that second  
4 sentence, instead of saying extending the  
5 term, just say that you're eligible for a  
6 maximum of three consecutive terms. Then  
7 you'd just do an election every year, and if  
8 you're happy with your Chairman, he gets  
9 extended.

10 VICE CHAIR MCCARTY: Okay. Fine  
11 with me.

12 CHAIR BILLY: Okay. Dave? Dave,  
13 would that be acceptable as a friendly  
14 amendment, what Bill just said?

15 MR. WALLACE: Yes, I accept that.  
16 I'm just trying to make the process move  
17 forward.

18 CHAIR BILLY: I understand. From up  
19 here it's much appreciated. Thank you.

20 MR. JONER: And I'll just add that  
21 that is almost word-for-word what I would  
22 suggest, because if we went with the first

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1 wording, then we have suffering a second  
2 unintended consequence of not being able to  
3 have a three-year Chairman.

4 CHAIR BILLY: Right.

5 MR. JONER: So this gets us back to  
6 the original but just fixes it so that nobody  
7 is excluded by the remainder of their term. I  
8 think that's an important thing here is I  
9 don't have a particular interest in who  
10 serves, only that it be open to any committee  
11 member and not exclude those who just have a  
12 year left.

13 CHAIR BILLY: Okay. Martin, I want  
14 to get you, and then you. Martin?

15 MR. MARTIN FISHER: Thank you, Mr.  
16 Chairman. I'm a little concerned that we're  
17 going to be up against the same thing in the  
18 spring, because we're using the qualification  
19 as one year.

20 If there's two meetings left in the  
21 year, we're only meeting for two meetings, and  
22 a person's term actually is within the two-

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1 meeting time period but isn't an annual full  
2 year, then we're excluding those people again.

3 For instance -- I don't think I need to give  
4 a for instance. Is that not obvious?

5 VICE CHAIR MCCARTY: Yes.

6 MR. MARTIN FISHER: I don't know how  
7 to fix it, but I think it's something we need  
8 to pay attention to, because the whole reason  
9 we're doing this is to make the most people  
10 eligible that we possibly can.

11 MR. HOLLIDAY: Tom asked the  
12 question what time period is the charter valid  
13 for. It's based on the anniversary date of  
14 when the charter was approved and signed by  
15 the Office of the Secretary for  
16 Administration.

17 CHAIR BILLY: So then it's a year  
18 from that date forward, one full year.

19 MR. HOLLIDAY: The charter is valid  
20 for two years.

21 CHAIR BILLY: Oh, two years. Sorry.  
22 All right.

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1                   VICE CHAIR MCCARTY: Mr. Chairman,  
2                   it's a pertinent issue but not -- the length  
3                   and the timing of the terms of the people.  
4                   For example, if the charter was revised and it  
5                   said you could serve for one year, and that  
6                   would provide, say, in February, and  
7                   somebody's term ended in January, a year, just  
8                   short of a year.

9                   Then that person would be  
10                  ineligible. I think that no matter what we  
11                  do, that's -- I mean, there are going to be  
12                  some constrictions, just fewer under this  
13                  revision, presumably, but I get your point.  
14                  It's not when the charter is applied. It's  
15                  when the term is --

16                  PARTICIPANT: It's the best --

17                  MR. MARTIN FISHER: Of what we have  
18                  available to us in our toolbox, yes.

19                  CHAIR BILLY: Does it makes sense  
20                  with clarification with this now?

21                  MR. JONER: So this is just -- we  
22                  would then have a motion after this one if

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1 this one passes, the original one Dave  
2 mentioned. Then do we need another motion to  
3 make the change? So this is giving the  
4 incentive --

5 MR. WALLACE: The last question of  
6 the -- the last question of this motion is if  
7 the election gets put off until the charter is  
8 amended to allow the Chair to serve for a  
9 period of one year with options for election up  
10 to three consecutive terms.

11 MR. JONER: So then this assumes a  
12 second motion that will be a motion to amend  
13 the charter for this -- is that what we're  
14 doing here?

15 CHAIR BILLY: That's my  
16 understanding. Keith?

17 MR. RIZZARDI: I'm going to say I'm  
18 sorry, Mr. Chair. I'm going to make this  
19 messy now. Some of the elegance of Dave's  
20 first motion in deferring the discussion of  
21 how we amend the charter is necessary. The  
22 devil is always in the detail.

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1 Does this language envision us  
2 having an annual election where we can elect a  
3 person each year and then have multiple  
4 elections where they serve three terms or four  
5 terms? There is an ambiguity there.

6 VICE CHAIR MCCARTY: There is.

7 MR. RIZZARDI: If they have -- can  
8 we elect a person, and when we elect them,  
9 elect them to serve for the next two years or  
10 serve for the next three years? There is an  
11 ambiguity there.

12 The language is not tight enough.  
13 What we really need to do is have some sort of  
14 subcommittee process, have some discussion on  
15 this, and do it right, and that's why I  
16 supported Dave's initial motion, which was  
17 defer the election and go back and amend the  
18 charter.

19 I realize it leaves uncertainty.  
20 I'm sorry. I recognize that, but it allows us  
21 the time we need to do this, rather than  
22 trying to craft language on the fly and then

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1 getting it wrong.

2 MR. MARTIN FISHER: That's really  
3 smart.

4 PARTICIPANT: I support that, or  
5 we'll be back here next time trying to fix  
6 what we did this time.

7 VICE CHAIR MCCARTY: Mr. Chairman?

8 CHAIR BILLY: Heather.

9 VICE CHAIR MCCARTY: I agree that  
10 there are ambiguities. If you look at the  
11 original language in Section 10c of the  
12 charter, there is also usually some ambiguity  
13 in that language, because it doesn't specify,  
14 Keith, where and when and how.

15 So I don't know whether we are  
16 required to do that, but I do agree with your  
17 other points that up to three consecutive  
18 terms needs to say, for example, with the  
19 option for reelection up to a total of three  
20 consecutive terms, for example. I mean,  
21 there's ways you can fix those ambiguities.

22 If you want to put the process in

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1 the charter, then that would be a lengthier  
2 discussion. We don't have it now. We don't  
3 have it now. We play it by year, or I don't  
4 know how we play it, frankly.

5 We probably need a SOP or  
6 something, Standard Operating Procedure.  
7 Right now we don't have any indication of how  
8 that should be done.

9 CHAIR BILLY: Dave?

10 MR. WALLACE: Yes, I would like to  
11 call this motion, and then I will make another  
12 motion where we can perfect what we feel is  
13 the tightest description of what we would  
14 suggest the charter say, and it will be  
15 predicated on an election every year, and the  
16 person has to be able to serve.

17 It will be elected in the fall, and  
18 they have to be able to serve through until  
19 the following -- a minimum the following  
20 December so that we can cover one whole year  
21 of eligibility and so we will then start  
22 trying to take all of those legitimate

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1 questions that people are now raising into  
2 consideration, but we need to move off of dead  
3 center.

4 MR. RIZZARDI: So are you, Dave,  
5 just to clarify, are you trying to keep all  
6 the subsequent language, or are you going back  
7 to the very first language?

8 MR. WALLACE: Actually, we only need  
9 the very first language.

10 MR. RIZZARDI: Put off the election  
11 until the charter is amended, period?

12 MR. WALLACE: Yes.

13 MR. RIZZARDI: Okay.

14 MR. MARTIN FISHER: Second.

15 CHAIR BILLY: Okay. Tony?

16 DR. CHATWIN: What are we voting on?  
17 Couldn't it -- well, is there something on --  
18 what is on -- what is --

19 CHAIR BILLY: The motion has now  
20 been modified and seconded. It's what's  
21 highlighted in yellow, so that's what we're  
22 considering at this point in time.

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1 MR. RIZZARDI: We'll have no Chair  
2 at all. If we have Heather by default,  
3 Heather will become Chair. Her term will end  
4 a year from now, so we have incentive to get  
5 it done.

6 MR. CATES: Hey, we went -- MAFAC  
7 went with no Chair for years.

8 PARTICIPANT: We don't want that to  
9 happen.

10 MR. CATES: True.

11 MR. MARTIN FISHER: I'd like to call  
12 the question.

13 CHAIR BILLY: So the question is  
14 called. The motion is up there and  
15 highlighted in yellow. All those in favor  
16 say, "Aye."

17 PARTICIPANTS: Aye.

18 CHAIR BILLY: Opposed?

19 DR. CHATWIN: No.

20 CHAIR BILLY: Okay. Now, we can  
21 try to work out the precise language for the  
22 charter, or we can be clear to the staff what

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1 it is we want and let them draft it, and then  
2 they can send it out and the committee can  
3 react to it, and then when there's consensus -  
4 -

5 All I'm trying to do here is move  
6 this along. I'm not -- either is acceptable  
7 to me. There's a lot of -- we keep thinking  
8 of new ways in which we're creating unintended  
9 consequences, so I open the floor for  
10 suggestions and where we go in terms of  
11 another motion or something, some other  
12 action. Dave?

13 MR. WALLACE: Yes, I'll put it in  
14 the form of a motion, because Kari's sitting  
15 here saying do that. I move that we request  
16 from the staff to develop a process of  
17 electing the Chair and Vice Chair that is  
18 consistent with the discussion which we have  
19 had in the last -- at this meeting trying to  
20 fill in all the gaps of contingencies that  
21 must be addressed as to length of term start  
22 but basically having a one year with options

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1 for additional years, a time limit that will  
2 assure that we know the person being elected  
3 will have significantly proper amount of time  
4 to serve so they can fulfill their year's  
5 service with the objective that it is  
6 conceivable that under certain circumstances  
7 that individual could serve three consecutive  
8 one-year terms.

9 CHAIR BILLY: Okay. A motion has  
10 been made. Is there a second?

11 VICE CHAIR MCCARTY: I second it so  
12 that we can understand it.

13 CHAIR BILLY: All right. Randy?

14 MR. CATES: For discussion, I would  
15 have made a motion which would have clearly  
16 stated MAFAC should elect for Chairperson any  
17 member to serve one year, no restrictions.  
18 This body should be able to choose who leads  
19 them.

20 Let's give them a one-year term.  
21 If we like them, we elect them again, and it  
22 shouldn't matter whether it's your first

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1 meeting or your last meeting, the flexibility  
2 there, and I'm not a believer that you have to  
3 have all this experience.

4           Someone can come on and in one  
5 meeting show leadership, and the group may go  
6 -- maybe none of us have the time. Maybe that  
7 one person does. Just keep the flexibility.  
8 Keep it simple. Keep the flexibility.

9           This body ran literally for years  
10 without a Chairperson. It was an empty seat  
11 there. They just didn't show up, and finally  
12 MAFAC said, "That's not what we wanted," and  
13 so we changed the charter. So that's my  
14 suggestion. After discussion, that's what I  
15 would say.

16           CHAIR BILLY: The concern I just  
17 checked with Mark is that there is no set date  
18 for the appointments. They can occur at any  
19 time, so when does -- that gets to when does  
20 the clock start, if you get the sense of what  
21 I'm saying.

22           So this is even more complicated

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1 than, you know -- you see what I'm getting at?

2 So if someone is appointed in the middle of  
3 the year, we need to anticipate all these  
4 possibilities in the language that we  
5 ultimately end up with.

6 That's -- I'm not sure we've  
7 thought of all the possibilities yet. That  
8 just occurred to me. It's like, "Wait." I'm  
9 January 11, but others are totally different,  
10 so it's --

11 MR. CATES: What if we go by  
12 meeting? Have the one-year appointment --

13 CHAIR BILLY: But they're not locked  
14 in, either. You know, they're variable, as  
15 well, so we've got to find a way forward that  
16 addresses our intent as simply stated of one  
17 term and then two subsequent terms. So, Mark?

18 MR. HOLLIDAY: Mr. Chairman, you  
19 know, staff are certainly willing to try to  
20 draft something for your consideration maybe  
21 as soon as later today if we clarified in our  
22 minds what it is that you're trying to

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1 achieve.

2           So the immediate question that  
3 comes to my mind is the length of the term.  
4 You want someone to serve for 12 months from  
5 the point when they're elected for the next 12  
6 months, regardless of whether it's the first  
7 meeting of the year, second meeting, but you  
8 want that term to be 12 months long.

9           At the end of that 12 months, I've  
10 heard a couple of different options. You want  
11 either that person to be eligible to be  
12 reappointed or reelected. You know, it's  
13 either automatic or again by a majority vote.

14           We need to -- we need to have  
15 clarity on which you prefer, and then we need  
16 to know how many times you want that to be  
17 able to occur, once, so they would serve two  
18 12-months terms or three 12-month terms.

19           Then the third question we need to  
20 know is how is all of this affected by the  
21 term of their appointment to the committee?  
22 So if someone has six months left in their

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1 term as a committee member, do you want them  
2 to be eligible to be a Chairperson for six  
3 months? Are they eligible or not?

4 At the time of the election, do  
5 they have 12 months' worth of eligibility? If  
6 that's what your criterion is, we can write  
7 that into it, and at the time of reappointment  
8 or reelection, do they have 12 months? So do  
9 you want to allow less than 12-month terms, or  
10 do you want it set as a condition that someone  
11 is going to be around for the 12 months  
12 following the point of the election?

13 Those are the kinds of questions  
14 that we could -- if we had answers to, we  
15 could then try to shape into a language change  
16 for the charter, but without that I think  
17 we're going to be very -- it's going to be  
18 very difficult to do on the fly.

19 CHAIR BILLY: Heather and then Tony.

20 VICE CHAIR MCCARTY: I agree that we  
21 need to know the answers to those questions.  
22 I would like to point out that we're fortunate

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1 that we've undertaken this now, because there  
2 is no language currently in the charter that  
3 addresses any of these things and the  
4 intricacies that we've just sort of laid out  
5 on the table.

6 So it's not a question of whether  
7 we should do it. We should definitely do it.

8 I don't know when, I mean, whether we can get  
9 it done this meeting or not. Mark said he  
10 might be able to come up with it if we give  
11 him the answers to those questions, which we  
12 should definitely try to do, because we need  
13 to come to grips with this, no matter what.

14 MR. MARTIN FISHER: This doesn't  
15 seem that difficult to me if you would explain  
16 it. If you just asked those questions, we  
17 might be able to answer them right now.

18 VICE CHAIR MCCARTY: Right.

19 CHAIR BILLY: Tony?

20 DR. CHATWIN: Just one other thing  
21 that I think we need to think about and  
22 nobody's talking about it is the passing of

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1 Chair, leader, to get something done and  
2 within two meetings. That's -- I mean, two  
3 meetings is probably like one year.

4 If it's six months, it's one  
5 meeting, so you get appointed for chair for  
6 one meeting. What are you looking for the  
7 Chairperson to achieve, whoever that is?

8 You know, I think a two-year term  
9 when that was the case gave a time horizon  
10 that allowed someone to think, "Okay, what is  
11 it we want to achieve? How are we going to  
12 achieve that? What's the right committee  
13 structure for it?" and, "Let's get to work."

14 Now, one year, yes, you can do it,  
15 and then there's a bit of a -- the second  
16 meeting, part of it is going to be dedicated  
17 to elections and caucusing and all that stuff,  
18 so that is a distraction from getting work  
19 done.

20 It could be -- it could be minutes.  
21 Boom, okay, but just so that we don't go into  
22 the unintended consequences, one thing

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1 nobody's talking about is what is it we want  
2 to achieve?

3           Ever since I've been in MAFAC I've  
4 been hearing that the number one priority is  
5 that we want to have more of an impact, and  
6 we're not mentioning that at all. So I would  
7 encourage my fellow members to consider that  
8 carefully.

9           I think that a minimum of one year  
10 is necessary. I think less than a year -- I'm  
11 sorry, and if it means that you're not  
12 eligible to become Chair in the last six  
13 months of your tenure, tough, you know,  
14 because I don't think it's necessarily the  
15 best thing for the committee to have a Chair  
16 for one meeting and then change the Chair  
17 again and then change it again. So I think we  
18 need to consider that side of things, as well.

19           VICE CHAIR MCCARTY: Can I suggest a  
20 format where Mark's questions are on the board  
21 and we vote on each one of them in succession?

22           So if we are going to vote on the length of

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1 term, somebody should make a motion. I'll  
2 make a motion that the length of term be 12  
3 months. That's my motion.

4 DR. CHATWIN: Second.

5 CHAIR BILLY: Any discussion?  
6 Keith?

7 MR. RIZZARDI: I'd rather see the  
8 term longer. I think going through the  
9 process of an annual election is more than we  
10 need to put upon ourselves, especially for an  
11 organization that only meets twice a year, and  
12 my way of getting around that would be that  
13 the Chair would serve until the member's term  
14 expires or for two years, whichever is  
15 shorter.

16 VICE CHAIR MCCARTY: Say that again.

17 MR. RIZZARDI: The Chair shall serve  
18 until the member's term expires or for two  
19 years, which ever is shorter, and that way  
20 anybody amongst our membership could be  
21 elected. If we wanted to elect somebody for  
22 one meeting as chair, we could do that, as

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1 long as they have tenure left, but I would  
2 like the --

3 MR. RAFTICAN: Or six years.

4 MR. RIZZARDI: Well, no, it's or for  
5 two years, whichever is shorter, so two is  
6 going to be the maximum.

7 VICE CHAIR MCCARTY: Are you making  
8 that an amendment to my motion?

9 MR. RIZZARDI: I'm making that for  
10 discussion. I would love to make it as an  
11 amendment if you'd accept it.

12 VICE CHAIR MCCARTY: I won't.

13 MR. RIZZARDI: Okay.

14 VICE CHAIR MCCARTY: And I will  
15 speak to that.

16 MR. RIZZARDI: Okay.

17 VICE CHAIR MCCARTY: I think that  
18 gets us to a short term issue --

19 MR. RIZZARDI: Yes.

20 VICE CHAIR MCCARTY: -- that people  
21 have been concerned about, and I actually  
22 share that concern. I think a minimum of one

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1 year is reasonable, so I wouldn't like to see  
2 it any shorter than that.

3 CHAIR BILLY: Okay. Any further  
4 discussion?

5 MR. MARTIN FISHER: Just so I  
6 understand, what you're saying -- I see both  
7 of them. Could you amend -- or the discussion  
8 would be to have it a minimum of 12 months but  
9 up to two years if the term provides it.

10 VICE CHAIR MCCARTY: That's  
11 basically where we started, yes.

12 MR. MARTIN FISHER: But he wants  
13 that up to the two years.

14 MR. RIZZARDI: I was just trying to  
15 expand the eligibility to anybody amongst the  
16 membership, so if the committee wanted to go  
17 and narrow it and say one year or two years,  
18 that's fine. I'm more worried about being  
19 able to have the Chair longer, and, Heather,  
20 I'd work out any compromise you wanted.

21 VICE CHAIR MCCARTY: Well, I like  
22 George's compromise.

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1 MR. MARTIN FISHER: We accept that?

2 Yes.

3 VICE CHAIR MCCARTY: Yes, I accept  
4 that. Say it again so we can --

5 MR. MARTIN FISHER: Okay.

6 MR. RIZZARDI: Okay, so then I think  
7 my language gets there by having "but in no  
8 case less than 12 months." CHAIR BILLY:  
9 Steve?

10 MR. RIZZARDI: Whichever is shorter  
11 but in no case less than 12 months.

12 PARTICIPANT: Is that acceptable to  
13 you? Are you accepting that, Heather?  
14 Because I'm your second, right?

15 PARTICIPANT: As for clarification,  
16 is two meetings the same as 12 months? Is it  
17 splitting hairs here to say?

18 MR. MARTIN FISHER: I think that was  
19 the intention. That goes back to one of  
20 Mark's questions. You know, a year was sort  
21 of meant to encompass two meetings.

22 MR. HOLLIDAY: Well, last year we

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1 had three meetings.

2 VICE CHAIR MCCARTY: Exactly.

3 MR. HOLLIDAY: So after six months,  
4 that's two meetings. That person could be out  
5 after six months, so be careful what you're  
6 asking.

7 VICE CHAIR MCCARTY: I agree with  
8 what Mark just said. I think if we --

9 CHAIR BILLY: Or the budget could be  
10 reduced, and we could only afford one meeting  
11 a year.

12 VICE CHAIR MCCARTY: Right, because  
13 it also doesn't deal with time between  
14 meetings, which I think is just as important.

15 CHAIR BILLY: Right.

16 VICE CHAIR MCCARTY: So if you have  
17 a term that's just like -- say we meet in  
18 January and March, that would be pretty  
19 ridiculous, so I think the language needs some  
20 work.

21 CHAIR BILLY: Okay. Is this the  
22 current motion?

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1                   VICE CHAIR MCCARTY: To some extent,  
2                   though, I believe that we need to include the  
3                   Vice Chair discussion, as well. It should be  
4                   -- whenever it's Chair, it should be Chair and  
5                   Vice Chair.

6                   PARTICIPANT: Perfect. Love it.

7                   VICE CHAIR MCCARTY: Don't you  
8                   think?

9                   PARTICIPANT: Makes great sense.

10                  CHAIR BILLY: Randy?

11                  MR. CATES: For discussion, I think  
12                  we're getting ourselves in the exact same  
13                  position that got us here. I agree with Tony.  
14                  What do we want the Chair to do?

15                  In my view, the Chairperson has a  
16                  couple key functions. Number one, it sets the  
17                  agenda or helps set the agenda and helps set  
18                  the location and then plays referee for all of  
19                  us.

20                  I would like if we made this  
21                  decision to be a list. Let's just have all of  
22                  our names on it, and I'm fine if it means that

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1 Chairperson is only there for one more  
2 meeting, or the reverse, if we had a past  
3 MAFAC member who came on who had great  
4 experience but because it's their first  
5 meeting, they could very well do their job.

6 We're putting ourselves in a box  
7 that we don't need to be, and we're doing  
8 exactly what previous MAFAC did. We're  
9 probably going to create some unintentional  
10 consequences.

11 We're all adults. We're all big  
12 enough that -- and will be in the future that  
13 if the elected person is not doing a good job,  
14 we have an opportunity to change that person.

15 You don't have to have two years minimum  
16 this, maximum that. I don't understand why.

17 I sit on other boards that we elect  
18 a Chair every year. I don't know why it's --  
19 all right, so the solution is that MAFAC  
20 members elect their Chairperson every year, no  
21 restrictions, from all members.

22 VICE CHAIR MCCARTY: Is that a

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1 friendly amendment?

2 MR. CATES: It's a friendly  
3 amendment, and if that person's only got six  
4 months, it becomes a topic of discussion that  
5 maybe there's another person what would be  
6 better suited. Maybe there is not a better  
7 person suited, but the members will make that  
8 decision at that time.

9 VICE CHAIR MCCARTY: I accept that.  
10 What was -- what did you say?

11 MR. CATES: The amendment would be  
12 that all members are eligible and elected by  
13 the body.

14 VICE CHAIR MCCARTY: Did you say  
15 annually?

16 MR. CATES: Yes.

17 VICE CHAIR MCCARTY: Okay.

18 MR. CATES: Right.

19 VICE CHAIR MCCARTY: That sounds  
20 great.

21 MR. CATES: It should be a ten-  
22 minute conversation that the person that's

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1 Chair has been doing a good job and wants to  
2 do it, the body votes for it, and they vote  
3 him in. If there's not someone else that has  
4 the time and commitment that we think would do  
5 a better job, then you vote that person.

6 I mean, I can think of all kinds of  
7 situations where it could be the person's last  
8 meeting coming up, and we say, "Maybe that  
9 person could be really influential for MAFAC,  
10 and we're going to use that person for the  
11 next six months." Put him in that position. I  
12 can see that happening with the Chair.

13 MR. CLAMPITT: I have to agree with  
14 Keith. I don't think we have the time to go  
15 through this. Look how much time we've  
16 already spent on this. We only have two  
17 meetings.

18 Where you've been on bodies before  
19 that elected a Chairman, I'm sure they met  
20 more than once or twice a year, but I do  
21 believe that anybody should be eligible, so, I  
22 mean, maybe removing "but in no case less than

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1 12 months."

2 MR. CATES: But just for reference,  
3 we didn't have this problem at all last time.

4 It was literally a five- or ten-minute  
5 discussion, and we were done, so I'm not  
6 concerned about that.

7 DR. DANA: That's because Chairman  
8 Billy is so awesome.

9 MR. CATES: No, it's because the  
10 decision was made to barter the night before.

11 MR. MARTIN FISHER: And we didn't  
12 have to rewrite the charter then, either,  
13 right?

14 MR. CATES: This isn't about  
15 election. This is about --

16 VICE CHAIR MCCARTY: Mr. Chairman,  
17 what's on the table now is apparently not the  
18 motion that's highlighted, but the new  
19 language, which is just the second part, is  
20 that correct?

21 CHAIR BILLY: Yes, I'd like to make  
22 a suggestion, and it's tied to the idea of

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1 electronic voting process, and that would be  
2 annually in December, so then that person  
3 would serve until the subsequent December. So  
4 the variabilities of how many meetings, when  
5 they're held, when people are -- you're just  
6 going to --

7 MR. HOLLIDAY: You can make it the  
8 second Tuesday in November. You hold an  
9 election for the following calendar year --

10 CHAIR BILLY: That's fine.

11 MR. HOLLIDAY: -- the office  
12 starting January 1 and ending on December 31.

13 CHAIR BILLY: Yes, so it's just  
14 locked in as an annual event.

15 MR. HOLLIDAY: And you don't have to  
16 tie it to a meeting. You don't have to tie it  
17 to that person. I think the constraint -- the  
18 question I would ask is do you want that  
19 person who is nominated to have 12 months'  
20 worth of tenure in order to be elected, tenure  
21 left?

22 In other words, if they're

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1 scheduled -- I mean, this goes to your  
2 question about if they're there for six  
3 months, you can decide whether to vote "Yay"  
4 or "Nay," so that's the question I would want  
5 you to clarify if you were to go with a fixed  
6 election period independent of a meeting or  
7 whatever.

8 MR. MARTIN FISHER: If we only had  
9 six months left, is there an option to say,  
10 "Well, let's extend the term for six months to  
11 finish a year"?

12 MR. HOLLIDAY: Their term? I don't  
13 think we have that power. I mean, I can't  
14 extend it.

15 MR. MARTIN FISHER: Heather, did you  
16 hear what Mr. Billy and Mark just said?

17 VICE CHAIR MCCARTY: I'm sorry, I  
18 didn't, because I was just trying to get the  
19 right language on the screen so you wouldn't  
20 have two.

21 MR. CATES: Mark, can I add one  
22 suggestion for you? Great idea, but we should

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1 add one thing in there. The vote is taken the  
2 second week of November or as needed. If  
3 something happened, and we had to do it in the  
4 middle of the year, we have the ability to do  
5 it.

6 MR. HOLLIDAY: There you go. That  
7 makes sense. If somebody leaves in the middle  
8 of the term, then the Vice Chair completes the  
9 term until the subsequent second Tuesday in  
10 November. If that's what you want a Vice --  
11 the duty of a Vice Chair to fulfill.

12 PARTICIPANT: If we had somebody  
13 who's term was ending October 14 -- there's a  
14 bunch of them coming up next year -- they're  
15 not eligible then for that?

16 VICE CHAIR MCCARTY: That's correct.

17 PARTICIPANT: Okay, what if your  
18 term expired over December of this year,  
19 rather than January of 2011? I know we're  
20 breaking down in separate discussions, so I  
21 will defer to the chair to bring us back to  
22 order. I'm just watching the clock.

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1 MR. RIZZARDI: Mr. Chairman, I'd  
2 like to point out, then, that Randy's  
3 principle of all members are eligible unless  
4 their term ends before December of the year of  
5 the election, of the year following the  
6 election.

7 MR. CATES: That's why I added the  
8 language "or as needed," just in case.

9 MR. RIZZARDI: But we can't extend  
10 the tenure of a person who gets appointed.

11 MR. CATES: No, but --

12 MR. RIZZARDI: Exactly. That's why  
13 the vote would be taken as-needed. If that  
14 occurs --

15 MR. CATES: It's changing the voting  
16 date.

17 MR. RIZZARDI: Then we would just  
18 change the voting date and reelect them.

19 CHAIR BILLY: Go ahead, Heather.

20 VICE CHAIR MCCARTY: Mr. Chairman,  
21 Mark can correct me if I'm wrong, but I don't  
22 think it's in the charter, this specifically.

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1 I don't think we can just change the voting  
2 date, so we can't do that, because it would be  
3 too complex.

4 MR. RIZZARDI: The effect of this is  
5 that every person who is eligible has to have  
6 a year and a half left or a year left when we  
7 vote, so they're either going to be in their  
8 second year of their first term or their  
9 second year of their second term, and you've  
10 eliminated a portion of the population.

11 MR. CATES: We've done the same  
12 thing again.

13 MR. RIZZARDI: Exactly.

14 MR. CATES: And if you look at the  
15 terms, and the terms expire for everybody  
16 except two people on there, expire December 8  
17 or October 14, that whole class --

18 MR. RIZZARDI: That whole two  
19 classes.

20 MR. CATES: That's why I put the  
21 language for the vote as-needed. Then that  
22 goes away. The vote is November 2 or as

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1 needed. If he serves from December 31 to May  
2 and he expires and is out, then the body would  
3 take a vote to fill that gap, or the Vice  
4 Chair would be moved.

5 MR. HOLLIDAY: I think those are the  
6 two alternatives. If you're electing a Chair  
7 and a Vice Chair and it's the will of the  
8 group by majority vote to elect the Chair that  
9 has six months in his or her term, you're  
10 making that choice knowing that the Vice Chair  
11 -- what if that person got hit by a bus, God  
12 forbid?

13 I mean, you know, the Vice Chair  
14 would take over the reins until the next  
15 election. That's one avenue you could pursue,  
16 rather than holding a mid-term election to  
17 replace somebody. That's the purpose of the  
18 Vice Chair if you want that to be.

19 VICE CHAIR MCCARTY: The Vice Chair  
20 would fill the rest of that, the balance of  
21 the term.

22 MR. HOLLIDAY: The balance.

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1                   VICE CHAIR MCCARTY: And then there  
2 would be another election for Chair and Vice  
3 Chair.

4                   MR. HOLLIDAY: Yes, and on the  
5 election day, on the annual election day,  
6 you'd fill it out.

7                   MR. CATES: But you need that  
8 language of as-needed. There might be two  
9 buses.

10                  PARTICIPANT: Could be on the same  
11 bus.

12                  DR. CHATWIN: So I think the bus and  
13 the expiration of the terms are two different  
14 things. One we know already, so we can plan  
15 for that. We don't have -- and, I mean, the  
16 bus, having two, that's something that could  
17 happen to any of us. You might want to have a  
18 bullet about special elections in that case.

19                  MR. HOLLIDAY: Or in the event of a  
20 resignation from the committee, the Secretary  
21 or Assistant Secretary or the Assistant  
22 Administrator shall appoint somebody to

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1 fulfill the remainder of the term, because  
2 those are the people who have the authority to  
3 appoint people. It's the Secretary of  
4 Commerce, not members of the committee.

5 DR. CHATWIN: I just go back to the  
6 issue of getting things done, and is that the  
7 best way to do it, to say, "Okay, if there is  
8 a -- we're going to elect a Chair knowing that  
9 that Chair is going to go away, and I'm going  
10 to have someone else act as Chair who may have  
11 slightly different priorities." It's halfway  
12 through a year, so one meeting one thing, the  
13 next meeting the other thing?

14 MR. CATES: Let me give you an  
15 example why I think that's important. We  
16 could have a Chair there that's doing a great  
17 job. He has direct access to the Secretary of  
18 Commerce. I don't want to take him out of  
19 that seat even for one meeting because of this  
20 rule.

21 I want to leave him in there as  
22 long as effectively possible to the betterment

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1 of this group. It's our decision. If that's  
2 not the case, we have the opportunity to vote  
3 to change it, so that's why we need this as  
4 flexible as possible.

5 DR. CHATWIN: I'm not saying that.  
6 What I'm concerned about is the short end of  
7 it not the long end of it. You know, it seems  
8 that there isn't rigidity there in that.

9 MR. CATES: Let me see how that  
10 would be with language that says "or both as  
11 needed," in case of two buses. That's the  
12 only thing that's missing out of that that I  
13 see.

14 DR. CHATWIN: Do you accept that,  
15 Heather?

16 VICE CHAIR MCCARTY: I haven't said  
17 that I've accepted anything. I think we're  
18 just discussing it, really. It almost is  
19 outside the usefulness of Robert's Rules at  
20 this point.

21 PARTICIPANT: Can you put that on  
22 the board so we can look at it, please? Thank

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1 you.

2 VICE CHAIR MCCARTY: I accepted the  
3 idea that it be an annual election, but I am  
4 still mulling over the rest of what we've been  
5 talking about, because I haven't seen anything  
6 in writing yet.

7 MR. CATES: That's it right there.

8 MS. FOY: Yes, but if we did it in  
9 May, when would the term start?

10 MR. CATES: It would get to the next  
11 November. The vote -- Mark's suggestion, that  
12 I thought was good, the vote would be the  
13 second week in November. The term is going  
14 from January 1 to December 31.

15 VICE CHAIR MCCARTY: Okay. I've got  
16 an idea. What if you have the first sentence  
17 that you have there, "be elected by the body  
18 the second week of December or as needed. The  
19 term would be 12 months from the date of the  
20 election"?

21 Right? The term would be 12 months  
22 from -- it would be the 12 months after,

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1 starting at the date of the election, however  
2 you want to put it. Randy, does that work?

3 MR. CATES: The only thing I thought  
4 was said was the second week of November, only  
5 thinking of Christmas and schedule, the second  
6 week of November or as needed. Everything  
7 else is fine.

8 VICE CHAIR MCCARTY: Okay. Let's  
9 leave it at that and then talk about the other  
10 issues. The second week of November or as  
11 needed.

12 MR. CATES: I'm certainly not  
13 thinking of MAFAC in December.

14 VICE CHAIR MCCARTY: And then the  
15 next question is are those people eligible for  
16 reelection or extension? That was the next  
17 question, right, Mark?

18 MR. HOLLIDAY: Right. Do you want  
19 them to be an extension of their term or a  
20 reelection to take place? Are they eligible  
21 for --

22 VICE CHAIR MCCARTY: Do you have any

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1 thoughts on that?

2 MR. CATES: What would be the  
3 difference?

4 VICE CHAIR MCCARTY: One would be -  
5 -

6 MR. HOLLIDAY: If they're eligible -  
7 - I'm sorry.

8 VICE CHAIR MCCARTY: Go ahead.

9 MR. HOLLIDAY: I thought the  
10 distinction was it's sort of an automatic  
11 versus a formal vote so that if you were  
12 looking at somebody who had eligibility for a  
13 second term, they could be extended versus  
14 there is a wide-open competition, and people  
15 are going to submit nominations. I mean,  
16 there are differences, but they're not huge.

17 MR. CATES: I would think there  
18 would be a wide-open vote, and anybody -- if  
19 you're the Chair, you're running on your past  
20 performance. If you're a new person, you're  
21 running on your commitment and your status.

22 CHAIR BILLY: Heidi?

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1 MS. LOVETT: So, there's a few  
2 people that were on the MPA Advisory Board.  
3 Was this issue with the language ever -- their  
4 language says that the Chairperson shall be  
5 selected by the -- from the membership by the  
6 majority vote of the members present, and the  
7 Chairperson and Vice Chair will each serve a  
8 two-year term.

9 MR. HOLLIDAY: Do they have  
10 different term lengths? I understand there is  
11 a phrase about until their term expires, but  
12 they have different eligibility and renewal --  
13 they're non-renewable terms. They're for a  
14 longer period of time, so I think it's like  
15 having a differential equation.

16 MS. LOVETT: Okay.

17 MR. HOLLIDAY: I'll keep it algebra.

18 MS. LOVETT: I just didn't know if  
19 there was this kind of an eligibility issue in  
20 other -- you know, if people have run into it  
21 on other private committees, because I have.

22 VICE CHAIR MCCARTY: I think the

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1 language -- let's just start somewhere, and  
2 I'm not quite over. I'm just trying to start  
3 the discussion. Each of the Vice Chair and  
4 Chair will be eligible for reelection up to a  
5 total of three consecutive one-year terms.  
6 That's just an idea.

7 CHAIR BILLY: Bill?

8 MR. DEWEY: I agree with that. The  
9 way you worded it suggests that we're going to  
10 have an election every year, which I think we  
11 should do.

12 VICE CHAIR MCCARTY: I think so,  
13 too. So that would be a formal vote, and you  
14 can take out the questions.

15 MR. RIZZARDI: For discussion, make  
16 a couple of observations. The process that  
17 we're setting up here, because it's going to  
18 be electronic vote, will mean that each year  
19 you'll have to decide whether or not you're  
20 extending the Chair and Vice Chair's term.  
21 The problem is by definition it's not really  
22 going to be an extension, because if there is

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1 anybody else who is competing, it just turns  
2 into an election.

3 VICE CHAIR MCCARTY: Well, I  
4 actually said reelection.

5 MR. RIZZARDI: Right, so that's the  
6 next point, which is what we're doing is we're  
7 fundamentally changing the way that the  
8 leadership structure of MAFAC works.

9 Historically, this has not been a  
10 political type of process. The Chair process  
11 has not been elected. Now we're wrestling  
12 with what it means to have an elected Chair,  
13 and what we're doing is we're also making it  
14 an annual political event.

15 What will happen is the October  
16 meeting or whatever meeting it is towards the  
17 end of the year, each year, year after year  
18 will become a meeting that has this layer to  
19 it, with the people all getting themselves  
20 into position to run for the Chair so that you  
21 can have your electronic ballots each  
22 December.

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1 I, for one, continue to support  
2 longer tenure and a process that allows the  
3 Chair to simply be re-upped without having an  
4 election, because I think it diffuses some of  
5 the politics and the caucusing and whatnot and  
6 allows us to be the consensus group we are. I  
7 understand the process you're going through.  
8 I just want to make everybody aware of the  
9 dynamics that we are changing.

10 CHAIR BILLY: Tom?

11 MR. RAFTICAN: I'm probably the  
12 cause of a lot of this problem. I chaired the  
13 subcommittee on the charter re-amendment, and  
14 I was trying my best not to say that. People  
15 are going to throw stuff, a lot.

16 Understand, I hear what you're  
17 saying, but understand that before we didn't  
18 elect the Chairman. The Chair was the  
19 Administrative Assistant who acted as Chair,  
20 and this was the original focus of this thing  
21 was actually to try and put some of the  
22 management in our hands. That was the rule of

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1 thought.

2 It was also felt at the time that  
3 two years was a really good time, because it  
4 gets you in there, gets you a chance. I think  
5 the other thing is having the fact that we had  
6 a Vice Chair also made it easier, because  
7 somebody followed in the footsteps, as we are  
8 right now, and there was supposed to be  
9 discussion on the amendment whether -- the  
10 language on the time length.

11 So, I mean, this is really,  
12 honestly, a moot point. I mean, we should  
13 have had -- we've got a Vice Chair here who  
14 can fill out a one-year. You know, find the  
15 easiest way, I think. I'd vote on it once a  
16 year, and you know what? The politics is  
17 good, because it gets you engaged in what's  
18 going on.

19 CHAIR BILLY: Other thoughts?

20 PARTICIPANT: Let's vote on it.

21 CHAIR BILLY: All in favor?

22 VICE CHAIR MCCARTY: Was there

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1 another person?

2 PARTICIPANT: Call the question.

3 CHAIR BILLY: Hold on. Hold on.

4 One -- I'm going to share the thought. It may  
5 make no difference, but I just -- I'm really  
6 beginning to think about how much of this kind  
7 of language we want in a charter and whether  
8 this could be some established ground rules  
9 for electing a Chair and a Vice Chair, but the  
10 language in the charter would be pretty  
11 general. You know, I don't want the  
12 unintended consequences.

13 I want -- I like the idea of as  
14 long a term as possible. That makes sense  
15 from a leadership and continuity point of  
16 view, but I worry about a lot of detail in the  
17 charter, a lot of language in the charter, and  
18 what we might be locking ourselves into.  
19 We've already had that experience once.

20 It's just a thought I've been  
21 having, so I'll start here. Heather and then  
22 Tony.

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1                   VICE CHAIR MCCARTY: Mr. Chairman, I  
2 understand your concerns, and I kind of share  
3 them. Of course, if you were to do a  
4 spreadsheet that had everybody's term  
5 expiration dates on it, then we would see  
6 exactly how everybody fit into this structure.

7                   PARTICIPANT: We did do that.

8                   VICE CHAIR MCCARTY: I know, yes,  
9 but if you wanted to solve the problem of  
10 people having no eligibility because they only  
11 had 11 months left, for example, then you'd  
12 have to start coordinating the ending and  
13 beginning for the terms.

14                   That's the only way you can really  
15 solve the problem that we're talking about,  
16 and then if you do that gradually and each  
17 person was reappointed or appointed, you know,  
18 you've standardized the term starting dates is  
19 really the only way to do it, and then you  
20 would mesh that with the election date.

21                   So then you'd have everybody on the  
22 same cycle. Other than it being staggered,

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1 you'd have them on the same date cycle with  
2 the starting of the terms. That's, I think,  
3 the only way you can ultimately solve the  
4 problems if there's, you know, not quite long  
5 enough to be eligible, not quite, you know,  
6 long enough to be elected, whatever.

7 MR. HOLLIDAY: That's aspirational.

8 You'll never get there, because --

9 VICE CHAIR MCCARTY: I know. I'm  
10 pointing that out.

11 MR. HOLLIDAY: Yes, the reason Tom's  
12 and Eric's --

13 VICE CHAIR MCCARTY: I'm not  
14 arguing. I'm not arguing. I'm pointing out  
15 that if we get into the details, we might have  
16 to go to that length. If you didn't want to  
17 get into the details, what would you do? The  
18 Chairperson and Vice Chair will be elected by  
19 a majority vote of committee members, period.  
20 Is that what you mean?

21 MR. HOLLIDAY: Insert the word  
22 "annually," and let us decide when that vote

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1 is taken.

2 CHAIR BILLY: But be open to the  
3 staff drafting a protocol that would be  
4 considered by the committee and would be the  
5 guiding basis for the elections or something.

6 The other thing I keep thinking  
7 about is appointments are subject to the  
8 Secretary signing off, and regardless of when  
9 the action memo goes up through the  
10 bureaucracy, it could sit there for weeks, if  
11 not months. You have no -- there is no way to  
12 control any of this.

13 It's a very political process, and  
14 so I think we've got to be really careful  
15 about locking ourselves in too much here with  
16 dates. I'm feeling more and more uneasy about  
17 it.

18 Tony was next and then --

19 DR. CHATWIN: Just in relation to  
20 your concern about bringing in the charter, I  
21 just wanted to share that as an incoming, a  
22 new incoming member, one of the things that

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1 you look at is how does this body operate, and  
2 the charter should have a description of how  
3 it operates.

4 One of the things that troubles me  
5 about what's happening today is that I came in  
6 with one understanding, and now it's changing,  
7 which is fair enough, okay. I've already said  
8 I'm supportive of that, but I think it's  
9 important to have it spelled out in the  
10 charter how this body makes decisions and how  
11 it's -- what the --

12 That's the doctrine in which you  
13 embody our standing operating procedures. I  
14 think we cannot leave it to a mutual  
15 understanding based on this current  
16 composition, because that composition is  
17 dynamic and changes.

18 So I encourage us to tackle this  
19 problem. Leave it flexible. At this point, I  
20 mean, I don't care, really, but I do care that  
21 we come up to an understanding and it be  
22 reflected in the charter.

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1 CHAIR BILLY: Steve and then --

2 MR. JONER: Could we just type on  
3 the board? This document is going to be about  
4 25 pages long. Just type in the first  
5 sentence of 10c, and end it after members, so  
6 it would say, "The Chairperson and Vice Chair  
7 would be elected by a majority vote of the  
8 committee members." Period.

9 So if you'd just put that there,  
10 and let's think about that. We can decide  
11 when we vote right now. We can say, "Okay,  
12 we're going to -- we're going to vote on this,  
13 and we have two people interested. One has  
14 one year, and one has two years left."

15 So we just make it clear in that  
16 election that we're electing a person, and the  
17 term will be for that year only for that  
18 election, will be based on the person's  
19 remaining time, and if we vote for the one  
20 that has one year, then it's a one-year term.

21 If it's for two years, it would be a two-year  
22 term.

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1           And to answer Tony, when we came  
2 in, you would have read that, and you would  
3 have said -- I don't think you would have  
4 before all this happened, but you could have  
5 thought, "Gee, I wonder how that happens," and  
6 so you could have asked, and you would have  
7 had some flexible operating procedures on this  
8 that we agreed to.

9           I guess I'd leave that to Mark how  
10 that comes about, but that answers everything  
11 we've struggled with here. And we can decide  
12 on our operating procedures before the next  
13 election or for this one, and we could go back  
14 to Dave's original motion to postpone the  
15 election until the charter is amended, and we  
16 want this amendment to it. So rather than --  
17 you know, I'd just like to -- let's focus this  
18 straw man a little bit.

19           CHAIR BILLY: Randy and then Tony.

20           MR. CATES: Tom, I think your  
21 suggestion is perfect. I think we should get  
22 on, get it voted. For me, the real issue, the

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1 important issue that I hope we get to today is  
2 going to be where the next meeting is and how  
3 we are going to utilize that meeting to  
4 further elevate MAFAC. That is where I think  
5 the real discussion should be. We've got to  
6 just get beyond this.

7 CHAIR BILLY: Tony?

8 DR. CHATWIN: So, I agree, we've got  
9 to get beyond this, but I don't think this  
10 fixes it, because going back to Randy's point  
11 earlier, you know, if we like the person, we  
12 reelect. The way this is set up is whether we  
13 like the person or not, we're stuck with them  
14 for as long as they're on. Once they're  
15 elected, they stay until their term ends.

16 MR. JONER: I don't see that.

17 DR. CHATWIN: How do you call for  
18 another election? The way you just described  
19 it, when the person's term ends, we have  
20 another election, and so, I mean, if that's  
21 the way the committee wants to do it, that's  
22 fine, but let's be cautious of unintended

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1 consequences.

2 The idea is you want someone in the  
3 seat who's going to be as effective as  
4 possible, and if you have someone who is not  
5 being effective, you actually have to  
6 proactively call for a vote of no confidence  
7 or something. I'm mean, do we want to get  
8 into that?

9 It's going to be very unpopular to  
10 and very divisive to come up with an election  
11 when you don't have one planned, so I actually  
12 prefer going to an annual thing if that's  
13 clarity. To me, this isn't clarity. To me,  
14 this is punting on the issue.

15 CHAIR BILLY: Heather?

16 VICE CHAIR MCCARTY: Mr. Chairman, I  
17 just want to go back to process for a second.  
18 You know, we had a motion on the table.  
19 We've kind of discussed around it, and --

20 PARTICIPANT: And the question was  
21 called.

22 VICE CHAIR MCCARTY: The question

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1 was called on this motion.

2 CHAIR BILLY: Not on this.

3 VICE CHAIR MCCARTY: Not on this  
4 one? I don't remember hearing that. So is --  
5 I just want to clarify. Is this the motion  
6 that's currently on the table?

7 CHAIR BILLY: Yes.

8 VICE CHAIR MCCARTY: The one that's  
9 in -- that's already passed.

10 CHAIR BILLY: That's passed. That's  
11 passed.

12 VICE CHAIR MCCARTY: The one that's  
13 in yellow is passed.

14 PARTICIPANT: The first motion is  
15 passed.

16 VICE CHAIR MCCARTY: This one, I  
17 don't know. I actually don't know. I think  
18 now it was superceded by the motion that we've  
19 been covering, I believe, that one.

20 So if we want to go to something  
21 more simple, as per your suggestions, then  
22 somebody would need to either amend this

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1 motion or suggest a substitute motion, and I  
2 think the stage we're at right now, we  
3 probably need to do it that way so that we  
4 know where we are.

5 MR. RIZZARDI: Can I make a point of  
6 information?

7 CHAIR BILLY: Yes.

8 MR. RIZZARDI: Can we have bylaws?

9 VICE CHAIR MCCARTY: Oh, God.

10 MR. RIZZARDI: Because the way that  
11 we could accomplish what's being discussed is  
12 we could put in the charter the very simple  
13 language that the Chair and Steve have  
14 suggested and then Heather to have bylaws that  
15 say the more detailed version of what you put  
16 out there.

17 VICE CHAIR MCCARTY: We could do  
18 that. We could do that, or we could just --

19 MR. RIZZARDI: And then we would  
20 have the procedure that Tony wants. We would  
21 have the exact language to be worked out, and  
22 we wouldn't tie us down in the charter.

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1 VICE CHAIR MCCARTY: Or we could  
2 have it as SOPs, Standard Operating  
3 Procedures.

4 MR. RIZZARDI: So I just wanted that  
5 point of information out there.

6 VICE CHAIR MCCARTY: So my question,  
7 then, is does someone want to amend this  
8 motion, or else we need to take it off the  
9 table?

10 MR. RIZZARDI: Would you accept that  
11 as friendly as to make this an SOP?

12 VICE CHAIR MCCARTY: Tell me what it  
13 is again.

14 MR. RIZZARDI: Your motion,  
15 everything that you've worked out, just make  
16 that a standard procedure and then the  
17 language that we proposed for the charter be  
18 the Committee shall elect --

19 CHAIR BILLY: This is Dave,  
20 actually. Well --

21 VICE CHAIR MCCARTY: You know what I  
22 would prefer to do, please? I would prefer to

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1 take this motion off the table and have a  
2 substitute motion, the suggestion that Steve  
3 made earlier, or he could suggest it as a  
4 substitute motion.

5 MR. JONER: It's a good idea.

6 VICE CHAIR MCCARTY: So why don't  
7 you do that, Steve?

8 MR. JONER: So who made this motion?

9 VICE CHAIR MCCARTY: I did.

10 MR. JONER: I'd like to suggest a  
11 friendly amendment to strike the language and  
12 substitute it with the language that I had up  
13 there a few minutes ago.

14 VICE CHAIR MCCARTY: I accept that  
15 as a friendly amendment.

16 MR. JONER: That sentence ended at  
17 "members."

18 VICE CHAIR MCCARTY: We got that.  
19 It's actually a substitute motion. That would  
20 be great. The substitute motion would be the  
21 one first sentence of Section 10c, stopping  
22 after the word "members," the one that you had

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1 up there earlier.

2 PARTICIPANT: Is that it?

3 VICE CHAIR MCCARTY: Yes. Now,  
4 there was some discussion about -- from Tony  
5 having to do with that made it uncertain as to  
6 -- you know, he said he would prefer to see it  
7 annually, and I actually would, too, but I  
8 can't amend that motion now.

9 CHAIR BILLY: Someone else could,  
10 though.

11 VICE CHAIR MCCARTY: Yes, they  
12 could, like Tony, maybe.

13 PARTICIPANT: You need a second for  
14 yours.

15 MR. JONER: Yes, so I've made a  
16 motion to substitute it for that language.

17 CHAIR BILLY: And it's -- is there a  
18 second?

19 DR. DANA: So the bylaws or the SOPs  
20 would then spell out that any member of the  
21 body can run for Chair, Vice Chair.

22 CHAIR BILLY: Yes.

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1 DR. DANA: They could be or they are  
2 eligible for a multiple-year --

3 CHAIR BILLY: Yes.

4 DR. DANA: Okay. I'm --

5 PARTICIPANT: Second.

6 CHAIR BILLY: Okay, motion has been  
7 made and seconded.

8 DR. CHATWIN: So, while I think it's  
9 noble to try to separate out, we're talking  
10 about creating a whole new document, spending  
11 a whole bunch of time developing these bylaws  
12 where we could just try to come to resolution  
13 on some language that -- I mean, I don't think  
14 writing the bylaws is going to be any easier  
15 than coming up with the language here that  
16 provides some clarity as to when we have  
17 elections.

18 DR. DANA: Can they be altered  
19 internally rather than going through the --

20 CHAIR BILLY: I actually think --  
21 this is another thought. I think we didn't  
22 come to the realization when we amended the

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1 charter that, in fact, we need something like  
2 SOPs. I think we're now coming to realize  
3 this is more complicated.

4 Our simple idea is more complicated  
5 or has complications in it that need to be  
6 addressed in some manner, and we're trying to  
7 force it into new language in the charter, and  
8 the alternative is some simple language and  
9 then developing an SOP that's about the  
10 election and captures the sense of the group  
11 that we've -- you know, as we've talked about.

12 VICE CHAIR MCCARTY: I agree, Mr.  
13 Chairman. I think the only thing that might  
14 be a worthwhile addition to this might be  
15 annually, as was suggested by someone earlier,  
16 if people wanted to go to that extent and say  
17 annually.

18 "The Chair and Vice Chair will be  
19 elected annually" -- don't put it in -- "by a  
20 majority of committee members." That's the  
21 only thing I can think of that might make it  
22 more specific as per Tony's -- and I don't

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1 think that would tie us down except to an  
2 annual election process. Am I right on that,  
3 or am I not thinking right?

4 CHAIR BILLY: No, I think you're  
5 right.

6 PARTICIPANT: My intent is to keep  
7 this as simple as possible, and we work out  
8 the details.

9 MR. HOLLIDAY: I'm trying to do some  
10 research on FACA charters and what has to be  
11 in them with respect to membership election,  
12 so --

13 PARTICIPANT: I don't have a problem  
14 with adding annually. I just want to make sure  
15 that we really think it through.

16 VICE CHAIR MCCARTY: But that would  
17 -- that would allow reelection. It would  
18 allow --

19 PARTICIPANT: It doesn't say when it  
20 has to be.

21 VICE CHAIR MCCARTY: It doesn't say  
22 when it has to be, but to allow this annual

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1 evaluation process is what you were asked.

2 MR. CATES: Mr. Chairman?

3 CHAIR BILLY: Yes.

4 MR. CATES: I want to be on the  
5 record. With all due respect, I disagree with  
6 your comment. We are making this way too  
7 difficult. It doesn't -- we are making that.

8 It doesn't need to be as difficult. Anybody  
9 second me on that? It was keep it simple.

10 MR. DEWEY: I would just like to  
11 make a plea that we get done with us. I mean,  
12 we have the Assistant Administrator here for  
13 the afternoon. This is not what he came here  
14 to listen to, and we need to move on.

15 You know, from what I've heard in  
16 the discussion here, people seem to warm up  
17 and be comfortable to the idea of an annual  
18 election. I think that bolded language if you  
19 put annually in there or something, we can  
20 move on with, and if we can't, then we should  
21 give it to the Charter Committee and just be  
22 done with this discussion or something, but

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1 we've got to move on.

2 VICE CHAIR MCCARTY: Make a motion  
3 to add an amendment.

4 MR. DEWEY: I make the motion to add  
5 "annually," or I offer as a friendly amendment  
6 to add "annually," and please call the  
7 question.

8 MR. JONER: And I accept that.

9 CHAIR BILLY: Okay, any other  
10 discussion? You call the question? Okay, all  
11 those in favor?

12 (Chorus of ayes.)

13 CHAIR BILLY: Opposed?

14 MR. DEWEY: Thank you.

15 CHAIR BILLY: All right.

16 VICE CHAIR MCCARTY: We have passed  
17 two motions, Mr. Chair.

18 CHAIR BILLY: Are we done?

19 VICE CHAIR MCCARTY: No, not by any  
20 means, but we're done for the day on this.

21 CHAIR BILLY: On this. All right,  
22 so are you -- do you have enough from us? I

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1 mean, if you have to do research, that tells  
2 me that we didn't -- we are not in charted  
3 territory, anyway. We don't know what the  
4 rules are, ground rules are.

5 MR. HOLLIDAY: Well, you started  
6 talking about bylaws and things like that, so  
7 I'm trying to figure out if that's an avenue  
8 to pursue.

9 CHAIR BILLY: That's why I want to  
10 leave it at this for right now. This doesn't  
11 say anything about bylaws.

12 MR. HOLLIDAY: Is that something we  
13 can do at our next meeting?

14 CHAIR BILLY: Yes, but we need to do  
15 the research to find out if the --

16 VICE CHAIR MCCARTY: Mr. Chairman, I  
17 think we need to make clear on the record that  
18 that motion we just passed was my  
19 recommendation for the substitute language for  
20 Section 10C.

21 CHAIR BILLY: Okay.

22 VICE CHAIR MCCARTY: So let that

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1 just be on the record that that was that.

2 CHAIR BILLY: Did you hear that down  
3 there at the other end of the table?

4 VICE CHAIR MCCARTY: I just said  
5 that we need to just get it on the record.  
6 I'm sure it is on the written, on the audio,  
7 but the intent of this is that this language  
8 would replace the current language in Section  
9 10c of the charter.

10 CHAIR BILLY: Okay.

11 DR. CHATWIN: Mr. Chair?

12 CHAIR BILLY: Yes.

13 DR. CHATWIN: Do we need a motion  
14 saying that we encourage NOAA to refine this  
15 as they see fit? I think they have the  
16 authority to do that, anyway, but do they need  
17 support from us to go and do that?

18 MR. HOLLIDAY: I think we have that  
19 direction.

20 CHAIR BILLY: Yes, I think we've  
21 given our direction in terms of our interests  
22 and the possibility of bylaws or SOPs or

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1 something, but we haven't even done the  
2 research to find out if that's permitted and,  
3 if so, in what format.

4 It could end up coming back to the  
5 committee for further development, so we're  
6 going to sort of have this as the starting  
7 point, let the staff do its work and then let  
8 us know what else is needed.

9 Okay? All right. All right. The  
10 next meeting, and I'm incorporating new  
11 business.

12 VICE CHAIR MCCARTY: December 2011.

13 CHAIR BILLY: So when do we want --

14 MR. HOLLIDAY: So we've had  
15 discussions in the past about our normal  
16 pattern has been to have two meetings per  
17 year. There have been some suggestions about  
18 whether there is sufficient money and  
19 sufficient interest and workload to support a  
20 third in-person meeting.

21 A number of people have made  
22 various suggestions about how to accommodate

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1 additional workload without having a face-to-  
2 face meeting because of the time, expense, and  
3 cost, and we have some track record with  
4 conference calls, and I think we're getting  
5 better at constructing them and managing them  
6 to be productive.

7           So I think from the Executive  
8 Director's perspective of the committee I  
9 would recommend we focus on identifying two  
10 face-to-face meetings for the next calendar  
11 year, and I would also pass on a  
12 recommendation that I heard from membership  
13 about the subcommittees actually actively  
14 meeting by teleconference at mid-points  
15 between these meetings in order to help follow  
16 up on prior meetings, as well as prepare the  
17 agenda items to be more relevant and timely  
18 for the upcoming meetings.

19           So there is an added workload on  
20 the subcommittees, but it actually engages  
21 them prior to the meetings and helps formulate  
22 the content, and I reminded some people in

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1 some of these discussions that we do have an  
2 Executive Steering Committee made up of the  
3 Chair, the Vice Chair, and the Chair of each  
4 of the subcommittees.

5 That has not been a very active  
6 group. It's not met separately, but in terms  
7 of leadership or influence in the outcome of,  
8 you know, MAFAC's deliberations, that's  
9 another opportunity for us to utilize in  
10 between face-to-face meetings in order to move  
11 issues forward or identify priorities.

12 So I would -- I mention that only  
13 because I want to assure the committee that we  
14 are at the staff level willing and able to  
15 support that activity if that's how you choose  
16 to go. So it's a reminder that that's  
17 available and that we are prepared to support  
18 it if you choose to go down that way.

19 With respect to -- you know, there  
20 are special circumstances. Last year we had  
21 a special circumstance with the catch share  
22 policy and the timing of that where we needed

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1 to convene in a public session under the FACA  
2 rules to actually come up with opinions and  
3 recommendations. We continue to keep that as  
4 a special case.

5 I would propose because of both  
6 financing and time commitments that we try to  
7 do those special circumstances by, again,  
8 webinar or teleconference, but if it came down  
9 to it that we really did need a face-to-face  
10 meeting, we'd look to try to make a third  
11 face-to-face happen but as the exception  
12 rather than planning for one.

13 With respect to, you know, location  
14 and dates, you heard Randy Fisher's comments  
15 yesterday and his advice. Our traditional  
16 pattern of having one in the location, you  
17 know, Washington, D.C., and one sort of in the  
18 field, that's --

19 If you look back over time, we  
20 certainly have seen, you know, various  
21 patterns related to that. It's up to you to  
22 decide, you know, where you would like to go

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1 and what you want to get out of those visits.

2 We try to give you maximum  
3 discretion as to what is fair in terms of  
4 travel from people who have, you know, far  
5 West Coast homes locations and eastern  
6 locations to try to even out that travel  
7 overtime, but we as staff don't have any stake  
8 in where you would like to meet other than  
9 making sure that it's relevant and within the  
10 GSA regulations.

11 So we defer to you to indicate if  
12 there is an area of particular concern that  
13 you want to find out more about and we can co-  
14 locate that with a field facility or an  
15 operational activity that you would benefit  
16 from seeing, we'll try to accommodate that as  
17 best we can.

18 Having said that, in terms of dates  
19 and locations for the upcoming meetings, we  
20 canvassed some of the more obvious meeting  
21 conflicts that might come up in 2011.

22 The problem that we've had in the

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1 past with selecting dates and times at this  
2 meeting is, you know, right now there are, I  
3 think, six members who aren't here, and we  
4 come up with dates that meet our needs, and  
5 then we have, you know, 25 percent who maybe  
6 we shouldn't be paying attention if they're  
7 not here, but they were excused for legitimate  
8 reasons.

9 I like using the Doodle poll  
10 approach, you know, this idea of getting close  
11 to what the possible times and venues would be  
12 and then putting that out there electronically  
13 for everybody to go back and check their  
14 calendars and confirm their direct  
15 availability and then lock it in for the year  
16 as best we can.

17 That would be my preference, but I  
18 have lists of the Pacific States, Atlantic  
19 States, and Gulf States annual meetings. That  
20 seems to be a conflict. You know, that's been  
21 a conflict this week for Larry Simpson. He  
22 couldn't attend the Gulf States annual

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1 meeting.

2           The Council meetings, we are pretty  
3 much scheduled for 2011. We know when they're  
4 going to occur, so we want to keep away from  
5 them, and I guess I'll stop there and  
6 entertain questions or comments about how you  
7 want to proceed.

8           CHAIR BILLY: A question to you,  
9 Eric. Is there any particular advantage of or  
10 interest if we have one of the two meetings  
11 next year in Washington, D.C., the spring  
12 versus the fall?

13           Is there anything that you can  
14 think of, the upcoming election, something  
15 happening at the NOAA level, or some -- any  
16 sense of -- does it make a difference? If  
17 not, then that's fine.

18           MR. SCHWAAB: I think in the period  
19 that we're in right now, the short answer  
20 might be no. In other time periods, I was  
21 actually just trying to think.

22           I mean, I think we might have erred

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1 a little bit in being this far removed from  
2 D.C. this week. We've probably, you know,  
3 hurt some of that participation.

4 I was just trying to think, besides  
5 moving back closer to D.C., whether there is a  
6 particular time, a particular season when we  
7 might have a better shot at, you know, getting  
8 Dr. Lubchenco directly in attendance or  
9 anything like that, and nothing jumps to mind.

10 CHAIR BILLY: Okay. All right.

11 MR. HOLLIDAY: Can I offer my  
12 opinion?

13 CHAIR BILLY: Yes, sure.

14 MR. HOLLIDAY: I mean, I've not been  
15 the Executive Director for a long time, but I  
16 know during Vice Admiral Lautenbacher's tenure  
17 he never attended a MAFAC meeting. We had  
18 meetings in Washington, D.C.

19 We always extended invitations. I  
20 think a lot of the opportunities are there,  
21 but they're not picked up on, so I don't think  
22 the venue had any great -- being in Annapolis

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1 or D.C.

2 I mean, we invited Dr. Lubchenco  
3 months and months ago, and her calendar was --  
4 you know, she made a choice not to be able to  
5 make it herself, but she did have Monica  
6 Medina available to talk to us, and Monica did  
7 talk to us when we met in Silver Spring last.

8 I'm just saying I don't think -- it's hard to  
9 --

10 CHAIR BILLY: I don't want to make -

11 -

12 MR. HOLLIDAY: It's hard to lock  
13 into -- you know, if they're interested in  
14 coming to a meeting, they'll come whether --  
15 as long as it's reasonably related to their  
16 schedule is my opinion.

17 CHAIR BILLY: Okay. Good. One  
18 other thought I have, and then I'll go to the  
19 comments. I was struck by the variety of  
20 comments we got about some inconsistency  
21 between the regional offices and headquarters  
22 in terms of policy and direction and so forth

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1 and therefore the potential value of having  
2 the meeting outside of Washington where  
3 regional offices are located or close enough  
4 where there could be a significant number of  
5 staff from the regional office to participate.

6 So I'm just reflecting on the  
7 discussions the last couple days and that we  
8 ought to have that in mind, as well. Bill?

9 MR. DEWEY: I totally agree with  
10 that comment. When we're having meetings  
11 outside of D.C., trying to do them where we  
12 can get some participation of our regional  
13 staff is a great suggestion. I like that.

14 You know, I think having a meeting  
15 a year in D.C. is a great idea, and I think we  
16 should be flexible with meeting and when we do  
17 that or maybe even not doing it, depending on  
18 the need. It may be appropriate to be out of  
19 D.C. meetings a year if there is no reason to  
20 be coming to town.

21 There's another reason, in my  
22 opinion, for trying to do it closer to the

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1 city, and it's not so much convenience of  
2 getting people to our meetings but in case a  
3 few of us want to stay over, and I would  
4 encourage more people to do this.

5 We as a body can work with our  
6 members, and so the more we can encourage  
7 people, and I'm happy to take, you know,  
8 people that aren't comfortable with it out on  
9 the Hill and get them comfortable with it,  
10 because that's how we can effect change, as  
11 well, and so making it convenient for us to do  
12 Hill business while we're back here I think is  
13 also important.

14 MR. HOLLIDAY: I feel it's my  
15 responsibility just to remind people, though,  
16 that you can't on federal travel use this  
17 opportunity to lobby Congress.

18 It's a disclaimer that I know  
19 you're all aware of, but when you're on  
20 Government invitational travel you can't use  
21 that opportunity to go and then lobby on a  
22 particular issue. You can educate people all

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1 you want. I just don't want to have people  
2 get in hot water.

3 CHAIR BILLY: Okay. Randy and then  
4 Tom.

5 MR. CATES: I have a few  
6 suggestions, and Bill hit on it, and I suggest  
7 it for MAFAC and for NMFS. Number one is  
8 we've heard over this meeting and the past  
9 meetings kind of elevate MAFAC's status, and  
10 the only thing that I could see as a group  
11 that we can improve on is this subject of  
12 where to have meetings and what we do in those  
13 meetings.

14 So I agree. I think going into  
15 Washington, D.C., not here but in D.C., is  
16 very vital and important for what Bill  
17 outlined, and, Mark, I understand what you're  
18 saying, also, but I look at it in a different  
19 context.

20 We should be meeting in D.C., and  
21 each one of us should be going to our  
22 constituents, our Senators or whatever, and

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1 asking for input from them for fisheries  
2 issues in our area. I try and do that before  
3 I come to MAFA.

4 I go to West PAC. I go to the  
5 fishing community, and I ask what are the  
6 issues. The big missing link is what's coming  
7 to our legislators, and we should be hearing  
8 from them what are the issues relating to what  
9 we're deciding, and I would ask that we be  
10 given some time to do that.

11 I don't know how we would do that,  
12 but that is very vital, and it does two  
13 things. The flow of information will come to  
14 us, and the flow of information from us will  
15 go to them, and it will educate them on what  
16 MAFAC is about.

17 Secondly, the timing of the meeting  
18 is also important, but if we do have a meeting  
19 outside of D.C., when we go to an area,  
20 sometimes it's more of the value of us than it  
21 may be for the value of MAFAC. We should go  
22 to an area, and we should really work hard on

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1 getting the regional centers, as you stated,  
2 there.

3           Hawaii was a big disappointment for  
4 me. I didn't see the people that should have  
5 been there from NOAA, and that's what we talk  
6 about, that disconnect between the regional  
7 office and the national. That's where it's  
8 happening.

9           I think it's almost by choice, and  
10 that needs to happen. They should be sitting  
11 behind us listening to what we're talking  
12 about, discussing, and the issues, and I think  
13 they would have a lot to gain by that.

14           So it's very vital that we as  
15 members have our part to play. MAFAC as a  
16 group has its part, and NOAA regional has its  
17 part to play, and I think we can do a better  
18 job of elevating the status.

19           So I would call upon, even though I  
20 may not like it, of going into D.C. for those  
21 very reasons, and maybe we need to do that  
22 sooner than later for the very reason of

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1 elevating our status.

2           Going outside of D.C. I agree is  
3 good fun. I've enjoyed everywhere I've gone,  
4 but I think we've got to focus what our goals  
5 are going to be. If that's our goal, in my  
6 opinion that's the best way to achieve it.

7           CHAIR BILLY: Pam and then Tony.

8           DR. DANA: On Randy's note, I think  
9 that he's -- and also Bill's. I think there  
10 is great importance to consider having an  
11 annual D.C. meeting.

12           If in the event this committee  
13 wants to do a Gulf meeting this upcoming year,  
14 because of my previous role in overseeing  
15 economy and tourism for Florida, obviously I  
16 have some very good relationships that can  
17 help with budget considerations with planning  
18 our meeting. One of those we discussed during  
19 this trip and also with the previous one was  
20 the possibility of having a meeting in either,  
21 you know, Tampa or Miami or Key West.

22           They are all very cost efficient in

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1 terms of travel to those destinations, but  
2 also in the case of Key West, I believe based  
3 on past experience that we can work with the  
4 Navy or military there to utilize some of  
5 their accommodations at a very significantly  
6 reduced price, so that's a motivation there.

7           Also, in the Key West/Miami region,  
8 there are a number of relevant activities,  
9 whatever, to this group, including the Marine  
10 Keys Sanctuary, Marine Sanctuary, which Billy  
11 Cosby of NOAA has already suggested that he'd  
12 be willing to take us on tour and work with us  
13 to better understand that marine sanctuary, so  
14 that touches upon our ecosystems focus.

15           There is the -- with the naval  
16 operations there's a lot of training that  
17 happens in the Gulf range that goes from the  
18 panhandle of Florida downward to Key West.  
19 They have the cruise ships. They have all  
20 kinds of activities which then touches upon  
21 our ocean spatial planning focus.

22           In Miami, the NOAA -- NOAA has its

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1 Southeast Region Scientific and Research  
2 Center, and I'm quite certain that they would  
3 be willing to come join us for part of our  
4 meeting to talk to us about how they use  
5 resources, how they collect data from the  
6 commercial fishermen, the recreational  
7 fishermen, et cetera, so I think there's a lot  
8 of relevance for that place if the committee,  
9 of course, sees fit.

10 DR. CHATWIN: Thank you, Mr.  
11 Chairman. In terms of the D.C. meeting, I  
12 also think it's good, but I think my  
13 suggestion would be the primary consideration  
14 for when to hold that should really be when  
15 are we most able to provide advice that's  
16 going to get incorporated into NOAA's annual  
17 planning, and, you know, I would like to hear  
18 from the Agency when that would be.

19 Maybe it's a budget, and we know  
20 that the budget is being worked like two or  
21 three years ahead of time, something like  
22 that. Maybe there is a month of the year when

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1 input from stakeholders would be most useful,  
2 and going to D.C. would facilitate, rather  
3 than Lubchenco, Dr. Lubchenco, or Margaret,  
4 with staff that are working on it or the  
5 appropriate level to come to us and get that  
6 advice.

7 If it's not -- we heard at this  
8 meeting about annual implementation plans, and  
9 maybe there is a time of year where we could  
10 have that session. We talked about a closed  
11 session, maybe, on annual implementation  
12 plans, and we could provide input on those.

13 So I think that's something that we  
14 should get guidance from the Agency if there  
15 is a month of the year or time of the year  
16 where having access to this advisory body  
17 would be most useful to them. That goes to us  
18 having our recommendations, could potentially  
19 have a greater impact.

20 CHAIR BILLY: So, shooting for two  
21 meetings. We can either leave it open in  
22 terms of which of those two meetings would be

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1 in D.C., or we could choose the spring or the  
2 fall if that kind of insight is available in  
3 terms of when it would be more useful.

4 MR. CATES: Question. If we had one  
5 in D.C., is it possible to add a day on, even  
6 so we had a half-day meeting or something?  
7 Are we locked into the three days? My  
8 reason for asking that is, I mean, I could see  
9 the situation where we have a morning briefing  
10 on something and then we have some time where  
11 we could either on the up-front or on the  
12 backside where we can get that information out  
13 there. I mean, if we come in and are not  
14 allowed the time, then we're defeating the  
15 purpose.

16 CHAIR BILLY: Tom, did you want to  
17 say something?

18 MR. RAFTICAN: In the past, we've  
19 done basically Ocean Week in D.C. That seems  
20 like a fairly good time if you're going to go  
21 in there. It just seems like you've got a lot  
22 of talent in town at that same time. It's

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1 just a suggestion, the first week in June.  
2 The weather is miserable.

3 CHAIR BILLY: Okay. Heather and  
4 then Keith.

5 VICE CHAIR MCCARTY: I agree with  
6 most of what's been said. I think that to  
7 come in June, you know, those people who are  
8 at June council meeting, because the June  
9 council meetings almost always are during the  
10 June Oceans Week. Just a thought.

11 It has been that way in the past.  
12 It isn't always exactly the same, but it's  
13 very, very close, and I think it was Tony that  
14 said with NOAA or NMFS planning process we  
15 should think about when the best time in that  
16 is to come. I would ask Eric to comment on  
17 when that would be.

18 MR. SCHWAAB: So the budget planning  
19 period, you know, it does look out a couple  
20 years, but I would say, and I would invite  
21 Mark to decline this, that the sort of late  
22 spring, early summer period is the period when

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1 there is sort of -- when there is most in play  
2 in our minds with respect to budget planning,  
3 you know, the annual guidance memo, some of  
4 the strategic directions that you heard about.

5  
6 You know, the broad strategic  
7 direction gets set on a multi-year basis, and  
8 then the annual guidance memo really is driven  
9 out of, you know, the budget process, so it's  
10 long-range planning, budget, and then annual  
11 guidance that comes out of that.

12 Now, the problem with that is we  
13 can be in more of a listening mode there, but  
14 it's very difficult to say as much about, you  
15 know, what the Agency is planning,  
16 particularly from a budget perspective, and I  
17 think you all are familiar with that process.

18 You know, the last thing I would  
19 say about it is while, you know, it's always  
20 great to have sort of that, you know,  
21 additional input in that regard, my view is  
22 where MAFAC is at best and has been at its

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1 best is when it takes an issue, develops that  
2 issue, provides some sort of longer term  
3 strategic advice to us around that issue, and  
4 then helps to kind of shepherd it forward.

5           You know, so while, you know, I  
6 think it's important for you to know where  
7 we're going and how we're thinking from a sort  
8 of a broad planning perspective and budgeting  
9 perspective, it's, frankly, to me less  
10 relevant than it is to the prioritization of  
11 issues and the identification of issues back  
12 and forth, you know, "Well, here's something  
13 that we developed. Here's how you guys can  
14 really help us develop that, and let's in  
15 subcommittee fashion really get into it."

16           I think -- just one more thing.  
17 That should help also sort of drive -- could  
18 help to drive some of the choices around time  
19 and location.

20           VICE CHAIR MCCARTY: Absolutely. I  
21 was just going to ask Eric if you were to take  
22 a look at the bigger issues that are currently

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1 being fleshed out, would you say the whole  
2 national ocean planning process, the regional  
3 planning bodies, the coastal and marine  
4 spatial planning, that whole seat of issues or  
5 something else?

6 MR. SCHWAAB: So, I think that's  
7 one. You know, it's a big area. There are a  
8 lot of things that come into play there. We  
9 have still, I think, a lot of work to do on  
10 the aquaculture front. You know, this  
11 committee has been, you know, instrumental in  
12 getting us to where we are, but we still have  
13 a ways to go.

14 You know, we came to you this  
15 meeting and talked specifically about some of  
16 the law enforcement issues. I think they  
17 speak specifically to law enforcement, but  
18 they also, I think, speak more broadly to the  
19 issues of, you know, communication and  
20 interaction with various constituencies on,  
21 you know, compliance and other things, and I  
22 think that's another big area where help could

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1 be very useful to us.

2 CHAIR BILLY: Good. Keith?

3 MR. RIZZARDI: Thank you, Mr.  
4 Chairman. Very quickly, I have two things  
5 that sooner or later will be in the Gulf  
6 meeting in the aftermath of Deepwater Horizon,  
7 and I support the Key West meeting for that  
8 reason.

9 I'll also point out that one of the  
10 most enlightening parts of all of our trips is  
11 always the site visit, the Hawaii fish market  
12 or the ocean wing tour here in D.C.

13 Unfortunately, we didn't have one  
14 in Alaska, but Mark and I did have an  
15 opportunity to run over to the Alaska  
16 Fisheries Science Center, and that was  
17 absolutely outstanding, and I'm sorry for  
18 those of you who missed it. I think it would  
19 be great if we do go to the Keys to build in  
20 the site visit.

21 I'd just like to encourage staff  
22 that wherever we go, go ahead and stretch our

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1 day. I don't care if we start a little  
2 earlier and end later. If that's what it  
3 takes in order to build in some of those  
4 important site visits into the program,  
5 wherever we are, I think it's really essential  
6 to just keep that in mind. I'll start at  
7 7:00, and I'll to until 8:00. I don't care.

8 MR. RAFTICAN: Monica Medina did  
9 state that Jane had made it down to the Gulf  
10 ten or 12 times, so we probably have a lot  
11 better chance of getting her at Key West than  
12 here. You know, this is --

13 CHAIR BILLY: All right. Any other  
14 input to the staff? Anything else on that?

15 MR. HOLLIDAY: Heidi, did you have  
16 the lobbyist exposure, financial disclosure  
17 forms to give out to people?

18 MS. LOVETT: I realized that we'll  
19 have to mail them.

20 MR. HOLLIDAY: Okay.

21 MS. LOVETT: I'm sorry. I realized  
22 that this morning.

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1 MR. HOLLIDAY: All right. Cool.

2 CHAIR BILLY: Then let's go to the  
3 subcommittee reports.

4 MR. CATES: So are we taking a vote  
5 on where we're going?

6 CHAIR BILLY: Well, yes, I mean, we  
7 gave them input, so --

8 MR. CATES: Okay.

9 CHAIR BILLY: -- they'll keep  
10 looking at the other meetings and --

11 MR. HOLLIDAY: We're going to do a  
12 Doodle poll.

13 CHAIR BILLY: Yes, do a little poll  
14 with --

15 MR. HOLLIDAY: Time and place.

16 MS. FOY: I'd like to speak in  
17 support of the Doodle pool. That's a very  
18 efficient way to handle things whenever  
19 possible.

20 MR. MARTIN FISHER: I just have a  
21 short whatever. If DOC and staff do choose  
22 Florida, please have staff coordinate with Pam

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1 to help us achieve the biggest bang for our  
2 buck, because she has connections that staff  
3 doesn't have, and I just hope that that's  
4 formally part of what happens if we do that in  
5 Florida. Thank you.

6 CHAIR BILLY: Okay. Let's have the  
7 report of the Recreational Fisheries  
8 Subcommittee.

9 DR. DANA: Thank you, Chairman.  
10 Now, I am going to give a very brief overview  
11 of our meeting day before yesterday. For the  
12 record, it's the Fishing Subcommittee on  
13 behalf of Chairman Ken Franke. Again, in the  
14 interest of time I'll be brief.

15 We had two presentations that were  
16 basically to update us on what the NOAA team  
17 has been working on to build better  
18 relationships with the recreational community  
19 throughout the nation.

20 Russell then joined us at our  
21 meeting. Chairman Ken Franke thanked him and  
22 his staff for their hard work and already

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1 visible gains made in building more trust and  
2 confidence with the recreational stakeholders.

3 From the -- in aftermath of the  
4 National Recreational Summit, the views  
5 concerns that were noted from the recreational  
6 community, and they were compiled, and from  
7 that NOAA developed what they call a  
8 Recreational Action Plan rather than a  
9 strategic plan.

10 That Action Plan was distributed to  
11 stakeholders, predominantly to Recreational  
12 Working Group, Fishing Working Group, and  
13 their constituent base, and the comments back  
14 reported that the stakeholders felt that the  
15 essence of comments brought up at the summit  
16 were captured in that report -- in that plan  
17 with the exception, though, that they felt  
18 there should be more focus on regionalization  
19 and the differences in the regions throughout  
20 the nation and also have more geographic  
21 diversity, be more inclusive across those  
22 geographic lines.

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1           The second exception was that the  
2 plan should include time lines for  
3 accomplishing certain goals that were laid  
4 out. While NOAA appreciated the request for  
5 time lines, rather than have a specific time  
6 line they decided to categorize goals by what  
7 could be achieved in the shorter term versus  
8 the longer term, so they altered their plan to  
9 reflect those two priority areas. That plan  
10 is expected to be released, I believe, by Eric  
11 or his team as early as next week, so that  
12 will come around.

13           CHAIR BILLY: That will come to the  
14 committee, right?

15           DR. DANA: We had an opportunity at  
16 the last -- yes, it will come in final. We  
17 had an opportunity at our last meeting in  
18 Alaska to go over that draft. We did a veto  
19 in the subcommittee, and, of course, the full  
20 committee had some opportunity, and it is also  
21 in the minutes from -- not the minutes but  
22 the meeting preparation written materials.

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1           Let's see here. Russell has been  
2 working with his own team of regional liaisons  
3 and with our Recreational Fishing Working  
4 Group to build a better communication network  
5 throughout the nation. That's coming along  
6 just fine.

7           Ken Franke thought that he should  
8 devote or have his regional liaisons be more  
9 actively engaged in that networking.

10           There were two motions that were  
11 made and were unanimously passed, and that was  
12 to address the making our recreational efforts  
13 more robust, more geographically robust, that  
14 the Recreational Working Group be -- three  
15 more members be added to that group, and we  
16 have the flexibility to do that, because when  
17 the --

18           When NOAA created the Recreational  
19 Fisheries Working Group, there were up to 25  
20 members could be appointed. Right now it's  
21 set at 23 members, so the additional three  
22 unfilled seats would be to bring on someone

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1 from the Pacific Islands and/or the Caribbean,  
2 which they're not represented right now.

3           Secondly, while we did not have a  
4 firm term set up for the working group, at one  
5 point it was one year, and there have been  
6 discussions about three years, kind of like  
7 the discussion we had about the Chair election  
8 thing today.

9           So we made a motion and passed  
10 that the working group be allowed to have an  
11 extension to a two-year term, so one year, an  
12 additional two-year, and that NOAA have the  
13 discretion to stack it. Thank you.

14           MR. HOLLIDAY: So that was the  
15 second item?

16           DR. DANA: Yes, and I've got it in  
17 the minutes for you, the actual language.  
18 Then Russell talked a little bit about the  
19 Deepwater Horizon and how there was a lesson  
20 effort in the Gulf by recreational anglers and  
21 that NOAA has ramped up some of its telephone  
22 surveying by a factor of four so that they

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1 could get a better handle in real time.

2 Just -- they were able to reopen  
3 certain fisheries as a result and have a  
4 better understanding of the effort on the red  
5 snapper by recreational anglers and charter  
6 operators. Red snapper season was open in the  
7 Gulf temporarily this fall, Friday, Saturday,  
8 and Sunday through the middle of November.

9 That's essentially it from Russell  
10 Dunn. Gordon Colvin did join us, and Gordon  
11 gave us an update on the Marine Research  
12 Information Project or MRIP.

13 Essentially what that is is a  
14 pilot, a one-year pilot testing survey  
15 specifically with three communities, Destin,  
16 Florida, Panama City, Florida, and I did not  
17 remember -- it was a Texas community, and what  
18 they're doing is they're working with  
19 electronic log books or other means to -- with  
20 the four hired charter captains to see if they  
21 -- a better, more real-time report on their  
22 fish catch, just a way to make more efficient

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1 and more accurate the data collection and  
2 assessment.

3 In short, that's the sum of our  
4 meeting. I have a four-page minutes that I'm  
5 going to submit to the record, and I assume  
6 that's going to be available to the committee.

7 Thank you, sir. Any questions?

8 CHAIR BILLY: Thank you. Do the  
9 motions that you developed today need to be  
10 considered by the full committee?

11 DR. DANA: Okay. Let me read to you  
12 the two motions. The first motion was to  
13 ensure that the --

14 CHAIR BILLY: Can we put these up on  
15 the screen?

16 MR. HOLLIDAY: I don't think we can.  
17 Heidi, do those -- yes or no?

18 MS. LOVETT: We can.

19 MS. FOY: I can email them to you.  
20 Go to page two, and there's two bulleted  
21 motions at the bottom of page two. That's the  
22 first motion, to ensure that the Recreational

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1 Fishing Working Group be more geographically  
2 inclusive and robust.

3 Tom Raftican moved and Pam Dana  
4 seconded the motion for NOAA to increase the  
5 number of members appointed to the  
6 Recreational Fishing Working Group not to  
7 exceed the 25 total membership to address  
8 geographical gaps in representation, as in the  
9 Caribbean and the Pacific Islands." We voted  
10 on it unanimously.

11 The second motion was to establish  
12 continuity of the Recreational Fishing Working  
13 Group. Chairman Franke moved and Tom Raftican  
14 seconded a motion that the term of members to  
15 the Recreational Fishing Working Group be  
16 extended from one to two years with the caveat  
17 that NOAA could extend that term to develop an  
18 appropriate long-term transition period to  
19 ensure the continuity of the group's  
20 institutional knowledge.

21 MR. MARTIN FISHER: I'd like to make  
22 a motion to adopt the subcommittee's motions

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1 as MAFAC recommendations.

2 MR. CLAMPITT: Second.

3 DR. DANA: Exactly what I said.  
4 We're going to admit saying -- we never  
5 established formally what the term of service  
6 would be. We went around on this. Okay.

7 MR. HOLLIDAY: On the record there  
8 is a one-year term.

9 DR. DANA: Okay.

10 MR. HOLLIDAY: We do need to extend  
11 that term or modify it.

12 DR. DANA: Okay, and that --

13 MR. HOLLIDAY: That anniversary is  
14 coming up.

15 DR. DANA: And that's what this  
16 motion is. It's at the minimum to allow for  
17 the extension by one year the service of these  
18 members.

19 MR. HOLLIDAY: Great.

20 DR. DANA: And then if NOAA  
21 leadership sees fit that they are able to  
22 allow for staggering of membership to have

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1 continuity of the institutional knowledge.

2 CHAIR BILLY: Okay. The motion is on  
3 the floor and has been seconded.

4 Eric?

5 MR. SCHWAAB: Okay, so I think  
6 that's probably where maybe there is some --  
7 the second part of that is where there is some  
8 confusion, because my recollection is that it  
9 was the entire effort that was sort of  
10 endorsed by this committee for one year with a  
11 possible extension so that it's --

12 Are you asking that the entire sort  
13 of effort and all the current members be sort  
14 of extended out for a year? And then the  
15 staggering thing is where I got a little  
16 confused. Then my second question is are all  
17 of the 23 members engaged actively?

18 DR. DANA: Answering your second  
19 question first, we have an outstanding working  
20 group, top representatives respected by their  
21 peers throughout the nation.

22 The first question is that they are

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1 -- and I may not have captured the answer to  
2 your question, but this group was appointed  
3 after the -- shortly after the Hawaii meeting  
4 before the April national summit.

5 So they have not even served a full  
6 year term, and right now we've just begun  
7 reaching out to them and starting to act upon  
8 some of the suggestions that were brought to  
9 bear at the national summit. So to not extend  
10 their services is almost why ask them to be  
11 part of this group to --

12 MR. SCHWAAB: I'm not suggesting not  
13 extending their service. I mean, I think it's  
14 a good idea to extend the whole group out for  
15 another year. I would be in favor of that,  
16 but when you start talking about staggering  
17 terms, that's a different -- there is a  
18 different connotation associated with that  
19 that I'm not sure this committee has put --  
20 has endorsed yet.

21 DR. DANA: And I'd welcome Tony and  
22 Tom to help me explain why the stagger was a

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1 hinging issue.

2 DR. CHATWIN: Yes, so I'm not -- I'm  
3 not part of the subcommittee. I attended it  
4 and was welcomed there, so thank you.

5 DR. DANA: We welcome you. You're  
6 now part of us.

7 DR. CHATWIN: I think, as I  
8 understood, the thought was it was so much  
9 effort to get this subcommittee -- this  
10 working group established that there was value  
11 being derived from their work that the idea of  
12 having them all roll off, basically an end to  
13 that committee, and then if you wanted to --

14 I think the assumption was if you  
15 want that work to continue, you wanted to  
16 avoid having to repanel the whole group  
17 because of the length of time that would have  
18 took. So I guess there was an assumption of  
19 wanting to have it continue. Would that be  
20 fair? That's what the operating assumption  
21 was, rather than a particular --

22 MR. NARDI: You know, I'm trying to

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1 remember, and I know there was discussion  
2 about that when it was decided -- I forget  
3 which meeting. D.C. I think it was -- that it  
4 would be for a year.

5 I certainly see the value of,  
6 "Well, we just got it going. Let's get some  
7 additional value out of the committee," but I  
8 don't think we talked about it being a  
9 permanent or continuing for outer years.  
10 Maybe I'm wrong, but I thought that was the  
11 sense of the discussion.

12 DR. DANA: We just added that there  
13 be a caveat that NOAA could extend that term  
14 to allow for continued institutional knowledge  
15 if you had a new member come on. It allows  
16 flexibility for the leadership.

17 CHAIR BILLY: In other words, the  
18 way I'm reading this is you're strongly  
19 encouraging they be extended a year to keep  
20 the action going and their, you know, their  
21 ongoing work, to keep it moving and then  
22 sending a clear signal that you're not saying

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1 that's all it's going to take, but it's up to  
2 NOAA to consider, I assume with this  
3 committee's input, about some strategy that  
4 would keep it going on a longer basis.

5 DR. DANA: That's correct, but, you  
6 know, in the interest of moving this meeting  
7 forward and gathering the support of this  
8 committee with that, if that's too much  
9 discomfort to vote on that caveat and it makes  
10 it less flexible, this motion, then we could  
11 take the caveat part off and just seek an  
12 extension of the one year.

13 CHAIR BILLY: Heather?

14 VICE CHAIR MCCARTY: Mr. Chairman,  
15 I'm remembering like George that we talked  
16 about it being one year. We did not talk  
17 about it being a permanent situation, and your  
18 committee is now saying, "We need another  
19 year," right, and I think that's completely  
20 fine, but like Eric just commented, I think  
21 the question of whether it continues on a  
22 permanent basis is another question, and I

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1 don't know whether you were really getting to  
2 that with this motion or not.

3 DR. DANA: I never --

4 VICE CHAIR MCCARTY: No.

5 DR. DANA: That was never --

6 VICE CHAIR MCCARTY: Okay.

7 DR. DANA: -- a discussion point  
8 with the committee, so, again, you know, in  
9 the interest of moving this along, I don't  
10 think that it's really providing NOAA  
11 flexibility and just trying to provide  
12 flexibility and allow for the best functioning  
13 entity if the entity exists.

14 So we can strike, again, from after  
15 "extend the work year from one to two years,"  
16 period, and I think it accomplishes the same  
17 end goal. Tom, do you have any comment?

18 MR. RAFTICAN: No, I think you  
19 handled it pretty well.

20 VICE CHAIR MCCARTY: I don't know.

21 PARTICIPANT: It's hard for her to  
22 hear.

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1 VICE CHAIR MCCARTY: I don't know.

2 MR. HOLLIDAY: There is a suggestion  
3 that the motion would end at the end of the  
4 third line when it says, "from one to two  
5 years," and then separate from the motion you  
6 could advise that at some future time the  
7 permanency of that would be subject of further  
8 discussion.

9 DR. CHATWIN: Just procedurally, I  
10 think as the maker of the motion Martin has to  
11 agree to the amendment.

12 VICE CHAIR MCCARTY: You could do a  
13 regular amendment. It would be friendly, but  
14 we could just vote on it.

15 DR. CHATWIN: He's right there.

16 DR. DANA: Martin, are you willing  
17 to allow a friendly amendment to your motion?  
18 Are you allowed to -- will you allow a  
19 friendly amendment to your motion to -- on  
20 this particular -- whatever this is, that  
21 motion to only have the committee be extended  
22 from one to two years and take the caveat that

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1 NOAA has flexibility, whatever, to --

2 PARTICIPANT: Not a problem.

3 DR. DANA: So moved by Martin, or  
4 no.

5 PARTICIPANT: He's your second. He  
6 agrees.

7 CHAIR BILLY: All right. Any other  
8 discussion, follow-up questions? All those in  
9 favor of these two motions say, "Aye."

10 PARTICIPANTS: Aye.

11 CHAIR BILLY: Opposed? Okay. Thank  
12 you.

13 DR. DANA: Thank you.

14 CHAIR BILLY: Next, we have the  
15 Strategic Planning, Budget, Program Management  
16 Subcommittee report.

17 VICE CHAIR MCCARTY: Roger. I just  
18 sent it to Heidi to put up on the board, but I  
19 can read it. The subcommittee had four  
20 recommendations for consideration by the full  
21 committee.

22 The first one was stemming from

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1 Paul Doremus' comment when he was making his  
2 presentation about how MAFAC can in closed  
3 session participate in a preview of the  
4 implementation plan and the budget process,  
5 and the subcommittee agreed that it would be a  
6 good plan for MAFAC to request such an  
7 opportunity.

8 That's why I was asking the  
9 questions about timing, because obviously it  
10 won't work unless we're doing it at the right  
11 time, and I don't know when that right time is  
12 at this point, but I think that we can consult  
13 with the staff to determine when that time  
14 would be. So that was the first  
15 consideration.

16 The second was that the  
17 subcommittee suggests that MAFAC consider  
18 recommending a closer integration of the  
19 Sanctuary Program under NOS with NMFS in the  
20 same sort of vein, the marine protected areas,  
21 the marine spatial planning, and so on.

22 It was thought that the Sanctuary

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1 Program is sort of over here, and the rest of  
2 it is over here, and I don't really know what  
3 implications that has for -- institutional  
4 changes probably would be what it would  
5 require.

6 Number three, the subcommittee  
7 suggests that MAFAC consider recommending that  
8 aquaculture research grants go back to being a  
9 line item in the NOAA budget instead of going  
10 through OAR, where the funding program  
11 currently requires a 50 percent match. That  
12 amount of required funding, according to the  
13 folks who try to access it, makes the access  
14 to the program more difficult.

15 That was number three. I can go  
16 back through these, and people who were on the  
17 subcommittee can add comments if they would  
18 like.

19 Number four was strictly from Bill  
20 Dewey from his outreach to the community that  
21 he deals with, so I'm going to let him speak  
22 to it, but the first part of it, which is in

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1 red, that is a restatement, a request that we  
2 made at a previous meeting, and I think it  
3 just says to emphasize the importance of that  
4 to the industry sector, and I'll let Bill  
5 speak to that.

6 Then, in addition, there are  
7 several other suggestions about the role that  
8 NOAA can play in helping to alleviate the  
9 public's negative impression of Gulf seafood.

10 This should include, number one, NOAA should  
11 continue its organoleptic work to support the  
12 reopening efforts.

13 Number two, NOAA needs to provide  
14 sampling information in understandable  
15 (consumer-level) format and on a regular, two-  
16 times-a-month basis.

17 Number three, NOAA should do  
18 another round of its dockside chats with the  
19 seafood community members along the Gulf Coast  
20 with its partners FDA, EPA, the Surgeon  
21 General's Office and the Coast Guard, updating  
22 them on their current activities.

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1 I think it's probably easier for  
2 you to read it than it is for me to -- he  
3 wasn't there. Okay, well, maybe, Bill, you  
4 could comment on number four, certainly.

5 MS. FOY: Bill, explain what  
6 organoleptic is for the group.

7 MR. DEWEY: Okay. So Cathy was  
8 saying to explain what organoleptic is, and  
9 that's just sensory characteristics,  
10 essentially, which is the basis by which  
11 they're saying the seafood is safe. Sniff  
12 test.

13 CHAIR BILLY: Smell and taste.

14 MR. DEWEY: Smell and taste.

15 CHAIR BILLY: And look at it.

16 MR. DEWEY: So the red language was  
17 our recommendation from our Juneau meeting,  
18 and if you look at the chart in the action  
19 chart we looked at earlier today, essentially  
20 NOAA did what we asked, but the response back  
21 was that it's the states' responsibility and  
22 that NOAA has a representative as an advisor

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1 to the ISSC Executive Board that could raise  
2 it there.

3 I would just respectfully disagree  
4 with that, since I'm part of that ISSC  
5 process, as well, and it is totally within  
6 their purview. That's what they do is  
7 establish national criteria, seafood safety  
8 criteria, and it's totally within their  
9 purview to come up with criteria around oil  
10 contamination.

11 So I would like to take another run  
12 at that and at least have Spencer Garrett  
13 bring it to the ISSC Executive Board. You  
14 know, the recommendation was to not wait for  
15 their meeting, which only happens every other  
16 two years.

17 The national conference only  
18 happens every other two years to take action  
19 on these things. The Executive Board can take  
20 action more quickly, so for Spencer to bring  
21 this to the Executive Board as soon as  
22 possible at their next meeting.

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1 CHAIR BILLY: NOAA has a seat on the  
2 Board, because I accomplished that -- is that  
3 still --

4 MR. DEWEY: Still there, yes.  
5 Spencer Garrett holds that seat.

6 CHAIR BILLY: Okay. He can call.  
7 He can ask for a special meeting.

8 MR. DEWEY: So I just want to bring  
9 that back to the fore and say, you know, we  
10 disagree with NOAA's conclusion and would like  
11 it once again brought before the Executive  
12 Board.

13 MS. FOY: So procedurally do we want  
14 to go motion by motion?

15 VICE CHAIR MCCARTY: Mr. Chairman, I  
16 think that we can go through these one by one  
17 and consider whether we need to make a motion  
18 or whether it would just be for planning  
19 purposes, and I would suggest that number one  
20 be not necessarily a motion but just an intent  
21 and that the staff and the leadership here  
22 consider that as a goal for whatever meeting

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1 it's appropriate at timing-wise.

2           Again, Eric, that's why I was  
3 asking you those questions, because it was  
4 such a fabulous thing, and Paul said, "Yes,  
5 you guys can be a closer part of this," but I  
6 think the timing is very key, and I don't know  
7 when that would be.

8           CHAIR BILLY: So the last sentence  
9 would be, "The Committee requests such an  
10 opportunity."

11           VICE CHAIR MCCARTY: Correct, and  
12 that could be reflected in our meeting  
13 transcript.

14           CHAIR BILLY: Okay.

15           VICE CHAIR MCCARTY: Frankly, I  
16 don't think it's --

17           CHAIR BILLY: That's fine.

18           VICE CHAIR MCCARTY: -- a motion.

19           CHAIR BILLY: I'm not -- I agree.

20           VICE CHAIR MCCARTY: Certainly  
21 everybody is okay with that.

22           MR. DEWEY: So moved.

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1 CHAIR BILLY: Yes, we don't have to  
2 -- yes.

3 VICE CHAIR MCCARTY: Seconded.

4 CHAIR BILLY: We have agreement.

5 VICE CHAIR MCCARTY: So number two,  
6 this again is a little bit of a large subject  
7 and I think probably has no likelihood of  
8 bearing fruit immediately, the idea of a  
9 closer integration of the Sanctuary Program  
10 with the National Fisheries Service.

11 It's similar programs. Again, I  
12 would ask Eric if he could comment on that,  
13 what you think the likelihood of that sort of  
14 thing happening is.

15 MR. SCHWAAB: So, I actually think  
16 that the National ocean policy work in NOAA,  
17 you know, the NOAA Ocean and Coastal Council  
18 that Sam spoke to, is going to be one really  
19 effective venue to help build that  
20 relationship so, you know, as these sort of  
21 integrated concepts flow outward to the  
22 regions, they also apply inwardly to NOAA in

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1 our interactions with the other line offices.

2 You know, frankly, I would say two  
3 other things. One is I think we actually have  
4 a better working relationship with NOS now  
5 than we have, you know, maybe had for some  
6 time, partly driven by, you know, the  
7 understanding of the need for this kind of  
8 collaboration if we're going to be successful  
9 and if they're going to be successful, and I  
10 think that these coastal and marine spatial  
11 planning is just going to drive more of that  
12 in the future.

13 VICE CHAIR MCCARTY: I think that's  
14 probably right from the outside looking in.

15 MR. SCHWAAB: I think we're moving  
16 in the right direction. I think it's, you  
17 know, it's nice to have a reminder of how  
18 important that is.

19 CHAIR BILLY: I have a suggestion  
20 based in part on what Eric just said. Maybe  
21 the Committee can play a role in this  
22 reorganization.

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1                   VICE CHAIR MCCARTY: That's where I  
2 was headed.

3                   CHAIR BILLY: Yes. In other words,  
4 that the Committee consider devoting a part of  
5 its next meeting to exploring and identifying  
6 opportunities for closer integration of the  
7 programs, and that would be accomplished in  
8 part by inviting representatives of both  
9 agencies that are involved in this and, like  
10 we typically do, have some presentation, some  
11 discussion, and come up with our own ideas  
12 that we recommend. Mark?

13                  MR. HOLLIDAY: Yes, along those  
14 lines, you may recall both at the New York  
15 meeting and in the New Orleans meeting that we  
16 did have specific discussions about  
17 integration of the Sanctuary Program and the  
18 Fisheries Service. Sam Rauch was charged at  
19 that time with setting up a Memorandum of  
20 Agreement between NOS and his counterpart  
21 between Fisheries Services.

22                   We've met with NOS leadership. I

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1 mean, there have been a number of events that  
2 have occurred. We held a major retreat  
3 workshop with NOS and National Marine  
4 Fisheries Service to look at areas of  
5 commonality and potential integration came up  
6 with a list of actions.

7 So there has been quite a bit of  
8 activity in this area already that we have  
9 been briefed on in the past, and it continues  
10 to be today, so it's not -- I mean, it's an  
11 ongoing issue. It's not you look at it once,  
12 and it's fixed. It's an ongoing process that  
13 Sam has been very much involved in, and as  
14 Eric says, I think the National ocean policy  
15 issue just puts a greater intensity on that  
16 collaboration between the two line offices.

17 CHAIR BILLY: Tom?

18 MR. RAFTICAN: Yes, does it make  
19 sense -- Sanctuaries not only have a  
20 foundation. They have a FACA committee, also.  
21 Let's start trading numbers and trading  
22 information and make sure that we get back-

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1 and-forth.

2 MR. HOLLIDAY: Sanctuaries has a --  
3 the Marine Protected Areas has a FACA  
4 committee.

5 MR. RAFTICAN: That's why I asked.

6 MR. HOLLIDAY: Sanctuaries has a --  
7 there is an external foundation.

8 MR. RAFTICAN: Yes.

9 MR. HOLLIDAY: But they are not a  
10 FACA committee.

11 VICE CHAIR MCCARTY: Each sanctuary  
12 has its own individual Sanctuary Advisory.

13 MR. HOLLIDAY: It has a --

14 MR. RAFTICAN: Right. It's a  
15 subcommittee. Right, but maybe it makes sense  
16 that, you know, their Foundation works pretty  
17 -- I mean, they're out there. They partner  
18 really closely with the Sanctuaries. I'm just  
19 saying, you know, let's make sure that we get  
20 MAFAC representatives to their meetings and  
21 ask for the return. Just it opens another  
22 course of dialogue.

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1 MR. JONER: We did this at the City  
2 Council. There's a lot of hard feelings  
3 between some people on the council and from  
4 the Sanctuary advisory councils primarily from  
5 California, so I kind of stuck my neck out and  
6 organized a roundtable where somebody from  
7 each of the sanctuaries, staff of each  
8 sanctuary and a member of each of the  
9 sanctuaries' staff or SAC.

10 So it was a SAC and a staff member  
11 for each sanctuary, and council were there,  
12 and, you know, I thought it was productive,  
13 but, as Mark said, it's got to be ongoing. We  
14 all agreed that we should be getting together,  
15 and there wasn't much interest in following  
16 up, so I'd like to see something like this to  
17 move it forward, have some pressure from the  
18 top of continuing that.

19 MR. HOLLIDAY: Tom, I would just  
20 suggest we could provide staff material --

21 CHAIR BILLY: Okay.

22 MR. RAFTICAN: -- via email about

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1 what's transpired since we've last met, and  
2 then you can decide in terms of the next  
3 agenda whether you want to -- where you want  
4 to take it from there, but it would be good to  
5 get updated.

6 CHAIR BILLY: Didn't Pam say there's  
7 a sanctuary right near where we might have one  
8 of our meetings next year? Tie that in  
9 somehow, too.

10 MR. RAFTICAN: Tom, I think,  
11 actually, there is a sanctuary there. Billy  
12 Causey, who runs sanctuaries for the East  
13 Coast, is located in Key West, and, you know,  
14 I suspect he'd be fairly interested in doing  
15 something like this. If we were to do it down  
16 there and put that in the agenda, you bring  
17 him in to speak, and it's a good step in the  
18 right direction.

19 CHAIR BILLY: I like that idea.  
20 That's good. I won't be around, but whoever  
21 -- have an Acting Chairperson. Okay.

22 MR. RAFTICAN: Have we done the

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1 recommendation?

2 CHAIR BILLY: Okay.

3 VICE CHAIR MCCARTY: Apparently,  
4 the fact that this program is going through  
5 OAR also changed the match requirements for  
6 the loan fund up to 50 percent match, and that  
7 makes it much more difficult for folks to  
8 access that funding.

9 We thought it was specific enough a  
10 request and reasonable enough. I don't know  
11 how difficult it is to move it from -- oh, my  
12 God -- back to wherever it was, as a line item  
13 in the NOAA budget.

14 However, there are basically two  
15 recommendations. If it was less than a 50  
16 percent match that would probably be without  
17 moving it. I mean, is that the main problem?

18 MR. DEWEY: Well, that was the key  
19 complaint that we heard throughout the  
20 community is nobody could come up with the  
21 match. In particular, I was frustrated  
22 because one of the priorities that they sought

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1 proposals on was for marine spatial planning.

2

3 Well, if you're -- people that  
4 would be interested in that would be  
5 governments, and all the governments are  
6 strapped, so if there was going to be a  
7 proposal, it's going to be for such a small  
8 amount of money that it would not be worth  
9 pursuing it, so they all fell by the wayside.

10 As hard as I worked to try to get  
11 people encouraged to do it, I got nowhere with  
12 it. It was also problematic for other people  
13 trying to come up with that 50 percent match.

14 CHAIR BILLY: Can the 50 percent  
15 requirement be waived or reduced?

16 MR. DEWEY: My understanding is as  
17 long as it's through OAR that -- I don't know  
18 if it's General Counsel or who made the  
19 determination, but that's the deal. That's  
20 the way it is.

21 So I don't know what the mechanics  
22 of that is, Mark.

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1 MR. HOLLIDAY: We weren't sure when  
2 we had this discussion in the plenary session,  
3 but we're going to try to get to the bottom of  
4 what the match requirement came from.

5 MR. SCHWAAB: So we'll look into  
6 this and see what it looks like.

7 VICE CHAIR MCCARTY: Should we hear  
8 a motion on that? No? Mr. Chairman, do you  
9 want a motion on that?

10 CHAIR BILLY: Yes, because look --  
11 well, they're going to look. MAFAC --

12 MR. DEWEY: Maybe changing the end  
13 of it to say whatever --

14 CHAIR BILLY: You need to change --  
15 yes.

16 MR. DEWEY: Whatever means possible  
17 to reduce the match requirement.

18 CHAIR BILLY: Yes.

19 VICE CHAIR MCCARTY: And, obviously,  
20 it changes the wording.

21 CHAIR BILLY: It does.

22 VICE CHAIR MCCARTY: This is not

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1 worded as a motion, but clearly the motion --

2 CHAIR BILLY: Yes is the answer to  
3 your question.

4 VICE CHAIR MCCARTY: I so move. I  
5 move that MAFAC recommend that aquaculture use  
6 such grants as --

7 CHAIR BILLY: Well, if that 50  
8 percent requirement can be modified, is there  
9 --

10 MR. DEWEY: It doesn't need to go to  
11 a line item if there's a way to do it. I  
12 mean, to me, the main goal here, the objective  
13 of the motion is to try to get the match  
14 requirement reduced.

15 CHAIR BILLY: So maybe the motion  
16 could be modify the -- that the 50 percent  
17 requirement, match requirement be reduced or  
18 eliminated.

19 VICE CHAIR MCCARTY: So then it  
20 would be, "MAFAC recommends that aquaculture  
21 research grants not require a 50 percent  
22 match," or you could suggest a match amount

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1 that might be more positive. What was it  
2 before?

3 MR. DEWEY: I think the National  
4 Marine Aquaculture Initiative typically had 25  
5 percent.

6 VICE CHAIR MCCARTY: Okay, so it  
7 should say, "MAFAC recommends that aquaculture  
8 research grants require no more than a 25  
9 percent match."

10 CHAIR BILLY: Good. Second?

11 MS. FOY: Seconded.

12 CHAIR BILLY: Any further  
13 discussion? All those in favor say, "Aye."

14 PARTICIPANTS: Aye.

15 CHAIR BILLY: Opposed?

16 VICE CHAIR MCCARTY: And then number  
17 four, Mr. Chair, I think that Bill spoke to  
18 the red part of it and to the ongoing or the  
19 re-new emphasis on that. I'm not sure we need  
20 a motion on that.

21 The second part, the part that's in  
22 black, is very specific suggestions as to what

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1 NOAA should do in terms of the Gulf issues,  
2 and I think they are reasonable requests. I  
3 would move that second part in this way.  
4 "MAFAC encourages NOAA to," and then number  
5 one, number two, and number three.

6 So it would say, "MAFAC encourages  
7 NOAA to, number one, continue its organoleptic  
8 work, provide staffing information, and do  
9 another round." That would be the way it  
10 would be stated.

11 CHAIR BILLY: Okay.

12 MR. DEWEY: Second.

13 CHAIR BILLY: Motion has been made  
14 and seconded. Any discussion?

15 MR. DEWEY: Eric, do you see any  
16 issues with any of this?

17 CHAIR BILLY: This is what we went  
18 through earlier?

19 MR. DEWEY: Yes. They weren't up  
20 there to read, but that's straight from the  
21 Gulf --

22 MR. SCHWAAB: We're actually working

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1 very much along those -- along those lines --

2 MR. DEWEY: It just reassures that.

3 MR. SCHWAB: -- on a number of  
4 fronts.

5 CHAIR BILLY: Okay. Any further  
6 questions? All those in favor?

7 PARTICIPANTS: Aye.

8 CHAIR BILLY: Opposed?

9 VICE CHAIR MCCARTY: And then there  
10 was one other issue that we took up at Keith's  
11 recommendation, but we moved that issue to the  
12 Ecosystem Committee, and I believe that  
13 Ecosystem Committee folks will probably  
14 address it, but I just wanted to add that this  
15 subcommittee here also supported that, and you  
16 haven't seen it yet, but you will see it in  
17 the Ecosystem Committee.

18 It had to do with the funding for  
19 EFH and habitat work and where some of that  
20 funding might come from, so you'll recognize  
21 it as something that this subcommittee also  
22 endorsed. That's it.

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1 CHAIR BILLY: Okay. Tom?

2 MR. RAFTICAN: Okay.

3 CHAIR BILLY: Ecosystem Management  
4 Subcommittee.

5 MR. RAFTICAN: Ecosystem Management.

6 Give me one second here.

7 (Off mic comments.)

8 MR. RAFTICAN: What? You've got  
9 that one with the two on it? Okay. The  
10 Ecosystem Subcommittee met yesterday with  
11 Martin Fisher, Keith Rizzardi, Paul Clampitt,  
12 Patty Doerr, Tony Chatwin, David Wallace,  
13 Cathy Foy, Heather McCarty, myself. Kari  
14 McLaughlin took notes, and we had Mackenzie  
15 from BP there also in tow.

16 The committee had an extensive  
17 discussion about, you know, how do you get to  
18 ecosystem-based management and the different  
19 scope and scale of how you get there and  
20 really figured that that was a really good  
21 thing to do some other day.

22 We did put together a report and

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1 tried to take a look at a lot of the things  
2 that we dealt with specifically on essential  
3 fish habitat, and some of the -- let me just  
4 actually read through the notes from  
5 yesterday's background on this, and then we  
6 came up with actually four recommendations  
7 which we weaned down, narrowed down to two. I  
8 think probably a third of us have seen the  
9 final two there, but let me get through  
10 background.

11 The Magnuson-Stevens Fishery and  
12 Conservation Act gives the requirements  
13 related to the designation and protection of  
14 essential fish habitat. MAFAC observes the  
15 current EFH was designated with predominantly  
16 Level 1 and Level 2 information and concludes  
17 that additional data would benefit NOAA's  
18 implementation of EFH and EFH consultations.

19 "MAFAC finds that implementation of  
20 Habitat Assessment Improvement Plan, HAIP  
21 2010, would provide additional information  
22 beneficial to EFH, and MAFAC encourages NOAA

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1 to set priorities for implementation of HAIP  
2 2010 and obtain at least Level 2 information  
3 and preferably Level 3 and Level 4  
4 information.

5 "MAFAC notes that Mabus Report on  
6 Deepwater Horizons Oil Spill defines the  
7 strategy for Gulf of Mexico restoration to  
8 include ensuring healthy, diverse, and  
9 sustainable fisheries, Principle 2, and to  
10 ensure that offshore waters are healthy and  
11 well managed, Principle 5.

12 "Accordingly, MAFAC recommends that  
13 some portion of the funding derived from the  
14 Oil Pollution Act and natural resource damage  
15 assessment process and other funding available  
16 be used to improve EFH information and  
17 implement HAIP 2010 as appropriate.

18 "In addition, MAFAC encourages NOAA  
19 to seek cooperative research, including  
20 opportunities with that funding to work with  
21 other state, local, and federal agencies,  
22 industry and academic institutions, especially

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1 in the Gulf of Mexico."

2 Now, with that all being said as  
3 background, we can move to what the last and  
4 final recommendations were. The Ecosystem  
5 Subcommittee recommends that MAFAC recommend  
6 to NOAA the following: one, to seek funding  
7 for the Habitat Assessment Improvement Plan  
8 2010 through the Oil Pollution Act and  
9 national resource damage assessment process  
10 and prioritize improving essential fish  
11 habitat information, preferably Level 3 and  
12 Level 4 information, particularly in the Gulf  
13 of Mexico, and seek cooperative research  
14 opportunities, particularly in the Gulf  
15 region.

16 Those are the recommendations we  
17 came out with and came back with to the  
18 Committee. They were actually -- I'm going to  
19 do a little explaining to some of the  
20 Committee members.

21 We actually came back with four of  
22 those recommendations, and Tony and Keith did

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1 some editorial work on them, basically  
2 bringing those four down into two, so I  
3 apologize for that. I didn't see it until  
4 mid-afternoon, and we finally got this thing  
5 worked out right now. I think they cover  
6 everything that we went through within the  
7 committee.

8 So, first of all, I see the  
9 committee heads are kind of shaking heads,  
10 going, "Yes, okay, fine. We're on solid  
11 ground here." Now we'd ask MAFAC to make  
12 those recommendations. Could I have a motion?

13 MR. WALLACE: I so move.

14 MR. RAFTICAN: Okay. Second?

15 MR. RIZZARDI: Second.

16 MR. RAFTICAN: Any questions? Any  
17 discussion?

18 MR. DEWEY: I wasn't part of that  
19 committee discussion, but I presume that those  
20 two sources of funding are appropriate to fund  
21 that.

22 MR. RIZZARDI: There is going to be

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1 a process that we'll take. Eric, do you want  
2 to address it?

3 MR. SCHWAAB: So I think, and I  
4 could be wrong on this, that the Oil Pollution  
5 Act drives the funding before NRDA, but  
6 perhaps the bigger area of opportunity, number  
7 one, that is identify specifically -- one,  
8 where the Mabus Report made specific  
9 recommendations about this to essentially  
10 earmark Clean Water Act penalty dollars into  
11 the restoration, so it's actually probably the  
12 bigger potential area of opportunity is going  
13 to be the Clean Water Act.

14 MR. RAFTICAN: Which is the next  
15 lawsuit?

16 MR. RIZZARDI: Oh, just --

17 MR. SCHWAAB: No, that's where -- so  
18 the dollars -- the Oil Pollution Act sets up  
19 the NRDA process. The NRDA process is  
20 essentially, you know, a litigation, if you  
21 will, fashion, right? There is an estimate of  
22 damages to public trust resources, and there

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1 is a bill then handed to the responsible  
2 party.

3 Now, it would be -- I think it  
4 would be hard to sort of short-circuit or  
5 hijack in some fashion that process to move  
6 that money into some other purpose. On the  
7 other hand, in the Mabus Report, you know,  
8 there are these -- there are these Clean Water  
9 Act penalties that are based on the per-gallon  
10 spillage.

11 And what the Mabus Report is  
12 recommending is that they -- and I think they  
13 have to do this legislatively -- is that they  
14 direct the Clean Water Act penalties directly  
15 back into broader Gulf -- back into Gulf  
16 restoration activities that go beyond the  
17 NRDA-identified actions.

18 MS. FOY: I'd like to speak to this  
19 for a moment.

20 MR. SCHWAAB: Yes, Cathy.

21 MS. FOY: Eric, the intent was that  
22 there is going to be data collection needed

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1 for the legal process. Our hope was that as  
2 that data is being collected that it dovetail  
3 with methods that are needed by the essential  
4 fish habitat process so that the data could  
5 later be moved directly into a database to be  
6 used.

7 MR. SCHWAAB: Okay.

8 MS. FOY: Not the essential fish  
9 habitat process, and Curt can correct me.

10 MR. RIZZARDI: But I would add to  
11 that we could certainly add through the Clean  
12 Water Act, the Oil Pollution Act, and NRDA and  
13 have it cover the entire universe, because it  
14 may be that some money you can get at the  
15 beginning of the process and some money you  
16 can get at the end, but one --

17 Maybe I misread a piece of the  
18 Mabus Report, but I thought that a portion of  
19 the NRDA funds could be used to address the  
20 need for data and to do the evaluation itself.

21 MR. SCHWAAB: So specifically the  
22 data.

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1 MR. RIZZARDI: Well, that's what the  
2 HAIP is all about. It's about the collecting  
3 of the information needed that will drive EFH,  
4 and we're focused not -- one of the things  
5 that -- one of the points we're making is when  
6 this document gets implemented, we'd like to  
7 see the priority put on the portions of this  
8 document that are most relevant to EFH,  
9 because we see --

10 We see the greatest value there,  
11 and we're just saying you've got this money  
12 that's going to be emerging. You've got these  
13 needs in the Gulf. You've got these damages  
14 that have occurred in the Gulf. Here is an  
15 opportunity to connect your dots and have the  
16 funding linked up with an identified plan and  
17 need that already exists.

18 MR. SCHWAAB: So the money you're  
19 talking about here is really to specifically  
20 pay --

21 MR. RIZZARDI: Correct. Now, you're  
22 absolutely right that some of it could be

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1 Clean Water penalty money, so I would  
2 certainly encourage the committee to --

3 MR. SCHWAAB: I don't think we have  
4 a problem adding that in there, so I might  
5 have actually gone in a different direction  
6 than what you actually -- I didn't understand  
7 the --

8 MS. FOY: -- to data collection.

9 CHAIR BILLY: This should be  
10 clarified, then.

11 MR. RIZZARDI: Wherever you have a -  
12 - you could insert the Clean Water Act.

13 MS. FOY: Right, and prioritize  
14 improving -- improving essential fish habitat  
15 data.

16 MR. RAFTICAN: Instead of  
17 information, yes.

18 MS. FOY: Instead of information.  
19 There you go. Are you happy with that, Eric?

20 MR. RAFTICAN: Is everybody  
21 comfortable with those changes? Eric?

22 MR. SCHWAAB: I just wasn't

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1 understanding.

2 CHAIR BILLY: It's clear to me.

3 MR. RAFTICAN: Okay. We've got a  
4 motion on the floor and a second for MAFAC to  
5 endorse both as written. Follow-up questions?  
6 All in favor?

7 PARTICIPANTS: Aye.

8 MR. RAFTICAN: Opposed? Thank you,  
9 Mr. Chairman.

10 VICE CHAIR MCCARTY: Mr. Chairman, a  
11 comment. I know that we talked a lot about  
12 Gulf of Mexico and wanted to prioritize the  
13 Gulf of Mexico, but several of us who were at  
14 the subcommittee meetings also believe that  
15 there are tremendous opportunities to gather  
16 EFH type information with cooperative research  
17 opportunities with industry and academia.

18 So I just wanted to emphasize that  
19 again. Obviously, we need to know way more,  
20 and until we do, things are going to stay  
21 cautionary, and EFH is really not going to  
22 carry out the way it should be, so nobody can

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1 possibly to do it with the votes that NOAA's  
2 bot. I mean, it's impossible. We do have 500  
3 more people, so --

4 MR. RIZZARDI: And the Ecosystem  
5 Committee certainly shared that same dialogue.

6 It's just we recognize that at least as to  
7 funding there are issues, and you have to tie  
8 any of the Deepwater Horizon money to the  
9 Gulf, and you may be limited with what you can  
10 do there, so we'll certainly prioritize that,  
11 but we agree that we'd like to see more EFH  
12 throughout all the waters.

13 CHAIR BILLY: So that's a comment  
14 that should be reflected in the minutes.  
15 Okay.

16 MR. RIZZARDI: It's also in the  
17 motion to some extent. The motion says  
18 particularly in the Gulf of Mexico. It's not  
19 exclusively in the Gulf of Mexico.

20 CHAIR BILLY: Fair enough. Okay.  
21 Thank you. Final report, Commerce  
22 Subcommittee. Steve?

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1 MR. JONER: We met with Alan  
2 Risenhoover and Tim -- and we talked about the  
3 trigger questions that Alan had discussed, and  
4 he explained that they wanted to identify  
5 lessons learned, what is working well, get  
6 ongoing feedback on the overall program, and  
7 that they intend that the initial focus of  
8 compliance assistance be on the commercial  
9 industry, since there is -- since that is  
10 where the perceived largest problems are now,  
11 but they'll expand to other sectors.

12 He was looking for ideas on how to  
13 organize the program, what the goals should  
14 be, what the activities should be to reach  
15 those goals and how this -- how this -- and  
16 how success should be measured.

17 So we talked about these. We just  
18 had kind of a roundabout discussion, and so I  
19 have -- we have a list here in bold of our  
20 recommendations, and I don't know if it's  
21 necessary to vote on these all at once.

22 They're kind of by subject, but it

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1 might be acceptable to just roll them all  
2 together. So we can go through, and, you  
3 know, I'll briefly describe what each of them  
4 means, and then if there are any questions we  
5 can -- we can address those.

6 So, based on our discussion we  
7 recommend that an Enforcement Advisory  
8 Committee be established, and we recommend  
9 that MAFAC is a good vehicle for the role.

10 So as it was noted by one of our  
11 committee members, somebody is going to make  
12 the recommendation that this happens, the  
13 Enforcement Advisory Committee. Rather than  
14 start from scratch and have a whole new  
15 backup, we felt that MAFAC was well equipped,  
16 as we are now represented to serve that role,  
17 so that's our recommendation.

18 One of the initial tasks of the  
19 Advisory Committee should be working with NMFS  
20 staff as requested with identifying the  
21 credentials, background, and experience of the  
22 type of person envisioned to fill the role of

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1 compliance liaison staff member.

2 We talked about in the Northwest  
3 Region there is a Fisheries person who is  
4 already serving that role. He's not actively  
5 involved in enforcement, but he works with the  
6 Council, with the -- with the states, with the  
7 industry, and that's kind of a good example.  
8 We might need somebody different for each  
9 region, but we could help in working out the  
10 criteria for that person for each of the  
11 regions.

12 We talked about the involvement  
13 with aquaculture, that there are some  
14 enforcement questions, for example, for  
15 specific size limits by species, capture of  
16 brood stock. It may not necessarily meet the  
17 size requirements, and the finished product of  
18 aquaculture fish may be too small.

19 Those are a couple of the examples  
20 that need to be addressed, and so this will  
21 take a lot of coordination between the  
22 enforcement program and aquaculture, and we

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1 are recommending that the regional liaison  
2 work with the aquaculture coordinator and the  
3 aquaculture industry.

4 So, specifically we recommend that  
5 MAFAC will work with NMFS enforcement to  
6 identify the problems and solutions relative  
7 to distinguishing aquaculture and wild caught  
8 fish that are incongruous, and, additionally,  
9 MAFAC recommends that routine meetings be set  
10 up between the new enforcement compliance  
11 liaison, the aquaculture regional staff, and  
12 the aquaculture industry, and MAFAC supports  
13 NMFS senior -- supports NMFS senior staff, but  
14 the compliance liaison should be a collection  
15 of people.

16 Thus, the role of the compliance  
17 staff would be to collect information from  
18 the agents on the ground, from the state  
19 enforcement officers, Coast Guard, et cetera,  
20 required.

21 And also something I remembered  
22 looking back at my notes that they should

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1 coordinate with the observer boats. The  
2 observer coordinators and the observer  
3 companies would be something else that would  
4 be important.

5 The subcommittee noted that the  
6 important exercise for NOAA will be  
7 identifying who the primary customers of these  
8 -- who are the customers of the enforcement  
9 services. These may include long line  
10 fishermen and council, the resource itself.

11 The value of identifying this key  
12 customer group is at the end of the day they  
13 will be likely advocates for the program.  
14 This is something that they want to try to --  
15 I think this will go a long way toward fixing  
16 the current policies.

17 So our final recommendation, MAFAC  
18 encourages the new compliance liaisons to also  
19 engage the councils. It will be important to  
20 work with them early in their process.

21 When they are developing their  
22 amendments and management alternatives for

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1 FMPs they need to help ensure the alternatives  
2 are practical, enforceable, and understandable  
3 by the fishermen.

4 Again, this is something that takes  
5 place in the Pacific Council where Dana  
6 Matthews and enforcement liaisons there are  
7 participating directly with the council, with  
8 the ground fish team, the advisory panel, with  
9 various -- and it seems to be a very good  
10 model to be improved upon and then used  
11 nationwide.

12 If it's acceptable, I'd recommend  
13 we just adopt those as one, or if there are  
14 questions or concerns, we can take them one at  
15 a time.

16 MR. DEWEY: So I move that we adopt  
17 the recommendations of the Commerce  
18 Subcommittee as presented.

19 MS. FOY: Second.

20 CHAIR BILLY: Any further  
21 discussion? All those in favor?

22 PARTICIPANTS: Aye.

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1 CHAIR BILLY: Opposed? Thank you.  
2 Good job. Okay. Any other business? Mark?

3 MR. HOLLIDAY: I think Eric has  
4 some.

5 CHAIR BILLY: Eric?

6 MR. SCHWAAB: Mr. Chairman, if I  
7 could --

8 CHAIR BILLY: Yes.

9 MR. SCHWAAB: So since I missed your  
10 dinner last night --

11 CHAIR BILLY: Yes, we missed you.

12 MR. SCHWAAB: I apologize for that.

13 CHAIR BILLY: But you're welcome to  
14 roast me, you know.

15 MR. SCHWAAB: No, I just -- but I do  
16 have a -- I do have a plaque, and I just  
17 wanted to say a word.

18 CHAIR BILLY: Okay.

19 MR. SCHWAAB: We have had the  
20 pleasure of coming onto this committee  
21 together --

22 CHAIR BILLY: We did.

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1 MR. SCHWAAB: -- almost six years  
2 ago now. I'm glad you stuck with it.

3 CHAIR BILLY: Thank you. Well, you  
4 made it easy.

5 MR. DEWEY: But Tom has been, you  
6 know, you've been a pleasure for me to work  
7 with both as a fellow committee member and now  
8 in my short tenure as the Assistant  
9 Administrator.

10 And I have remembered back, you  
11 know, noting some of the comments that I made  
12 earlier, some of the key accomplishments that  
13 occurred under your watch and under your  
14 leadership included the important role you  
15 played in pulling together that 2020 vision  
16 document and the extensive you work -- work  
17 that you did going way back on, you know,  
18 moving the Agency on aquaculture, which I  
19 think continues to carry forward in a big way  
20 to this day.

21 For those and other things, you  
22 deserve just a tremendous amount of credit and

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1 thanks, and I'm happy to be the one here to  
2 give you this plaque and to convey those  
3 thanks on behalf of NOAA.

4 CHAIR BILLY: Thank you very much.  
5 Do we have to look at the camera?

6 MS. FOY: Yes, that would be great.

7 MR. SCHWAAB: All right.

8 CHAIR BILLY: Thank you. Good.  
9 Perfect. Thank you. Yes, Bill?

10 MR. DEWEY: So, Tom, if I can just  
11 take a minute, there's been several people  
12 that asked where I disagreed with you  
13 yesterday morning and have been kind of  
14 curious.

15 CHAIR BILLY: Oh, yes. Sorry. I  
16 meant to --

17 MR. DEWEY: And so if people are  
18 curious, I just share that I had an  
19 opportunity to attend what was characterized  
20 as an Executive Roundtable on Environmental  
21 Information: Meeting the Climate Information -  
22 - Climate Information Needs of U.S. Business.

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1                   So this was a small meeting  
2 organized by the Institute for Global  
3 Environmental Strategies. It brought business  
4 leaders in from around the country to meet  
5 with the Commerce Secretary and Dr. Lubchenco  
6 to talk about the new climate services that  
7 NOAA is hoping to launch through a  
8 reorganization of the Agency, so this was a  
9 recommendation of the -- of NAPA, the National  
10 Academy of Public Administration report that  
11 they --

12                   MR. HOLLIDAY: That's my luggage.

13                   CHAIR BILLY: Put that in there with  
14 Mark's underwear, will you?

15                   MR. DEWEY: So the committee, the  
16 meeting was the Executive Roundtable on  
17 Environmental Information: Meeting the Climate  
18 Information Needs of U.S. Business, and the  
19 organization that put it together was the  
20 Institute for Global Environmental Strategies.

21                   It was definitely -- I was the  
22 small fish in the room. I mean, this was a

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1 pretty cool crowd of people, you know. I'm,  
2 you know, very honored to be there. I think  
3 Eric maybe had something to do with the fact  
4 that I was, and I appreciate that.

5 You know, it was just a great  
6 opportunity to talk about for what us is a  
7 very important issue as we've talked about  
8 with ocean acidification and climate issues.  
9 They're on the forefront of a lot of shellfish  
10 growers' minds, so it was a great opportunity.

11 That's where I was at yesterday morning.

12 MR. CATES: So you got to see her.

13 MR. DEWEY: Yes, I actually got to  
14 see Dr. Lubchenco. She exists. She's real.

15 CHAIR BILLY: Okay, I'm -

16 MR. SCHWAAB: I actually did think -  
17 - I was going to comment earlier, because one  
18 of the things I do remember doing with Tom was  
19 going to see Admiral Lautenbacher.

20 CHAIR BILLY: We did, on  
21 aquaculture.

22 MR. SCHWAAB: The aquaculture

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1 planning, and so I think probably that's also  
2 a model that we ought to continue to be  
3 mindful of on these particular issues of  
4 importance.

5 CHAIR BILLY: That's why we pressed  
6 so hard back in August in that memo to try to  
7 -- right after that meeting. It also got us  
8 access to the Secretary.

9 MR. SCHWAAB: Yes, I've heard  
10 through there.

11 CHAIR BILLY: We wanted a summit,  
12 and they heard that, and it happened. The  
13 Admiral wasn't so supportive. All right.  
14 Yes, Keith?

15 MR. RIZZARDI: One quick thing. I  
16 mentioned this to Mark. I think since we've  
17 got some new members coming on it would be  
18 great if the Executive Committee would  
19 consider some sort of effort to create a  
20 process for educating new members as they  
21 come, introductions, key MAFAC documents, how  
22 the process works, you know, who some of the

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1 folks are, and if we can help out in any way,  
2 please let us know.

3 CHAIR BILLY: Yes, I think that's a  
4 really good idea. We do that for management  
5 councils and a lot of other things, so extra  
6 half a day --

7 MR. HOLLIDAY: Did you miss the  
8 training that I gave to the new members,  
9 because if you have, I'll have to give it to  
10 you.

11 CHAIR BILLY: I'll have to check my  
12 references.

13 MR. HOLLIDAY: That three-hour  
14 PowerPoint, you don't remember sitting through  
15 that? And we've got a 30-page MAFAC member's  
16 handbook. You know of that. I'm serious.

17 VICE CHAIR MCCARTY: And the trial  
18 by fire.

19 CHAIR BILLY: All right. Thank you,  
20 everyone. Good meeting.

21 (Whereupon, the foregoing matter  
22 was adjourned at 4:47 p.m.)

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