

NWX-DOC CONFERENCING (US)

Moderator: Heidi Lovett
June 17, 2014
2:00 pm CT

Coordinator: Welcome and thank you for standing by. At this time all participants are in a listen-only mode. During the question-and-answer session, please press star 1 on your touch-tone phone. Speakers may use star 6 to mute and unmute their phone. Today's conference is being recorded. If you have any objections, you may disconnect at this time. Now I will turn the meeting over to Mr. Keith Rizzardi. You may begin.

Keith Rizzardi: Thank you Ebony. Hi, everybody. This is Keith Rizzardi, the Chairman of Marine Fisheries Advisory Committee and this is our follow-up meeting to discuss various items with recommendations on the Magnuson-Stevens Act coming from MAFAC. I'd like to again note that our support from Heidi Lovett has been terrific.

Advance materials have been posted on the Web under the June 17 listing with the issue papers and the draft recommendations and I greatly appreciate the efforts by the various members to not only contribute proposed language but also to modify the documents and get that material out in a timely basis to everybody.

I'm hoping that we can simply walk through each of the revised versions of the documents and have some discussion. I intend to manage it just like we did the last call. I'd like presentations to begin each discussion with Mr. Corbin handling aquaculture and Mr. Wallace handling overfished and depleted and the rebuilding issue.

So we'll work through each of the three recommendation documents. Where there will be a presentation, there will be some member discussion. There will be an opportunity for public comment.

Anybody from the public who joins the call, I ask you to please confine your comments to one minute and then we will go back after public comments, see if there's any further member discussion and see if we have a consensus on our various documents.

Assuming we manage to tackle all three of our recommendation documents, I then hope to have a few moments to get some feedback from the members on agenda topics for our next meeting in September.

We've circulated the Managing Our Nation's Fishery 3 document with the priorities that MAFAC had identified and I would like feedback from the members on particular topics that the subcommittees might be willing to address so that we can start planning the next meeting accordingly. Does that sound like a reasonable plan to everybody?

Man: Sounds good to me.

Keith Rizzardi: Mr. Corbin, you on the line?

John Corbin: I am on the line. Can you hear me?

Keith Rizzardi: I do. Thanks for being here John.

Heidi Lovett: Keith, can we do roll call first?

Keith Rizzardi: Yes, indeed Heidi.

Heidi Lovett: Sorry. Is Ted Ames on the call? (Bob Beal)? Julie Bonney?

Julie Bonney: Yes.

Heidi Lovett: Dick Brame? Columbus Brown?

Columbus Brown: Yes.

Heidi Lovett: Tony Chatwin? Paul Clampitt?

Paul Clampitt: Hi, yes.

Heidi Lovett: Thank you Paul. John Corbin?

John Corbin: Yes.

Heidi Lovett: Patty Doerr?

Patty Doerr: I'm here.

Heidi Lovett: I can hear you a little bit. Can you hear us okay?

Patty Doerr: I can, I'm sorry, I'm in my car for the next 30 minutes and then I'll be on a landline.

Heidi Lovett: Okay, sounds good. David Donaldson? Phil Dyskow?

Phil Dyskow: Yes.

Heidi Lovett: Michele Longo Eder?

Michele Longo Eder: Yes.

Heidi Lovett: Martin Fisher? Randy Fisher? Ken Franke? I thought I heard something. Liz Hamilton?

Liz Hamilton: Yes.

Heidi Lovett: Micah McCarty? Julie Morris?

Ted Ames: Yes, Ted Ames here.

Heidi Lovett: Oh thank you Ted. George Nardi? Bob Rheault? He says here. Henry Sesepasara? Dave Wallace?

Dave Wallace: Here.

Heidi Lovett: Dave, you're here, correct?

Dave Wallace: Yes, I'm here.

Heidi Lovett: Thank you. Pam Yochem)?

Pam Yochem: Yes, I'm here.

Heidi Lovett: Great, so I'm also just going to ask everybody depending on where you are while you're listening to the conversation before you speak if you can put yourself on mute, we won't hear the background noise that might be in your own location. Is that okay?

Keith Rizzardi: Heidi, that's a good plan. For everybody's benefit please I would also like to ask - by the way this is Keith Rizzardi - and I say that because I'd like all members for the benefit of everybody else to please say who's speaking at the beginning. It helps us with the transcript and it helps the people who are on the line listening.

Heidi Lovett: Thank you.

Keith Rizzardi: And lastly please do not put us on hold. Many of you have background music associated with your hold systems. Please instead keep the line open but put us on mute if you need to do something else in the background.

Heidi Lovett: I think we're ready, thank you.

Keith Rizzardi: Okay, John are you there and ready to go?

John Corbin: I am here and ready.

Keith Rizzardi: Okay, thank you for recirculating a modified document on aquaculture and I'd like to hear your feedback and your presentation.

John Corbin: Okay, very good. We have all had the aquaculture document for some time so I'll just really make a brief presentation. To restate the working group chose Option 2, amending MSA by inserting specific aquaculture language because of the strong commitment of NOAA and the regional councils to this approach to establishing a planning and permitting process for use in aquaculture.

Option 1 developing a new administration bill for Congress to consider was not selected because with the bill approach, NOAA would need to resend its prior commitments to MSA and a bill could negate previous proactive actions by the councils so we believe that attempting an administration bill would be a step backward at this time.

With our recommendation, well what our recommendation does is to put in place an MSA framework to manage aquaculture in the EEZ, providing some findings, definition and a broad framework to guide setting-up a permitting process and management process for EEZ aquaculture at the regional level.

If NOAA accepts this approach which basically asks them to follow through what they have said and committed to and actually provides funds to do it, then the MSA aquaculture language and sections will act like fisheries management program sections and establish that commerce NOAA has the authority to manage aquaculture in the EEZ.

And delegate certain portions of that authority to the regional fisheries councils to implement, for example planning and permitting and citing and the difficult part, the dialogue with the affected communities. We made three substantive changes to the previous document to address the concerns expressed in the conference call.

We added two paragraphs to the recommendation. One addressing stock enhancement and we elaborated quite a bit on stock enhancement and the other uses of aquaculture noting that a lot of these aren't in place now but the definition should anticipate technical breakthroughs in the future and...

((Crosstalk))

John Corbin: ...and aquaculture of EEZ species would probably occur and the other addressing the assessment of potential impacts on fisheries and ecosystems so that was the major concern.

The third change was an additional language to one of the proposed national standards which now reads conservation and management measures should be based upon the best scientific information and be consistent with sustainable harvest and conservation of wild fish stock.

One member felt that this was an important point to be made so we made it in the national standard. I'll stop there and again my thanks to all that participated in the preparation of this document.

Keith Rizzardi: Thank you John. Any member comment?

Patty Doerr: Keith this is Patty, can you hear me?

Keith Rizzardi: I do, I hear you, thank you.

Patty Doerr: Excellent. John can you repeat the national language?

((Crosstalk))

John Corbin: Patty, you know you're being a little garbled here on my reception. What was that again?

Patty Doerr: Can you repeat the national standard language that you mentioned?

John Corbin: Sure, sure. There's about eight that we developed, very similar to the fisheries management language. The one that I stated was conservation and management measures, they'll be based upon the best scientific information and be consistent with sustainable harvest and conservation of wild fish stock. This was actually suggested by Julie Morris.

Keith Rizzardi: For everybody's benefit, Julie and John had a little bit of a back-and-forth at the last meeting where Julie had expressed a few concerns. Julie could not make today's meeting but she has reviewed these comments and she weighed-in that she supports the proposal.

John Corbin: Thank you Keith.

Keith Rizzardi: Patty did your question get answered?

Heidi Lovett: It looks like Patty lost - dropped - the call got disconnected. She might come back.

Keith Rizzardi: Okay, thank you Heidi. Any other members with questions or comments about the proposal?

Julie Bonney: Keith?

Keith Rizzardi: Yes Julie?

Julie Bonney: Julie Bonney so I was looking at the paragraph that was inserted that says each individual region (unintelligible) says they choose that my, I mean, Alaska's always been pretty resistant to (unintelligible) so I'm just wondering in terms of...

((Crosstalk))

Julie Bonney: ...moves forward if that means Alaska could do something different compared to the rest of the U.S. and that question's to John.

John Corbin: Okay Julie I tried to follow you. Which paragraph are you referring to, the second insertion?

Julie Bonney: I guess it's on the top of Page 5.

John Corbin: Okay, okay, and the language specifically was?

Julie Bonney: MAFAC recognizes by implementing a national aquaculture management program, MSA will provide a broad national framework for planning but individual regions are delegated the authority to develop.

John Corbin: Right, okay, so what that means is that the individual regions will need to take a position on aquaculture. Three of them have and I'm aware of Alaska's concerns, Alaskan opportunity to pen an aquaculture program in some form or not. I guess that's the way I would interpret it.

Julie Bonney: And I guess my only question is in terms of what's been added to the Magnuson language, the proposal isn't clear that that would be an option. I mean, in the introduction it's there but I don't know that in terms of what's being proposed to be added whether it would be clear that each, you know, that each region can do as they choose.

John Corbin: In my view it has, I mean, we've certainly been aware that, you know, that aspect would need to be provided in this approach and in this document. I don't know how much clearer we can be but individual regions are delegated authority to develop region-specific offshore aquaculture FMCs permitting procedures that's fairly direct on that point I think.

Julie Bonney: Okay, that helps me, thank you.

John Corbin: Okay.

Keith Rizzardi: Okay, other member comments? Miss Ebony could you see if there's anybody interested in speaking from the public?

Coordinator: If you would like to ask a question, please press star 1 and record your first and last name clearly when prompted. Once again if you would like to ask a question, please press star 1 and record your first and last name clearly when prompted. One moment while we wait on questions in queue, please. There are no questions in queue at this time.

Keith Rizzardi: Okay, thank you. So John this is Keith. I just want to point out there are a few minor spelling errors in the document so if we get this thing final, just make sure you scrub it one last time and one of them is actually just a typo in that paragraph we were just discussing the inserted language in the top of Page 5, the very last line should be contents of fishery management plans for aquaculture.

John Corbin: Okay, Keith if you could, you know, send me those I would appreciate it. Otherwise, we'll certainly give it another look, no question.

Keith Rizzardi: Yes, sir. Any other member comments? Motions from anyone? Anybody interested in moving approval of this document by MAFAC?

Dave Wallace: I send this.

Keith Rizzardi: Thank you Dave.

Man: I second. This is John.

Keith Rizzardi: All right, so I'll handle it with the opposite since I think I'm (unintelligible) is there any objection to the document?

Michele Longo Eder: Yes, Michele Longo Eder.

Keith Rizzardi: Any other members?

Julie Bonney: Yes, Julie Bonney, I'm going to have to object too.

Bob Rheault: Is there any way anybody can hear me?

Keith Rizzardi: We heard you.

Bob Rheault: Wow, okay, I thought I'd been in listen-only mode the whole time. That's great, Bob Rheault.

Keith Rizzardi: Okay, so we have two dissenting members. Is anybody else not in favor or abstaining in any way? Okay, so how many are on the line from MAFAC Heidi?

Heidi Lovett: Give me one second. I see 13.

Keith Rizzardi: Okay, so it's approved 11 to 2. Okay, thank you John for your efforts on this one.

John Corbin: Thank you Keith.

Keith Rizzardi: Mr. Wallace?

Dave Wallace: Yes so we'll start off with overfished and depleted. We were advised at the last meeting that in the development of the Hastings bill that there was basically two definitions of overfished - excuse me, delete depleted - and just give me a second while I read through all this paper.

And so in the original discussion draft that was not numbered - it had not been presented and so it didn't have a number - it talked about having the words maximum sustainable yield, in other words the stocks are at or below maximum sustainable yield at which time they would have to - the stock - would be in jeopardy and something had to happen.

In the final bill that went to committee and came out of committee unchanged in that definition, the definition and probably everybody's read it is the term depleted means with the respect to the stock of fish or fish stock complex that the stock or stock complex has a biomass that has declined below the level that jeopardizes the capacity of the stock or stock complex to produce MSY maximum sustainable yield on a continuing basis.

Which is a significant change to set the bottom of the benchmark and so that was part of the discussion on how far could this be taken down before something had to take place and then it is unclear what would actually take place when the stock is below the level that jeopardizes the capacity of the

stock or stock complex to produce maximum sustainable yield on a continuous basis.

That's a very powerful statement and so I think that we ought to talk about that a little bit because at this point in time our position is to remain neutral. Our recommendation is to remain neutral and that this depleted and overfished to depleted is a low priority so open for any questions or discussion.

Keith Rizzardi: And Dave just a clarification, this is Keith. I understood that we were remaining neutral on the change in the verbiage from overfished to depleted but that we were recommending against the definition as proposed in yesterday's...

Dave Wallace: Yes, that's correct, you are correct.

Keith Rizzardi: ...okay.

Dave Wallace: Right.

Keith Rizzardi: Member comments, questions?

Julie Bonney: So Keith I guess I'm losing track of what he was suggesting that we need to review or rethink our positions because if I thought we just - and this is Julie Bonney - basically kind of divided and conquered this issue in terms of remaining neutral on the word change but weighing-in on the change in the definition.

Dave Wallace: Well, the National Fishery Service headquarters pointed out that there had been two separate definitions of depleted. Julie and myself were using the one that was in the act.

However when I got into doing research I found that there was a relatively significant change between managing it down to MSY and/or managing it down to below or to a point that it possibly jeopardizes the capacity to maintain MSY on a continuing basis.

And so that is a particular change that is more than just minor. It's a significant change. Do we want to discuss it, you know, our position would still - our recommendation - would still be to not to suggest any changes to the document.

Galen Tromble: This is Galen Tromble with NMFS and I'd like to just offer a little fact point on this that the definition that's in the introduced bill which is the change that's being talked about from the draft but the definition that's in the introduced bill is identical to the current definition of overfished in the current act with the exception that they used the word depleted rather than overfished.

So that phrase about a level that jeopardizes the capacity of the stock to produce MSY on a continuing basis is current statutory language. The draft Hastings bill which is the first thing that the committee looked at was actually significantly changed language from the current act if that makes sense.

But I think that language about jeopardizing capacity to produce MSY is actually the current statutory language for overfished.

Dave Wallace: Thank you for clarifying that.

Paul Clampitt: Yes, this is Paul Clampitt. I wonder if the person that was - I forgot the name there - but so is he basically saying that the Hastings bill has been modified and now the only change is in the word depleted instead of overfished?

Dave Wallace: Yes, versus the current Magnuson-Stevens Act definition of overfished.

Paul Clampitt: Right, well I'm in favor of changing the name to depleted anyway. I stated that earlier so...

Dave Wallace: Yes, you did.

Paul Clampitt: ...thank you.

Michele Longo Eder: Michele Longo Eder. I'm also in favor of changing the word overfishing to depleted.

Ted Ames: This is Ted Ames and I agree with changing overfished to depleted too.

Keith Rizzardi: So Dave I'm going to jump in here. I know when we last discussed this, MAFAC was quite divided on the overfished depleted name change so we were staying neutral...

Dave Wallace: Right.

Keith Rizzardi: ...now I'm hearing that the definitional issue might have gone away and I'm wondering if at this point we should simply table this document?

Dave Wallace: I think that's a really good idea.

Bob Rheault: So this is Bob Rheault and I just want to point out that the reason that we made this effort was because the initial effort to change it, by the time this gets heard it may change again so I think that us weighing-in on our concerns

about the definition still makes sense since we have broad consensus on retaining the definition.

And us saying that we have no choice on the term or no preference on the term is also still valid as they go forward and negotiate the final language for whatever bill gets heard and passed.

Patty Doerr: This is Patty Doerr. I would agree with that just because the current version of the bill is what it is doesn't mean it's going to stay that way and (unintelligible).

Michele Longo Eder: This is Michele Longo Eder. I don't know what the committee's wishes are but I do have a preference about the term because again continuing to use overfished when fishing may not be the cause of the stock being depleted is language that I would like to see changed.

Dave Wallace: And I don't think anyone is strongly opposed to that Michele. I think that in fact a lot of people have shown quite a bit of ambivalence but I think that - oh, okay, excuse me - I didn't mean to speak for anyone else.

Man: Thank you.

Dave Wallace: I just want to make sure that our consensus on the definition remains.

Man: Well, yes, you know, we're obviously going to have to have every all the people who oppose maintaining the current definition speak up and so if we I guess we have 13 people on the telephone. If we have six or seven then we'll have to talk about what we're going to do about our recommendation and, you know, maybe we should just table it if we can't come to a consensus.

Columbus Brown: This is Columbus and I recommend I move that we table this issue.

Julie Bonney: This is Julie Bonney. I second that motion.

Dave Wallace: Okay, discuss...

Liz Hamilton: This is Liz I would support that.

Dave Wallace: So when you table something, you have to have it until when? When are we pulling it off the table to vote on it?

Man: July.

Keith Rizzardi: We can put this on the agenda for the September meeting.

Dave Wallace: The September meeting. Table it until the September meeting.

Man: Yes, but at that point then we are face-to-face and so it's easier to do it face-to-face I think to have the debate than to try to do it this way.

Keith Rizzardi: And I will point out it might be too late depending on where the Magnuson process is but alternatively if the Magnuson process is taking a little longer, we might have some clarity as to what language we're commenting on.

Dave Wallace: Right.

Keith Rizzardi: And I'm not so clear on that right now.

Liz Hamilton: Keith, this is Liz. I assume there would be we could have an opportunity to meet again if we decide there's a point at which we wish to comment or

revisit the issue prior to the September meeting or is this our last chance prior to then?

Keith Rizzardi: Heidi is it possible for us to schedule an August MAFAC call?

Heidi Lovett: Yes, that's a possibility. I just you all have to - we would just have to - poll the members on some potential dates and allow three weeks for us to draft and publish a notice in the Federal Register that is in the Register for two weeks prior to the meeting.

Keith Rizzardi: Okay, so when we get to the later part of this meeting something to think about for the members is whether or not some of these items that we'd like to tackle are things that could be brought up in an August telephone conference call.

Columbus Brown: I'd be willing to change my motion to until August, to the August meeting of the committee.

Keith Rizzardi: Well, that's if we have one so for what it's worth Columbus I would love it if we could just leave it open-ended so we could figure out what we need to do.

Columbus Brown: Okay.

Dave Wallace: And let me jump in here. You know, the gossip around Capitol Hill is that the Senate side is going to come out with a new draft within the next two weeks. I have no idea what it says and so the current draft document apparently is going to be modified or changed in some significant way or that at least that's what I've been told.

And then we will have no idea how it fits with the Hastings act, the Hastings bill if the House goes ahead and passes it but it is out of committee.

Keith Rizzardi: Thanks for that update Dave. I guess we've got a motion and a second on tabling. Is there strong member opposition to that? All right, hearing none Dave I think we'll table that one and move on to regulatory flexibility.

Dave Wallace: Flexibility, let me sort through all of my piles of paper here and so we talked about flexibility the last time and there was a significant amount of discussion from various and sundry members on what the consequences or what the possible consequences could be from having this verbiage in the act on flexibility and I'm sorry, I'm just trying to get my papers organized here so the...

Man: Dave while you're looking, Keith did you want to take public comment on that last issue or not?

Keith Rizzardi: No, I guess my thought was since we're not really ready to take action on it, I'd rather have the public comment come when we have a better feeling of what exactly we're commenting on but I spoke...

Man: That's fine.

Dave Wallace: So the flexibility of portion that are - I'll go back - and our recommendation is to maintain to support the current language on a 10-year rebuilding timeframe but there was significant discussion by the members of MAFAC who suggested that that may not be appropriate.

And since that is essentially where we are and again it's a low priority or very low priority and so that's where we currently stand, you know, and if we want

to revisit all the different possible consequences of regulatory of flexibility for rebuilding plans, I surely would be happy to go through it.

The big issue is that an excuse for some mixed fisheries - trawl fisheries - to suggest that they can have more than 10 years to rebuild the stock so that the short-term economics allows them to have more flexibility where it could use as a justification for having a higher TAC than would be found under the 10-year rebuilding plan.

So now in theory very long-lived species can be rebuilt based on their life history. Julie pointed out that the red snapper fish rate in the Gulf of Mexico is slated to be rebuilt in more than 30 years so it's a very long time horizon but the act says 10 years or less under normal circumstances and so and that's where this all comes in so, you know, questions or comments?

Michele Longo Eder: This is Michele Longo Eder. Dave and Julie in absentia, thanks again on this issue for your research in preparation and drafting of these documents for the rest of us to comment freely and frequently on so I say that with all good thanks.

I think on the previous call I expressed my reservations as to this recommendation and I have to say frankly I think as being from a region that participates in a mixed stock fishery, as does Alaska and/or New England, I find it - I don't find it sound reasoning to say that, you know, the reason that people want this exception is, you know, to open the door to irresponsible, you know, really if you will, fisheries management and I just take exception to that comment and that rationale for opposing any change. I could support this recommendation if there was an exception made. In - and a recommendation made - that in the event that a stock that has been declared to be over fished is

found by subsequent analysis to not be over fished, that it not be held to the re-building time frame.

Currently this is a problem that has arisen in the Pacific Council, it has the potential to arrive before other councils and it is imperative and makes good common sense management that the - we have that kind of flexibility for a stock. So, I could support this recommendation if the committee has - were in agreement to add that exception to the recommendation. Thanks.

Keith Rizzardi: Michele, this is Keith, can I just ask procedurally, how does that work? It would be my understanding that there'd be a re-building plan that would have been approved and in place and I think if I'm understanding your exception, you've gotten some new data, you've realized that the conclusion of over fished was incorrect and now you're trying to reverse it. So procedurally, what happens?

Michele Longo Eder: You know, I don't know in terms of the actual details of spelling it out how it's going to - how it would happen, all I know right now is that we haven't been able to change it and so it's, you know, it's just not been good for management, public or the industry to be held to a re-building plan that, you know, isn't supported by the science. So I can't tell you procedurally how to do it, I don't know.

Keith Rizzardi: So you would probably have to have a plan amendment to undo the declaration that it's over fished and then mandates a rebuilding program?

Michele Longo Eder: Yes, there's a process involved, you know, that MSA is going to have, you know, it would not just be the, you know, not to be flip, the waving of a wand or, you know, all of a sudden there's a new stock assessment and the council

gets to declare at the next meeting that it's, you know, we're free from it - I mean, we're getting this direction from them.

Keith Rizzardi: Right. I can say that I've never experienced one of those situations on the East coast, but that's, you know, there are lots of things that we haven't experienced here and so I'm a little surprised that a stock or a complex could be considered over fished and then after further analysis finding that it is not. There's - there would be a legitimate reason why there should be a relatively quick process to fix that discrepancy. In my opinion.

Julie Bonney: Keith, this is Julie Bonney.

Keith Rizzardi: Hi Julie.

Julie Bonney: Yes, I went back and pulled up the report that the National Academy of Sciences did and they suggested that they looked at a sub-set of 55 stocks and of those 55, 20 were under re-building plans and were deemed never over fished at some point when they get better quality data. So it seems like it happens relatively often. There were 85 stocks that were under re-building plans from 1997 to 2011. And of those 85, 20 were never overfished.

Keith Rizzardi: So maybe those are the data poor plans that become an issue on, you know, what really is the stock status because there is very little information to make determinations from?

Columbus Brown: Yes, this is Columbus, my question is so what is it in the law that prohibits a plan from being modified when new and better information is put forth?

Paul Clampitt: This is Paul Clampitt, that's my question too, I mean, I'm actually, you know, with Michele working down here in the Pacific Coast and I know exactly what

she's talking about, one of the issues was rock fish, they were - it was deemed over fished and they put some pretty onerous caps on it, they were talking about making a larger rock fish conservation area - they still are as a matter of fact - and our cash effort went up because the stock wasn't over fished, it was re-building already and so that kind of plays against you, you know, you're - all of a sudden you're catching more of these species, not because you're trying to but because there's more of them because they're being very careful and for some reason, like Columbus says, there isn't a - once it goes into the over fished bin, getting it out seems to be pretty difficult. Maybe Michele can answer that question - I can't.

Michele Longo Eder: I would if I could, I can't.

Keith Rizzardi: Michele and Julie, this is Keith, I think you've both raised a good point, what I'm wrestling with is - so let's say we do have a circumstance where the fishery was improperly designated as over fished based on new data, and we are now saying well, maybe we shouldn't be in this re-building plan - the question that the fishery management would have is what do they revert back to? Do they go back to the status quo ante before there was ever a re-building plan? Or do they need to come up with a new, modified fisher management plan? And the catch becomes if they need a new plan, that's got all the process - that needs all the details and that causes all the delay.

((Crosstalk))

Julie Bonney: Keith, this is Julie, I think it just falls back into the normal high risk control rules that you have within the tiers. So you'd have a reduced harvest rate if you're below MSY. So it would just go back to normal stock management I would think.

Keith Rizzardi: So unless there's somebody that - at NMFS who could address by question?

Galen Tromble : Thanks - this is Galen Tromble, the requirement to re-build the stock has been determined to be over fished is in the Magnuson Act under 304E7. And I don't have it in front of me, but the wording is basically that if at any - if the secretary determines that any time that a stock is over fished, then this council has two years to develop a re-building plan to re-build the stock to apply. There - the primary reason for why the re-building plans - once they're put in place - are expected to remain in place until the stock actually re-builds, come from that statutory requirement and also the - each of the scientific certainty. Because while it's possible that a stock assessment a few years into the re-building plan might look back in history and retrospectively estimate that the stock had not actually been over fished at the time - it's also possible that the next stock assessment after that would re-calculate the re-building history and show that it was over fished after all. So that uncertainty can go both ways.

((Crosstalk))

Galen Tromble : Yes, or it could show it was re-built - so we've - we have applied the re-building provisions to this point, you know, in a way that if a stock was legitimately determined to be over fished by an assessment that was best available science at the time, that the re-building should continue. Now there have been a few cases where assessments have actually been deemed to have been in error. So that's different than getting a second assessment that produces a different result. It's a case where an assessment is invalidated because subsequent science has indicated that there was a mistake made. Either the wrong data were used or there was a mistake in the model. And in that case - if an assessment is invalidated - then that would be a reason for actually, you know, changing the management and reverting back. And there have been a couple of cases like that, I think, over the years.

Keith Rizzardi: Thank you for that clarification, that's helpful. Michele, in an effort to try to capture your sentiment and then in light of that comment - I'm just going to throw out some language and feel free to comment upon it - but I'm just - I've written down where new data suggests that a fishery was erroneously designated as over fished, MAFAC recommends that re-building plan should be expeditiously re-evaluated.

Michele Longo Eder: Thank you, that's very helpful and I could support that.

Keith Rizzardi: I'm just trying to capture the consensus - Dave comment on that? Where new data suggests a fishery was erroneously designated as over fished, MAFAC recommends that re-building plans should be expeditiously re-evaluated.

Dave Wallace: I don't have any problems with that at all.

Keith Rizzardi: Any.

Patty Doerr: Keith, this is Patty, I don't have any problem with that language - I'm not quite in front of a computer yet, can you tell me what - I'm sorry - but can you tell me what the original recommendation currently is?

Keith Rizzardi: So, this started with the issue of whether to modify the timeframes for re-building.

Patty Doerr: Yes.

Keith Rizzardi: And the recommendation on that was not to and to leave in place the existing process.

Patty Doerr: Okay, thank you.

Keith Rizzardi: But Michele has made this about what happens when you have an erroneously designated over fished fishery and I'm trying to capture the member sentiment.

Patty Doerr: Yes, I don't have any problem with that.

Ted Ames: This is Ted Ames, I think this suggestion that MAFAC advises NMFS to expeditiously correct the over fished status if they find in fact that new data allows it but in terms of the re-building program, I continue to support the ten year time limit as - it's a good rational way to accommodate mixed troll fisheries like we have here on the East coast.

Keith Rizzardi: I think your comment is consistent with the recommendation that's been proposed, that.

Ted Ames: Right.

Keith Rizzardi: Are there other member comments or can I open it up for public comment?
Okay, Ms. Ebony, can you open it up for public comment please?

Coordinator: At this time we will open it up for any members in the public that wish to make any comments at this time, please press star one on your phone. If you are a member in the public and wish to make any comments at this time, please press star one on your phone. One moment while we wait on comments. Currently there are no comments in queue at this time.

Keith Rizzardi: Thank you Ebony. Okay, other member discussion or a motion?

Michele Longo Eder: Oh, this is Michele, as amended by Keith, I would move forward the MAFAC recommendation as to regulatory flexibility.

Ted Ames: This is Ted, I would second the motion.

Keith Rizzardi: Thank you both. Any discussion on the motion? Any opposition to the motion? Anybody abstaining? Okay Dave sounds like we've got unanimous approval.

Dave Wallace: Thank you and would you be so kind as to forward what you jotted down.

Keith Rizzardi: Already done.

Dave Wallace: Okay, so I can add it to the document.

Keith Rizzardi: Yes sir.

Dave Wallace: Very good, thank you.

Michele Longo Eder: And then we - this is Michele, will you circulate that document this week?

Dave Wallace: Yes, I catch an early airplane tomorrow but I'll be back Thursday night and I'll do it - if I don't do it on the road then I'll do it by Friday, late as noon.

Heidi Lovett: Dave, this is Heidi, we can handle that, I've got the text as well from Keith.

Dave Wallace: Okay, good.

Michele Longo Eder: Great, thank you all.

Keith Rizzardi: Alright, thanks everybody, we have now tackled all three of the documents that we had proposed for the conference call so the next piece of this call is to try to figure out topics that members would like to see on the upcoming meeting agenda for September. I know that Heidi previously circulated the Managing Our Nations Fisheries Three materials, we as a body had worked our way through that and listed various topics as potential priorities. And just as a point of clarification, the items that we tackled in today's call and previously on Magnusson Amendments weren't always priorities because sometimes the priorities were being dictated by what others were doing. So we were being responsive to those. But this is our opportunity to set our own agenda as MAFAC for the topics we would like to tackle both at this meeting and potentially at the next one, what I've been doing is allowing for topics to spread over multiple meetings - it gives us a chance to really vet the issues, discuss them, have some conference calls in between - so with that thinking in place, I'd like to hear from the members about various priority topics that you'd like to see us elevate and put on the next agenda.

John: Keith, this is John, I think amongst the working group for aquaculture we've had some dialogue on a couple of follow on actions. One of them is inviting a speaker from a new industry coalition called the Coalition for U.S. Seafood Production to the September meeting and have them basically give us their thoughts on the status of aquaculture and where it's going, but regarding a work topic, I note that under MSA issues under commerce committee - George's Commerce Committee - and aquaculture there is one to review, the Gulf Fisheries management plan and I would - for me - I would like to expand that to take a look at the plan and the process and the draft rules in place and if other members of the committee or others that join us would like to do some what if's to maybe mock up a couple of projects - research projects - and a commercial project and see how the process is going to work, see where the bottlenecks are and report back to the MAFAC in September. That would be

my thoughts on it. I - for me - I've had some experience in permitting off shore aquaculture that I would love to apply to that project.

Keith Rizzardi: So John, it sounds like that suggestion is consistent with some of our priority listings and it's also squarely in your committee, which means hopefully you can help tackle the topic, I think if you send some proposed language for the agenda to me and, you know, your proposed speakers, I'll certainly work with Heidi to see about getting that in the agenda.

John: Okay, good enough.

Phil Dyskow: Keith, this is Phil Dyskow.

Keith Rizzardi: Yes, sir Phil.

Phil Dyskow: At the May Recreational Fishing Summit in DC that was hosted by the Northeast Council, Eileen Sobek made the commitment to develop a national recreational fishing policy for NMFS and we haven't heard much back on that yet, could we put on the agenda that NMFS would give us an update on the development of the national recreational fishing policy?

Keith Rizzardi: Looks like a pretty straight forward request.

Phil Dyskow: I thought so.

((Crosstalk))

Woman: Keith?

Alan: Keith, this is Alan, hopefully you can hear me.

Keith Rizzardi: Yes, sir.

Alan: Everybody on MAFAC should know all the council meetings are having a town hall meeting in association with them to discuss that rec policy in particular. So if folks are around the council meeting in the next couple of months, that will likely be occurring. They have one at the South, they're having one at the New England one this week and on. So look at the council agendas that are coming up if you want to be a participant in those town hall meetings.

Keith Rizzardi: Thanks Alan, that's helpful.

Ted Ames: Keith? Ted Ames, I'd really like to see the echo system based management issue tacked again. There's been some really interesting research done that I think changes our earlier perceptions of how to effectively introduce it.

Columbus Brown: This is Columbus, and I agree and I think that we should have a briefing by the task force to develop the blueprint of action for eco systems main fishery management that is being funded by the Lenfest ocean program. And I understand that it's being co-chaired by Timothy Essington, at the University of Washington and Phil Levin of NMFS.

Keith Rizzardi: So Heidi, we've had some interest from some of the NOAA staff in terms of presenting to MAFAC on habitat and eco system issues, right?

Heidi Lovett: Yes.

Keith Rizzardi: So I think that probably has some synergy with the members desire but one of the things I want to point out is every time we kind of put an eco-system item on the agenda, it seems to be a topic that is very big and what would be

helpful is some degree of specificity and what aspect of eco system management we want to be talking about. So is there a chance any of you could drill down a little bit into any of the specific topics that had been articulated at Managing Our Nations Fisheries Three or in any way give me some - more direction?

Ted Ames: Ted Ames, again - I think there's a credible amount of information surfacing about fine scale population structure for these for a number of commercial stocks. There's some really good work that was done on cod fish and flag and bag where concentrations of cod were stable over a long period of time because of an abundance of sand labs. And similar discoveries and observations in the New Finland fishery and there are bits and pieces that are coming in that would be really nice to hear - this involves all the groups involved with these issues to share with us.

Keith Rizzardi: So Ted, thinking on a national scale and recognizing that where MAFAC is maximizing its influence when we're able to produce some sort of document or white paper with a specific recommendation, what kind of output would you envision MAFAC being able to generate from a discussion of those items?

Ted Ames: Well, one of the difficulties that eco system based management is confronted is how to define ecological sub units. And I think the work that's being done vis a vis species distribution - although I will say in the last several years - holds the potential of being able to define where some of those boundary areas would be and strategies of how to approach it.

Michele Longo Eder: This is Michele, are you ready for another topic or are you still flushing this one out?

Keith Rizzardi: I've taken some notes so I was going to check to see if Columbus had any further comment on Ted's idea.

Michele Longo Eder: Okay.

Columbus Brown: I think the task that I had for the fishery eco system task force is such that it's likely to embrace much of what Ted's talking about on a national level and since they're going to be developing recommendations and guidance for the fishery management councils, I think it would be good for us to get somewhat of a feel for where they're going to focus their attention and what things they plan to modify and we can even make some recommendations to them after we have conversation or - and use that a tool to help us in what we're doing.

Dave Wallace: I agree with Columbus, I think this is a great approach.

Man: Heidi, I think you sent me something about the notice - oh yes - and if not, I can send it to you.

Keith Rizzardi: Okay, Columbus and Ted, thank you for your comments. Michele?

Michele Longo Eder: I would like to have it considered that a presentation from NOAA on the artic action plan - that was just released in April. I think just the committee as a whole kind of up to date on what NOAA's approach is in regards to the artic in terms of a - now having a cohesive plan that's integrated with precedents, policy and the national ocean policy would be really helpful.

Keith Rizzardi: Is there a particular action or recommendation that you're thinking MAFAC would contribute to at the end?

Michele Longo Eder: Not at this point, I think first of all, getting an orientation and an education about what the Artic Action Plan is, what the issues are, what are the issues at the forefront that NOAA thinks, you know, needs are pressing to address. And then, you know, just from an educational point to start and look and see if there emerges from that presentation, possible actions by MAFAC for follow up and whether or not there are any. But I think that just from a kind of holistic standpoint that the committee - it's important for the committee to understand what that vision is.

Julie Bonney: Keith, this is Julie Bonney.

Keith Rizzardi: Yes, Julie.

Julie Bonney: So I'm - I guess I'm trying to understand our task - so in some ways the committee members are suggesting that for our September meeting it should be more of an informational in terms of different initiatives of NOAA and NMFS are taking forward such as rec fishery, eco systems, and the Artic Plan - and then the other issue that we have before us is the Magnuson and Sevens reauthorization and some of the issue papers we're addressing - I'm just wondering for at least on the informational side, I don't see a lot of what? - It's more educational for us than really having any input for an outcome? And I guess with knowing that the Magnuson is, you know, in the process of reauthorization - would it make sense to have a kind of - some kind of a where we are in the process in terms about the Senate and the House and what the direction is and whether there's any list of - or any topics that are being debated on either side that we should be, you know, weighing in on or evaluating. So I just throw that out in terms of process.

Keith Rizzardi: Yes, I certainly think that a Magnuson update will be in order and there will probably be an opportunity for some committee action on that. I also want to

point out that, you know, at our last meeting, Sam mentioned the desire to have MAFAC think about allocation issues, allocation issues are all over the Managing Our Nations Fisheries Three list of priorities, there was a big CCC discussion about allocation and I think there is a window of opportunity open for MAFAC if we're up for the task to think about could we make a recommendation with some national allocation guidelines - the types of principals that we would encourage all the councils to look at in making decisions on allocations between commercial, recreational and subsistence fisheries. There's been a lot of requests that folks start thinking about that and if the members are up to the task, I think it's something we should think about.

Julie Bonney: I agree and that's a big issue - I'm not sure there's - I guess there's a sub-committee through the CCC so I'm not quite sure where they're at in their process, but getting educated on some of the stuff that Heidi sent out along with what the CCC processes have got going and I was thinking - I think that would be something that makes a lot of sense to get involved in.

Heidi Lovett: Hey Keith, this is Heidi, I'll just also remind you that Julie Morris had some follow on thoughts from her last sub-committee meeting related to species recovery and you had asked that she look into that. I know she has had conversations with the director of our Protected Resources Office and a few ideas were floated, but I don't think Julie has settled on anything in particular however, I'm pretty sure that her sub-committee - the Protected Resources Subcommittee - were going to take on the topic of recovery and how to improve recovery actions in a bigger sense.

Keith Rizzardi: Thank you. Okay - any other member comments? Alright, looks like we're going to get done with this one early. Do I - I don't think there's any need -

Heidi, do I need to do any public comment on agenda setting? I don't even think we had that on the agenda - did we?

Heidi Lovett: No. I think that should be okay.

Keith Rizzardi: Yes.

Heidi Lovett: I guess it's always fair to just ask if there's any final comments from the public.

Keith Rizzardi: I guess I can open up - Ebony, can you see if there's any public comment?

Coordinator: Thank you. Are there any members in the public that wish to make any comments? If so, please press star one and record your first and last name clearly. If you would like to ask or make any comments, please press star one and record your first and last name clearly. One moment while we wait on comments. Currently there are no comments in queue.

Keith Rizzardi: Okay, so to everybody, thank you for your efforts, thank you for attending the last two conference calls, I guess you can look forward to getting a doodle poll where we'll see about setting a telephone conference call for August and I will double back with the members of the executive committee to try and nail down an agenda over the next couple of weeks and get something planned for September. So any other business from any of the members?

Bob Rheault: Keith, this is Bob Rheault, I just have a process question - since we've passed the aquaculture title recommendation, does that now get forwarded to the secretary or is there another step - what's next?

Keith Rizzardi: That, I think - as I understand it - it is now going to be simply edited for typos and corrections and then it will be posted as one of the outputs of today's meeting so in our record we would have that posted and the normal process is for me to send a cover letter with items - that goes up to the appropriate senior person.

Bob Rheault: Thank you.

Heidi Lovett: So - this is Heidi, so the record will be including both the aquaculture recommendation as approved as well as the subsistence recommendation which you finalized at your last call - (unintelligible) - transmittal and we generally transmit to the NOAA - the head of NOAA - with the request that it be shared with the secretary.

David Wallace: And flexibility should be included in that.

Heidi Lovett: Sorry - plus the flexibility, yes - the final - what was our last action. Thank you, I apologize.

Julie Bonney: Oh Keith - this is Julie Bonney, another thought on that issue - usually the agency - don't they do some kind of a suggested draft for the Magnuson at some point? Based on what's coming out of the Senate and the House and their kind of response? Would that be something that would be - and I would think that the three parts that we just approved would be kind of our recommendation to the NMFS on what they might be thinking - is that how the process would work?

Keith Rizzardi: That would be a pretty reasonable way for NOAA to put our recommendations to use. We can't dictate that they do it, of course, but I certainly think that's one of the things they would consider using our language

for. Other member comments, questions, new business of any kind? Alright,
thanks everybody for a successful call.

((Crosstalk))

Coordinator: Thank you for your participation in today's conference call. You may now
disconnect.

END