

UNITED STATES DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

MARINE FISHERIES ADVISORY COMMITTEE MEETING

Portland, Oregon  
Monday, April 25, 2016

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Senior Advisor

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U.S. Fish and Wildlife Service

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17 DAVID DONALDSON  
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11 MIKE OKKONIEWSKI  
12 Pacific Coast Seafood

13 JIM PARSONS  
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22 PETER SHELLEY  
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4 Northwest Fisheries Science Center

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

2 (8:24 a.m.)

3 MS. MORRIS: Okay. Is everybody ready  
4 to get started? Good morning. My name is Julie  
5 Morris. I'm the current Chair of MAFAC. And I  
6 want to welcome everybody. We all had interesting  
7 travel yesterday, those of us from the Coast all  
8 woke up at 4:00 or 5:00 this morning ready to go  
9 to work on Eastern Daylight Savings Time. So,  
10 we'll be lagging in the late afternoon.

11 And I just wanted to welcome everybody,  
12 we have an interesting agenda prepared for us  
13 today that many of you contributed to. We have a  
14 report from Eileen, we have the local members of  
15 MAFAC, we are trying something new. Each one will  
16 give us a little perspective on a local hot topic  
17 that we could follow up on in informal  
18 conversations throughout the meeting. We are  
19 going to hear from the State Directors. We'll  
20 have an important briefing on a Columbia Basin  
21 Partnership Task Force, and another big thing on  
22 the National Bycatch Reduction Strategy and other

1 bycatch efforts, this morning.

2           After lunch we'll have a presentation  
3 about Hatchery Genetic Management Plans, and then  
4 two focused discussions, one about bycatch, and  
5 one about hatchery genetic management plans this  
6 afternoon. I'd like to give everybody a chance to  
7 around the table and introduce themselves, and  
8 then Eileen will, particularly, introduce the new  
9 members here. Maybe you should do that first.

10           MS. SOBECK: Sure. So, we have four --  
11 well we actually, we have four formal new members,  
12 and then a fifth who is just -- who is a little  
13 bit more recent. So we want to recognize the four  
14 people who were appointed last fall, Erika Feller,  
15 Peter Moore, Harlon Pearce, and Jim Parsons.

16           So, I know that you folks have already  
17 been assigned your sub-committees, or chosen your  
18 sub-committees; you've already kind of gotten  
19 sucked into the vortex of never-ending conference  
20 calls, which is an essential part of modern day  
21 Task Force life. And thank you so much for your  
22 willingness to step up.

1                   This kind of committee, it's a big time  
2                   commitment, and as I hear -- you've already  
3                   figured out, and you'll find out from your peers.  
4                   And I, personally, and NOAA, institutionally,  
5                   really appreciate, and we really respect the fact  
6                   that you've decided that it's worth the investment  
7                   of your time, which is incredibly valuable, and  
8                   your energy, which is even more valuable, to help  
9                   us with input from the incredibly diverse  
10                  resources that make up this whole Committee, to  
11                  help us with our major policy efforts, and help  
12                  the -- you know, know the --

13                  Federal agencies are aircraft carriers,  
14                  and we don't turn on the dime, and we don't -- you  
15                  know, you'll have to look over -- you'd have to  
16                  look over time. I don't really know how long it  
17                  takes to steer an aircraft carrier, but I'm just  
18                  thinking it's not a little Sunfish sailboat. But  
19                  small course corrections over time have a big  
20                  impact, and so I think that your efforts on this  
21                  Committee make a big difference.

22                  But I wanted to also welcome the

1 most-recent new member who was just appointed two  
2 weeks ago, Raimundo Espinoza, who is joining us  
3 from the Caribbean. And this is the first time in  
4 more than a decade, in 16 years, that we've had a  
5 representative from the Caribbean, and I think  
6 that -- I think that was a terrible oversight. I  
7 am very -- I've worked on a lot of coral issues.  
8 I feel like I'm getting input from an important  
9 geographic area, and from a Council that sometimes  
10 is underrepresented.

11           It's great you are the Caribbean  
12 Council's Chair, the CCC, so I think it's  
13 beneficial that you are in the Caribbean. So,  
14 welcome, Raimundo. We really appreciate your  
15 being able to come, on short notice, all the way  
16 up here to this meeting.

17           MS. MORRIS: Jennifer, did you have any  
18 opening remarks?

19           MS. LUKENS: I just wanted to say good  
20 morning to everybody and thank you for coming, and  
21 I want say thank you for all -- a lot of you  
22 around the table putting in a lot of effort to get

1 ready for this meeting, and it involved the  
2 Subcommittee meetings. And a lot of work has been  
3 done and so you could be able to get some work  
4 done while you are here.

5 I also want to say thank you to Heidi  
6 and Kristina down there, who have done a lot of  
7 work to get us organized, and all here, and in the  
8 hotel. And all kinds of logistical things that  
9 everyone will be thanking them for later.

10 The one thing we didn't cover, which is  
11 the important stuff, is what we do at the end of  
12 the day, we are going to be having a No-Host Happy  
13 Hour at the Deschutes Pub. So, perhaps some other  
14 things going on tomorrow but I just wanted to  
15 highlight that for now. So, thank you.

16 MS. MORRIS: For the advantage of  
17 getting to each a little bit, especially for the  
18 new members, and also for our recorder, could we  
19 go around the table, and just briefly introduce  
20 yourself, and tell the rest of the group a little  
21 bit about why you are here and what entity you  
22 represent, or are most interested in. And we'll

1 start with you, Dave.

2 MR. DONALDSON: I'm Dave Donaldson. I'm  
3 the Executive Director of the Gulf States Marine  
4 Fisheries Commission. I'm here as a liaison  
5 representing the five Gulf states.

6 MR. PEARCE: I'm Harlon Pearce, and a  
7 past member of the Gulf of Mexico Fishermen. I've  
8 been with the Council for nine years long and,  
9 Julie, you were there, and together for a while,  
10 and like fresh fish processing with distributing  
11 the water, so a lot of fish kind of guy, but I do  
12 believe in aquaculture at the same time. I'm also  
13 Chairman of a group called the Gulf Seafood  
14 Institute that sort of connects the dot between  
15 the producers in the Gulf, and the consumers and  
16 end users of the produce.

17 MR. AMES: I'm Ted Ames. I'm Marine  
18 Fisheries Advisor to Penobscot East Resource  
19 Center, and semi-retired fisherman, and I do  
20 historical fisheries research.

21 MR. BROWN: I'm Columbus Brown. I'm a  
22 past member of the Gulf South Atlantic Caribbean

1 Councils, and retired from the Fish and Wildlife  
2 Service. And I like to fish, and I like to work  
3 the blue water.

4 MS. BONNEY: My name is Julie Bonney. I  
5 own the business Alaska Groundfish Data Bank. I  
6 live in Kodiak, Alaska, and seafood commerce is  
7 the only thing we have, so what happens in terms  
8 of policy and fisheries determines whether my  
9 community survives. So it's a big deal to me.  
10 So, I'm glad to be here.

11 MS. YOCHME: I'm Pam Yochem. I'm the  
12 Executive Vice President of a nonprofit research  
13 organization, Hubbs- Sea World Research Institute  
14 in San Diego. I'm a Wildlife Veterinarian and  
15 Scientist, and most of my work with protected  
16 species, but we also have a Marine King Fish,  
17 Aquaculture Program that we run in collaboration  
18 with the State of California. So I'm involved in  
19 that, from a sort of fish angle. And I'm now on a  
20 couple of committees from MAFAC, and I chair the  
21 Ecosystem Subcommittee.

22 MS. BRANDON: I'm Heather Brandon. I

1 work for World Wildlife Fund in Alaska. I Live in  
2 Juneau, and over time particular resources in  
3 fisheries topics in the Russian, Far East, and  
4 Alaska.

5 MR. McCARTY: My name is Micah McCarty,  
6 I'm a Former Chairman of the Makah Tribe. When I  
7 was there I lived and breathed a lot more in MAFAC  
8 than I did since I moved to Olympia. And to all  
9 the new members, welcome to the Great Northwest,  
10 and for everybody else. Portland is center of the  
11 universe for a lot of Northwest Tribes, for the  
12 Portland Area Indian Health for the Portland area  
13 BIA.

14 And it's also ancestral territory for  
15 people that are kind of ethnically cleansed in  
16 this area, so I'd like to acknowledge the  
17 ancestral ties here that are in the next world. A  
18 lot of the remnants of the people from this Lower  
19 Columbia River area, ended up with Konoha  
20 (phonetic) Indian Nation, sort of amalgamation of  
21 people that were sort of scooped up from the  
22 smallpox epidemic and brought there.

1           The Treaty of Neah Bay of 1855, was  
2           something that occurred, and three years after a  
3           major smallpox epidemic in Makah, and they  
4           actually tried to move us down to Konoha, to join  
5           some of the people that were from this area. That  
6           didn't happen. So, I'm currently the Executive  
7           Officer for the Nisqually Tribal Council, and I'll  
8           share a little bit more about that later. And  
9           also, for everybody, I'm making plans to move back  
10          to Neah Bay, and with my five kids and my wife.

11           So, yes, I had -- I wasn't very active  
12          with MAFAC when I was at the Evergreen State  
13          College. My plans are to be back in MAFAC when I  
14          was at the Evergreen State College. My plans are  
15          to be back in Neah Bay in September. My kids in  
16          school, we are moving home, so the time commitment  
17          will be a little strained again, my apologies.

18           MS. HAMILTON: Good morning, and welcome  
19          to Portland, yeah. My name is Liz Hamilton, and I  
20          am the Executive Director for Northwest  
21          Sportfishing Industry Association.

22           MR. MOORE: Peter Moore. I'm a new

1 member. And Micah, just sort of made me -- sort  
2 of think what I wanted to say. I grew up in  
3 Maine. I went out to Alaska in late high school,  
4 worked in a cannery; sort of worked all the way  
5 through the industry, including working on some of  
6 the pretty interesting community development quota  
7 work that went on in the early '90s. Getting the  
8 Western Alaska kind of positioned to take part in  
9 the offshore fishery which was pretty much  
10 dominated, at that time by Alaska -- or Seattle  
11 mostly, but that was a very interesting  
12 experience.

13 I had worked in Kodiak before that, with  
14 the Alaska Fisheries Development Foundation, and  
15 so I don't know if I've got a West Coast-Alaska  
16 thing going here, but then I moved East in the  
17 '90s back to Maine, ran some joint ventures with  
18 Russian operations, U.S. fisherman. It was before  
19 kind of -- we kind of done that in Alaska, we used  
20 to do it, and put together an interesting  
21 operation there with another fellow from Portland.

22 Kind of worked through all that and ended

1 up in New Bedford, Americanising the "pelagic  
2 fisheries" which was a terrible struggle, frankly,  
3 and it was a very dynamic on the East Coast but I  
4 learned a lot. And found my way into the ocean  
5 observing business kind of through work that we  
6 had paid from a scientist who was using the ocean  
7 observing information, and the satellite  
8 information to -- both to help us find the fish  
9 that we couldn't seem to find in terms of --  
10 probably weren't there anyway, because the  
11 assessments were so terrible.

12           So I had kind of gone through lots of --  
13 sort of fisheries development, community  
14 development analysis -- actually really even  
15 enjoyed being in sort of the science end of the  
16 stuff, and helping stakeholders access that  
17 information to be, you know, frankly in fishing,  
18 trying to be more surgical in terms of, you know,  
19 how they do it, how they spend their time, how  
20 they spend their fuel, how they -- you know, what  
21 gear they are using, and so that led me to make  
22 that actually, which is like sort of a bizarre

1 chain of events, but I really enjoy it, so.

2 MR. ROWE: Bob Rowe. After 30 years  
3 planning an oyster farm, I decided to get a desk  
4 job, and I'm an advocate for the shellfish  
5 aquaculture industry on the federal and state  
6 level.

7 MR. STEIN: Good morning. I'm John  
8 Stein. I'm Director of Northwest Fisheries  
9 Science Center, and I'm also sitting in for my  
10 boss, Richard Merrick for part of this.

11 SPEAKER: I was going to say, I'm right  
12 here.

13 (Laughter)

14 MR. STEIN: So did I just mess that up  
15 or what? So, we do, I'm just making the folks  
16 know here we do things from microbes to whales,  
17 and I was corrected about that, it's actually  
18 microbes to people and a fairly good human  
19 dimension science effort in the center. Thanks.

20 MS. MORRIS: You can skip my name. I'm  
21 Julie Morris. I work at a public liberal arts  
22 college in Sarasota, Florida. I served for nine

1 years in the Gulf of Mexico Fishery Management  
2 Council, and before that between 9 and 10 years as  
3 a Commissioner of the Florida Fish and Wildlife  
4 Agency.

5 MS. LUKENS: Good morning. I'm Jennifer  
6 Lukens. I'm the Director of Policy for NOAA  
7 Fisheries. I've been with NOAA for about 16 years  
8 now, and just the last couple of years with  
9 Fisheries, so I'm still continuing to learn.

10 MR. SHELLEY: Good morning. Peter  
11 Shelley. I'm an Attorney with Conservation Law  
12 Foundation, which is regional conservation  
13 advocacy group in New England. I've been working  
14 on fisheries and marine issues since about 1989.

15 MS. BEIDEMAN: I'm Terri Beideman, and I  
16 also was born in, and grew up in Maine, so I share  
17 a lot of with a bunch of people around the table,  
18 and when I left there I know to spell fish, and I  
19 knew how to eat fish, and that's it. And I fell in  
20 love with a Maine Maritime Grad who happened to be  
21 an avid fisherman, a Jersey boy, and I moved to  
22 New Jersey. And began my learning about fish,

1 from charter boat fishing, recreational fishing  
2 that he enjoyed to, you know, the wintertime, the  
3 way you survive on a coastal community, is by  
4 commercial fishing.

5           And so we have tilefish, long-lining  
6 that was pretty popular in our neck of the woods  
7 at the time, and so I learned quite a bit about  
8 that, and eventually we got our own boat, and  
9 tilefishing was great, but it was tough in the  
10 winter, and seasonal it seemed, it began to be, so  
11 he started to go fishing for swordfish and tuna  
12 with our boat, and traveled a little bit more up  
13 down the coast, so I got to see Florida, and  
14 things like that. And I learn about other  
15 fisheries in our neighborhood that caught other  
16 fish.

17           So, from there, because of regulation,  
18 we were in a position where we needed to form a  
19 group, to protect us from a regulation that we  
20 believed would put us out of business in a hurry,  
21 and therefore we did. And so in 1990 we formed a  
22 group, my husband, myself, a few others, gathered

1 people from Maine to Texas, and put an association  
2 together through fax machines, and phone calls,  
3 and survived, and that association is now 26 years  
4 old.

5 My husband has since passed. I have  
6 assumed his role in that organization, but also  
7 have my own business, a woman-owned small  
8 business. I have other Fishery clients connected  
9 with MFC. I have Fishery clients with chain of  
10 custody. I am the principal investigator of  
11 several research projects under the under the GRIP  
12 program, and hopefully, have submitted some other  
13 proposals and we'll see where it goes from there.

14 But, you know, quite a distance I've  
15 been from Bar Harbor, Maine, to find myself in  
16 Portland, which was, to my surprise, not on the  
17 ocean. (Laughter) Portland? Wait a minute, you  
18 know. And it was named they say -- at least  
19 Wikipedia says, it was named for Portland, Maine,  
20 so I expected an ocean, but I hear it's 100 miles  
21 away. So, I'll settle for rivers, they are pretty  
22 nice, too -- sunny land. That's enough from me.

1 And I'm Vice Chair of MAFAC, and my phone number  
2 and my email is there, please call me or contact  
3 me anytime.

4 MR. BRAME: I'm Dick Brame. I'm the  
5 Fisheries Director for Coastal Conversation  
6 Association, it's the nation's largest nonprofit  
7 fishery conservation organization for recreational  
8 fishermen. I've been doing this madness since  
9 1989, and I'm on the MRIP Operations Team, Liaison  
10 of the Executive Steering Committee, and a couple  
11 advisory panels. And I love recreational fishing.

12 MR. ESPINOZA: Hi, everybody. I'm a new  
13 member, as of two weeks ago. Raimundo Espinoza,  
14 I'm based in San Juan, Puerto Rico. I've been  
15 working with Fisheries quite a while. I've  
16 traveled the world with it; worked in Gallipoli  
17 with sea cucumbers, a fisherman there with marine  
18 protected areas, and all of those issues that  
19 occurred a while ago. I've also worked with  
20 Lobster Fisheries in Baja Magarena, and Baja  
21 Conceição in Mexico, which is the largest, single  
22 cooperative of exports of lobster to the world.

1           Seeing how we can continue to promote  
2           commercial fisheries meanwhile working within  
3           sustainability. And that led us to working with  
4           fishermen to seeing how we can provide alternative  
5           livelihoods that could continue to provide sources  
6           of income while not infringing on what they know  
7           as their only livelihood. This has really taken  
8           me to really work towards bridging the gap between  
9           conservation and fisheries. It's something that  
10          has been kind of a theme, that's been recurrent  
11          though all my career, which has taken me to work  
12          as a NOAA Coral Reef Management Fellow in Puerto  
13          Rico, as well as being a person that established  
14          the Nature Conservancy in Puerto Rico, and  
15          stumbling upon more fisheries work the island.

16                 Our work was not necessarily  
17          fisheries-focused, there was a coral reef  
18          management on effectiveness, so we worked a lot on  
19          erosion control, pollution, recreational issues,  
20          but it wasn't focused on fisheries. And by  
21          chance, while working with Marine Spatial Planning  
22          in Puerto Rico is a very different case that has

1       happened in most of the U.S., so fishermen,  
2       commercial fishermen were actually the ones that  
3       called on us, to say, please, we want some marine  
4       spatial planning in the U.S.-Caribbean, because  
5       they see it as, well, it does put some regulations  
6       and further restrictions on its -- specifically  
7       for other activities.

8                   We also see it as something also further  
9       protects critical commercial resources on the  
10      water. If some areas can be protected for marine  
11      -- for environment resources they can also be  
12      protected for commercial resources. This the way  
13      they were seeing it, this is something to really  
14      promote it, they brought it to us, we began to  
15      engage with them further on conservation actions  
16      for protected areas, and how these two can be  
17      mutually beneficial, and this has really bought us  
18      to -- has brought me to the table to be part of  
19      the Caribbean Fisheries Management Council's  
20      Outreach and Education Advisory Panel, and now the  
21      newly -- the Puerto District advisory Panel as  
22      well for the U.S. Fisheries Management Council,

1 for the Caribbean.

2 And I've also the former -- a Founding  
3 Director for the Cuba Program for the Nature  
4 Conservancy, and now I'm currently advising  
5 commercial fishermen in Puerto Rico, as well as in  
6 Cuba, and other places, other Caribbean nations.

7 MR. CORBIN: Good morning. I'm John  
8 Corbin. I'm from Hawaii. I retired as Manager  
9 for the State Aquaculture Development Program, so  
10 I'm a recovering bureaucrat. (Laughter) Currently  
11 I'm a Consultant in Aquaculture Planning and  
12 Development.

13 MR. FISHER: Good morning, I'm Randy  
14 Fisher, Executive Director of Pacific States  
15 Marine Fisheries Commission. Our offices are here  
16 in Portland, so I don't get to travel today. Just  
17 so you know there are three commissions for the  
18 new people. He represents the Gulf, I represent  
19 the West Coast and Alaska, and Bob Rowe represents  
20 the East Coast. We are consultants to this group.  
21 I have now been on here for 20 years.

22 SPEAKER: Man.

1                   MR. FISHER: I'm sure I'll get a gold  
2 watch or some damn thing. (Laughter)

3                   SPEAKER: When Trump is President,  
4 Randy. (Laughter) Gold watches for everyone.

5                   SPEAKER: A point of order.

6                   MR. PARSONS: I don't know how to follow  
7 that. I'm Jim Parsons and I currently serve on  
8 the Board of Directors, and I'm Vice President for  
9 the National Aquaculture Association. I've been  
10 involved in various aspects of aquaculture since  
11 1976. So this is going on year 40. I recently,  
12 within the past decade, talked my business  
13 partners into beginning to invest in marine  
14 aquaculture, and other than them accusing me of  
15 taking our profits in fresh water, and throwing  
16 them in the ocean, we are beginning to make some  
17 strides forward with operations in Florida, here  
18 in Washington State, and with a tribal partnership  
19 with Jamestown Tribe on Hutinel (phonetic), and  
20 then also in Hawaii.

21                   So, I really look forward to trying to  
22 bring a positive aquaculture perspective to this

1 group, and really look forward to working with the  
2 wide diversity of people that we have here. Thank  
3 you.

4 MR. OKONIEWSKI: Michael Okoniewski of  
5 Pacific Seafood. And I've been in the business 46  
6 years now. I've seen a lot of changes, 17 of  
7 those years were involved, 10 of them in the late  
8 '70s and '80s in Alaska, and then 7 more starting  
9 back in 2009, and I'm still pretty -- I run a lot  
10 of Alaska operations. The chart is big as most of  
11 our operations, but four small plants. They bring  
12 in a lot of valuable commodities that we need in  
13 our trade. Pacific Sea Food is aquaculture, wild  
14 fish, distribution, and we export to, I think, 47  
15 different countries.

16 Whiting is our primary focus. We've got  
17 operations in Alaska, joint operations in Mexico,  
18 one plant in California, 37 in all total and about  
19 2,500 to 3,000 employees, depending which season  
20 it is. And we started with, basically, right here  
21 in Portland, with one distribution center, and two  
22 small trucks in 1983. So I've been there, at

1 Pacific for 22 years. I was ready to get out of  
2 the fish business frankly, until then.

3 I am still learning a lot, and I think  
4 as long as I'm still learning, I can keep the fire  
5 burning a little bit, and I like what I do, and  
6 the uniqueness of the people I've met over in 46  
7 years it's, you can't see the same kind of people  
8 anywhere else. So, it's a great job in many  
9 respects, and I enjoy it. Thank you.

10 MS. FELLER: I'm Erika Feller. I'm the  
11 Program Director of Fisheries for North America,  
12 for Nature Conservancy. And we are working on  
13 mainly the fisheries, but like groundfish fishery  
14 in the West Coast and in New England, and in the  
15 Mid Atlantic and in the Caribbean. And one of the  
16 -- I have a few reasons for wanting to be here,  
17 and I'm glad I am, which I'll spare you. But one  
18 of the big issues that concerns me because I've  
19 been working really closely with NOAA on  
20 electronic monitoring implementation in the  
21 fisheries. And one of the things we are really  
22 interested in, is we've seen over and over and

1 over again the benefits of improving information,  
2 and improving at-sea observations can bring, not  
3 just for management but also for, I think, helping  
4 fishermen run more sustainable and more profitable  
5 businesses.

6 And we often find ourselves, I find  
7 myself, kind of in this funny place working with  
8 fishing communities on one hand, and the Agency on  
9 the other hand. So I'm really interested in kind  
10 of that way that, you know, NOAA can think about  
11 its partnership with fishing communities, with the  
12 NGO communities, so for what it's all promised.

13 MS. LOVETT: I'm Heidi Lovett, and I  
14 work in the Office of Quality. I've been there  
15 for almost eight years, and with NOAA for nine  
16 years, and I've been the Alternative Designated  
17 Federal Office Committee, and I appreciate working  
18 with you all on the various, very interesting  
19 projects that you have going here.

20 MS. TROTTA: Kristina Trotta. I'm in  
21 the Fisheries Office of Policy, and have been  
22 helping out Heidi with some of the MAFAC stuff,

1 especially working with the Aquaculture Task  
2 Force.

3 MS. MORRIS: I'm just going to ask our  
4 two guests to introduce themselves too.

5 MR. TURNER: I'm Bob Turner. I'm  
6 Assistant Regional Administrator for Sustainable  
7 Fisheries, the West Coast Region of NOAA  
8 Fisheries.

9 MR. MUSCOTT: I'm Robert Muscott  
10 (phonetic). I'm a Quality Assurance Assistant and  
11 Research and Development Specialist at CAC  
12 Committee (phonetic); but I did my bachelor's in  
13 Marine Biology in the United Kingdom. I have a  
14 master's in Fisheries Ecology at University of  
15 Cape Town.

16 MS. READ: Hi. I'm Alesia Read. I work  
17 in NOAA Fisheries, and I'm in the office in Silver  
18 Spring.

19 MS. MORRIS: Henry from American Samoa  
20 sends his best wishes to us. Tropical Cyclone  
21 Amos brushed very close to American Samoa, I  
22 believe, Saturday. He was unable to fly to be

1 with us today, but wanted to send his best wishes  
2 for a productive meeting.

3 And we want to thank two MAFAC Members  
4 who are leaving us, one who is not here, Michelle  
5 Longo Eder. She was appointed in early 2012,  
6 served for four years, took an active role in a  
7 lot of commercial fisheries discussions such as  
8 Catcher's MSA Reauthorization and Seafood  
9 Certification. So we really want to thank Michele  
10 for her service.

11 And John, is finishing up his three-year  
12 term, and he has been a very active voice on  
13 aquaculture at a time when that was really one of  
14 the big focus areas of this group. And he  
15 co-chaired the Commerce Subcommittee and was chair  
16 of the Aquaculture Task Force. And he looked  
17 across regions and came up with the idea of  
18 developing a mock Gulf Aquaculture Permit Test to  
19 figure out how we could help streamline the permit  
20 process in the Gulf, and I think that those sort  
21 of testing, real world, how is this actually this  
22 actually going to work for fishermen kinds of

1 discussions. And helping the industry -- not the  
2 industry -- the Agency work through that and how  
3 our regulations would or wouldn't work has been  
4 really valuable. So, John, thank you so much for  
5 your service, and we wanted to make a little  
6 presentation for you here.

7 MR. CORBIN: Oh, wow.

8 MS. MORRIS: Just to thank you, and to  
9 recognize, I mean, these introductions have been  
10 really amazing because it's just the amount of  
11 dedication, talent and scope of knowledge that  
12 this group; that MAFAC brings to the room, it's  
13 really pretty amazing, and it's quite the brain  
14 trust, and not just the brain trust but the  
15 knowledge, the working knowledge in your hands is  
16 just amazing.

17 So, John, you were an important piece of  
18 bringing a Pacific perspective, an aquaculture  
19 perspective, so we would like to present you with  
20 this plaque.

21 MR. CORBIN: Thank you so much.

22 MS. MORRIS: And wait for a medallion to

1       thank you for your service. And I know that you  
2       will keep in touch, and contribute to this area,  
3       and so much.

4                   MR. CORBIN: Thank you very much. It's  
5       been an interesting and valuable experience, a lot  
6       more work than I thought it would be, but the work  
7       is extremely important. Thank you very much.

8       (Applause)

9                   MS. MORRIS: Thanks. Okay. Can  
10      everybody hear everybody well enough? I just want  
11      to make sure. If you can't, please just ask  
12      someone to speak up. I tend to be a little  
13      soft-spoken myself, so I won't be offended if you  
14      say, hey, I can't hear you. Next is a report from  
15      the Assistant Administrator. Eileen?

16                   MS. SOBECK: Great. Thanks, everybody.  
17      So I'm just going to give you a little snapshot of  
18      some of the issues that we are working on at NOAA  
19      Fisheries. It's sort of embarrassing to do,  
20      because you guys are all involved and heavily in  
21      fisheries issues, but I think sometimes, you know,  
22      each one of us is involved in certain individual

1 lanes, and this is not going to be a comprehensive  
2 overview of everything that we are working on, but  
3 it's a few of the high-level -- higher-level  
4 issues that, or information that is kind of  
5 capturing the attention of us at headquarters.

6 I did want to just make one observation  
7 which is, I really like the fact that there's a  
8 bit of a regional focus when we are meeting out  
9 here in the regions and we can take advantage some  
10 people that -- additional people who can  
11 participate, and we did that -- we've done that at  
12 some of our other meetings even when we have  
13 internal meetings, and we meet out of our regions,  
14 we do try to focus on some of the hotter  
15 geographical topics.

16 And I think it is really enriching and I  
17 think that bringing other people's perspectives to  
18 a regional issue can also be kind of challenging  
19 and interesting, and useful. So, I'm very happy  
20 that John Stein, who is Head of our Northwest  
21 Fishery Science Center, headquartered in Seattle,  
22 will be able to join us. Barry Thom will be here

1 soon. He is the Deputy RAA here in the Northwest.

2 And the true brains of our Fishery  
3 Management Operation, Bob Turner is also able to  
4 join us, along with many of you who have expertise  
5 in this area. But I think these guys are great, I  
6 think you will learn a lot from them. So, I  
7 wanted to start with just a couple -- as we always  
8 do -- just letting you know about some Fisheries  
9 personnel changes.

10 None of this is particularly new news at  
11 this point, but since we are in the Northwest,  
12 Will Stelle who is the Regional Administrator,  
13 Will will be transition to a new job. He will not  
14 be leaving now, he will not be leaving Seattle,  
15 but his, as I think many of you know, he is a  
16 political appointee, so he's going to move to,  
17 sort of, another political -- he's going to have a  
18 slightly different political title. And he's  
19 going to be working on most of the same issues  
20 that he's been working on.

21 He's been very busy on a lot of issues,  
22 regional issues here, about the Puget Sound,

1 management at the Columbia River but also has been  
2 the NOAA lead for the many challenges in the  
3 California Central Valley, both the regional thing  
4 of water delivery, potentially in the Central  
5 Valley and also with the drought operations which  
6 have been very challenging for fish, both on the  
7 Fish and Wildlife Service side, and the NOAA side  
8 for some limit.

9 Barry, you guys will meet Barry today,  
10 if you haven't met him already. He is Will's very  
11 extremely capable Deputy, and the two of them will  
12 continue to run the Region until we choose a  
13 replacement for Will, which we are doing as soon  
14 as we can. Okay.

15 Tom O'Connell, I just wanted to let you  
16 all know that Tom is a former Maryland State  
17 Director, and we brought him in on contract to  
18 work on some areas, including how we can better  
19 engage with the states; and our state and  
20 territorial partners. And he's also helping us,  
21 focusing on aquaculture permitting. So those of  
22 you with a particular interest in aquaculture, we

1 can help you get in touch with Tom, and make sure  
2 that you all have some good conversations with  
3 him.

4 I think that this sort of continues our  
5 willingness to poach from the states, when folks  
6 are done with their tenures at the state we,  
7 obviously my Processor, Eric Schwaab, who is also  
8 from the State of Maryland; George Lapointe from  
9 Maine, has been on contract with us working on EM  
10 issues, I think that we've had some great luck,  
11 capturing all of the Fisheries' perspective and  
12 wisdom that comes from those books.

13 So Tom has been very active. He came to  
14 the State Directors Meeting, and I think that he  
15 really contributed to the discussion. He has been  
16 reaching out to all of the state directors and  
17 asking them what we do well, and what we do not so  
18 well, and coming up with some strategies for us to  
19 do better.

20 Pat Montanio has returned to NOAA  
21 Fisheries last September to lead the Office of  
22 Habitat Conservation. And I think last August, we

1 announced a new Director for our Office of Law  
2 Enforcement, Jim Landon. He has really hit the  
3 ground running, and I think he has really  
4 completed our transition, our revamping of NOAA  
5 law enforcement to be very professional, very  
6 linked into the science and management.

7 He has reached out. I have directed him  
8 to, and he has enthusiastically reached out to our  
9 scientists and managers to make sure that our law  
10 enforcement objectives and our science and  
11 management objectives actually are related to one  
12 another, and that has been very refreshing and  
13 rewarding, and I think that we -- I think that's a  
14 very interesting -- I think that's an area to  
15 watch. Look at the kinds of cases that we bring,  
16 or the way that we are going to be working with  
17 the states in the future on Law Enforcement. He  
18 might want to have, might want to think about  
19 putting Jim on your agenda at some point in the  
20 future. I think that that would be interesting.  
21 Okay. So, somebody was -- let's see here.

22 SPEAKER: There is an on/off switch.

1                   MS. SOBECK: There is an on/off switch,  
2 all right. So, I'm just going to try to do this  
3 quickly, to just give you some highlights, so the  
4 Aquaculture Rule, woo-woo, finally broke it out in  
5 January after however many years it's been, so it  
6 was really great to get that rolled out in final  
7 -- the Head of NOAA, Kathy Sullivan, announced  
8 that while she was down in New Orleans, and it  
9 really -- she's actually a pretty big advocate of  
10 aquaculture, so we were happy to have her make  
11 that announcement.

12                   As you know, it's our first ever  
13 Regional Regulatory Program for aquaculture in  
14 federal waters. Obviously many of you here know  
15 you've been working in aquaculture in state waters  
16 for decades, but this is a real milestone for both  
17 the Federal Program and we are looking now to  
18 facilitate expansion of aquaculture in federal  
19 water, of the Gulf to complement wild fisheries in  
20 a safe and sustainable way, it's a new chapter,  
21 it's a new opportunity, and we want to make sure  
22 that we grow in consumer demand for fish protein

1 that we reduce our dependency on seafood imports.

2           It's an opportunity to create jobs and  
3 to help maintain working waterfronts. It's an  
4 opportunity to do things right from the beginning,  
5 and we are really looking forward to this next  
6 chapter. I know Harlon already has a lot of big  
7 ideas here, and so we are really looking forward  
8 to working with many folks in the Gulf to make  
9 this actually mean something. There's no sense  
10 spending the decade it took to get this rule out  
11 there, if we don't actually something going on the  
12 water. I'm not there yet.

13           Bycatch: In March, we launched National  
14 Bycatch month to highlight several of our reports,  
15 announcements and advancements.

16           Alesia, she doesn't trust me. Thank  
17 you, Alesia. All right, I can only do one thing  
18 at a time.

19           So, I'm going to be spending a little  
20 bit more time with you on this topic later today,  
21 so I'm hoping that you received our draft,  
22 National Bycatch Strategy last month to review.

1       And I think that we are really, at the beginning  
2       of starting a bit of a campaign, to pull together  
3       all of our efforts on bycatch. There have been  
4       many -- there have been many bycatch successes.  
5       We still have a long way to go, and so I'm going  
6       to walk you through a few of the things that we  
7       are doing.

8                       We did have the report to Congress, we  
9       had a mortality action plan, we'll be spending --  
10      we have the Standardized Bycatch Reporting  
11      Methodology, SBRM, draft rule that's out, and then  
12      we have the National Bycatch Report. So, there's  
13      a lot going on, it's a very broad term, but it is  
14      something that I think -- I was saying to Julie,  
15      we are kind of on the -- we are kind of at the  
16      frontend of thinking about bycatch more  
17      holistically, even though it is a broad category  
18      with many subcategories within it. But I think  
19      that it is going to be worth our while as an  
20      Agency, and worth your while as a Committee to  
21      think about how you might best engage in the  
22      bycatch discussion.

1                   Recreational fishing: Last month,  
2                   March, was the one-year mark since we released the  
3                   National Saltwater Recreational Fishing Policy,  
4                   and 10 months since the release of our National  
5                   Implementation Plan. Maybe those have started to  
6                   see the pattern now in these, but areas where we  
7                   are trying to make progress we start with a  
8                   relatively compact brief statement of overall  
9                   policy, then we try to put together a national  
10                  implementation plan of some sort, and then we try  
11                  to step it down into regional action plan.

12                  So we are a national agency but we are  
13                  highly regionalized, as I'm sure you all have  
14                  figured out by now. So, making sure that we have  
15                  some high-level national goals and commitments,  
16                  but realizing that really, the rubber meets the  
17                  road out in the regions, so we have -- we spent  
18                  the last 10 months, with a pretty intensive  
19                  outreach, at a regional level, to the councils, to  
20                  stakeholders, to partners, trying to get to the  
21                  nuts and bolts of what can we do over the next few  
22                  years to really address the problems, make some

1 progress, and make sure that we have good  
2 communications going both ways with our  
3 recreational fishing partners.

4           And we have just completed those plans  
5 and we will be rolling them out publicly in the  
6 next couple of weeks. So, I'm pretty proud of our  
7 efforts over the last 4 to 5 (phonetic) years that  
8 started out with two national conferences and  
9 resulted in these policies, stepped down to these  
10 regional plans. Our work is not over, this takes  
11 -- we've really been trying to do is in fact a bit  
12 of a culture change.

13           I do think that the interests and  
14 concerns of the recreational community have been a  
15 part of the conversation at every level, in  
16 fisheries, but I don't think that we've  
17 communicated that, I don't think that we've always  
18 solicited or obtained information and input all  
19 the way from the beginning of a process till the  
20 end, and I think that we are trying to change, to  
21 change that culture through these action plans at  
22 the regional level.

1                   I'm hoping it will become second nature.  
2           I personally ask for updates on a regular basis  
3           from the regional administrators and the deputies.  
4           And I'm sure that anybody who spent any time on  
5           recreational fisheries issues knows Russ Dunn, who  
6           is the National Coordinator and is a direct report  
7           to me, and his job is to be the recreational  
8           fishing gadfly to make sure in every -- he is  
9           included in every conversation, I think, in the  
10          entire Agency, and is the one, is the guy who  
11          goes: Have you thought about recreational fishing?  
12          Have you touched base with my stakeholders? Have  
13          you, you know -- so he is definitely -- and more  
14          and more often the answer is, yes, Russ; yes,  
15          Russ; yes, Russ; which is all good.

16                   I think that we will not be able to  
17          declare total success in this effort until we no  
18          longer need a recreational fishing coordinator,  
19          when it truly has been totally made part of the  
20          Fisheries culture. But we've made a lot of  
21          progress, and this is the big year, so please take  
22          a look at those plans when they come out, and keep

1 us honest. Okay.

2           Species in the spotlight: You all spent  
3 -- you had an ongoing task to look at recovery  
4 actions, and whether we are doing a good job or  
5 not on that, and we have really tried to step back  
6 from some of the ongoing regulatory requirements  
7 that kind of tend to dominate our field of view  
8 under the Endangered Species Act, we have  
9 statutory and regulatory time commitments when it  
10 comes to listing petitions, when it comes to  
11 Section 7 consultations those are two really  
12 important functions, but the ultimate goal of the  
13 Endangered Species Act is to keep species off the  
14 list, and to get them off the list if they are  
15 listed.

16           And you can't do that if you don't spend  
17 some time thinking about why are species on the  
18 list, what do you need, what kind of actions do  
19 you need to get to get them recovered? It's also  
20 difficult because there are no statutory  
21 milestones between listing and recovery, so what  
22 you do in between that is really not bound by any

1       timeframes or regulatory milestones, which maybe  
2       is a good thing in light of the fact that it's  
3       really hard to standardize those.

4                 It makes it difficult to measure  
5       success. One thing we know about recovery is the  
6       federal government really can't do it alone; we do  
7       put together recovery plans using a wide variety  
8       of partners and stakeholders. We know that most  
9       of the efforts on the recovery plan list, cannot  
10      be done by the federal government alone. We will  
11      continue -- we just had an external review, what  
12      we are calling an external review of our recovery  
13      program to try to augment the comments that we got  
14      from you all, to try to help us focus the limited  
15      resources we have more productively on our  
16      recovery planning processes.

17                One thing we have done with this  
18      campaign, is to identify eight highly-endangered  
19      species whose populations are going in the wrong  
20      direction, but who we think, there are some  
21      identifiable actions that we, or some of our  
22      partners could take to turn them around, and to

1 really focus on those. You looked at two of them  
2 during your work, the Hawaiian monk seal and white  
3 abalone in California, and we have eight that are  
4 kind of spread out a lot over the country. And we  
5 are going to see if in the next five years, if we  
6 really concentrate on a smaller number, if we  
7 really try to identify actions that will make a  
8 difference if we reach affirmatively to partners,  
9 outside of our normal resource constraints and  
10 focus some efforts, whether we can really get  
11 those species headed in the right direction.

12 Hawaiian monk seals: one of the things  
13 we did last year, was now that one our outstanding  
14 private partners in the Marine Mammal Center  
15 established a Monk Seal Hospital on the Big Island  
16 in Hawaii, something that we could never have  
17 afforded to do. When our monk seal field camps  
18 were out last summer, they identified pups of the  
19 year, that wouldn't otherwise have made it due to  
20 injury or the fact that they were just  
21 undernourished, and were not going to make it  
22 through a year, they identified, I think, 7 or 8

1 of those animals, brought them back Hawaii, they  
2 were fattened up, got their body weight way up.

3 And they were just loaded up on the ship  
4 that's taking our field camps out last week, I  
5 think we can have with them, and they will be put  
6 back in their -- at their birth islands, or other  
7 islands that we think can best sustain them. And  
8 those are animals that essentially would have been  
9 dead, and out of the population of 1,100, 1,200  
10 animals, 8, 9, 10 individuals can really make a  
11 difference. So, we could not have done that  
12 without the resources that the Marine Mammal  
13 Center brought to the Monk Seal Hospital.

14 Their hospital wouldn't do any good if  
15 the NOAA ships and NOAA crews couldn't get the  
16 animals and transport them back and forth. So,  
17 we'll see. We are hoping that that's going to  
18 make a difference over the next five years.

19 I did want to note that Donna, Donna  
20 Wieting, did want me to say that your report was  
21 distributed to the Assistant Regional  
22 Administrators for Protected Resources, from all

1 the regions. They meet periodically, and we have  
2 posted your key findings and conclusions, and  
3 presented them to this outside review that  
4 occurred last week, so thank you for that. Okay.

5 IUU Fishing and Seafood Fraud: Again,  
6 there was a precedent, and this has taken up a  
7 huge amount of time and energy, it's really a new  
8 threat for us. A few years ago, MAFAC spent a  
9 fair amount of time looking at seafood  
10 certification and possible ways that that would or  
11 wouldn't work. But we've really -- and so that  
12 was good, that was a good, solid foundation  
13 because -- and we needed it because we were sort  
14 of catapulted forward quickly with the  
15 Presidential Task Force that came into being a  
16 year or two ago.

17 Last month we came out with a draft  
18 regulation to establish the first phase of a  
19 Seafood Traceability Program, and public comment  
20 closed a couple of weeks ago, and the final rule  
21 is targeted for publication sometime this fall.  
22 So we are moving forward very quickly, and it's --

1        what I will say about that rule, is it was  
2        designed to build on existing processes to  
3        maximize effectiveness and efficiency, and to  
4        minimize impacts on fishing, and trade community,  
5        but there will be some changes and some additional  
6        requirements for importers.

7                    I do want to just repeat again here that  
8        under this new system, there aren't going to be no  
9        new recording requirements for domestic landings  
10       of wild-caught seafood. So we try to build the  
11       system with that in mind. We did our due  
12       diligence to convince USTR that we did have  
13       comparable domestic requirements, and I think  
14       that's been a really -- that's really been  
15       important. So this is going to be an important  
16       tool, we've been working on -- that task force had  
17       many other deliverables and milestones, and I'm  
18       happy to talk about that, but this Traceability  
19       Rule has really been the 800-pound gorilla, at  
20       least for us, and quite a heavy lift to get out.  
21       So thank you for those of you who sent in  
22       comments, and we look forward to getting a final

1 rule out soon.

2           You all have made comments from time to  
3 time about Fish Watch and what a useful tool it  
4 is, and we were committing to keep that timely and  
5 up to date. We did recently design our Fish Watch  
6 website. It's our first ever mobile-friendly  
7 website. It is really a unique, neutral  
8 science-based, information-based tool and we  
9 really appreciate folks getting the word out and  
10 helping consumers to know that it's out there, and  
11 a tool for them to use.

12           Two other campaigns, that we've been  
13 flogging for the past few months are the 40th  
14 Anniversary of the Magnuson-Stevens Act, April  
15 13th was the magic day, we had a great reception  
16 on The Hill, last week. It also coincides with 20  
17 years of essential fish habitat, but it's been a  
18 great opportunity, and I know many of you all  
19 participated in various events, and your  
20 organizations posted information on your websites  
21 or took pieces.

22           It's been nice to be able to step back

1 from the crises of the day and really think about,  
2 reflect on, on the successes of the Magnuson Act.  
3 You know, it wasn't -- it's initial version 40  
4 years ago took some tweaking, some major tweaking,  
5 maybe last time around, but the reality is, it's  
6 been a pretty darn successful conservation statute  
7 and pretty successful over the long haul, statute  
8 for protecting commercial fishing interests.

9           There's been a lot of pain along the  
10 way. I don't think it's been a free ride by any  
11 stretch of the imagination, but when you really  
12 look at where we were with so many -- with foreign  
13 fishermen in our -- what was not easy at the time,  
14 and with a number of significantly overfished  
15 facts, and with the large-science questions  
16 unanswered, and where we are today. We've still  
17 got challenges, we've still got hot spots, we've  
18 still got scientific uncertainty that we have to  
19 address, but I think that we have the opportunity  
20 to not worry about everything, everywhere, all the  
21 time.

22           Although, I mean, I think as we all

1 know, you can never just get us back to a rebuilt,  
2 sustainable level without continuing vigilance, we  
3 all know that with climate change and other -- and  
4 human activity that fishing is dynamic, it's not  
5 static, but starting from a point of greater --  
6 more rebuilt stocks, greater stability, greater  
7 understanding of the stocks and what it takes to  
8 keep them sustainable. It gives us a much better  
9 baseline to manage those trouble spots, and to the  
10 management of currently sustainable stocks.

11 I want to just -- I know that we are in  
12 the Pacific Northwest; we are not in the Gulf, but  
13 have to acknowledge that it's been six years since  
14 the Gulf spill, and there was the major litigation  
15 involving the spill has recently, finally, been  
16 settled. There is going to be \$20 billion spent  
17 in the Gulf over the next couple of decades. That  
18 is not going to -- you know, there's still --  
19 that's a lot of money. This is the impact of, you  
20 know, the potential work that can be done in this  
21 area, really just can't be underestimated, and  
22 this is, you know, way more money than any of us

1 have in our federal budgets to do this work.

2           It is going to be a challenge, it is  
3 carved up into many buckets, with many -- under  
4 different authorities, going to different  
5 entities, a lot of these resources are directly to  
6 the states, there is a big bucket of money that's  
7 going to NFWF, there are major federal agencies  
8 with trustee responsibilities, obviously get a  
9 slice of this money. I think that it is a  
10 blessing that the major pieces of litigation have  
11 been settled and we can now not worry as much  
12 about the confidentiality of data.

13           It's really necessary to -- it's a  
14 necessary way to behave when you are in  
15 litigation, but not only settled some of those  
16 constraints fall by the wayside, and we don't have  
17 to spend all of our time preparing for the  
18 lawyers, we can actually turn our attention,  
19 fulltime to the actual restoration efforts.

20           That being said, you know, and this is  
21 actually pretty -- you know, compared to how long  
22 it took to settle all the litigation involving the

1 Exxon, the Exxon Valdez spill, this is really a  
2 lot more money, and a really shorter, much shorter  
3 period of time, but the hard work really now  
4 begins. The coordination effort, the coordination  
5 lift to make this work, and to have kind of a --  
6 not have states and federal agencies, and other  
7 entities working at cross purposes, getting our  
8 work dovetailed, sequenced, trying to combine our  
9 efforts, it's going to be a huge challenge that's  
10 going to go on for a quite a long time.

11           You know, the interest in Washington is  
12 going to dissipate, because this is really going  
13 to fall on the shoulders of the regional leaders  
14 and managers in the Gulf. It's a huge opportunity  
15 and it's a huge responsibility, and it's a huge  
16 amount of money. So, for those of you in Gulf I'm  
17 sure that -- I don't think that there's anybody  
18 who, if you live in a Gulf State and work at  
19 Fisheries, or other natural coastal and ocean  
20 resource you are going to be involved in this  
21 effort, in some way, shape or form, and I just  
22 want to acknowledge that the hard work has begun.

1 It has been ongoing. There has been response and  
2 early restoration going on, but the major efforts  
3 are going to start in earnest very soon.

4 I'll wind up here. We did have a really  
5 successful State Directors Meeting in New Orleans  
6 a month or so ago, a couple of you were there. We  
7 spent a lot -- we spent our time talking about the  
8 usual things, these kinds of updates, budget, but  
9 we also spent a lot of time talking about climate  
10 change, and we tried to do some listening instead  
11 of just some talking. And thought had a really  
12 great discussion led by the state, some of the  
13 state directors about what some of their  
14 climate-related challenges are, and how they've  
15 responded to them, and I think that that led to a  
16 really good and construction discussion.

17 It's my second State Directors Meeting.  
18 We are going to try to have them every 18 months  
19 or so. We deal regularly with the Commissions and  
20 the Fisher Management Councils, but there are a  
21 lot of issues that the Councils are not always  
22 involved in, where we really need to have those

1 more direct discussions with the state, so I  
2 really -- that was an important meeting.

3           The CCC Meeting: We had our usual  
4 Washington meeting. We are having another one  
5 next month in the Caribbean, since the Caribbean  
6 Council leaves the CCC. The same thing, we'll try  
7 to focus on some regional issues, and I think --  
8 I've only been attending those meetings for the  
9 last couple of years, my understanding is when  
10 they started that they were somewhat hostile and  
11 took every -- the federal participants, the Agency  
12 participants put on their armor before we went  
13 into those meetings. Now they are quite  
14 collaborative and constructive, and I look forward  
15 to next month's meeting.

16           So, I think I will just leave it at  
17 that. My Deputy, Paul Doremus will be here, he  
18 gets in later tonight, he will be here tomorrow  
19 and the next day he will give you a budget  
20 briefing. You know, we had a pretty good  
21 President's budget, they gave us some slight  
22 increases, and I did a nice job of highlighting

1       some of our priorities. We just got a Senate mark  
2       late last week. Hard to know whether that means  
3       anything or not, but at least it gives us some  
4       initial reaction from one House. Paul will you in  
5       on that and give you as much detail as you want or  
6       can stand.

7                 Richard Merrick was not able to come,  
8       but John Stein has agreed to give the presentation  
9       that Richard would have given about our planet  
10      science strategy, priority, plan, and the regional  
11      action plan. So, again, I think this is going to  
12      be a fundamental theme in the next decade or more  
13      on the science side, and so we can hardly spend  
14      enough time on this. And John will be able to  
15      give you a regional flavor, the science center  
16      here has really been doing some of the most  
17      exciting work in the Agency, and so I think it's a  
18      great opportunity for you all to hear about that.

19                So, I've run over by a lot. Sorry.  
20      Thank you for giving me the opportunity to do the  
21      update.

22                MS. MORRIS: Today is the only day

1       you'll be with us?

2                   MS. SOBECK:  No.  I'm going to be here  
3       tomorrow.

4                   MS. MORRIS:  Oh, great.

5                   MS. LUKENS:  And Paul will be here this  
6       afternoon.

7                   MS. MORRIS:  Okay.  So I think we need  
8       to take some time for questions, so let's start  
9       with you Dave?

10                  MR. DONALDSON:  It's not necessarily a  
11       question, but a comment on the BP spill, Bonney.

12                  MS. BONNEY:  Mm-hmm.

13                  MR. DONALDSON:  And I wholeheartedly  
14       agree that there needs to coordination because  
15       there is a lot of money, going to various pots,  
16       and the states, and various entities, and anything  
17       we can do to make sure that that money is utilized  
18       effectively, and actually goes towards improving  
19       the fisheries data, and fisheries management in  
20       the Gulf is imperative.  One thing that I'd like  
21       to say is a lot of times when you get \$20 million  
22       or \$20 billion dumped in your lap, people say, oh,

1 well, the Gulf has got plenty of money so we don't  
2 need to -- we don't need to fund them.

3 That's not necessarily true, that  
4 because there a lot of caveats on that money, what  
5 it can and can't be used for, so it needs to be  
6 kept in mind that just because there's all this  
7 money coming in, it may not necessarily fund  
8 everything that we need it to fund, and I think  
9 I'm probably preaching to the choir here, but I  
10 just want to reiterate that --

11 MS. MORRIS: Yeah. I couldn't agree  
12 with you -- right.

13 MR. STEIN: -- because it's important.

14 MS. MORRIS: I couldn't agree with -- I  
15 couldn't agree with you more. A lot of our  
16 day-to-day fishery management and science business  
17 is not going to -- is only going to be the  
18 indirect beneficiary of some of that -- of some of  
19 that money. And it is -- a lot of it is money to  
20 restore damages, so it's only to get us back up to  
21 where we were, it's not necessarily, you know, fun  
22 money to get you guys ahead of everybody else.

1 Other comments and questions? Harlon?

2 MR. PEARCE: Yeah. I'm going to follow  
3 up on what Dave just said, in that part of Restore  
4 Act, 5 percent of that money is for research,  
5 fishery research and other research, and I want to  
6 make sure that we follow that and make it happen.  
7 That's very important, that everybody around this  
8 table, that we are lucky to have that at least  
9 carved out, and it's part of it, because if not  
10 it's going to get lost in the grand scheme of  
11 things with the states, and we have to make sure  
12 that that percentage is what we as a group need it  
13 used for, and what (inaudible) were used for. And  
14 I'm very suspect it might not be, so we have to  
15 watch it very closely.

16 MS. SOBECK: Yeah. Well said, and we  
17 definitely have our eye on that money. I think  
18 one thing you can say about all of this, the Gulf,  
19 there are a lot of pots, but there a lot of people  
20 who have been watching all of these pots, and how  
21 they are going to be spent, so, yeah, we've got  
22 some coordinating and planning to do, but -- you

1 know, I've actually been -- I've actually been  
2 pleased so far with the amount of cooperation and  
3 I went to a NFWF Board Meeting, a few months ago  
4 and, you know, they reported how they are starting  
5 to spend, I don't forget how much money they got,  
6 \$4 billion from the criminal case.

7 But they are very -- they are being very  
8 careful to coordinate with federal and state  
9 partners who are focused on habitat restoration,  
10 and so I think at this point at least everybody is  
11 mindful that the -- that we have a huge  
12 opportunity here, and we can either squander it by  
13 squabbling and not coordinating, or we can be  
14 really careful to try to coordinate our planning,  
15 to avoid overlap, to be complementary and really  
16 make the most of this, and make sort of be the  
17 biggest most coordinated restoration effort ever.

18 And so at the moment I think we are  
19 headed in the right direction, and we've got our  
20 eyes firmly focused on that science piece, because  
21 that's one of the few federal- only pieces.

22 MS. MORRIS: Ray?

1                   MR. ESPINOZA: Yeah. So, I'll -- maybe  
2                   this is something we can comment later when the  
3                   judgment comes out, but on the Seafood  
4                   Traceability Program, because I -- I'm just  
5                   wondering how that's going to impact the amount of  
6                   seafood that's imported to the U.S. Specifically  
7                   thinking for the U.S.-Caribbean, 98 percent of the  
8                   seafood for the U.S.-Caribbean is imported. And  
9                   so if that is now reduced for the U.S.-Caribbean,  
10                  it might put some additional pressures to local  
11                  fisheries to begin to fill that demand that's  
12                  created.

13                  And it really can't, so it's going to  
14                  become a difficult situation. So, I'm just  
15                  wondering if that analysis was incorporated into  
16                  the documents or not, or that's going to -- if  
17                  that's coming further down the line?

18                  MS. SOBECK: I don't know the specifics  
19                  about the Caribbean, but we do know that 90  
20                  percent of the seafood into all of the U.S. is  
21                  imported. This version of the -- this first  
22                  regulation is not going to require documentation

1 for all imported seafood, but just for a certain  
2 number of species. It's not going to prohibit  
3 anything; it's a requirement for documentation.  
4 And so there is not going to be any specific  
5 prohibition, but there is going to be a  
6 requirement to document. Now, if seafood in the  
7 Caribbean it's imported. If it's U.S. codfish it  
8 will not be impacted at all.

9 MR. ESPINOZA: Correct.

10 MS. SOBECK: So if it's imported from  
11 the other parts of the U.S. to the Caribbean it  
12 won't (inaudible).

13 MR. PEARCE: It's usually it's, for  
14 example -- one quick example is the red snapper.  
15 And in Puerto Rico, it's usually red fish from  
16 Brazil or Indonesia sometimes, and so that's kind  
17 of the major import.

18 MS. SOBECK: So, these requirements will  
19 apply.

20 MR. PEARCE: Right.

21 MS. SOBECK: There will be documentation  
22 that needs to be submitted by the importer, so it

1 doesn't -- It won't necessarily reduce imports,  
2 but if importers, if they aren't able or willing  
3 to provide that documentation, it could. So we  
4 are happy to keep track of how that you think that  
5 that might impact on --

6 MR. ESPINOZA: It's something that I  
7 think, at least for the U.S.-Caribbean we need to  
8 kind of think ahead of because it could create  
9 some additional pressures to certain fisheries  
10 that were unintended.

11 MS. SOBECK: Mm-hmm.

12 MR. ESPINOZA: And I think, again -- so  
13 that's why I was just trying to think --

14 MS. SOBECK: Yeah. Absolutely.

15 MS. MORRIS: Terri?

16 MS. BEIDEMAN: Yeah, not to drum on  
17 there, but some of the fish that are caught and  
18 reside in the Gulf of Mexico for which this  
19 funding is available, do not stay there, and in  
20 fact, fishermen outside the Gulf area and, you  
21 know, some of the research projects that have been  
22 proposed so far, are not as robust in terms of

1 actually gathering research. I think there was  
2 some recommendations and discussions at the APs  
3 and at the IAC meetings with regards to highly  
4 migratory species, and a program for that, and I  
5 mean, if the point is to find out if people don't  
6 fish if they catch which bycatch, I can tell you  
7 the answer and save you a lot of money.

8           So I don't know if that's -- I'd rather  
9 see science, real science with that link, because  
10 it's set aside for those purposes. So, just keep  
11 in mind that a lot of the fish are there, part of  
12 their lives, and spend the rest of their lives in  
13 other areas and affect other areas. I know you  
14 know this. And thank you for not adding more to  
15 our domestic fishermen in terms of requirements  
16 with regard, at least, to this IUU traceability.  
17 The office, and in particular, are highly  
18 regulated, and we just don't need no more, so we  
19 appreciate that. And you kept that promise, so  
20 thanks. That's it.

21           MS. MORRIS: Heather?

22           MS. BRANDON: I have a question about

1 something you didn't bring up. I know you are  
2 just hitting the highlights for us, but the Marine  
3 Mammal Protection Act, I think that your Agency is  
4 looking at other nations to make sure that their  
5 marine mammal protection regulations are  
6 equivalent to the U.S. Marine Mammal and  
7 Protection Act.

8 MS. SOBECK: Right.

9 MS. BRANDON: And that also could come  
10 into play with importation requirements.

11 MS. SOBECK: Absolutely.

12 MS. BRANDON: Could you talk a little  
13 bit about where you are at on that?

14 MS. SOBECK: Yeah. That and actually,  
15 it should be part of our bycatch discussion  
16 because, you know, that is one kind of, bycatches  
17 of protected species, and the regulatory bycatch.  
18 That, you know, there's a requirement under the  
19 MMPA that's been there for a couple of decades.  
20 It took us a while to get there, but we put out a  
21 proposed rule that would -- you know, the general  
22 concept is that other, you know, that other

1 countries that want to want to import fish  
2 products into the United States need to have  
3 comparable standards for protection of marine  
4 mammals if they want to bring their product into  
5 the United States.

6 It's a level the playing field kind of  
7 concept. Our fishermen have always had to avoid  
8 catch of -- potential catch of marine mammals, and  
9 so other countries should as well. So we did have  
10 a proposed rule out and I believe that the comment  
11 period just closed on that. I don't have those  
12 dates with me, or either has or will soon, and we  
13 have a -- we settled the lawsuit, we have a  
14 deadline, so we are going to be getting that final  
15 rule out in the next few months.

16 MS. BRANDON: This is follow-on. How do  
17 you think that will be implemented? Do you  
18 envision sending NOAA Fisheries folks out to other  
19 countries to understand how their marine mammal  
20 protection laws are implemented or --

21 MS. SOBECK: No. I have to go into --  
22 part of it is laid to in the regulation. I mean,

1       they will have an obligation to provide some  
2       documentation to us. We will, you know, sort of  
3       -- it will end up being -- I mean, the burden is  
4       on them to provide information to us. I mean we  
5       will be trying to go out there, and understand  
6       other countries' laws.

7                   It's not going to be the easiest plan to  
8       implement because it's -- you know, unless you are  
9       talking about a transboundary stock, you know, in  
10      Canada, where they are catching the same fish and  
11      have the same kind of marine mammal interactions,  
12      it's not going to necessarily be an obvious  
13      apples-to-apples kind of relationship. So, I  
14      think that we'll have some learning to do, about  
15      how it gets implemented. There is going to be a  
16      phase-in period where we can work with the  
17      countries to figure out what their laws are to let  
18      them, in some cases promulgate laws or regulations  
19      to bring them into compliance.

20                   So there are a lot of countries, there  
21      are a lot of fisheries, there are a lot of kinds  
22      of interactions that we might not know that much

1       about, but we are trying to not make it so that we  
2       have the obligation to go out, out around the  
3       world and look affirmatively at every fisher  
4       before the provision comes into effect, and the  
5       regulatory responsibility and recoding requirement  
6       comes into effect.

7                   MS. MORRIS:    So, we are getting behind  
8       on our schedule, and part of my job as Chair is to  
9       try to monitor that on your behalf, so you don't  
10      have to worry about it.  Only I have to worry  
11      about.  So, it would be good to move on to the hot  
12      topics.  Is that okay with you Eileen?  Can you  
13      hold your -- Can you --

14                   MS. SOBECK:   I'll be around the next two  
15      days.

16                   MS. MORRIS:    Right.

17                   MS. SOBECK:   I'm joining, you know, you  
18      guys this evening and everything.

19                   MS. MORRIS:    Thank you so much, Eileen.  
20      So, next we'll move on to the hot topics and  
21      perspectives discussion.  And we are going to  
22      start with Liz.

1 MS. HAMILTON: Well, good morning. We  
2 are in Portland, 100 miles from the ocean, Terri.

3 MS. BEIDEMAN: I know.

4 MS. HAMILTON: Because there's  
5 something, you know, really special about this  
6 area, and special to NOAA, and that is that they  
7 are very involved in the management of anadromous  
8 species that don't just go 100 miles, some of them  
9 600 miles. We actually have fish that's been  
10 right by the city, that are going to end up in  
11 Canada. And that's really special, and it's what  
12 most of us work on here in the region, and I'm  
13 thrilled to say, in front of Eileen, that you have  
14 amazing staff here, I'm glad they are here so they  
15 get to hear that, because they are --

16 MS. SOBECK: You are just in time,  
17 Barry.

18 (Laughter)

19 MS. HAMILTON: They are remarkable, and  
20 they are good to work with, and pretty inclusive  
21 of the RAC community, because I know them all so  
22 well. So most of what I would talk about in terms

1 of hot topics, we are going to talk about a little  
2 later. NOAA has this crushing load of about 330  
3 hatchery generic management plans, which are like  
4 a driver's licenses, if you will, to run a  
5 hatchery.

6 So that really affects sport, commercial  
7 and travel fisheries, and we are worried about  
8 those. We'd like to take dams out here in the  
9 West. I've been with NOAA on two in particular,  
10 Savage Rapids Dam and the ones in the Sandy Basin,  
11 and of course now we are looking at the ones down  
12 in Klamath, and maybe I'll live long enough to see  
13 the Pearl (phonetic) or Snake ones come down, so  
14 those are big issues to us here in the Northwest.

15 We don't have drought, but we do have  
16 climate change impacting our weather dramatically,  
17 and last summer we had a heat wave that we feel,  
18 right down to a year class, or close to a year  
19 class of spring chinook and summer chinook. So  
20 that was pretty scary. And then the other thing  
21 that's -- oh, I have to mention because of the  
22 people I represent, but marine mammals are big

1 issue here for different reasons than for most  
2 people, and I know sports anglers get really  
3 pissed off when they steal their fish off the  
4 line, which happens on a regular basis, but I fear  
5 the effect of the interaction of marine mammals  
6 from real sensitive stocks like steelhead, and the  
7 Steller's effect on broodstock sturgeon.

8           And I hope we figure out how to deal  
9 with this before broodstock -- before sturgeons  
10 have to be listed, because those broodstock that  
11 they are eating are 20+ years old. So, those are  
12 just some of big issues here in Northwest, and we  
13 are going to talk about the biggest one of all,  
14 which is the Biological Opinion in the Columbia  
15 later. Thank you.

16           MS. MORRIS: Thank you, Liz. Micah?

17           MR. McCARTY: So, I've been really,  
18 Frank Jr.'s, Tree Rights At-Risk Initiative, since  
19 he started it, there is a really huge issue facing  
20 the Nisqually River right now. Last year 90  
21 percent of the outward migrating steelhead, small,  
22 or eaten before they got off Puget Sound by

1 pinnipeds. Over half of them were eaten before  
2 the steelhead outward migration reached the  
3 narrowest bridge. This year, thanks to NOAA, the  
4 Nisqually Tribe has been doing a lot of  
5 assessments and looking at seal and sea lions  
6 cull-outs.

7           And for animal welfare, concerning  
8 pinnipeds, it's been discovered that they are  
9 eating crab and so the scat that's being collected  
10 by Nisqually Fisheries are seeing more numbers of  
11 crab shells in the scat than before. Nisqually is  
12 probably, I think, one of the largest impacted  
13 river systems. The Nisqually Tribe has done an  
14 amazing job of putting nearly 70 percent of the  
15 main stem of the river into protected areas for  
16 the salmon habitat, but quite literally all these  
17 efforts aren't doing anything to enhance or keep  
18 the tribal fisheries at a sustainable level.

19           Fishermen are seeing more and more of  
20 their time taken off the river, and it gets to the  
21 point where a representative in the state, in the  
22 House passed a -- or tried to implement that

1 resolution. I think he was attempting to demand a  
2 charter for the Governors Marine Resource Advisory  
3 Committee to force the state to take action on the  
4 Marine Mammal Protection Act.

5           It's something that I've been looking at  
6 very closely for a while; I think that it's  
7 possible to theorize that the living factors for a  
8 herring recovery in Puget Sound, rockfish recovery  
9 in the Puget Sound, and even the orca recover in  
10 the Puget Sound. The common limiting factor could  
11 very well be that seals and sea lions are past  
12 optimum sustainable population, or OSP, and I  
13 believe that we are witnessing a crisis unfold  
14 before us.

15           The next slide, please? Billy Frank,  
16 Jr. carried this, before he passed last year, he  
17 carried this on a regular basis to Washington,  
18 D.C., in an attempt to call attention to the  
19 disturbing fact to his river system that he  
20 fought so hard for just outside of what is now  
21 called the Billy Frank Jr. Nisqually National  
22 Wildlife Refuge. And another historical fact tied

1 to that, which I guess would be a high point is  
2 that the Billy Frank, Jr. Tell Your Story Act,  
3 passed by Danny Heck, Congressman Danny Heck.

4 Created one of the first of its kind,  
5 Tree to Treaty National Memorial. And so now the  
6 Wildlife Refuge down at the Nisqually Delta has  
7 what we call a National Memorial. It's that place  
8 where the first tree was signed of the Stevens  
9 (phonetic) trees, and what was said about this  
10 picture was that there's as many sea lions in the  
11 water as there are crowded up there, and this last  
12 year we also witnessed a mass premature weaning of  
13 pups off of California.

14 And it's been said, and there's probably  
15 some facts to be found, that 100 percent of the  
16 California sea lions in the Puget Sound are adult  
17 males. And it's really become a problem, and I  
18 think has to be addressed. The welfare of the  
19 animals, I think, is in crisis. If you have an  
20 overabundance facing starvation, they are  
21 suffering.

22 The next slide, please? So, I've been

1 working with a number of tribal leaders, and  
2 including folks within the State Legislature and  
3 elsewhere, that we have a lot of tools to work  
4 with, and I think we need to find a way to provide  
5 a form or a mechanism or a working group to get  
6 the best unbiased individuals to look at the real  
7 situation here, and a biological situation. There  
8 can't be too much emotion in the working group,  
9 but the way I approach things as a Tribal Leader  
10 is that the treaties gave rights to the United  
11 States. The United States received these rights  
12 in exchange of a promise to protect the way of  
13 life that the Indians negotiated.

14           The benefits to the United States was  
15 the Manifest Destiny happened, and the northern  
16 border and the southern borders were a result of  
17 this manifest destiny capstones. So the capstone  
18 of manifest destiny was to establish the northern,  
19 southern borders that came through these  
20 particular treaties. Judge Boldt determined that  
21 the tribe is allowed the non-Indians' hunting and  
22 fishing common with us. And Judge Boldt also

1 determined that the state and the tribes have to  
2 be co-managers, and have to be co-managers in a  
3 way that also Judge Boldt put into play a notion  
4 about co- management of that habitat in the  
5 ecosystem.

6           And so one of the recent case was that  
7 implemented what was called Phase 2 of the Boldt  
8 Decision, was the culvert case, where the State of  
9 Washington was found guilty of not putting  
10 culverts to create more salmon habitat and access  
11 to more salmon habitat. And so that's like one  
12 step in the direction of co-management of the  
13 ecosystem. I believe that NOAA has a trust  
14 responsibility to the treaty tribes, I believe  
15 NOAA has a trust responsibility to the  
16 constituents of Washington State Sports Fishermen.

17           It could be said that Washington State's  
18 Sports Fishery is at stake here, and it could be  
19 said that the licenses that the state Agency  
20 depends on with what's going on with salmon  
21 declines in Washington State, in my opinion, could  
22 be selling false hope to sports fishermen for

1 opportunity. So I believe that it's incumbent  
2 upon the state and the tribes to work together  
3 with NOAA on a solution.

4           The next slide, please? There's a lot  
5 of regulations and laws in the toolbox. The next  
6 slide, please? This is not very well polished,  
7 this is a preliminary discussion that's been going  
8 on, but I believe that after the pilot in  
9 Nisqually which all these canoes are going to land  
10 in Olympia on July 30th, and there's going to be a  
11 Treaty Tree Ceremony on July 31st, and then  
12 thousands of natives from hundreds of villages  
13 will be in Nisqually and they will be celebrating,  
14 passing through each other's territories, survival  
15 of culture.

16           There will be information booths, there  
17 will be education experiences for the Treaty  
18 Ecology, and shortly after that, I believe the  
19 discussion with Nisqually leadership and other  
20 tribal leadership will be more focused on what we  
21 need to do. And so I implore members of this  
22 Committee to take this very seriously, to keep an

1 open mind, and this crisis has to be dealt with.

2 MS. MORRIS: Thank you, Micah. Mike,  
3 you are next.

4 MR. OKONIEWSKI: I'd like to speak to  
5 two issues on the commercial side that affected  
6 our company a great deal in the light of a  
7 fisherman we know, up and down the West Coast.  
8 The first one is, we are coming up on a five- year  
9 review of Amendment 20 -- 21 IFQ what is -- or  
10 excuse me, IFQ fishery. I'm going to speak  
11 specifically t non- whiting on the shore side.  
12 And since I have a few minutes, I'm going to read  
13 a little bit from the Amendment 20, at the IMF.

14 The primary stated goal of Amendment 20  
15 is to create an ample amount of capacity  
16 rationalization plan, and increases economic  
17 benefits, creates individual economic stability,  
18 provides, for full utilization of trawl sector  
19 allocation, considers environmental impacts and  
20 achieves individual accountability of catch and  
21 bycatch.

22 Additional stated objectives that

1 Amendment 20 include, number 2, provide for a  
2 viable, profitable and efficient groundfish  
3 fishery; number 4, increase operational  
4 flexibility; number 5, minimize the adverse impact  
5 effects, find fishing communities; and number 6,  
6 to promote measurable economic and climate  
7 benefits through select catching, processing,  
8 distribution elements and supported sectors of the  
9 industry.

10           The reason I'm bringing this up, is  
11 because right now the non-whiting side of the IFQ  
12 fishery, under Amendment 20 is an absolute  
13 failure. And I have not just said that myself,  
14 it's been said by three of the original advocates,  
15 the strongest ones. We're coming up on a  
16 five-year review. We're hopeful that we can  
17 actually look at this in a manner that is going to  
18 reengineer the program or else we are going to  
19 lose this fishery.

20           Pacific Seafood has lost 45 percent of  
21 our players, in the last 5 years, a market turmoil  
22 as far as fresh fish goes, because of inconsistent

1 supplies, and a lot of boats for pile, now have 3  
2 percent recovery costs, plus the -- or excuse me,  
3 the observer fees went up to like almost \$500 a  
4 day. So, in essence, the income level stayed  
5 stagnant or run down, gone down, gone down for  
6 many, and at the same time, costs for the program  
7 implementation have gone up significantly.

8 Our market supply is cutting us off,  
9 just we are competing against foreign imports, I  
10 think it's been mentioned here a couple times, 91  
11 percent of our seafood in America is imported.  
12 Last year 649 million pounds of swai and tilapia  
13 were imported into the country at a consumption  
14 rate of about 14.7, or whatever it is. I suspect  
15 that every man, woman, and child in America has to  
16 eat about 2 pounds of that stuff to make it come  
17 out at 649 million pounds.

18 At the same time, our attainment levels,  
19 which speaks 100 DEIS, have gone downward, an  
20 all-time low of 20.2 percent attainment level for  
21 non-whiting fishery, and it's concentrated  
22 primarily on two species, the sablefish and

1       petrale. The underutilized species are more  
2       underutilized, including Dover (phonetic), which  
3       has 102-million-pound quota which we caught 13.75  
4       million pounds last year. So, we are going  
5       backwards economically.

6               The bycatch rate is down, but when you  
7       reduce the target species that much, as far a  
8       harvest, you can why the bycatch might be down.  
9       So, we are not advocating that we get rid of the  
10      IFQ Program, but it does need some major overhaul  
11      as fixes. We are asking that NOAA Fisheries  
12      recognize the fact, and we are asking the Council  
13      to recognize the fact, and to stand with us to  
14      help find some meaningful solutions. The value of  
15      this non-whiting fishery is in fresh fish, and our  
16      retail chains that we supply Mundo (phonetic), to  
17      Costco, Kroger's, Fred Meyer, others, HEB in  
18      Texas.

19              Those guys need consistent continuity of  
20      supply. They can live with seasonality but not  
21      inconsistency. So, we've got a job on our hands,  
22      and if we don't take a hardcore look at it, and

1       then we've got to do some changes, we will probably  
2       lose this fishery, for what it is, or has been.  
3       And that, coming from the -- having lived around  
4       the coast all my life I really would hate to see  
5       that go away. So, there's that.

6                 And the second piece I'm going to speak  
7       to is really nothing to do with the regulatory  
8       side, but it's the embargo that Russia has put on  
9       the United States' imported fisheries, products.  
10       I think this also extends to some of the EU  
11       countries. That has had a huge impact on the  
12       Alaska salmon industry because a huge amount of  
13       our salmon roe, called the ikura, which is  
14       finished, processed product, is no longer  
15       acceptable in Russia. They just can't go there.  
16       And the other big customer for many of those items  
17       was the Ukraine, and guess what, Russia has  
18       crushed their economy basically.

19                The currency rate exchange in Ukraine  
20       has diminished as far as its strength. That's only  
21       part of it. They can't get financing anymore, and  
22       it's very difficult to take a product into that

1 country. That also impacts the hake or whiting  
2 industry in a huge way. Whiting prices have  
3 dropped significantly to the boats and to us.  
4 They've gone down by about 40 percent in the last  
5 3 or 4 years, and I think it's had a major impact  
6 on the pollock industry, as Julie was nodding her  
7 head there. And Julie and I work pretty closely  
8 together in a number of the areas. So, I'll leave  
9 it at that.

10 It's a challenge, I guess, we are  
11 willing to work on ourselves. We've got three  
12 plants that do bottomfish up and down,  
13 non-whiting, and fish up and down the coast. We  
14 are thinking of shutting one more down. We've  
15 shut two down already, one of the original RCAs,  
16 and the fishery was declared a disaster. We hate  
17 to have to shut down one more. But at this we are  
18 getting so little fish into the operations, it  
19 might be necessary. And we lost too many players.

20 The other part is the shrimp industry,  
21 which most of the trawlers that fish groundfish  
22 can get into. It appears with the El Nino that's

1 finally catching up, and the 90- to  
2 100-million-pound season they've been having are  
3 probably going to go down to something like 20 to  
4 30, it's going to have a huge impact on incomes  
5 for these boats. So, I think it's something to  
6 consider going forward, but it's a hot topic for  
7 us, and it should be really include for the  
8 Council on for NOAA Fisheries in the Northwest  
9 Region. Thank you.

10 MS. MORRIS: Thank you, Mike. Jim?

11 MR. PARSONS: Yeah. I would like to  
12 start with just some issues of regional shellfish.  
13 Shellfish is a hugely important economic part of  
14 our West Coast operations, and in Washington State  
15 this year, we've started the launch of Phase 2 of  
16 the Washington State Shellfish Initiative, which  
17 was initially designed to implement NOAA's  
18 National Shellfish Initiative, and actually put  
19 some of those things in place. It's been fairly  
20 successful we feel, and if any of you are  
21 interested I have a report, basically, the Phase 1  
22 efforts, that really addressed -- starting to

1 address permitting issues, water quality,  
2 restoration, and research.

3           And it was able to implement the  
4 Shellfish Interagency Permit Team, and if any of  
5 you have seen the graph of what it looks for a  
6 West Coast shellfish aquaculture person to attempt  
7 to get a permit, to start an oyster, or a clam, or  
8 any shellfish farm. If you can work your way  
9 through that maze you'd be better than most of the  
10 people that have actually tried.

11           So, there is still a big effort that  
12 needs to occur on shellfish permitting, obviously  
13 one of our main areas of impact on shellfish on  
14 the West Coast has been ocean acidification  
15 issues. Again, coordinated effort with NOAA  
16 industry in academia have led to very good  
17 programs in monitoring and water treatment, and  
18 the response from research and obviously community  
19 has been tremendous to this problem. We still  
20 have a long ways to go, and actually a lot of the  
21 companies that are involved in shellfish farming  
22 are using water sources in other parts of the

1 world to begin their spawning and early rearing  
2 process system, particularly in Kona and the big  
3 island at the NOAA site.

4 We have one other major concern in the  
5 shellfish industry, and that's the Pacific oyster  
6 mortality syndrome that affects the gigas species.  
7 It's a herpes virus that has devastated growers in  
8 other parts of the world, and particularly in  
9 France and New Zealand and Australia, and would  
10 just basically wipe out our industry, we feel, if  
11 it entered this part of the world. So we've been  
12 working strongly to establish protocols for  
13 screening for this virus for imports in those  
14 areas.

15 One other area not related to shellfish  
16 now, that has become a large problem for us on the  
17 West Coast, really is related to climate change,  
18 and Micah touched on it. The warm water blob that  
19 was off of the West Coast, really caused what we  
20 believe are dramatic drops in the coho population,  
21 certainly it has affected their numbers and their  
22 size, and the fecundity, to the point where we are

1       faced with a Fisheries decision this year, between  
2       the co- management groups of how we regulate the  
3       fisheries, the salmon fisheries in Puget Sound  
4       because of the low expected return on mortality of  
5       the coho population.

6                So that's a huge issue, and there's been  
7       little to no agreement on how to manage the Puget  
8       Sound Fisheries at this point. And then, Micah  
9       touched on it, and he did a very good job of  
10      explaining it. I was asked by our tribal partner  
11      to make sure to reiterate it, that the recovery  
12      efforts for certain species of marine mammals in  
13      this area have been very, very effective, and the  
14      salmon populations in the area no longer seem to  
15      support the populations of marine mammals that are  
16      out there, and it is a crisis.

17               Lastly, we've been working with  
18      different groups to try to identify alternate  
19      species for marine culture, and NOAA Research has  
20      been a huge help in this, in helping us to  
21      identify the various species that look very  
22      promising, including sablefish and we continue the

1       efforts on attempting to establish culture  
2       technique for these species.

3               MS. MORRIS: Well, thank you, all.  
4       Certainly are hot topics.

5               MR. McCARTY: I would just add my wife  
6       worked on a weir on the river, and the weir was  
7       put in place to try to get as many wild fish up  
8       the river as possible, but last year because of  
9       climate change and the river temperature, we've  
10      seen a lot of pre-spawning mortalities, and I'd  
11      like to also draw a sort of correlation to, you  
12      know, the fish that are coming back they are  
13      malnourished, they are weaker, they are easier to  
14      catch, and they are easily stressed to death, and  
15      so one of the impasses that Jim alluded to,  
16      relates to the sports fishing industry, and its  
17      desire to continue with hook-and-release fishery,  
18      so that the economic activity can still go  
19      forward.

20              But the worry is that the  
21      hook-and-release fishery with these conditions  
22      that we are facing will see a lot more mortalities

1 in hook and release than you would in the normal  
2 year. But because they are so malnourished, and  
3 because of all these factors, the tribes have, I  
4 think, been shown to be willing to back off a  
5 couple fishery altogether, but we have the sports  
6 fishing industry in peril, so Catch-22.

7 MS. MORRIS: If Dave and Randy are okay,  
8 I think we'll take a break now. We've been  
9 sitting here for a long time. Is that okay with  
10 you, guys?

11 MR. DONALDSON: Sure. Absolutely.

12 MS. MORRIS: So, we are going to take a  
13 break now, please be back in 15 minutes.

14 (Recess)

15 MS. MORRIS: We'll take a couple minutes  
16 for closing remarks, because he's leaving. Go  
17 ahead, Micah.

18 MR. McCARTY: So, I just want to welcome  
19 the new members, the members that have been here.  
20 I apologize for my hiatuses. I haven't been as  
21 actively involved as I would like to be with  
22 MAFAC. But as I said, I believe what I presented,

1       there's a critical mass of people gathering around  
2       this issue. Some of them are very high-profile  
3       tribal leaders and others. So I believe there's  
4       some real work ahead of us and I'd like to work  
5       with people here at MAFAC on what kind of  
6       solutions can we put on the table. I think it's  
7       incumbent that this body takes a serious look at  
8       this issue.

9                   And on a personal note, I got my master  
10       bathroom torn apart; I'm going to remodel it. I'm  
11       selling my house, I'm moving back to Neah Bay  
12       where my kids can grow up with their cousins, and  
13       I've got some issues that I have to resolve, and  
14       so I can't do that here. So, my apologies, I  
15       wanted to make sure I got here for the  
16       presentation on Northwest issues, and you'll see  
17       another one about some of the watershed work here  
18       in the Portland area, and I was hoping to be a  
19       part of that conversation, but we'll follow up  
20       later. But soon, I've got to hit the road, and  
21       I'm lucky enough to do this before rush-hour  
22       traffic.

1                   MS. MORRIS: Let me switch this to you.  
2                   Dave.

3                   MR. McCARTY: And then, Heidi, if you  
4                   can give me the number, I'll try to call in over  
5                   the next couple days?

6                   MS. LOVETT: Okay.

7                   MS. MORRIS: Dave? David?

8                   SPEAKER: You are late?

9                   MR. DONALDSON: Thank you, Madam Chair.  
10                  On the flight out here I was wracking my brain  
11                  what to talk about, about issues in the Gulf of  
12                  Mexico, and I really couldn't think of everything,  
13                  because everything runs fairly smoothly.  
14                  (Laughter) Well, maybe I'll mention red snapper.  
15                  (Laughter) Red snapper is still an issue there is  
16                  a lot of frustration amongst the states as well as  
17                  anglers about the length of the season, and the  
18                  management of the fishery, the Gulf Council  
19                  continues to address the issue that our states are  
20                  actually looking at alternative data collection,  
21                  methodologies to get more timely estimates for  
22                  recreational catch. Louisiana has implemented --

1 a couple years ago actually -- it's implemented a  
2 -- what they call Lock Reel (phonetic) Survey.  
3 It's similar to them with -- but in that it's a  
4 interview survey, and they'd actually go interview  
5 anglers, and estimate efforts, but they sampled at  
6 a much higher rate, and they can get weekly  
7 estimates for, for not only red snapper but other  
8 species.

9 Alabama and Mississippi are all in the  
10 process of implementing a specific survey for red  
11 snapper, that each of those programs are  
12 undergoing a certification process so it can be a  
13 tool that states can use to manage recreational  
14 fisheries, through the Emma (phonetic) process.  
15 Lock Reel is close to being certified, Alabama  
16 started a process last year, and probably later  
17 this year, beginning next year will be certified,  
18 and then Mississippi is I believe end of July.

19 For end of June they are going to start  
20 the process of sitting down with Emma consultants,  
21 and looking at it, so because of the small  
22 seasons, the states are looking at ways to allow

1       their anglers to catch more fish, and for longer  
2       periods of time. That's on the private side. On  
3       the for-hire side, the Council passed an amendment  
4       that created a separate quota for the for-hire  
5       guys. And they are working on developing a data  
6       collection system to provide the information  
7       needed for that.

8                     Erika, I was interested to hear about,  
9       you all, concerns about the -- or interest in  
10      electronic reporting, that they are looking at and  
11      will pull me forward, all that's been involved in  
12      a process, putting BMS on the chart, on the subset  
13      of charts that doesn't involve to test that  
14      methodology, and I'd be interested to talk to you  
15      above that. So, red snapper is an issue, and  
16      actually is not only affecting the Gulf of Mexico,  
17      but Randy is having issues with the Dungeness Crab  
18      Fishery out in the West Coast, and some of that is  
19      affecting -- red snapper is affecting some of  
20      that, so I apologize, Randy.

21                    MR. FISHER: No. You don't --

22                    MR. DONALDSON: On another note and

1 another issue that's important to the Gulf States  
2 is oysters. Oysters has taken a big hit with  
3 various hurricanes that have hit, as well as the  
4 BP spill. The industry is hurting, and we are  
5 looking at alternative ways to boost production.  
6 Aquaculture has been talked about, and something  
7 that the Commission is going to be hosting a  
8 general session at their October meeting looking  
9 at the oyster industry and not the trials that  
10 they are facing.

11 We are actually planning to come out to  
12 bring the state directors out to the West Coast  
13 later this year to talk to some of the folks out  
14 here about their off-bottom aquaculture processes  
15 and activity zone. That's something that we are  
16 working with. And then the ongoing concern about  
17 level funding and our ability to collect the  
18 needed data to effectively manage the resources in  
19 the Gulf of Mexico, it's something that Randy,  
20 Bob, and I constantly talked to Congress, Paul  
21 Doremus, and NOAA Fisheries about the importance  
22 of maintaining those long-term data sets. You

1 know, the key to effective management is having  
2 the data to be able to be able to do it.

3 With the budget climate, and now and  
4 into the foreseeable future, we probably may look  
5 to do more with less, and it's potentially going  
6 to be, in the next couple of years, is going to be  
7 very problematic to maintain these long-term  
8 programs, but that's something that the states  
9 were concerned about and working something out.  
10 With that --

11 MS. MORRIS: Questions or comments for  
12 Dave? Moving on to Randy?

13 MR. FISHER: Sure. Since we are here in  
14 Portland and the West Coast, to bring in just a  
15 couple numbers to give you an idea of what we deal  
16 with here and our relationship with NOAA  
17 Fisheries, which is actually very close, and we do  
18 a lot of lobbying on behalf of NOAA and their  
19 budget. So, like Dave said, we actually go and  
20 lobby the Commissions or the legal authorities to  
21 do that thing, and so every year we go to The  
22 Hill. I will go back next week to Washington,

1 D.C., for another issue with the Committee.

2           So, in terms of West Coast Alaska, we  
3 land commercially about 7 billion pounds of fish  
4 every year. The value is right around \$3 billion.  
5 The bulk of that, of course, comes from both the  
6 State of Alaska and the whiting fleet up there.  
7 Interestingly enough, the most valuable fishery on  
8 the West Coast, even though we are salmon-central  
9 here, is actually Dungeness crab. The Dungeness  
10 Crab Fishery is not managed by the Council, it's  
11 actually managed by the three states. This year  
12 we had a problem, which I think John will mention,  
13 probably with domoic acid.

14           So we shut down the fishery. My guess  
15 is California will come in with the Disaster  
16 Relief Bill probably in the neighborhood of 130  
17 million, something like that. They opened the  
18 fishery about a month ago in California, so now we  
19 would -- if that happens we'll have to calculate  
20 the difference between the loss to the fishermen  
21 and the fact that they are now fishing. It looks  
22 like again we may be shutting it down one more

1 time. The Dungeness Crab Fishery usually opens up  
2 about December 1st, to take advantage of the  
3 Christmas season; the value of that fishery is  
4 around 150 million a year.

5 Issues on the West Coast, one is the  
6 Dungeness crab legislation. Since the state  
7 managed this fishery, interestingly enough Gulf  
8 folks want the same managerial authorities we have  
9 on the West Coast. And the bill has actually gone  
10 out to the Senate and out of the House. It's  
11 sitting in Senate, it hasn't hit floor yet.  
12 Senator Vitter from whatever state --

13 SPEAKER: Louisiana.

14 MR. FISHER: -- Louisiana, is going for  
15 the hold on the bill. I'm going back to D.C. next  
16 week to see if we can actually tie it into  
17 appropriation bill or something to move it  
18 forward. The reason we want it is the states are  
19 very concerned that someone could go out in the  
20 Federal waters and wipe out the crab population,  
21 never land in a state, and there's nothing we  
22 could do about that. And that has happened in the

1 past with scallop fishery on the list.

2 The second issue that we are dealing  
3 with is the drought, which is real. In  
4 California, the number of baby salmon that made it  
5 out was less than 3 percent, so if you start  
6 looking down the road, in about 2 years or 3  
7 years, you are going to want to be doing something  
8 else besides salmon fishing. It's not going to be  
9 a pretty sight.

10 We've already mentioned sea lions. If  
11 you go out on the river here and you walk up about  
12 3 miles, the Willamette Falls is there. There are  
13 30 sea lions there today taking advantage of any  
14 of the returning steelhead, which are listed as  
15 threatened and endangered. So, it's already been  
16 said a number of times, but we do have an issue, a  
17 serious issue. And I don't know how we are going  
18 to develop a box, but we've talked about it  
19 before.

20 Another issue coming up is NOAA, and Mr.  
21 Turner is working on this, and that is the  
22 U.S.-Canada Agreement. We are involved with that

1 along with the Columbia River, management agreeing  
2 with all of that sets the stage for how fisheries  
3 are going to happen on the West Coast, and are  
4 friends with Alaska and with Canada.

5           And last of all, of course, is the whole  
6 issue of changing oceans and the domoic acid and  
7 how fast we can actually react to some of the  
8 changes that are happening. Good things. I think  
9 Liz mentioned this. There is agreement to remove  
10 the four Klamath dams. The Klamath is a driver on  
11 West Coast Fisheries, salmon fisheries. It's been  
12 an issue for years and years, and finally it looks  
13 like we may have some agreement to remove those  
14 dams. We have a million-dollar contract with the  
15 U.S. Fishing Wildlife Service to be part of that  
16 process, so we'll be working with that. I go down  
17 next week to find out what they really want us to  
18 do to help them.

19           Another huge issue, which we need to  
20 thank NOAA Fisheries and the staff up there, Mr.  
21 Doc Friese (phonetic) and some of the others, for  
22 the fact that the Council, I think, is going to

1       move forward, finally, to set regulations to allow  
2       the whiting fleet and fixed fleet, fixed-gear  
3       fleet, to use cameras instead of human observers.

4                On the West Coast, if you're a  
5       commercial fisherman you're required to carry out  
6       a full-time body on your boat as an observer. We  
7       have four people in my office that are reviewing  
8       cameras now, and we'll be doing a presentation  
9       here to show you where we are on that whole issue.  
10       And some of the posters I brought down this  
11       morning, which go through some of the information,  
12       electronic monitoring, and some the other things  
13       that we are involved with as a Commission.

14               Last but not least is we are involved  
15       with disaster relief in Alaska. We have been in a  
16       couple different times, on the Yukon and the  
17       Kuskokwim. We have about \$2.3 million to spend on  
18       research in those years. The chinook population  
19       on the Yukon has been going down dramatically. We  
20       were given 20 million to pass out to the  
21       fishermen, we've done part of that issue -- part  
22       of that, and hopefully some of the research that's

1 done, we can identify what the problems are in the  
2 Yukon. So that is about what we are doing.

3 MS. MORRIS: Any questions or comments  
4 for Randy? Thank you so much.

5 MR. FISHER: Sure.

6 MS. MORRIS: Then we are going to move  
7 into Barry Thom's presentation about the proposed  
8 Columbia Basin Partnership Task Force. And after  
9 his presentation and our discussion about it, we  
10 have an additional item, which would be for MAFAC  
11 to approve the terms of reference for this task  
12 force to be under our MAFAC community structure.  
13 So, Barry?

14 MR. THOM: Yes.

15 MS. MORRIS: You weren't here earlier  
16 when everybody did introductions. So if you'd  
17 like to introduce yourself that would be great.

18 MR. THOM: Okay. Great. Good morning,  
19 everybody. And first of all, welcome to Portland,  
20 in our backyard. But I know some of you around  
21 the table, thought I've seen different at  
22 different stages, but I'm the Deputy for the West

1 Coast region, and which goes from Mexico to  
2 Canada, anywhere in between, and sometimes even  
3 farther.

4           When it comes tuna management so it's a  
5 big area to manage, in terms of me personally a  
6 couple of the -- sort of things I do that keep me  
7 interested and engaged other than the  
8 administrivia (phonetic) that a deputy job  
9 entails, and one of them that I'm going to talk  
10 about today is the Columbia Basin Partnership.  
11 And I also did a lot of -- I'll refer to American  
12 Tropical Tuna Commission as well on behalf of NOAA  
13 Fisheries.

14           So, today I'm going to talk to  
15 something, I've been working on this Caribbean  
16 Basin Partnership idea probably since 2009, and  
17 the change of administrations and I took on the  
18 Columbia Basin, the federal Columbia River power  
19 system, biological opinion, and independent  
20 reviews under Dr. La Chinko (phonetic). And ever  
21 since that time been trying o figure out a  
22 different way to crack that nut that is the

1 Columbia Basin, and how do we deal with salmon  
2 recovery there and make some progress.

3 For the folks that don't know, the  
4 Columbia Basin and the hydropower system had been  
5 under a continuous litigation since 2000. We had  
6 an off-and-on litigation prior to that, focused on  
7 the operation of the hydro system itself. But as  
8 you get into the issues there's actually a broader  
9 issue that's beyond the hydro system, in terms of  
10 how are we actually going to achieve salmon in the  
11 recover across the basin, and how to do that in a  
12 way that gets us -- potentially gets us out of the  
13 litigation.

14 So that's what I'm going to talk to you  
15 about in some more detail. So, we started back in  
16 2012, we commissioned a couple of neutral  
17 university-based groups, so one out of Portland as  
18 well as Washington States Ruckelshaus Policy and  
19 Consensus Group out of Washington State  
20 University. And they went out and basically  
21 interviewed well over 200, different stakeholders  
22 across the basin on how we could actually

1 structure a process that would include more  
2 stakeholder engagement in the decision-making, and  
3 that occurs in the Columbia Basin.

4           And so that's where we started in  
5 walking through this. But what really came out of  
6 that assessment was this desire to, one, include  
7 stakeholders in the decision-making and try to  
8 come up with a better way to get buy-in on the  
9 broader recovery efforts in the basin, and some  
10 sort of collaborative process to do so. So that's  
11 when you've passed a year-and-a-half or so with  
12 some informal stakeholders, state, tribal, federal  
13 folks, group discussion trying to figure out how  
14 we could formulate that partnership, and then that  
15 grew into actually coming up with this broader  
16 partnership with both the sovereigns, the states  
17 and tribes and federal agencies, as well as the  
18 stakeholders.

19           And that's where MAFAC -- you know, as  
20 we get into this a little bit more as to why to  
21 bring MAFAC into that discussion. So we kicked  
22 off our meeting in December this past year, just

1 with the states and tribes, to talk to them about  
2 the process. And then we held what we called a  
3 Stakeholders and Sovereigns Workshop in February,  
4 to vet those basic same ideas and try to build --  
5 serve this increasing circle of support from the  
6 broader processing, the Columbia Basin.

7           So, I'm going to talk to just a couple  
8 of slides to give you a feel, so that sort of  
9 gives you to where we are today. One of the  
10 pieces will come through on the MAFAC component  
11 is, as you bring in the stakeholders discussion in  
12 the discussion, you run into issues of how to deal  
13 with a Federal Advisory Committee Act. And so  
14 that's where MAFAC comes in, as the only -- in  
15 terms of coming up with creative ideas of how we  
16 can actually construct the process and sort of  
17 keep us into that, you know, trying to consensus  
18 across the broader input, getting input into NOAA  
19 Fisheries.

20           As a matter of fact, it came up as an  
21 option, trying to figure out the structural  
22 process, and that's where the idea of the task

1 force tends to fit in terms of bringing this  
2 partnership together.

3 So, I'm going to start -- I just wanted  
4 to go through a couple things just to give you a  
5 feel for what we are actually trying to do, and  
6 then we can have a broader discussion about how  
7 MAFAC intersects in that, and the use of MAFAC  
8 overall as well as the task force. So, for folks,  
9 this is just a map of Columbia River Basin just to  
10 orient folks, when we talk about this partnership  
11 it is the entire Columbia Basin, or at least the  
12 U.S. component of the Columbia Basin at this  
13 point.

14 Like Liz said earlier, we've got sockeye  
15 going all the way up into the Stanley Lakes, 800  
16 miles into Idaho. We've got water that's coming  
17 out of Montana that's being managed. We've got  
18 water coming out of Canada that's being managed.  
19 So you've got 16 different listed units of Pacific  
20 salmon, and we also have almost as many unlisted  
21 stocks of Pacific salmon in the Columbia Basin.  
22 And so that's where, as we get into the scope and

1 structure of this, it's really just sort of  
2 balancing between the endangered species listed  
3 and the Magnusson-managed stocks, though we have  
4 some potential, I think, to make some progress.

5           So, in terms of the just the overall  
6 purpose, like I mentioned, we completed the  
7 situational assessment that sort of gave us the  
8 support for establishing regional long- term goals  
9 in the Basin, when I talk about goals. So the  
10 first couple years of this partnership, one of the  
11 pieces we've sort of carved out of a broader  
12 stakeholder process is just to focus on setting  
13 and establishing integrated goals across the  
14 Basin.

15           So, one of the challenges we have in the  
16 Columbia is that we have either draft or final  
17 recovery goals for the Endangered Species Act  
18 populations in the Basin, so those exist. They  
19 are sort of in various stages of implementation.  
20 Those goals are set all the way down at the  
21 population level, so sort of stream by stream,  
22 watershed by watershed, and that's sort of --

1 those goals actually increase out to major  
2 population groups, and then the ESU overall. So  
3 those goals have been established.

4 At the same time, we have sort of a mix  
5 of goals that the tribal groups would have for  
6 building these runs above some sort of minimum  
7 delisting criteria to sort of a broader recovered  
8 status as well, or even beyond what we say is ESA  
9 recovery, but to a recovery that would support  
10 sort of abundant tribal treaty harvest. We've got  
11 goals for meeting the states on the unlisted  
12 stocks in terms of managing for minimum  
13 escapements.

14 So you've got this sort of mix if you go  
15 to any point in the landscape you may have, and  
16 we've done an example on the Grand Ronde in  
17 Northeast Oregon. There's 10 different sets of  
18 goals for the same group of fish in the watershed  
19 based on all of these various groups, and so  
20 nobody quite understands where we are actually  
21 trying to get to in any sort of common framework.  
22 And so that's one of the benefits here, of having

1 this discussion, is to actually bring folks  
2 together, and figure out how you can actually  
3 orient those goals. In some cases there's  
4 different time scales for those goals, in some  
5 cases it's just different geographic areas of  
6 those goals. So how do we actually come together  
7 to actually say, okay, we're all trying to get a  
8 100,000 in this one major population group over  
9 time and can we actually do some of that?

10 So that's really the entire goal here  
11 for this first two-year process is to see if we  
12 can actually have that discussion and come to  
13 these sort of common goals. The hope is, or at  
14 least my hope is, is that if you can achieve some  
15 buy-in and some trust in developing those initial  
16 goals, you can then start having that discussion a  
17 little bit more, building that trust about how are  
18 we actually going to work together to achieve  
19 those goals. What are the specific actions we are  
20 going to take to get there?

21 And so as the process unfolds we are  
22 going to have to have some of that information

1 initially, but really that's sort of the  
2 longer-term stakeholder costs that we think. And  
3 once we -- we were actually just trying to get  
4 people around the table to start talking about  
5 this stuff now, and see if we can actually, all be  
6 in the same room and talk to each other, let alone  
7 sort of making the next steps forward.

8           So, like I said, and in terms of the  
9 scope, I think a critical piece of this is that  
10 it's both ESA-listed and non-listed salmon and  
11 steelhead in the Columbia Basin. This is both a  
12 lot of times in the federal hydropower system.  
13 We've talked above Bonneville Dam as sort of a  
14 threshold point, but we also want to include the  
15 stocks below Bonneville Dam, in the Willamette and  
16 Lower Columbia.

17           Because we're talking about anything  
18 that can affect these fish, it implicates ocean  
19 main stem and tributary fisheries that harvest  
20 those stocks. These fish are running all the way  
21 up into Alaska and coming back, so we have to have  
22 that incorporated discussion of what are we

1 actually trying achieve from harvest levels up and  
2 down the system. I already mentioned the multiple  
3 scales, we are talking about sort of these  
4 population by population, but also building up so  
5 that we have numbers at the broader- listed unit  
6 scale as well as sort of the stock scale for the  
7 unlisted stocks.

8           The one thing about having a stakeholder  
9 process, we are trying to come up with a  
10 representative stakeholder group to have this  
11 discussion; everybody has to be at the table. We  
12 have to have all the H's incorporated, so harvest,  
13 habitat, hydropower, hatcheries, all have to be  
14 part of that discussion. Everybody has got to be  
15 there in order for this to be successful. And  
16 then the other part of this, which I think sort of  
17 brings the reality into it is, we have to consider  
18 ecological conditions, both current and future  
19 habitat capacity.

20           So when you look at right now, there's a  
21 sort of finding habitat capacity of how many fish  
22 we can produce in the natural environment in the

1 Columbia Basin that could change both because of  
2 habitat restoration efforts, and recovery efforts  
3 in the system. But it could also change,  
4 potentially, in a negative way because of climate  
5 change and changes in extreme temperature and  
6 water flow in the system. So we have to factor  
7 that in. That's some general sense of where can  
8 we go in the next 50 years, realistically is  
9 showing recovery in the system. That's sort of  
10 the scope.

11 And then just a couple of principles in  
12 terms of NOAA Fisheries engaging this discussion,  
13 the things that we've sort set our hard bottom  
14 line for engaging in this discussion. First of  
15 all, we have to support tribal treaty rights and  
16 trust responsibilities in the system. We have to  
17 meet our ESA requirements and provide for recovery  
18 of these fisheries in the species. We have to  
19 manage, you know, consistent Magnusson Act and  
20 federal case law regarding harvest management, so  
21 in the case of the Columbia salmon harvest is  
22 managed under the U.S. v. Oregon Harvest

1       Agreements between the states and tribes and the  
2       Feds.

3                 We have to include the latest scientific  
4       information, and there's a big component here in  
5       terms of the modeling efforts that this is going  
6       to take, relying on our science center as well as  
7       others in terms of what habitat capacity is, what  
8       are we going to actually achieve for recovery in  
9       setting those targets.

10                And then lastly, we are talking -- is  
11       really the center action of factors, that we have  
12       to have the sovereigns and the stakeholders at the  
13       same table, in the same discussion. So a lot of  
14       the challenges that we picked up from the  
15       assessment in the past, there's a lot of process  
16       in the Columbia Basin, and each of those tackles a  
17       different piece of the puzzle, but they also  
18       involve different groups. So, in the case of  
19       something like the U.S. v. Oregon Harvest  
20       discussions, that's really state level, federal,  
21       there is not a stakeholder engagement component of  
22       the U.S. v. Oregon discussion.

1                   In the case of the federal Columbia  
2                   power system, biological opinion, that's really a  
3                   federal effort between the federal action agencies  
4                   and NOAA Fisheries in terms of how that's managed.  
5                   There's been very limited stakeholders engagement.  
6                   Some public vetting of documents and biological  
7                   opinions, but really not engagement as to what we  
8                   actually want to do. So that tends to be the  
9                   complaint. There's not a forum that exists in the  
10                  Basin, that have sort of a broader discussion of  
11                  what we want to do, how do you engage people in  
12                  the system. So those are sort of the principles.

13                  And then lastly, just the process  
14                  itself. Like I mentioned, one of things we are  
15                  trying to do is have a stakeholder process across  
16                  the Columbia Basin, so you run into this challenge  
17                  of the Columbia Basin is huge, there's a variety  
18                  of issues, there are certain variables that affect  
19                  the Columbia Basin as a whole, so main stem  
20                  harvest is going to affect all of the runs in the  
21                  basin.

22                  So how do you manage that or balance

1       that? Well, some of the local issues of, you  
2       know, what does farmer X do on his piece of stream  
3       on his ranch? And how do you develop -- you know,  
4       how do you have some idea that restoration that  
5       can be done in the Lemhi River in Idaho for water  
6       conservation and providing in the stream to help  
7       achieve a goal, how is that balanced with the  
8       harvest opportunities or the other water quality  
9       or flow issues in the main stem Columbia and  
10      really how do you handle that discussion at the  
11      same time?

12                 So we are still working through that,  
13      and we still -- in not kicking off the stakeholder  
14      process yet, but this will -- I think the key  
15      discussion for that stakeholder group to decide is  
16      how to organize their series of subgroups. There  
17      are sort subcommittees within that, to actually  
18      have these discussions and bring things back to  
19      the broader group as we move forward, given the  
20      complexity of the Columbia Basin overall.

21                 As I said, that was a quick overview in  
22      terms of the MAFAC discussions. So right now the

1       idea would be that we would use this task force  
2       under MAFAC to sort of give an umbrella to allow  
3       this task force to exist. We would solicit  
4       nominations for that task force, publicly, and  
5       then bring those task force member recommendations  
6       back through MAFAC, up to NOAA Fisheries for a  
7       recommendation to proceed.

8                 We are hopeful that if the group buys  
9       into this, that we will try to kick off these sort  
10      of, first, formal meeting of the stakeholder  
11      process in September of this year. So we have  
12      this summer basically to get through the selection  
13      and vetting process to have something in place as  
14      we move forward in terms of that vetting. And  
15      then we would basically have one of the MAFAC  
16      members be a part of that stakeholder process.

17                And then through either us or that  
18      member, provide updates back through MAFAC  
19      initially, and then vet any formal documents as we  
20      get through to any sort of decision- making  
21      process as those groups develop documents and  
22      bring those back up through MAFAC under sort of

1 regular means. So I'll stop there.

2 MS. MORRIS: Julie Bonney?

3 MS. BONNEY: Yeah. I guess I appreciate  
4 the project that you have before you, and the  
5 intersection with the MAFAC and the process that  
6 you are trying initiate. So, according to their  
7 annotated agenda, there are several other ways --  
8 several Advisory Committee acts that you've put  
9 through something as a task force, and not involve  
10 MAFAC. So basically from the read, it seems as if  
11 using MAFAC's authority is the quickest way, and  
12 easiest, simplest way for NOAA to move on and  
13 start the process. Do I understand that  
14 correctly, I guess?

15 MR. THOM: Yeah. When we started to  
16 work through the options of how to do this in  
17 relating to the fact, you know, the most  
18 straightforward way we would actually be to create  
19 a new FACA Committee under NOAA Fisheries, and  
20 been trying to think about how to do that and for  
21 anybody who is then involved in that, which it's  
22 pretty difficult to do it, given the limitations

1 that are on the number of committees as well just  
2 the time and process to do that.

3 Another sort of just the balancing piece  
4 that comes in my line is over what sort of a scale  
5 and scope of this project. And given that NMFS  
6 only has one FACA Committee for the entire Agency,  
7 it's hard right now to justify developing a FACA  
8 Committee just for this one specific issue at this  
9 time. I think there's some idea though that if we  
10 were to explore this ad work through the task  
11 force, when I talk about sort of the stage two, of  
12 getting beyond the goal setting, that that may be  
13 a point that if there is enough buy in that you  
14 would tackle, eventually tackle development but a  
15 full FACA Committee if it looks like this group  
16 can stay going, you know, long into the future.

17 MS. BONNEY: So can I follow, and put  
18 another question? So, I mean, I guess, it's  
19 basically using authority to do the MAFAC, and  
20 your FACA Committee, and then when you get into  
21 the responsibility of the group in terms of the  
22 process. And so you are suggesting that we would

1 have one individual or more than one individual I  
2 guess, of the 21 members, I think it's 21, right,  
3 that would sit and be involved in the task force.  
4 Now, in some cases the MAFAC is like one of the  
5 Chairs, so to speak, at the task force, and it  
6 seems like this is a big project in my mind in  
7 terms of lesson, meaning there are other  
8 stakeholder interaction.

9           And so, it's one thing to, you know, use  
10 our authority, so to speak, to have the task force  
11 and then it's another thing in terms of the  
12 workload for whoever would be involved. So I am  
13 questioning how we thread the needle on that.

14           And then the other issue in my mind is  
15 typically where we've had a task force in the  
16 past, the reports come to MAFAC and then we, what,  
17 change them or edit them, and they move through us  
18 to NOAA. So, I don't know if that's something --  
19 or what our role would be in terms of managing the  
20 committee versus just giving you the goal, the  
21 start so that you can start your process. So I'm  
22 a little unclear what our role as a Committee

1 would be for the task force. I guess that's what  
2 I'm trying to get at.

3 MS. MORRIS: Julie, when we started the  
4 conversation about this process that Barry is  
5 describing to you, it's very important I asserted  
6 to make that, that we follow a model more like the  
7 Aquaculture Task Force than the Recreational Task  
8 Force, and that it was important that we not just  
9 be, you know, a blow-by from the report from the  
10 Columbia Basin Task Force to NOAA, that we  
11 actually take some time as MAFAC to engage with  
12 any draft reports, and have a serious opportunity  
13 to comment on it.

14 And so that's what we are envisioning,  
15 and if you look at the terms of reference which  
16 are linked on the agenda for the -- the annotated  
17 agenda for the meeting, which we will be voting  
18 on, yea or nay, sometime soon, there's a -- it's  
19 just to specify which of our subcommittees would  
20 lead on this interaction between MAFAC and the  
21 Columbia River Task Force.

22 And we've spoken with Pam Yochem about

1       it being Ecosystem, it seemed like it was broad  
2       enough that it should fit there in our Committee  
3       structure, and that's what I'll be recommending to  
4       you before we vote on the terms of reference. I  
5       think it is going to be a lot of time involvement  
6       for the MAFAC member or members who will serve on  
7       both, but I think that there are MAFAC members who  
8       are already deeply involved in these issues  
9       because of their -- you know, what they are doing  
10      outside of MAFAC in that they would be working as  
11      a member of the Task Force anyway.

12                MS. BONNEY: So, can I ask who those  
13      individuals are, just to figure out -- (Laughter)

14                MS. MORRIS: It could be years. Liz and  
15      maybe -- I don't know who else. We haven't really  
16      polled to find out who is interested, but  
17      obviously that Liz might be one of the people  
18      involved. Go ahead.

19                MS. HAMILTON: I was somewhat hoping  
20      that Mike and Micah may not, but given -- but the  
21      value of this, just for commercial and tribal  
22      fishing is enormous. I mean, one of the things I

1 didn't mention is there's a couple million salmon  
2 going through this river every year, so getting it  
3 right is huge. And I think that actually for us  
4 to be involved in something so deeply meaningful  
5 and also so important to the RAC community.

6 A lot of the projects we've done through  
7 here have been aquaculture, commercial fisheries,  
8 and so this cuts across sustainable fisheries, it  
9 cuts across our recovery, it cuts across growth,  
10 commercial, tribal, environmental (phonetic), and  
11 academia. It just seems to me it really fit this  
12 group, it's just different. It's a huge project.

13 MS. BONNEY: And I guess I'm not  
14 disagreeing with that. I'm just trying to  
15 understand the responsibility in the process.

16 MS. MORRIS: Thank you so much for your  
17 questions, Julie.

18 MS. BONNEY: Yeah.

19 MS. MORRIS: Randy?

20 MR. FISHER: Yeah. To kind of follow on  
21 with Julie's question, because I think it's really  
22 important. I mean, this thing, you could go solve

1 in the Middle East before you can solve this damn  
2 thing. (Laughter) So I guess when you start  
3 thinking about it, I mean, Barry, what are you  
4 thinking? That Liz and Micah, they're going to  
5 figure out who all these other people are, and  
6 then we are going to go rent a gym and have a  
7 meeting? (Laughter)

8 SPEAKER: Today to have a bite-sized  
9 thing that we could impact on.

10 MR. FISHER: Yeah. I mean, this is  
11 giant big, and you're going to have competition  
12 with the Power Council and everybody else. I  
13 mean, everybody is going to want to be part of  
14 this thing.

15 MR. THOM: So I've heard this from Randy  
16 before.

17 (Laughter)

18 SPEAKER: How crazy are you?

19 MR. FISHER: I mean, I think it's a  
20 great idea, don't get me wrong, I just don't --

21 MR. THOM: But it is difficult and I  
22 think some of these issues are sort of how do you

1 start to structure those discussions. So while  
2 NOAA Fisheries at this point would take the lead  
3 and get this going, we've also wanted to keep it  
4 open enough to allow the sovereigns and  
5 stakeholders to help start to shape the discussion  
6 and how we structure that.

7           So, one of the key things, like, so how  
8 do you start to bite off individual pieces of it,  
9 and I think it's one thing. How do you get the  
10 right people in the room? So we did initially  
11 solicit members for a group, and then based on the  
12 FACA issues we've held off on this and I think at  
13 this point tried to resolicit publicly potential  
14 nominees to this larger group going forward.  
15 There is interest out there, of wanting to  
16 participate and to stay engaged in it, really is a  
17 -- I think it's harder to get these initial  
18 meetings going, get some of the structure set up.

19           So we've pushing as hard as we can to  
20 help define some of that brain work, but at the  
21 same time being open to it. We do have a couple  
22 of workshops coming up to get those going, so next

1 week here in Portland. And then in the beginning  
2 of June, we've steered a couple of stakeholders  
3 workshops to get basic information out there and  
4 start to educate folks on what's happening in the  
5 Basin. The first workshop is really focused on  
6 the status of the fish, both listed and unlisted,  
7 just basic information out there what the run  
8 sizes are, where they are at.

9           And then the second workshop really gets  
10 into the different impacts on the fish. So, what  
11 is the harvest of the different stocks? What are  
12 the hatchery production goals, and how are those  
13 set up across the Basin? To start to educate  
14 this; so I'm optimistic we can get somewhere, but  
15 we have taken a sort of structured approach to try  
16 to build support and build getting people all in  
17 the same room and trying to start to build that  
18 trust slowly, so we can actually have a  
19 constructive stakeholder process in the end.

20           I was actually really impressed in  
21 February, given the dynamics in the Columbia  
22 Basin, there is always this concern over whether

1       people can actually just even sit in the same room  
2       and talk to each other. And that was the workshop  
3       in February, it was amazing because of the way we  
4       structured the room with sort of groups of six or  
5       eight people, and there's a diversity of people at  
6       each of the tables, and starting to actually just  
7       have the discussion right there.

8                        So we had one of our more dynamic  
9       personnel, he's from the State of Idaho, at the  
10      same table as some of the commercial trawlers off  
11      the coast of Oregon, and, you know, I don't think  
12      they'd ever met each other. And I actually left  
13      the room that day, basically understanding the  
14      different perspectives, and there was a really  
15      constructive conversation. So, that's the type of  
16      thing we are having, starting to have initially,  
17      and if we can keep that going for a little while,  
18      then that's where I think we start to get this  
19      buy-in on some shared goals that we are looking  
20      for. But it's going to be a slow process as you  
21      are thinking.

22                       MS. MORRIS: Erika?

1                   MS. FELLER: Just a couple. I'm trying  
2                   to wrap my head around it. I mean, it's  
3                   breathtaking in the sort of scope and ambition of  
4                   what you are trying to do, but I'm trying to wrap  
5                   my head around this. What is it that this group  
6                   would produce and who is the audience for it? And  
7                   I didn't get this quite from the scope of work,  
8                   like how long would this group be put together?  
9                   What would they produce? And then how do you sort  
10                  of see that going forward? Does it stop or does  
11                  it become something else?

12                  MS. MORRIS: The two, for the terms of  
13                  reference, but Barry can answer that.

14                  MR. THOM: Yes. So the goal for these  
15                  two years is to come up with a set of what we call  
16                  the integrated goals, so if that looks like a  
17                  docket, that's all we are -- to answer what that  
18                  looks like in terms of a tangible product in your  
19                  hand, but some sort of either document or system  
20                  of shared goals across the Columbia Basin in the  
21                  two- year period, and try to target that. And  
22                  then, I said earlier, the next question is, how do

1       you -- for the next phase is groups working  
2       together to help try to achieve those goals, sort  
3       of the implementation, planning component of it  
4       beyond that.

5                   And we've made a distinction between the  
6       two-year piece and the out-year piece, recognizing  
7       that there will have to be some discussion of the  
8       possibility of achieving those goals before people  
9       are going to want to agree to them, so there's a  
10      little bit of a mix in there.

11                   MS. MORRIS:  Mike?

12                   MR. OKONIEWSKI:  I think if you can get  
13      this one going, you can go and solve the Albert  
14      bycatch issue in Alaska, too.  Julie knows what  
15      I'm talking about.  I've been around the salmon  
16      side of it in my former life as a salmon buyer,  
17      and I have known all companies on the Columbia  
18      River, and was President of Salmon for All.  And  
19      this is one of these quagmires that you might  
20      never get out of.  I can appreciate what Randy is  
21      saying because he knows that a lot more in that  
22      than I do, and I've been away from it for a long

1 time.

2 But this specifically outlined what  
3 MAFAC would do or wouldn't do, and the workload I  
4 think is all onboard, because I mean you can give  
5 somebody a full-time job on this at the Ph.D.  
6 level, it probably needs a staff. So, I think,  
7 you know, one of the approaches out of it, is  
8 there a way to report back to the MAFAC Committee  
9 and -- or if somebody gets the task like a monitor  
10 or from MAFAC, or a consultant even or, you know,  
11 the consultancy or -- we've probably got one or  
12 more to work.

13 And then the scope of bringing all the  
14 stakeholders in, the water rights people and the  
15 whole thing, the Middle East probably is easier,  
16 but I guess putting it into a bite-sized chunk.  
17 But I think also a step-by-step geographic map of  
18 where you are going to have to get in order, to  
19 get all these people gathered up, because you may  
20 do it for one and find out that a lot of people  
21 that live in Idaho, Montana, Canada, or wherever,  
22 aren't participating in and then feeling left out,

1       you know, at that point. So, I don't know. It's  
2       a little heady right now and then, even  
3       conceptualized, that --

4               MR. THOM: Yeah, and I agree. And so  
5       part of the thing, I think, just getting to the  
6       basic workload, we as a regional office are  
7       agreeable to basic pay the money and run the  
8       process. And so from a sort of technical  
9       perspective working with the Science Center and  
10      others to provide the basic information for the  
11      stakeholders to operate in, within that  
12      stakeholder group, there's going to have to be  
13      some sort of subcommittees or breakouts to  
14      actually do the work on the ground; and then  
15      keeping this as sort of that Task Force Group, as  
16      more of a Board of Directors to try to run the  
17      whole process.

18             My idea is that that group is basically  
19      running. They are doing most of the work. And  
20      then based on the product that they develop, those  
21      products would be vetted up through MAFAC for  
22      input and review and comment before they come back

1 to NOAA Fisheries as sort of a formal, endorsed  
2 group.

3 So, a lot of that work will really be  
4 the broader tap to attack the stakeholder group  
5 and the task force carrying out that product, and  
6 then depending on, you know, having a couple MAFAC  
7 members that are sort of watching that process,  
8 keeping an eye on it, participating so they know.  
9 I think the only question sort of then to work  
10 that out is how to bring those documents and the  
11 products back up through the comment through  
12 MAFAC.

13 But, I mean, it is interesting because I  
14 think MAFAC, when I started to look into it more,  
15 it actually is, you know, a pretty good  
16 representative group. And I think we'll provide  
17 good input as well as a little bit of a bigger  
18 picture, national perspective to some of the  
19 discussions that occur, which I think will be  
20 valuable over time.

21 MS. MORRIS: Peter?

22 MR. MOORE: I guess I'm in the same

1 category, a lot of people trying to assess what  
2 the reputational risk to MAFAC is, such as doing  
3 something that is kind of beyond our capacity. So  
4 I think when Barry use terms like "vetting," you  
5 know, it seems to me we might be able to vet the  
6 process. Was it the process that the task force  
7 sort of followed? I mean, sort of technical  
8 things like to sit in judgment of the Task Force's  
9 collaborate efforts and judge them to be lacking  
10 or successful seems very ambitious for us. And I  
11 guess, I think the project is incredibly  
12 important; in fact, something in our protected  
13 species discussion.

14 I think we looked at some of this and  
15 the need to actually pull it together and do  
16 exactly this, but I just wonder, and I'm wondering  
17 out loud, whether the benefits of actually having  
18 a task-oriented FACA created for this wouldn't be  
19 worth the short-term cost of doing that, because  
20 that would actually help you think through, okay,  
21 who are going to be the decision-makers? Who are  
22 critical as conduits to the Head of NOAA Fisheries

1 to make sure that the decisions and  
2 recommendations accurately reflect the group that  
3 has stakeholders in this?

4 MS. MORRIS: Ted?

5 MR. AMES: I notice everybody has  
6 touched on the issues that concern me, in  
7 particular this is just an enormous job to connect  
8 with the various groups that are engaged with  
9 this. We had a similar problem, much smaller I  
10 might add, at our Resource Center in dealing with  
11 scallop fishing within the state. And it took a  
12 Ph.D. about a year and a half of going to dozens  
13 of meetings just to coordinate one state's various  
14 interests in the fishery.

15 So one needs to be careful when you go  
16 into it that it's going to take a lot of time.  
17 You've got to create trust amongst all of the  
18 parties, with the individuals. Who is the point  
19 person in it? And just a word of caution, it's  
20 going to be a handful, but it's a great idea.

21 MS. MORRIS: John?

22 MR. CORBIN: You know, having been

1       involved in any base planning, and I'm just  
2       wondering, does NOAA have the in-house skills for  
3       meeting management facilitation? I mean, are we  
4       going to outsource it? Because there are some  
5       great companies that do this kind of thing for a  
6       living, if you will. That's one thought.

7                   And the other is, since the Aquaculture  
8       Task Force was mentioned, you know, in terms of  
9       engagement and actually facilitating a process, it  
10      suffered greatly from conference calls to being  
11      the primary means of doing that. And it's a  
12      terrible way to do that, it's a terrible way to  
13      build trust. It's a terrible way to, you know, to  
14      allow people the freedom to comment and so on.  
15      And so you have a tremendous organizational job in  
16      terms of bringing people together in a room, as  
17      you've said several times. And I just echo  
18      everybody else who said it's quite a task to find.

19                   MS. MORRIS: Bob -- oh, did you want to  
20      -- please, go ahead.

21                   MR. THOM: Just quickly on that. We do  
22      have, in terms of trying to recognize our own

1 limitations in carrying something like this out,  
2 we do have contracted facilitation help with, I  
3 think, regionally recognized facilitators to help  
4 us, maybe in helping us work through this for the  
5 past couple of years, so they've engaged in the  
6 process. And that part has actually been working  
7 pretty well.

8           The other piece, I think they were --  
9 some of them were bringing on some sort of  
10 contract technical help is when you start to get  
11 to how you do some of the modeling and  
12 visualization of some of these things to try to  
13 describe to people what the overlaps are across  
14 the VSA, Magnusson, and others, you know, and the  
15 different goals in the system and bringing some  
16 additional help on that as well to help this.

17           And so I think we are -- we do have good  
18 staff in hand to help us, and who've been around  
19 to help us manage these things and get things  
20 going, but really is trying to recognize where  
21 those weaknesses are, and fill in those holes as  
22 the contractor.

1 MS. MORRIS: Bob?

2 MR. ROWE: So, one of the most vexing  
3 aspects of this is where we have laws and  
4 regulations that are colliding, and I'm wondering  
5 if this is an opportunity to do some sort of legal  
6 review about how we rectify those collisions.  
7 Where you've got mandates that are saying you must  
8 protect the fish, mandates saying you must protect  
9 pinnipeds, you've got -- you know, with the same  
10 thing all over the nation in different fisheries,  
11 and different highly migratory birds can't be  
12 taken, but they are eating all the threatened  
13 winter flounder.

14 You know, take your pick. As stewards  
15 of the planet, we have to figure out how we are  
16 going to resolve this very vexing -- and maybe  
17 that's a piece we could bite off without any --  
18 I'm not a legal expert, but maybe some legal  
19 experts would care to chime in on how we would  
20 even approach that.

21 SPEAKER: It's a pretty big bite, too.

22 MR. ROWE: Okay. But I think it's --

1       you know, until we resolve some of these really  
2       fundamental collisions, that are mandated by the  
3       various laws that we live under, I don't see how  
4       we can move forward.

5                   SPEAKER:  Go ahead, Eileen.

6                   MS. SOBECK:  I guess I was just going to  
7       say this is a big bite, but I think that, you  
8       know, if the terms of reference are for the first  
9       two years.  I mean, if it's too big of a bite, we  
10      can do some recalibration.  If we have to stand up  
11      another FACA Committee we won't get started, and  
12      this would be put off longer, and we'll work on  
13      it.  We'll keep working on it, and then with the  
14      states and the tribes, but I guess I would -- with  
15      all perils that you guys have identified, I think  
16      you can write about what you have identified.

17                   And I think that if we don't try to take  
18      this larger regional look, and if we are -- I'm  
19      not sure we are going to make progress.  And while  
20      I think that ultimately it will have to be broken  
21      down into more doable bites until you kind of get  
22      folks together, maybe even getting consensus about

1       how you attack -- what the sequence of attacking  
2       these issues are, won't get started.

3                     You know, I think part of the climate  
4       agreement shows that you can bring a bunch of  
5       stakeholders together and increase their awareness  
6       of their overlapping goals and needs, and you  
7       start out thinking that there are some legal  
8       obstacles. And, you know, honestly, this last,  
9       when Congress didn't step up to what we thought we  
10      needed in terms of legal authority to close some  
11      of the final pieces on climate, the stakeholders  
12      got back together and figured out a plan B, and  
13      that was not easy.

14                    And, you know, we still haven't done it,  
15      but we are still on the road to getting there.  
16      So, I guess there is tremendous value in MAFAC and  
17      what you do do, but this is, I think, the  
18      opportunity to experiment and taking MAFAC to a  
19      different level, understanding that, you know, it  
20      is a big responsibility, but that there will be  
21      Task Force members apart from the MAFAC members  
22      who will carry a lot of the burden. There will be

1 Agency -- significant Agency support, and there  
2 will be an opportunity after -- in the two years  
3 to figure out whether this is working or whether  
4 it's a giant mess. And we need to take a step  
5 back and recalibrate, which is, you know, I mean,  
6 that's possible. No pain without some risk -- or  
7 no gain without some risks and some pain.

8 SPEAKER: Can I ask for a raise?

9 MS. SOBECK: Yeah, a big one.

10 MS. MORRIS: Pam?

11 MS. YOCHER: Looking at the initial  
12 actions for consideration under the scope of work  
13 here, I agree with everything that's been said in  
14 terms of the workload and reputational risk for  
15 MAFAC, and in hearing what the situation is now,  
16 it does seem very ambitious. I mean, I think  
17 you've got provider framework for elevated  
18 quantitative goals. I think that's reasonable.

19 Skipping down to the third one, and  
20 providing a strong foundation of collaborative  
21 relationships, the suggestion there is that you  
22 would develop this foundation for relationships to

1 go forward and implement some of these goals, but  
2 it sounds like you aren't even there yet with  
3 regard to a strong foundation of collaborative  
4 relationship to develop quantitative goals. So,  
5 in other words, you've got this framework, you  
6 want to establish these relationships through this  
7 Task Force of everybody sitting in a room and  
8 working on goals together, and then maybe a third  
9 one would be instead of collaboratively developing  
10 goals in a comprehensive way, then maybe we need  
11 to scale that back and, say, collaboratively  
12 develop at least one goal to meet some of these  
13 conservation needs as well as to providing  
14 dot-dot-dot. Do you see what I mean?

15           So you've got your framework, you've  
16 figured out a way to, within that framework,  
17 develop these collaborative relationships, even  
18 just to set the goals. It sounds like you are not  
19 even there yet. And then to, you know, kind of  
20 like what the Aquaculture Task Force did, which  
21 was develop that mock permit application as a  
22 deliverable, to try to come up with one or more

1 goals, but not comprehensively with all goals, and  
2 then also be ready at the end of two years to work  
3 together to implement some of these.

4 MS. MORRIS: Barry?

5 MR. THOM: Yeah. So, just related to  
6 that, so while I agree that the relationships  
7 don't exist right now to get to agreement on the  
8 goals, right, I guess that's in my mind, the  
9 intent of the process is to have something two  
10 years out that we can actually get to on starter  
11 grant. There's definitely a tremendous amount of  
12 support for people wanting to engage in the  
13 discussion, to agree on the goals out there. And  
14 so when we talk about goals one of the challenges  
15 we run into is you can't -- this isn't an issue  
16 where you just create a goal, that all of the  
17 goals are interrelated, and that's the challenge  
18 we have, as you have to have them all at the table  
19 at the same time to get agreement across the  
20 parties.

21 And so that's where maybe just a  
22 difference in semantics of how you look at that.

1       So I do think of having sort of an integrate set  
2       of ESA and non-ESA goals for each of the different  
3       stocks, as a unit, as the sort of two-year target  
4       out there. So just, let me try to explain an  
5       example. So in the case of Snake River fall  
6       chinook, so the Snake River fall chinook are on  
7       the ESA listed stock. They are heavily harvested,  
8       heavily hatchery dominated, sort of a powerhouse  
9       engine of fisheries down the Columbia and up the  
10      coast.

11                   And at the same time there is a  
12      challenge there, because we are trying to delist  
13      those goals. And so you are trying to maintain  
14      this high production level and still get to ESA  
15      delisting at the same time. You can't just set  
16      the harvest level and have that as a goal and any  
17      success at all in dealing with the USA dealers.  
18      And at the same time, if we focus on getting the  
19      ESA delisting, we'll never get to the harvest of  
20      fees.

21                   So there are ways in the system that you  
22      can actually start to look at, just in the

1 creation, which I think is critical. In my mind,  
2 we are trying to sort of get around some of the  
3 legal challenges by actually integrating the  
4 different mandates we have. So, one basin you may  
5 be able to hold an ESA-listed stock, that you may  
6 want to get one start, one population to very high  
7 viability to meet the recovery target. That may  
8 allow you to only achieve minimum viability for  
9 another population, but that other population may  
10 be heavily hatchery dominated and may provide  
11 harvest.

12           And so when you are starting to look at  
13 across the different populations or across the  
14 different issues, you haven't actually -- to put  
15 it all on the table, you have actually a balancing  
16 exercise that achieves both of those mandates or  
17 that's a possibility for both of those mandates.  
18 I'm not saying it's not going to -- I think it's  
19 also going to tease out where some of these legal  
20 impediments are. It's going to quickly highlight  
21 those things that we can't get over very quickly.

22           And what do we do about marine mammals

1 or bird predation? You know, how we operate the  
2 hydro system, other things like that, it's going  
3 to quickly surface as we start to get into that  
4 discussion, which I think leads to --

5 MS. MORRIS: Terri?

6 MS. BEIDEMAN: Yeah. I'll just kind of  
7 echo the same concerns, and it is a really  
8 ambitious and tremendous thing. I'm assuming and  
9 I plead ignorance to this. But you've been  
10 working on this for a while, it's not like  
11 something that just got pulled out of a hat. So,  
12 I guess I have a question, for what do you  
13 believe, like truly, honestly, to us, since we are  
14 all going to be making decisions, is the prospects  
15 for success, to achieve some of these things that  
16 you've listed out here?

17 You know, I'm a practical kind of person  
18 and, you know, I'd like a straight-on answer. How  
19 well do you think -- you know the players, a lot  
20 of them, and do you think they want to play? Do  
21 you think they want to just sit and posture? Do  
22 think they really want to get something done? Are

1 we contemplating doing something that's going to  
2 really achieve some results here? That's my  
3 question. And I know you have a crystal ball.

4 MR. THOM: It's a good question. Yeah,  
5 and personally, I wouldn't be engaged in this if I  
6 didn't think it had some potential for success or  
7 some benefits to the larger discussion. I  
8 actually think we are at a good point right in the  
9 Columbia. So on the one hand, while this is very  
10 daunting process, we've actually had some pretty  
11 good successes in the Columbia Basin, and this why  
12 we are trying to build on that.

13 So when you look at the salmon runs on  
14 the West Coast, the salmon runs are doing pretty  
15 good in the Columbia compared to the rest of the  
16 coast. And I think it's a lot because of the  
17 efforts that have been taken. You've got a big,  
18 you know, a large funding stream for restoration  
19 actions that occur through Bonneville, you've got  
20 the Power Council process in helping to manage.  
21 So you've got a lot of players, and sort of  
22 working in the right direction. And so I do think

1 this is sort of the top-level piece that I've  
2 actually had and you immigrate that effort.

3           So in that regard, I'd give it a much  
4 better chance of success. If I say so, getting to  
5 this issue of written-down, agreed-to goals at the  
6 end of two years, I put us at like 70 percent in  
7 getting there right now, given the relationships.  
8 I think we are in a good spot, because we've  
9 actually, over time, built the support and slowly  
10 and steadily built the Basin-wide support for this  
11 process and brought people along.

12           So I think we have an opportunity right  
13 now to do that. If we wait six months or a year,  
14 I tend to think that that's going to fall apart.  
15 And so we have to, in my mind, we have to keep  
16 sort of slow, methodical action towards the rest,  
17 and towards these goals to get us there.

18           MS. BEIDEMAN: So, just to follow on to  
19 that then. If we start down this path, and all of  
20 a sudden it just falls apart, things don't start  
21 looking like they are going to work, then, you  
22 know, we'll have an idea on whether or not this is

1 going to work, of if you need to -- because it's  
2 ambitious and it really needs to be done. There's  
3 no question. You're fishery managers, that's what  
4 you need to do.

5           Maybe somewhere in the middle of this  
6 process, it might come to us that maybe they need  
7 a FACA, and we could start that process. But in  
8 the meanwhile, this can be going on. So, that's  
9 just my thought. I don't know if that's possible  
10 because I'm not (inaudible).

11           SPEAKER: That's where it is right now.  
12 What you just said is where it is right now.

13           MS. BEIDEMAN: Okay. Okay.

14           MS. MORRIS: Before I return for seconds  
15 comments from some of you, I'm going to say a few  
16 things. I tend to be glass half-full kind of  
17 person. And it seems like Barry is too. Yeah?

18           MR. THOM: Some days. (Laughter) I do  
19 finish. We have to be pretty optimistic.

20           MS. MORRIS: Yeah. But I'm very  
21 impressed with all of the work that they have done  
22 to bring it to this point. I am very impressed

1       that they have -- they've been working with the  
2       universities and professional facilitators on how  
3       to bring the various parties together in a way  
4       that they've been talking and opening sort of a  
5       way about things that they've been disagreeing  
6       about. I think the focus on shared goals,  
7       long-term vision, a great way to bring people  
8       together when they are fighting about the near  
9       term.

10                 And so all that, I think portends well  
11       for the project. I view it as a model that we can  
12       all learn from and take that to our regions in  
13       unsolvable problems with people who won't talk to  
14       each other. So I think there's a lot for us to  
15       learn, to look at it as a kind of pilot and model  
16       that we can learn from. I'm sure there will be  
17       mistakes, things that would improve the next  
18       process for this, and in his remarks Barry kept  
19       emphasizing over and over again that there's all  
20       of these formal forms and these issues that are  
21       discussed, that don't have a formal role for  
22       stakeholders. And that that's been holding them

1 back in some way.

2 And so by doing this two-year effort  
3 under the umbrella of MAFAC they have, and they  
4 need a way to bring the stakeholders into the  
5 conversation in a more formal role. And I think  
6 that's why we should support it.

7 So, I'm going to go back to Peter for a  
8 second comment, and I've got Mike and Erika and  
9 John. Go ahead, Peter?

10 MR. MOORE: I think you've said what my  
11 thoughts were. I mean, I guess, depending on the  
12 task, I'm in favor and inclined to do this. But I  
13 think we need to be really careful about defining  
14 what our role is and what it's not. I don't want  
15 to feel like we're just sort of FACA washing this  
16 task force, which is kind of what we're doing.  
17 You know, we're having a process because NOAA  
18 needs, from a legal perspective, it needs a  
19 mechanism by which it can take advice from this  
20 group, and we are that mechanism.

21 And I think we all take a role in that  
22 seriously. So, I guess the first objective or the

1 first baby step would be to see that the task  
2 force could be formed, because I think my  
3 confidence would go up and down depending on how  
4 successful I perceive the Agency was in pulling  
5 together an appropriate task force through this  
6 essentially political set of discussions. It  
7 might be a two-year job in and of itself. I don't  
8 know.

9 MS. MORRIS: Mike?

10 MR. OKONIEWSKI: Well, going back to  
11 Bob's comment, I was thinking along similar lines,  
12 but if you didn't have a legal review, I mean from  
13 the Task Force, you've got the stakeholders and  
14 they are very diverse and spread all over the  
15 place, but you've got I don't know how many  
16 different agencies involved in one way or another.  
17 And this is just one, is NOAA Fisheries.

18 And so, I guess my point is, at least  
19 I'd like to know a list -- or see a list on how  
20 many articles, and if there's any overriding  
21 authority that maybe without going through the  
22 whole thing, but just reference materials, to what

1 the authorities allow them to do in this process,  
2 or not do. Because eventually there's a kind of  
3 two-year of this that you have to get through, and  
4 one is the stakeholders and the other is the  
5 regulatory side.

6 And knowing how it works, aquaculture, a  
7 little bit with shellfish, I don't know how many  
8 agencies were involved, maybe 17, maybe it's not  
9 that many, but it seems like it. And none of them  
10 agree on anything, seemingly. But I like the  
11 approach, but, I mean, the reality is that  
12 eventually you are going to have to be able to  
13 take out a plan or a conceptual idea and get it  
14 under a workable solution.

15 And that I don't know, maybe it would  
16 work just fine without any more than just knowing  
17 that you may be reaching across interagency  
18 boundary, so to speak, before you are done. I  
19 think you would be, and I can't imagine BPA is not  
20 going to have an interest in this. You know, so  
21 that's just a thought, and I think Bob was kind of  
22 hitting on it, and said it's a good way to kind of

1 keep it in perspective, because otherwise you can  
2 just be down the tracks and realize you have to  
3 have capacity for who is on train.

4 MS. MORRIS: Erika?

5 MS. FELLER: So, I've seen a lot of  
6 these partnership-type efforts work and work  
7 really very well, and I think threes great models  
8 out here, including things like Puget Sound  
9 Partnership, which has just been wonderfully  
10 successful in bringing a whole bunch of groups  
11 trying to do stuff, as Peter said, together around  
12 a shared set of objectives. So I think, I mean,  
13 the concept makes sense. And even if you look  
14 outside of fish and you look into the world of  
15 people who, you know, like to conserve birds, you  
16 know, the joint ventures in the various flyways  
17 are, you know, doing a very similar type of thing  
18 to what you are talking about.

19 So it's exciting to see, that you are on  
20 to something on the scale of what you are talking  
21 about for salmon and steelhead. In my experience  
22 with large-scale ecosystem efforts like this, it

1       seems like there's a difference. There are also  
2       the different reasons that different agencies get  
3       in charge of them, and some of them are good  
4       reasons and some of them are bad reasons, you  
5       know.

6                   And I kind of feel like the question  
7       that I'm being asked, even though this isn't the  
8       question you've asked me, I sort of feel like you  
9       are asking me for support for NOAA Fisheries to  
10      play this role in leading this stakeholder effort  
11      and for this support for NMFS to, you know, to  
12      play a leadership role, and bring in what are  
13      probably a lot of different decision-makers with  
14      the Basin together, to try and do something really  
15      ambitious even if we can't quite see where it  
16      goes. And none of these things we never see where  
17      it would go.

18                   So, I guess maybe this is kind of like  
19      Mike's question of, can you give me a little bit  
20      on, like, you know, why is NMFS the Agency even if  
21      you play this particular role for what's going on  
22      right now?

1                   MR. THOM: That's a good question. And  
2                   it is interesting in seeing how this has developed  
3                   over time and doing the situational assessment,  
4                   and taking the interviews from folks and talking  
5                   to other federal agencies, the other states, the  
6                   governors' offices. And how do you achieve buy-  
7                   in on some of these things? And it's very  
8                   interesting to me, from a NOAA Fisheries  
9                   perspective, because NOAA Fisheries is trying to  
10                  take a leadership role and pull people together  
11                  through this separately. And I think it's a new  
12                  place for us to be in trying to integrate those  
13                  efforts.

14                  Well, one of things that I recognized in  
15                  going through this assessment is that there is  
16                  really no other federal agency that has the  
17                  responsibility we do for the fish that can help  
18                  bring all the other folks together. So in the  
19                  Columbia Basin you've got, you know, Bonneville  
20                  Power, and they've got their own sort of mandates,  
21                  and it's focused on operational hydro system and  
22                  some other ancillary mitigation work.

1           You've got the Power Council which is  
2           generally focused on the same basic set of  
3           statutes, but there's nobody out there that's  
4           actually set from a Fisheries management  
5           perspective that can actually tie those things  
6           together and get the right people in the room for  
7           all of the actions that it takes to get to the  
8           same recovery, both public and private.

9           So that's why I think I've been taking  
10          this on. I would be more than happy to have three  
11          or four agencies with me leading this effort from  
12          a Federal perspective, but I think that there is  
13          comfort as we operate the Federal Caucus in the  
14          Columbia, similar to the Federal Caucus in  
15          Newtown, but they've become comfortable of letting  
16          NOAA sort of lead that effort and bringing in those  
17          other Federal agencies as the action agencies into  
18          that process with everybody else as we move  
19          forward.

20          It's been interesting to see how it's  
21          sort of built up from the ground up, that NOAA  
22          should be the Agency to take the lead. We have

1       been in consultation and discussions with the Fish  
2       and Wildlife Service as a potential sort of key  
3       partner, and those conversations are still ongoing  
4       as to how we might structure some of that. So  
5       that's one of that, just to sort of have the fish  
6       people altogether in the effort moving forward.

7                   MS. MORRIS:   Jim?

8                   MR. PARSONS:   I think as, you know, as a  
9       novice to this Committee and certainly probably  
10      I'm very naïve in looking at this Committee is  
11      tasked with doing, from harvest management to  
12      local community support, to hatcheries, to  
13      ecosystem, to climate change, and I just think  
14      that pushing it forward through this Committee  
15      could potentially -- the major win would be for  
16      the Columbia Basin, but also for MAFAC to have a  
17      reference point for the rest of the country. To  
18      say, look, you know, this is -- we took on this  
19      task probably this is just an incubator for what  
20      happens after the two years, you know, and I think  
21      everybody recognizes the Columbia Basin isn't  
22      going to get that resolved in two years.

1                   But it seems like a logical starting  
2 point for me to start this here, especially with  
3 the team that's already assembled. I think that's  
4 a rather unique set of circumstances.

5                   MS. MORRIS: Dick?

6                   MR. BRAME: I'm somewhat comforted by  
7 your sensitivity to having the right people in the  
8 room, because in my experience dealing with  
9 contentious issues in the Southeast, you can have  
10 the best plan and the most money and all the  
11 people in all the agencies you want, but if you  
12 don't have the right people in the room it's going  
13 to fail. And if you've got the right people in  
14 the room and not a lot of Agency support, a lot of  
15 times really good stuff will come out of it.

16                   So I would just urge you to make sure  
17 that you have all the stakeholders who were  
18 involved and if they were properly represented in  
19 the room. Because, I mean, that the example is  
20 the Gulf of Mexico is trying to represent a  
21 recreational perspective, from Brownsville, Texas,  
22 to Key West, Florida. You know, who in their

1 right minds think they can represent that diverse  
2 an area?

3 MS. MORRIS: Julie.

4 MS. BONNEY: Okay. So, I'm looking at  
5 the terms of reference at the bottom, and it  
6 suggests that you are going to appoint, what, 25  
7 or 30 individuals to this Committee and it's a  
8 1-year appointment, with the idea that you would  
9 reappoint people for a second term. And then for  
10 us that it will be a two-year FACA Committee, so I  
11 don't know if it really matters, if it's a  
12 one-year or a two-year through us, because they  
13 are kind of not linked in my mind. And unless you  
14 are thinking that suddenly your appointment to the  
15 Committee isn't going to work out, and so that's  
16 why that's not a two-year appointment to the  
17 Committee.

18 Then I look at the products that you are  
19 talking about, so one is this, that the  
20 information goes through the Ecosystem  
21 Subcommittee, and we would have Liz and maybe one  
22 or two other MAFAC members on this, so prior to

1 the process. And you would be bringing the  
2 detailed reports to every one of our -- I would  
3 think we'd meet twice a year in person, so we  
4 would kind of checked in at each one of those  
5 meetings.

6 The only one that gives me a little bit  
7 of pause is the idea -- so typically when we've  
8 had a Task Force that's through us and then to  
9 NOAA and the second sentence under the  
10 organization and recoding suggests that you could,  
11 you know, kind of step around us, so to speak, and  
12 go directly to NOAA. So I wasn't sure about that.  
13 The individual members with passwords may provide  
14 feedback on specific paths that do not require  
15 consensus. It was at the request of NOAA, so I  
16 guess NOAA would be reaching directly to the Task  
17 Force for information that doesn't go through us.  
18 So I just want a clarification on that, and then I  
19 guess for us for the deduction we would be making  
20 a motion to create that.

21 MS. MORRIS: Yeah. So, I pose that last  
22 question that you asked before, and I got a

1       satisfactory answer, but I'll ask Barry, then, to  
2       respond.

3                   MR. THOM:   In terms of the products.  
4       The general idea is to have everything come up  
5       through a matter of fact overview, comment, input  
6       to NOAA Fisheries.  I think we did one that  
7       provided a little bit of an out, if they are  
8       individual members of the group, if they want, you  
9       know, basically if they want -- you know, if  
10      there's a specific on an individual basis, but  
11      they could provide that to us, just to allow that  
12      to happen, if we can, for some reason if there's  
13      not a consensus coming forward.

14                   But it was really -- for the most part  
15      we expected any sort of formal decision, documents  
16      in any of those final products to actually come up  
17      through MAFAC.

18                   MS. MORRIS:  So, Julie, are you willing  
19      to move an adoption to terms of reference?

20                   MS. BONNEY:  Yes.  So, basically, let's  
21      see, MAFAC approves the establishment of a  
22      Columbia Basin Partnership Task Force for a

1 two-year period.

2 MS. MORRIS: Yes. And if you could  
3 refer to the terms of reference, that would be  
4 good. That's the document that we'd be approving.

5 MS. BONNEY: So basically just to adopt  
6 the terms of reference document would be the  
7 motion then?

8 MS. MORRIS: Yeah.

9 MS. BONNEY: Okay. So moved.

10 MS. MORRIS: Is there a second?

11 MR. BROWN: I second.

12 MS. MORRIS: Seconded by Columbus.

13 We've had a lot discussion; any final points of  
14 discussion before I ask you to vote? All who is  
15 in favor of the motion, please raise your hand. I  
16 have 13 in favor. All those -- okay, 14 in favor.  
17 All those opposed? Any abstentions? One, 2, 3  
18 abstentions. Am I missing anybody? Passed  
19 without opposition, with 3 abstentions. Thank you  
20 very much.

21 I think that is a great discussion,  
22 raised a lot of important concerns. I saw Barry

1 and Eileen taking lots of notes, and we wish you  
2 well. (Laughter)

3 MR. THOM: Thank you, everybody. I  
4 mean, this will be a good thing for MAFAC, and I  
5 should be -- like I think Jim said, the idea when  
6 you get into the purposes of MAFAC and its ability  
7 to actually integrate across and sort of bringing  
8 in the partner and I think it will be really cool  
9 to see as it unfolds. Thank you.

10 MS. MORRIS: Thank you, Barry. Okay.  
11 We are moving next to the National Bycatch  
12 Reduction Strategy and other Bycatch Efforts. And  
13 Eileen is going to introduce this, and we have  
14 briefing materials on the agenda as well.

15 MS. BEIDEMAN: I just had a question.

16 MS. MORRIS: Yes. Terri?

17 MS. BEIDEMAN: Did we determine which  
18 subcommittee?

19 MS. MORRIS: Yes, Ecosystem.

20 MS. BEIDEMAN: Okay. So that was  
21 already decided? We didn't vote on that?

22 MS. MORRIS: Let's see. I'm sorry, when

1 I introduced the topic, I said --

2 MS. BEIDEMAN: I heard it, I just  
3 thought that we were going to decide.

4 MS. MORRIS: Thank you for making that  
5 -- thank you. I thought that was understood but.

6 MS. BEIDEMAN: Okay. I'm just  
7 clarifying.

8 MS. MORRIS: Thank you for doing that.

9 MS. BEIDEMAN: Okay. So, everyone  
10 agrees to Ecosystem?

11 MS. MORRIS: Any objections going to  
12 Ecosystem on the Committee?

13 MS. BEIDEMAN: Okay.

14 MS. MORRIS: Thank you, Terri.

15 MS. BEIDEMAN: It was in my notes.

16 MS. MORRIS: Thank you.

17 MS. SOBECK: I think we can get started,  
18 but Heidi is going to call in the --

19 SPEAKER: I see.

20 MS. SOBECK: I'm like the tertiary  
21 presenter here, so it's been determined that I  
22 can't probably handle this topic without backup.

1 (Laughter) I determined that I couldn't handle  
2 this without backup.

3 SPEAKER: Oh, dear.

4 MS. SOBECK: I'm just kidding.

5 SPEAKER: Don't sell yourself short.

6 MS. SOBECK: Just to frame this. I hope  
7 everybody has in their materials or has the  
8 electronic version of our Draft National Bycatch  
9 Reduction Strategy, and this out for public  
10 comment for another month-and-a-half, until I  
11 think June 12. And this is, you know, this is  
12 another one of our efforts to start a more formal  
13 discussion on a very broad topic, but I think that  
14 one, now we have a little bit more opportunity to  
15 talk about, have a national conversation and a  
16 regional conversation about this really important  
17 area.

18 And I think that, you know, like if you  
19 -- you know, sort of on the cusp for the last 40  
20 years or the first 40 years of the Magnusson Act,  
21 and where are we going to go the next 40 years?  
22 You know, there are a handful of stocks that are

1 overfished or subject to overfishing, but the vast  
2 majority are now rebuilt and are being harvested  
3 sustainably. And I think that we can look to some  
4 of the other issues that will help us continue to  
5 make progress, and the myriad types of bycatch  
6 that are out there is really just I think an area  
7 that's really ripe for us to focus on more  
8 specifically in a way that we hadn't so far.

9 I think that part of our discussion --  
10 part of what we want to do in this discussion is  
11 highlight that we in the councils have paid a lot  
12 of attention to bycatch. It's not as if nothing  
13 has been done. In fact, quite a lot of what  
14 councils do is related to reducing or eliminating  
15 bycatch, but I do think now we are moving into  
16 some areas where it's even more important. And  
17 it's harder because like a lot of other things,  
18 we've done the easy stuff, and now we need to  
19 focus our time and attention on the harder stuff.

20 So this draft, it is a draft and I think  
21 that in a lot of the efforts that we've undertaken  
22 in the last couple of years, we put drafts out to

1 stimulate discussion. We are not -- I anticipate  
2 that we will make a fair number of changes based  
3 on input into this document, and so I think that  
4 this is really an important time to focus on the  
5 wide range of issues that are out here, getting  
6 focused on the national bycatch strategy, and then  
7 think about it. And I don't think it's an action  
8 item on your agenda at the moment, but think about  
9 over the out years, whether there are aspects of  
10 this that you feel that maybe that could play a  
11 more specific role.

12           So the idea here is not to overwhelm you  
13 or ask you for something specifically, but to just  
14 let you know sort of what's going on, and make  
15 sure that you are aware of this conversation that  
16 we are having at the national level, and thinking  
17 about how you want to engage both individually and  
18 as a group in the future.

19           MS. MORRIS: Can I make a comment?

20           MS. SOBECK: Of course.

21           MS. MORRIS: We know that there's an  
22 opportunity for MAFAC to send in a comment letter

1 on this, and so we did list it as an action item  
2 on the agenda in the event that we do have some  
3 comments that we would like to make that would be  
4 distilled into the letter, and we do have a  
5 discussion session this afternoon to talk further  
6 about that.

7 MS. SOBECK: Yes. Thank you.

8 MS. MORRIS: So it's a potential action  
9 item.

10 MS. SOBECK: Yeah. Excellent. Then the  
11 purpose of this is just sort of help get you guys  
12 -- remind you guys, get you on the same page as to  
13 what is actually under discussion specifically  
14 with respect to the strategy, but just the content  
15 and other bycatch-related issues that might come  
16 up. So, I guess I just want to start out by,  
17 really, what I've already said 10 times, which is,  
18 you know, bycatch means different things to  
19 different people depending on the situation. It  
20 comes up in a bunch of different statutory  
21 requirements that we have for fish and for  
22 protected species. We actually are intending in

1       this national strategy to use it in its broadest  
2       terms.

3                   It's fish the fishermen don't want to  
4       catch because they are not targeted, because  
5       regulations say they can't take that catch,  
6       whether we need it to include farm to marine  
7       species that come into contact with fishing gear.  
8       We are including marine mammal, sea birds, corals,  
9       sponges, sea turtles, and fish. We are talking  
10      really broad, and we know that that's kind of a  
11      big, amorphous basket, but I think we can handle  
12      that, and we break it into constituent parts at a  
13      later point in the discussion.

14                   And of course -- wait a second, that  
15      doesn't look right. This is sort of all aspects  
16      of bycatch, really needs to be done. We are  
17      trying to be the bigger, warmer, NOAA here, but,  
18      you know, this is a topic area where we don't have  
19      all the solutions. We are not going to get to any  
20      additional solutions or even implementation at the  
21      work that we're already doing without additional  
22      buy-in and contributions from partners. So we are

1       trying to get more information out there in a more  
2       user-friendly way, and try to get more input  
3       through the Draft National Strategy purpose.

4               So, I'm not going to go through this in  
5       too much detail, and speaking for myself, I can't  
6       read it, but I think you have the PowerPoint. But  
7       I think we wanted to start the conversation by  
8       acknowledging what I said before, which is bycatch  
9       under our multiple statutes that we are operating  
10      under, is something that we've been -- we,  
11      fishermen, anybody who uses the ocean has had to  
12      be concerned with since the get-go. And there  
13      have been major milestones in bycatch reduction  
14      through the history of Magnusson Act, the  
15      Endangered Species Act, the MMPA, and so we really  
16      wanted to capture those.

17             In this slide, that's up on our website  
18      that, didn't want to act as if we just thought  
19      about bycatch today, and we are only looking  
20      forward. We want to recognize the historical and  
21      ongoing efforts that everybody has had to live  
22      with and helped develop. So I'm not going to

1 belabor this, but I think it is an important  
2 concept to capture. Let's wait to see who is on  
3 the phone here.

4 SPEAKER: Hi, Emily, are you on the  
5 phone, or Karen?

6 SPEAKER: Yes. We are here.

7 SPEAKER: Great. We've got you on now.  
8 Thank you.

9 MS. SOBECK: So we have a couple people  
10 from Sustainable Fisheries on the line who will be  
11 able to -- and just call it out loud if I say  
12 anything wrong, you guys. And you could help us  
13 answer questions. Here is a NOAA web page or a  
14 fisheries web page, I just wanted to let folks  
15 know that, as I said, we know that there are a  
16 variety of perspectives on what bycatch means and  
17 bycatch reduction, what ideas and views there are  
18 about bycatch reduction, and so we have tried to  
19 capture those, put them up there.

20 I think getting people stories and  
21 perspectives up on our website is kind of a cool,  
22 refreshing thing to do, so please let us know.

1 And if you want to provide individual comments and  
2 individual perspectives and not just the MAFAC  
3 perspective, we would love to take some of those  
4 stories, you can include in your comments and  
5 include them on our web page.

6 This is a -- let's see. What do you  
7 Google to get to our -- if you Google "NMFS" and  
8 "bycatch," you should come up with our homepage on  
9 bycatch. And if you want to capture our national  
10 bycatch report, if you want to see the national  
11 bycatch reduction strategy, if you want to see any  
12 of these individual perspectives, that quick  
13 search should get you there direct. And so all of  
14 our background documents and reports have been  
15 compiled in one easy place, I hope.

16 So, on to the strategy, because I think  
17 this is really the order of the day. When we  
18 started this effort, where we want to end is a  
19 product that will guide and coordinate our efforts  
20 to reduce bycatch and bycatch mortality in the  
21 coming years. We want to use this as a document  
22 that crosses over all of our legislative mandates.

1 As any sort of national strategy, it includes a  
2 high-level objective and high-level strategies for  
3 each objective. And we want to be clear about  
4 what is -- by setting a national bycatch strategy  
5 goal, about what we mean about what bycatch is,  
6 why it matters, and how addressing bycatch  
7 barriers regionally.

8 So, we are starting out with this  
9 high-level goal, we are trying to have a  
10 discussion, let's see. Again, what is bycatch is  
11 captured in this draft document. It occurs when  
12 fishing operations result in unintentionally catch  
13 and discard of fish, cause unobserved injury and  
14 mortality or interact with living marine  
15 resources. Try to define reducing bycatch, again,  
16 recognizes that this encompasses a lot of  
17 different behaviors driven by a lot of different  
18 statutory, regulatory goals.

19 Let me just go back here for a minute.  
20 What we heard from -- especially as we went out  
21 with some initial discussions is that, especially  
22 from our fishery management councils, was that we

1 did not have a clear definition of what we  
2 considered bycatch and the different kinds of  
3 bycatch. So this is what we are going out with in  
4 draft to capture that very broad category of  
5 activity that constitutes bycatch. So take a hard  
6 look at it, see if we've done our job or not.

7 I think what we found in some of these  
8 other efforts is that first time around where we  
9 actually don't always capture what everybody --  
10 you know, so we don't have a common understanding.  
11 This is a great opportunity to hear what folks say  
12 about that; again, very broad, but hopefully  
13 clarifying.

14 All right, so in thinking this through  
15 our initial view is that we think that we have  
16 three broad program areas that we want to address  
17 and develop some strategies for: Monitoring,  
18 enforcement, evaluating and improving research and  
19 development, and implementing and managing  
20 communications, so that's our basic logic model.  
21 So under that we've got -- under the structure  
22 that we are looking at is, again, a very broad

1 goal and objective -- a broad goal and then six  
2 objectives, and under each objective is a pretty  
3 broad suite of strategies. I'm not going to go  
4 into the strategies, but they are set out in this  
5 document.

6           So I'm just going to run through the  
7 high-level objectives. The first relates to  
8 monitoring. It's really monitoring fisheries is  
9 crucial for assessing bycatch and bycatch  
10 mortality, and measuring progress towards reducing  
11 bycatch mortality. So our first objective really  
12 focuses on building and improving monitoring  
13 approaches. So we are interested in strengthening  
14 our existing approaches and developing any new  
15 approaches out there.

16           I think that we are open to new data  
17 collection techniques. I think that we have  
18 developed and invested in quite a lot of them but  
19 we can always do better. This is the monitoring  
20 objective is closely related to the research  
21 needs. We have a long history of investing in  
22 bycatch research to address gaps and knowledge,

1 but we need to support and develop innovative  
2 research that address bycatch, whether it's  
3 through gear technology avoidance programs or  
4 whatever creative solutions to management or new  
5 evaluations that are out there.

6           Again, I think this is an area where we  
7 are very open. There are some programs that we  
8 support, that are specifically related to this  
9 area, but we can always do better, we really  
10 wanted to call it out as a separate objective.

11           Our third objective is we really just  
12 need to continue to improve on our discard and  
13 take estimates. Immediate and post-release  
14 mortality with fishing gear, can really have a  
15 serious impact on what we think the rebuilding  
16 timelines for fisheries and recovery of protected  
17 species are and in many fisheries and for gear  
18 types we really don't have great confidence in our  
19 discard and take estimates. And this is a gap  
20 area that we want to focus on.

21           So, I think that by improving these  
22 estimates, we both enhance the likelihood of

1 recovering species and allowing fisheries to be  
2 rebuilt, but we also take away uncertainty that  
3 can have limiting consequences for fisheries and  
4 fishermen.

5           Improving management measures, bycatch  
6 and bycatch mortality, can have significant  
7 adverse effects for the resources for fisheries,  
8 both fisheries and protected resources, and the  
9 limitations that result can have adverse impacts,  
10 both social and economic impacts on fishermen and  
11 fishing communities. So we are really interested  
12 in exploring management approaches to responsively  
13 reduce bycatch in ways that are most effective and  
14 to create incentives for fishermen, more for --  
15 utilize their catch. I think this is an area  
16 where we think that we could reduce bycatch by  
17 improving usage and that we'll end up having a  
18 win-win opportunity.

19           We want to strengthen coordination with  
20 law enforcement. I think we have. As I said  
21 earlier, I think that we are in a good place with  
22 law enforcement. We are having a much more robust

1 dialogue between our Office of Law Enforcement and  
2 our managers and scientists. And I think that we  
3 all know that one thing that sets U.S. Fisheries  
4 apart internationally is our commitment to law  
5 enforcement as a tool, to create a level playing  
6 field, and to benefit the resources. And I think  
7 that we need to continue to work and refine that  
8 relationship to make sure that the measures that  
9 we've identified to reduce bycatch are forcefully  
10 but equitably enforced.

11           And then I think the last, the sixth, is  
12 to improve communication and engagement.  
13 Obviously, bycatch is an important issue. It  
14 crosses all organizational, jurisdictional,  
15 national, whatever other kinds of lines that you  
16 want to create. Different kind of user groups,  
17 different interest groups, everybody is affected  
18 by bycatch and is potentially a part of our  
19 ability to find some creative solutions. So this  
20 is another area where we want to get the facts out  
21 there, get the gaps out there, look for good ideas  
22 and make sure that we have constructive

1 engagement, not just noise.

2           So those are the basic cornerstone  
3 objectives. Again, as I said, there are somewhat  
4 more detailed strategies laid out. After we've  
5 had a fairly lengthy comment period, we'll take  
6 everybody's comments, we hope we get a lot of  
7 them, try to roll it up into a final and national  
8 strategy, and then we will move into  
9 implementation, both at the national and the  
10 regional level.

11           While it does kind of extend the  
12 timeline a bit, I think that we found that it's  
13 been constructive to make sure that we sort of  
14 know what we were talking about at the national  
15 level, and then move more detailed implementation  
16 at regional levels. Some of the efforts will be  
17 coordinated at the national level. We do have  
18 some national grant programs, we have some  
19 programs that are run at the national level, like  
20 the HMS program. But I think that like everything  
21 else that really gets done on the water, looking  
22 at where we can put regional local solutions, work

1 on those has been the most -- moves the needle the  
2 most.

3 So, you know, after we roll out the  
4 strategy we will be working to get input in a  
5 transparent effort to get a collaborative plan at  
6 the local level. This is going to take us a  
7 couple years to move from where we are not to  
8 these regional action plans, but we are continuing  
9 to move forward in the meantime.

10 So, just to recap -- oh, June 3rd, I  
11 made up June 12, I guess, the draft strategy is  
12 online, comments accepted to the first week of  
13 June. There's the email address for submitting  
14 comments. While this is a national strategy there  
15 are going to continue to be a lot of individual  
16 actions that all fall under the big category of  
17 bycatch, and again, if you want to keep track of  
18 what those are, probably a webpage, the bycatch  
19 webpage is the best place.

20 We do have a rulemaking right now,  
21 Standardized Bycatch Reporting Methodology  
22 Rulemaking. The comment period closes today, had

1 a meeting with a bunch of NGOs last week. A lot  
2 of people who will be providing a lot of critical  
3 comments on this rulemaking, so we'll see what the  
4 final rule looks like, it's going to be a somewhat  
5 controversial one, and that's okay. And that's  
6 the purpose of going out with proposed rules is to  
7 get input.

8           And I think, you know, this is an  
9 important piece. What our obligations are to have  
10 observers for this -- for bycatch reporting is an  
11 important part of our overall management strategy  
12 in this area.

13           Our most recent report to Congress is  
14 posted. The Federal grant for bycatch protection  
15 engineering is up online, and there are various  
16 and sundry other rulemakings, somebody maybe -- I  
17 forget -- somebody was mentioning the MMPA Rule,  
18 also up there. So, stay tuned. I think that  
19 that's it.

20           So, you know, I again, I think these are  
21 hard issues. I think that many solutions are  
22 going to need to come from industry. I think that

1 enforcement as part of making sure that the  
2 mandatory bycatch measures are equitably imposed  
3 and enforced is an important piece of this. And  
4 I'm really looking forward to hearing your  
5 discussions and your comments, and looking through  
6 what I hope is going to be a wealth of comments  
7 that we are going to get on this.

8 I think that looking at this more  
9 holistically, instead of just the individual  
10 pieces that have come before individual councils,  
11 it's going to complement that very specific  
12 approach at the region, but driven by overall  
13 thoughts about what we do have in common and what  
14 we don't, and helping us devise some science and  
15 management priorities at the national level will  
16 be a really interesting and useful exercise.

17 So, I will stop there. And if there are  
18 questions, I will try to make sure that the folks  
19 at Silver Spring can answer them.

20 MS. MORRIS: So we are going to take  
21 about 15 minutes now to ask questions, get  
22 clarifying answers, start to form some ideas about

1        what our comments might be. Mike is going to lead  
2        a discussion this afternoon about we want to make  
3        a comment, what should those comments be? So, you  
4        know, keep your own personal notes as we go  
5        through this about what might come out of that  
6        discussion this afternoon that follows up on this.

7                        So, questions about the strategy. Go  
8        ahead, Harlon.

9                        MR. PEARCE: Yeah. About two months  
10       ago, a month- and-a-half, you came out here,  
11       bycatch report basically on what the bycatch was,  
12       and I have a problem with the way we deal with  
13       that. And I think that I've got to go back to the  
14       day-to-day when you did that report was based on  
15       2011, I think, is when it was reported, and we  
16       manage or how we consider bycatch. And look, I  
17       know it's a problem, I really do, right, but in  
18       order for us to do a better job, we have to have  
19       better information in 2011 to do our job.

20                        And it's the same thing at the Council  
21       process, is it's always three or four years late.  
22       We've got to think of a way to get more real-time

1 information on the table, so that we really  
2 understand what's going on. And so improving this  
3 to try to take information is very, very important  
4 for us to figure out how to handle the problem.  
5 And in the Gulf, too, in a lot of cases, I'm not  
6 sure about the rest of the country, we manage our  
7 fisheries on a species-by-species basis. And for  
8 every action there's an equal and opposite  
9 reaction, and we create more regulatory discards  
10 than we create in the fisheries.

11           And it's very difficult to monitor  
12 those, and a lot of times when you're passing  
13 amendments it's a crap shoot as to really what the  
14 discard rate is, because you really don't know.  
15 So it goes back to really understanding better by  
16 the proper uses of real-time reporting electronic  
17 data or whatever, so we better understand what's  
18 going on, and it's in the best interest of all the  
19 fisheries, of the harvest of the component, the  
20 tribal component, the private component, to better  
21 understand regulatory discard, the discard  
22 problems, because that's what affects it when it

1 goes to the fishermen.

2                   And until we get a better handle on  
3 that, it's very difficult for us to manage into  
4 the future, without knowing what that really is.  
5 And so, I think a bigger part of our management  
6 structure, should be to better understand discards  
7 and understand how that affects what we do and  
8 have a better way to manage that. Right now I  
9 don't see that we really have that, and I think we  
10 should work harder on trying to figure that out.

11                   MS. MORRIS: Thank you, Harlon. Terri?

12                   MS. BEIDEMAN: Can I just respond?

13                   MS. MORRIS: Sure.

14                   MS. BEIDEMAN: Well, first of all, I  
15 think that the most -- our data in the report, I  
16 mean, some of the information in the report  
17 there's more recent information on specific  
18 fisheries that we will use if we have. This  
19 report does use 2013 data, not 2011 data.

20                   MS. SOBECK: Yes.

21                   MS. BEIDEMAN: But if you look at it, I  
22 mean, I agree with everything you say, which I

1 think is if you look at the objective it's  
2 actually consistent. You know, so our objectives  
3 are to strengthen monitoring and data programs, to  
4 clarify research needs and support research  
5 programs, to improve discard and take estimates.  
6 I think I heard you say we need to do all those  
7 things, so I hear --

8 MR. PEARCE: I agree. I think -- but  
9 I'm trying to emphasize that.

10 MS. SOBECK: Yeah.

11 MR. PEARCE: I think that it's very, very  
12 important for us to get the job done.

13 MS. MORRIS: Yeah. Terri?

14 MS. BEIDEMAN: Okay. Just one little  
15 nitpick about your timeline, because I was there.  
16 I'm old enough to remember that the Atlantic  
17 pelagic longline fishery that fished at the Grand  
18 Banks and was closed for three years, testing  
19 circle hooks, was, in fact, the first fishery  
20 using circle hooks, and we have huge reductions in  
21 catches of turtles, too, but it's not noted on  
22 there. It's just a Pacific reduction.

1 MS. SOBECK: Okay. Happy to --

2 MS. BEIDEMAN: And I love my brothers in  
3 the Pacific, but the credit where the credit is  
4 due.

5 MS. SOBECK: I felt for sure you were on  
6 there on my --

7 MS. BEIDEMAN: Now there's a circular  
8 thing, but if you read it, it's in there, but --

9 MS. SOBECK: Okay. Duly noted.

10 MS. BEIDEMAN: That's all right. So  
11 anyway that's the nitpick. This is my real  
12 comment, okay, and I'll have more on this, I  
13 think, that National Standard 9 says, you know,  
14 "Conservation and management measures shall, to  
15 the extent practicable, minimize bycatch, and to  
16 the extent bycatch cannot be avoided, minimize the  
17 mortality of such a bycatch." Okay, minimize,  
18 reduce, I don't know, you know, but I think over  
19 the years that fishery is up, and encouraged to  
20 minimize.

21 I don't know that we can continue to  
22 reduce, that reduce is always going to be

1 possible. I know in some fleets where they are  
2 shrinking that they maybe minimize that as much as  
3 they possibly can. I think one of the -- and I  
4 certainly support standardized recorded  
5 methodologies, because I think it's only really  
6 fair. And everybody is using good data, but I  
7 also believe that some of the interpretation to  
8 the strength practicable by summer entities that  
9 manage fish is one thing and others interpret it  
10 to mean that not one more single bycatch is  
11 possible.

12                   And I've then experienced that. You  
13 know, areas stay closed because we can't possibly  
14 think about catching yet another some kind of  
15 shark, you know, when, in fact, if you look at  
16 where we've come and where we are, our reduction  
17 is huge. And some of it's attrition, but a lot of  
18 it is innovation. So the old tools that we used  
19 to use to minimize bycatch or catching small fish  
20 or stuff like that, the big closed areas are too  
21 broad-brushed and I think that we need to really  
22 be innovative about thinking about how we can

1 really minimize bycatch.

2           And then, you know, as we heard, in some  
3 of the situations that we have protected  
4 resources, you know, we have managed to reduce  
5 and, in fact, are thriving and creating other  
6 problems. So in one respect it's like, you know,  
7 grabbing defeat from the jaws of victory. You  
8 know, how do we handle that? But that's an issue.  
9 But I would like to see a standardized way for  
10 each fishery entity, and if you were in charge of  
11 that or if you are not, I don't know, to define  
12 what it is to the extent practical. When is  
13 enough, enough? So that's my first comment.

14           MS. MORRIS: Okay. So, the Silver  
15 Spring staff, who can answer questions about the  
16 intentions of the strategies and all of that,  
17 won't be here when we have our discussion this  
18 afternoon. So it might be smart to focus any kind  
19 of clarifying questions we have while they are on  
20 the phone with us. Julie?

21           MS. BONNEY: Yes. So this is the second  
22 comment made for the bycatch strategy and really

1 on close. So I was wondering what you've got in  
2 terms of the first comments sent, and how that  
3 affected the policy that you have being both  
4 proposed and available for comment now. So I  
5 don't know if that's sort of a question for your  
6 staff or --

7 MS. SOBECK: Yeah. Let me ask you guys  
8 in Silver Spring if you want -- did you hear that  
9 question?

10 KAREN: Yeah, Eileen. Actually we went  
11 up for comment period earlier that was not a draft  
12 strategy. It was really a kind of very broad kind  
13 of question about priorities and bid direction  
14 type of questions, and a lot of the comments that  
15 we got back had to do with concerns about wanting  
16 to be clear about what we mean by bycatch; really  
17 wanting to acknowledge the great amount of  
18 progress that has been made over the last four  
19 years when we did think bycatch -- being clear  
20 about what our goal is.

21 So, you know, whether the direction that  
22 we are trying to go in, and to speak a little bit

1 to the previous commenter's points, I just want to  
2 clarify that the strategy does cover not just the  
3 definition of bycatches MSA, but the way we think  
4 and need to approach bycatch holistically across  
5 all of our statutory requirements. So it is  
6 broader. So it does go beyond the minimized and  
7 the maximums set prior to goal, as you pointed out  
8 in (inaudible) and 303-11 of Magnusson. We're  
9 also looking at the requirements under MMPA in  
10 ESA. So that first commentary was very  
11 preliminary and broad, looked for the general,  
12 kind of. Is there anything else, Erin (phonetic)?

13 ERIN: No, I think that's -- as we said,  
14 we didn't receive very many comments during that  
15 initial outreach and, as Karen said, a lot of them  
16 were really about managing data and how we define  
17 bycatch.

18 MS. MORRIS: Julie?

19 MS. BONNEY: One other question that's a  
20 little different, but you are talking about doing  
21 a national policy and then regional  
22 implementation, and I guess not being to the North

1 Pacific, and I think that all we ever talk about  
2 is bycatch recently. How do you foresee that you  
3 are going to do regional implementation based on  
4 the national policy, especially understanding that  
5 you've got ESA, marine mammals and the Magnusson  
6 with regard to fish? Because they are, in my  
7 mind, totally different mandates and different  
8 constituencies in very different ways. So how do  
9 you envision doing a national policy and then  
10 having strategic regional approaches?

11 MS. SOBECK: I think you see our Draft  
12 National Strategy, and I think that it's not going  
13 to answer your question about what do we do in the  
14 Gulf with respect to, you know, filling in -- or  
15 in the North Pacific with respect to whatever?  
16 And so I think it's using these objectives and the  
17 directions in these strategies and stepping them  
18 down to the, as you say, very different problems,  
19 very different -- every region has that. They  
20 have different problems at different fisheries,  
21 but they still have multiple mandates under  
22 multiple statutes that we have to sort of struggle

1 with.

2           And so I think that's true, honestly,  
3 with almost everything we do is the truth. You  
4 know, you can't have a national climate science  
5 strategy that's implemented the same way in the  
6 North Pacific as it is in the Northeast. But I  
7 think that having at least some of the --  
8 addressing some of the same conceptual issues and  
9 kind of the same questions, even though the  
10 answers are going to be addressed in a different  
11 way, you know, we are responsible for running a  
12 national program. And if we can't articulate  
13 strategy and national priorities, then I'm not  
14 sure that we have a reason to exist.

15           MS. BONNEY: But I guess my point is  
16 that then, so would it be a mandate? You know, in  
17 other words, you come up with the national  
18 objectives and you say this region is delinquent  
19 in X, Y, Z, and, therefore, that region is  
20 mandated between X, Y, Z. It was up to each  
21 regulating body to decide what they want to take.

22           MS. SOBECK: I mean, obviously there's

1 nothing we can do in an Agency policy that's going  
2 to supersede the authority of the Councils of the  
3 regulatory authority. On the other hand, it's  
4 going to help us as an agency and, hopefully,  
5 help, you know, the councils and the commissions  
6 and all of our partners figure out some of our  
7 priorities.

8           What should we be investing our science  
9 dollars in? You know, what are some -- you know,  
10 whether it's national science dollars or regional  
11 science dollars. What about our grant programs?  
12 Are there some priorities that ought to be  
13 reflected in the RFPs for grant programs that deal  
14 with bycatch issues? And I think that doing this  
15 kind of exercise at a national and a regional  
16 level will have us figure out how to exercise our  
17 discretion in those discretionary areas, and it  
18 might help inform how Council should be focusing,  
19 where it might be useful to focus discussion,  
20 where we have some research gaps that need to be  
21 filled in and then discussing those research gaps,  
22 and trying to translate them into management

1 measures.

2                   So I don't see it as a mandate. I see  
3 it as a strategy and prioritization tool,  
4 principally. But, Emily, do you have -- Erin, do  
5 you guys have anything to add to that?

6                   ERIN: I think that's exactly right,  
7 Eileen, that strategy is not going to be creating  
8 any new requirements beyond those that are already  
9 established through MFA and a PA ESA (phonetic).  
10 So it really is a matter of helping to strengthen  
11 the connections between some of the key program  
12 carriers, so we don't do research just for  
13 research sake, we're doing it to inform management  
14 and to really strengthen those linkages across  
15 areas and these very complex kinds of issues and  
16 environments that cut across (inaudible) and  
17 regions and council decisions that will really  
18 help identify where those key linkages really need  
19 to focus.

20                   MS. MORRIS: Peter Moore?

21                   MR. MOORE: When you mentioned  
22 innovation and working at the local level, my

1       experience has been very good when it comes to  
2       examples of that. And if I were you, if you can  
3       work success stories into this, even just tiny  
4       vignettes into the very beginning of this  
5       document, and take on sort of a spirit of -- you  
6       know, I mean, where I see a lot of the progress is  
7       where there is innovation at the corporate  
8       research level. I'm pretty well involved in a  
9       study out of New England, and it's incredible  
10      what's happening with that.

11                 Folks are wired up. It's real-time  
12      information, to Harlon's point. We are finding  
13      ways to avoid bycatch or incidental catch based on  
14      thermo habitat, based on salinities, and so on.  
15      There's a sort of two-for there, and that is that  
16      all that information becomes more real-time for  
17      management staff purposes. So I think that it's  
18      nice to put that at the end where you are kind of  
19      evolving down to the regional level, but in a way,  
20      you've got to go through nine pages to get to that  
21      spirit.

22                 And I think that that spirit of

1 innovation at the local level -- and a whole bunch  
2 of things happen so you could put even just for  
3 New England and the Mid-Atlantic much less the  
4 pollock fleet and so on. But I would just say, if  
5 that's the case, if that's where the Agency wants  
6 to go, to me that's a real positive. And it  
7 should be kind of right up front, the document  
8 saying, yeah, we've got this bycatch mandate and  
9 it's where we are seeing successes are, you know,  
10 in a few places. So that's just my comment.

11 MS. SOBECK: That's a good comment.  
12 Thanks.

13 MS. MORRIS: So, Pam? And again,  
14 questions, but we have to stop here.

15 MS. YOICHEM: I have questions on the  
16 definition. I'm wondering why the first bullet  
17 point in the definition, at the very end it talks  
18 about interacting with living marine resources.  
19 And given what you said about trying to broaden  
20 bycatch to include not only MSA, but also MMPA and  
21 EPA -- I'm sorry, ESA, I would think you -- I  
22 mean, I'm wondering you didn't say interact with

1       protected marine resources or protected resources.  
2       Why did you broaden this to living marine  
3       resources that presumably would include, I don't  
4       know, kelp? So that's a question to staff, or  
5       really develop the definition.

6                ERIN: So, it is more than protect -- I  
7       mean, protected resources are obviously a critical  
8       part of all this. But it's also other living  
9       range resources of fish that we manage. So we  
10       were trying to broaden that beyond just protective  
11       species.

12               MS. YOCHER: But you have fish as part  
13       of the definition. And then you say -- and also  
14       living marine resources. I'm just wondering if  
15       this could be interpreted that reporting need to  
16       now include not just fish, target fish, and  
17       non-target are not just protected species, but  
18       also, you know, getting some kelp tied up in your  
19       gear.

20               KAREN: So this is an area that we are  
21       -- like Eileen said, subject to this draft, we are  
22       looking for comments and the comment was to be

1 broader than MSA. But I don't think our intent is  
2 that we're trying to go after, you know, kelp and  
3 every (inaudible) that's out there, necessarily,  
4 but we did want to be broader than fish. And we  
5 are building off of some preexisting documents,  
6 like the National Bycatch Report, which somebody  
7 else may have commented on earlier, which uses  
8 also a broader definition of bycatch that we were  
9 trying to build on for the strategy.

10 But if it's not clear, it isn't really  
11 speaking to the kind of direction that I just  
12 articulated, you know, that is really helpful to  
13 us, and to hear that had it that way and that it  
14 means that to you, which may not really mean what  
15 we meant, because that's how we need to continue  
16 to refine battling with.

17 MS. MORRIS: Mike?

18 MR. OKONIEWSKI: I have a few questions  
19 I guess. One is regarding discards and  
20 utilization. The fact that you utilize but  
21 discard them make it not like -- is that why  
22 essentially you want utilization?

1                   MS. SOBECK:  Again, it depends.  You  
2                   know, sometimes that would be -- you know, for  
3                   some, it depends on sort of why it was defined as  
4                   bycatch, you know, because it's so protected.  The  
5                   species utilization isn't a good outcome if it's  
6                   -- because it's just an undervalued species and  
7                   you can create a valuable market for it.  Then  
8                   maybe that is a solution, so I don't think that we  
9                   are proposing any one-size-fits-all.  I could  
10                  answer more in there, but go ahead.

11                  MR. OKONIEWSKI:  If the fish is dead and  
12                  it's not supposed to be cod, it's a bycatch, it's  
13                  dead.  And then basically, then the utilization is  
14                  kind of -- the only thing I could think of is meet  
15                  the definition of bycatch because it's being  
16                  utilized and I guess a target at that point.  So  
17                  with market utilization, but it's not really  
18                  reducing the fact that you made a death  
19                  (phonetic), so I guess that one is sort of tricky  
20                  to me.

21                  The other one, I went back and I looked  
22                  up MSA, and I see the reauthorization and Section

1       316. It's Bycatch Reduction and Engineering  
2       Program. So I'm assuming -- because when I first  
3       read that, "To establish a bycatch reduction  
4       program, including grants to develop technological  
5       devices and other conservation engineering changes  
6       designed to minimize bycatch." That seems to be  
7       somewhat specifically going after the  
8       technological side, but then as you go down  
9       further, it kind of goes away from that to  
10      cooperate efforts and other things.

11                So it's the strategy itself, it seems to  
12      be a departure from the exact -- just the  
13      engineering side. I mean, am I right or wrong, or  
14      is it all one in the same?

15                MS. SOBECK: I think we are trying to  
16      capture that technological side, but to recognize  
17      that bycatch and bycatch reduction at large goes  
18      beyond that. Emily, do you have any -- do you  
19      want to --

20                EMILY: Yeah. The Bycatch Reduction  
21      Engineering Program is about a \$2.5 million grant  
22      program that we -- grant externally, and it is an

1 important part of what we do, but it's just a tiny  
2 slice of what me and the councils are doing to  
3 address bycatch for this. Bycatch strategy  
4 definitely goes beyond that Section 316, it goes  
5 beyond MSI, it goes beyond 303(a)11, and it starts  
6 extending into our possibility into these other  
7 statutory requirements. So it is definitely  
8 broader than the Bycatch Reduction Engineering  
9 Program, and that is an important part of what we  
10 do and it will continue to be an important part of  
11 what we do to address bycatch.

12 MS. MORRIS: Mike?

13 MR. OKONIEWSKI: Okay. Thank you. So I  
14 have two comments and it kind of addresses both  
15 what Mike and Harlon said earlier. I think that  
16 including another definition, discard which is  
17 bycatch, needs to be included into that. Just to  
18 make sure folks understand the difference, because  
19 all my comments said earlier, you know, you might  
20 have bycatch, but a fishery might be created out  
21 of that.

22 So that might create another opportunity

1 for fisheries. At the same time, it's not  
2 discard, and so the bycatch. And then when the  
3 bycatch is discarded that doesn't have any  
4 commercial or market use, that actually also needs  
5 to be tracked differently, because it is how it's  
6 going to be fished or it can be commercialized in the  
7 future, what's not to be discarded, and it could  
8 provide information if required when you are  
9 reporting it out.

10 So how bycatch is tracked once it's cut  
11 is also important. So the distinction between  
12 bycatch and then bycatch that's discarded, it  
13 means to me --

14 MS. SOBECK: So I think we want to  
15 include both of those categories in our  
16 definition, but we understand that you have to --  
17 within the definition, there are going to be  
18 subdivisions --

19 MR. OKONIEWSKI: Exactly.

20 MS. SOBECK: -- and that they are going  
21 to be treated -- may be treated differently. On  
22 the other hand, the way we've treated certain --

1 the way you treat them might be different. You  
2 know, something might have been in one category  
3 and you are trying to move it into another  
4 category, or what have you. So I think you are  
5 right, you are absolutely right, there are  
6 distinctions that we need to recognize those, but  
7 I think that we've intentionally, at this point --  
8 and we are open to -- but at this point in putting  
9 this draft forward we wanted to capture both of  
10 those categories in the broad definition of --

11 MR. OKONIEWSKI: Yeah. Bycatch is the  
12 big category, and discard fits in some way with  
13 that. And the second comment in regard to the  
14 living marine resource, I think it's also -- since  
15 this is a definition that's going to be used  
16 nationally. at least we recognize that, living  
17 marine resources in the Pacific is very different  
18 than in the Caribbean. And so when tracking  
19 bycatch that needs to be considered.

20 And so second, you mentioned something  
21 like kelp, butterfish or kelp, it's not protected,  
22 it's not a fish. But that could also provide for

1 science aspects, so folks that are reporting we  
2 are getting a lot of kelp, not that it needs to be  
3 protected, but it could provide information of the  
4 ecosystem state, of different aspects of what's  
5 going on in the -- and the fishermen out there  
6 that are reporting.

7           So I think keeping it broad rather than  
8 a just a fish or protected, if you reduce the  
9 definition it possibly, legally, it possibly  
10 leaves out certain species that could be of  
11 concern both for the commercial sector and both  
12 for the environment or for the integrity of  
13 ecosystem's function. So I think it's important  
14 to leave it or to be as broad as you can on that  
15 definition just because we are dealing with a  
16 national definition that is affecting so many  
17 different diverse marine habitat. So that is just  
18 -- thanks.

19           MS. MORRIS: Liz?

20           MS. HAMILTON: So, just one  
21 clarification for me, and Mike mentioned the word  
22 "dead," and yet I'm not sure that really is the

1 definition of bycatch. I'm assuming there are a  
2 lot of liabilities as well, right?

3 MS. SOBECK: Yes. Although I think it's  
4 a question, it's how much is alive and how much is  
5 it dead, and it's discarded --

6 MS. HAMILTON: Right. That's all it is.

7 MS. SOBECK: -- and with that I think it  
8 falls under the need for more information and  
9 that's going to at least -- you know, research, et  
10 cetera.

11 MR. OKONIEWSKI: Specifically, I was  
12 just referring to discards, not the entire quite  
13 dead things, just the discard part.

14 MS. MORRIS: Ted. And then we are going  
15 to go to lunch.

16 MR. AMES: You know, my experience in  
17 fishing is it isn't impossible to fish  
18 commercially without encountering bycatch.  
19 Frosting on the cake is catches or quota systems,  
20 legitimizes it in the first place, which increases  
21 the amount of discards that one is confronted  
22 with. I think that the six suggestions that NOAA

1 has made is the very best that you can do. It's  
2 an intractable problem that we are going to have  
3 in spite of our best efforts.

4 But the more you work with it, the more  
5 technology you can introduce to address it, the  
6 faster you can get the data, the better off we  
7 are. So I think NOAA is right on point.

8 MS. MORRIS: Thank you. On that note,  
9 Ted -- and thanks to the staff in Silver Spring  
10 who called in, and thanks to Eileen who was the  
11 tertiary reporter. (Laughter) I think we can  
12 leave computers and stuff here without fear of  
13 them being stolen or missing when we get back. I  
14 think we are going to need an hour and 15 minutes  
15 lunch, so please be back here at -- what time  
16 would that be, 2:00? Is it 2:00?

17 SPEAKER: Yes, 2:00.

18 MS. MORRIS: A little before and ready  
19 to go at 2:00, not coming in the door at 2:00, but  
20 in your seats, ready to at 2:00.

21 SPEAKER: 1:55.

22 MS. MORRIS: 1:55. Thanks everybody.

1 (Whereupon, at 12:44 p.m., a  
2 luncheon recess was taken.)

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1 production started on the West Coast, and since --  
2 people apparently we thought it was a good idea,  
3 because now, 100 and so odd years later, we have  
4 is the largest complex of hatchery programs in the  
5 world, some 331 programs across 4 states. What we  
6 are going to talk about today is making sure that  
7 those hatchery programs can continue to function  
8 as they were intended, and one of the things that  
9 has to happen is that we want them make sure that  
10 they are chronologically defensible and that they  
11 are legally defensible as well.

12 And they can serve the purposes that  
13 they are still intended to accomplish, because one  
14 could argue that today more than ever we need  
15 these hatcheries. We need them for various  
16 reasons, and so let's talk a little bit about that  
17 process. And what I'm going to quickly cover in  
18 the next 30 minutes or so, just give you an update  
19 on where we are with this, where NOAA is on this  
20 process right now.

21 So, the landscape. We are talking about  
22 a landscape that starts in Southern California,

1 goes north to the Canadian border, and extends  
2 east to the Rockies. So a fair bit of landscape.

3 A little bit of background. Under an  
4 MOU between the Department of Interior, the  
5 National Marine Fishery Service has been dog-eared  
6 with responsibility for salmon and steelhead under  
7 the Endangered Species Act. And in this capacity  
8 we keep a close eye on the status of salmon and  
9 steelhead coast-wide. And one of the things we  
10 do, along with FICA and/or read our reports every  
11 five years, is to keep the Council apprised of  
12 what we expect in terms of forecast for listed  
13 salmon and steelhead up and down the coast and  
14 what the impact of various fisheries might be  
15 under those listed salmon and steelhead.

16 And then finally we also oversee the  
17 hatchery programs coast-wide, state, federal, and  
18 non-federal hatchery programs, as well as some  
19 tribal. So, in going back and looking at the  
20 status of salmon and steelhead coast-wide, one of  
21 the things that -- as brooding become apparent,  
22 not only to us, but to everybody else, is that our

1 streams and rivers are producing a lot less fish  
2 than they used to do.

3           And as a consequence of that, there's  
4 been an increasing reliance on artificial  
5 propagation for quite some time now. And  
6 increasing all that reliance for the most part to  
7 produce fish to sustain fishing, both in the  
8 marine environment as well as in the inland  
9 fishery environment, we've defined artificial  
10 propagation as hatchery programs. And those  
11 hatchery programs in almost every case are  
12 designed to produce and release fish that are  
13 ready to go to the ocean as juveniles so when they  
14 come back, they can be harvested at some place or  
15 in some form.

16           Each of these hatchery programs is  
17 unique, as you would imagine. I mean, a hatchery  
18 program in Southern California for chinook is  
19 going look quite different than a hatchery program  
20 in Central Idaho. And so, for example, one  
21 hatchery program might produce fish that are  
22 intended to mimic a wild salmon, so that they can

1 survive in the wild with characteristics that are  
2 optimum for that whereas other hatcheries are  
3 designed, instead, to produce fish from maximum  
4 survival on the hatchery, mass production, mass  
5 releases, and for characteristics that serve  
6 fisheries more than anything else.

7           There really are two roles that  
8 artificial propagation creates. The first role,  
9 as I said earlier, was primarily to provide fish  
10 for harvest. But as our stocks have declined over  
11 the years, there's come a need to use artificial  
12 propagation in a different way. And we now -- so  
13 they obviously make up a great deal of the fish  
14 that we have left. Sixty to 95 percent of the  
15 recruits both for fisheries and for natural  
16 spawning escapements are at an average comprised  
17 of hatchery fish now and that most fisheries, both  
18 ocean and inland, rely almost entirely on hatchery  
19 fish.

20           There are very few fisheries left on the  
21 West Coast that target natural salmon. But aside  
22 from this role in supporting high risk, we now use

1 hatcheries as a conservation tool. And we  
2 recognize and there's proof of this, that give a  
3 safety net kind of concept that hatcheries can  
4 conserve genetic resources. And evidence of this  
5 is, you know, if you look around the West Coast  
6 there are a number of stocks that likely would be  
7 extinct but for intervention on the part of  
8 artificial propagation. So the California winter  
9 chinook, sockeye salmon in Central Idaho, to name  
10 a few, Puget Sound spring chinook, all of these  
11 species would likely be extinct but for artificial  
12 propagation intervening on their behalf and buying  
13 us some time.

14           But the artificial population is not all  
15 reward. It comes with risk. This is a quote that  
16 was taken out of a paper that we produced back in  
17 1992, it was called, if I recall, "NMFS's policy  
18 on the role of artificial propagation under the  
19 ESA." And even back then we acknowledged that  
20 there was increasing information available to us  
21 that indicated that there are risks as well as  
22 rewards to artificial propagation when it comes to

1 viability of national population.

2           And I say that since, you know, that's  
3 20+ years ago, since that time the information  
4 that had been accumulating leads us to believe  
5 this even more now, even more today than we did  
6 back then. So, we mentioned the rewards, you  
7 know, that we can support fisheries, that we can  
8 buy time, as a conservation tool for natural  
9 stocks. But what are the risks?

10           There is a long list of them, and I  
11 think some of them are probably fairly obvious:  
12 Injury or mortality from handling fish when they  
13 return to a stream and are intercepted by  
14 hatchery; removing spawners from the wild to use  
15 as hatchery brood stock instead of letting them  
16 spawn naturally; structures that block or delay  
17 access to spawning and rearing areas is a common  
18 problem with hatcheries.

19           Injury or mortality at hatchery intakes,  
20 because their screens are either absent or  
21 improper, improperly constructed or absent  
22 altogether; the problems of water quantity and

1 quality caused by water intakes. Hatchery fish  
2 prey on natural populations. Hatchery fish  
3 compete for food space with fish from natural  
4 populations. Hatchery fish at times can -- or  
5 hatcheries themselves can wait till the  
6 transmittal of diseases and nature, and maybe most  
7 controversial is the notion that hatchery fish,  
8 where they interbreed with natural origin fish,  
9 can lead to reduced diversity and fitness, gene  
10 flow.

11           So, we learned risks, but what does all  
12 this mean under the ESA? Because remember, one of  
13 our goals here is to get these programs to be  
14 compliant under the ESA. So 28 of the remaining  
15 52 populations up and down the West Coast are now  
16 protected under federal law. And under the ESA's  
17 provisions and under NMFS's own for deregulations,  
18 the take of these fish is prohibited and whilst  
19 NMFS makes a finding that the hatchery program  
20 meets the standards for an exemption from that  
21 take prohibition.

22           And take is defined as "to harass, harm,

1 pursue, hunt, shoot, wound, kill, trap, capture,  
2 or collect, or attempt to in any such conduct."  
3 And an example of this, for a hatchery program is  
4 when a hatchery goes out and releases its juvenile  
5 fish, you know, a thousand, tens of thousands,  
6 million, into an area that is occupied by ESA-  
7 protected fish, that's a take. And it's a take  
8 because of some of the things we just covered:  
9 The risk, the competition, predation, gene flow,  
10 and, you know, and the ladder.

11           So, what do we do about all this under  
12 the ESA? Well, NMFS has created a universal  
13 application back in 2000, with the help of state  
14 tribes and federal agencies, called the Hatchery  
15 Genetic Management Plan, and hatchery operators  
16 coast-wide use this application, the HGMP  
17 application, to apply for an exemption to the  
18 ESA's take prohibitions.

19           So, how are we doing? How is this  
20 process for acquiring exemptions working? Well, I  
21 guess I would divide it up into two timeframes.  
22 Before 2012, NMFS had the capacity to process most

1 of the HGMPs that were being submitted to it. But  
2 largely it was a matter of status quo because  
3 these hatchery programs aren't new and they aren't  
4 proposed, they are ongoing activation. And so  
5 there wasn't really any feel by the people who  
6 operate these hatchery programs that they needed  
7 to worry about much. And so they continued to  
8 operate, and they'd send us some HGMP, but it was  
9 generally pretty inadequate for us to move ahead  
10 with it.

11 After 2012, things changed. I think  
12 hatchery operators gained a sense of urgency to  
13 achieve compliance and give their exemption from  
14 take, and the floodgates opened up, and we just  
15 started receiving HGMPs well beyond any capacity  
16 we had prior to (inaudible). So why is that?  
17 What happened in 2012 then, or thereabouts?

18 Well, I tried to simplify this as best I  
19 can, but the single explanation is litigation.  
20 Liz knows this real well, that litigation over  
21 hatchery programs really started in 2011 on the  
22 Sandy, which is just a few miles upstream from

1 here, and enters the Columbia River. It was for  
2 more than a year by a litigation in Washington  
3 State on the Elwha, it was followed by a  
4 litigation over hatchery programs on the McKenzie,  
5 which is just upstream on the one hand here.

6 And then Puget Sound steelhead followed  
7 that, having worked in national fish hatchery in  
8 the Central Columbia Basin. And so, our capacity  
9 to review and complete HGMPs was affected by two  
10 things. One is that all of a sudden with this  
11 litigation we started receiving updated HGMPs  
12 handover FFS (phonetic), which exceeded our  
13 capacity, and second is the requirement for NMFS  
14 to support litigation.

15 So supporting it, we worked with the  
16 Department of Justice on a regular and intensive  
17 basis as long as our own -- as long as we are  
18 always with our general counsel. And this kind of  
19 work really seriously eroded our ability to  
20 actually review the process of the HGMPs. So the  
21 workload increased, our capacity actually  
22 decreased, and it wasn't until later, starting in

1       2015, that we identified some things we could do  
2       to try to help with this.

3               So, real quick, how does the process  
4       work? So above all else, NMFS means a  
5       biologically sound and defensible HGMP. And we've  
6       gone to court now, going back to 2012, on HGMPs  
7       and our decisions on HGMPs, and so we have some  
8       experience there, and we know what kind of HGMP we  
9       can defend and what kind is a loser. So, first  
10      and foremost, we need something that we can work  
11      with.

12             Hatchery operators, they submit an HGMP  
13      or HGMPs to us and they request their exemption  
14      and then we review them, usually in pretty short  
15      order, the first review. And that's when we  
16      determine whether they meet the requirements for  
17      an exemption, that they are likely to meet the  
18      requirements for exemption. It's rare, as I said  
19      earlier, for us to receive an HGMP at least  
20      initially that's adequate, and so what happens is  
21      we usually then respond with a list of  
22      recommendations or potential remedies for the

1 state, the federal agency, the tribe, or whomever  
2 that operates the program to consider.

3 The most common things we find as  
4 shortcomings are errors in their analysis; they  
5 just didn't do a very good job of analyzing the  
6 effects of hatchery on listed species and the  
7 inadequacy or absence of what we call hatchery  
8 reforms, remedies that will reduce risks, and that  
9 we can stand behind and defend if that process  
10 should go to court.

11 So depending on how they react to our  
12 recommendations and potential remedies, then the  
13 next step can take weeks or it can take months.  
14 It really just depends on how ready they are to  
15 address our questions and our concerns. And once  
16 we do that then we can initiate consultation,  
17 which in most cases, nowadays involves public  
18 review and comment.

19 So, you know, what's the scope of the  
20 challenge? I mean, which hatchery programs out  
21 there really need exemptions in the first place?  
22 Well, here they are. There are 331 hatchery

1 programs across the West Coast in the 4 states  
2 that we either have or expect to get hatchery  
3 plants for.

4 MS. HAMILTON: Rob? Rob?

5 MR. JONES: Yeah.

6 MS. HAMILTON: That's not 331  
7 hatcheries, right?

8 MR. JONES: Pardon me?

9 MS. HAMILTON: That's not 331  
10 hatcheries. That could be multiple programs  
11 inside a single facility, right?

12 MR. JONES: Yes.

13 MS. HAMILTON: Okay. I just want to  
14 make --

15 MR. JONES: Thanks, Liz. You know, a  
16 hatchery facility might have one or five different  
17 hatchery programs, so these are the number of  
18 hatchery programs up and down the coast. In all  
19 of them, in some way, shape, or form we go back to  
20 that list of risks or take all of them in some  
21 shape or form, take was its basic specialty.

22 SPEAKER: Rob, could you give a general

1 kind of breakdown who owns and operates the  
2 hatcheries that we are talking about, all the  
3 people you have to consult with? I know, but, I  
4 mean --

5 SPEAKER: It's a big list.

6 MR. JONES: So, the question is, in  
7 general who is it that -- who are the operators  
8 and funders that we have to work on these HGMPs to  
9 get them some plan. And it's a combination of  
10 federal agencies, Corps of Engineers through a  
11 reclamation or under one hatchery program, we  
12 ourselves under the Mitchell Act, 163 hatchery  
13 programs in the Columbia Basin. So we are an  
14 action Agency that has -- that we have to, you  
15 know, address that federal action that we take to  
16 fund and the insurance, as well as states  
17 obviously.

18 And then there are a number of programs  
19 that are privately run, so in Idaho, Idaho Power  
20 funds many of the programs there to mitigate for  
21 their complex of dams. In the Upper Columbia, the  
22 public utility districts fund many of those

1 programs to mitigate for their dams. So it's a  
2 combination of things depending on where you go.

3 MR. OKONIEWSKI: Is there an inventory  
4 of hatcheries in the U.S.?

5 MR. JONES: I'm sorry?

6 MR. OKONIEWSKI: Has anyone compiled an  
7 inventory of hatcheries in the U.S.?

8 MR. JONES: Yes. Well, in the West  
9 Coast we have an inventory. I don't know what it  
10 looks like elsewhere.

11 MS. HAMILTON: The Service would  
12 probably have the rest of them now.

13 MR. OKONIEWSKI: Fish and Wildlife  
14 Service, Liz?

15 MS. HAMILTON: Yeah.

16 MR. JONES: And there are some, some of  
17 these particularly in the Columbia River, but some  
18 in the Central Valley are operated by the Fish and  
19 Wildlife Service and paid for by the Fish and  
20 Wildlife Service, but these are all hatcheries to  
21 raise salmon and steelhead. So what other kinds  
22 of artificial propagation there is nationwide I'm

1 not really too familiar with.

2 So, 104 in Puget Sound, 159 in the  
3 Columbia Basin, in the Coast, and 26 in  
4 California; the red ones are the ones that we have  
5 HGMPs that's either the subject of litigation, an  
6 act of litigation, or pending litigation. So,  
7 we've had some litigation in the Trinity. I  
8 understand that's kind of settled down a bit; the  
9 same thing for Mad (phonetic). The plaintiffs,  
10 they've kind of put away their swords for the  
11 moment.

12 The McKenzie, the same thing there,  
13 we've reached an agreement with Oregon, and I  
14 think we are good to go right now. And so far,  
15 the plaintiffs there decided to stand down.  
16 That's all the Mitchell Act, with the Mitchell  
17 Act, along with National Fish Hatchery operated by  
18 the Fish and Wildlife Service.

19 And the good news, the recent good news  
20 in Puget Sound is the litigation there has been  
21 kind of put on hold or pushed back a bit. Last  
22 week we finished our ESA and (inaudible) work in

1 Puget Sound issued a final Environmental Impact  
2 Statement and Record of Decision, the number of  
3 biological opinions, all of which operates in  
4 Washington to release their hatchery fish now.  
5 With conditions, we didn't rubberstamp what they  
6 came to us with, and we did include some  
7 conditions, but they are free to operate now. And  
8 the next lawsuit will be against us.

9 SPEAKER: So who was the difficult  
10 plaintiff?

11 MR. JONES: A handful of people. So the  
12 most --

13 SPEAKER: So, a small group?

14 MR. JONES: So the plaintiff that's most  
15 active is the Wild Fish Conservancy in Duvall,  
16 Washington. We also have a Native Fish Society in  
17 this neck of the woods that have filed litigation.  
18 And then EPIC, I can't tell you what that stands  
19 for offhand, but a similar kind of organization  
20 that is responsible for litigation in California.

21 MR. OKONIEWSKI: What's the nature of  
22 the complaint?

1                   MR. JONES: Well, they first come after  
2                   the operator for lack of the ESA coverage  
3                   generally, and then when we issue -- we like to  
4                   say that when we issue an exemption and we tie  
5                   ourselves to the railroad tracks and they come  
6                   after us, and that's what happened in the Sandy  
7                   and in the Outlaw. We went to court for three and  
8                   a half years and we won. I mean, we didn't win on  
9                   every single aspect of the complaint, but largely  
10                  we won in most cases.

11                  So, I wanted to mention, you know,  
12                  getting to defensibility what we need across this  
13                  complex of hatchery programs on coastlines is  
14                  hatchery reform. And it's especially important  
15                  now considering how many programs we have. There  
16                  is not many basins you can go to and not find one  
17                  or more hatchery programs with defense. So their  
18                  reach is more widespread and intensive than it  
19                  used to be, the species they affect are in more  
20                  trouble than they used to be, so it's really  
21                  important that we give HGMPs that look carefully  
22                  at what their effects are and identify ways to

1 reduced those.

2           And it's our experience that in the  
3 Iowa, in the Sandy, that if we can get agreement  
4 on reforms, that we can win, that we can prevail,  
5 and we can issue exemptions under the ESA.

6           MS. SOBECK: Hi, Rob. I mean,  
7 presumably it's in everybody's best interest to  
8 have the hatcheries, you know, reformed and  
9 operating in a way that's consistent with the ESA,  
10 whether we think that that litigation, every piece  
11 of litigation, whether every plant should be  
12 litigated, but are there some generic improvements  
13 that have resulted from this or would have been  
14 naturally trending anyway. I mean, could you kind  
15 of capture what's different and better? Because  
16 even though some of this is being driven by  
17 litigation, I may be overly sensitive as a former  
18 lawyer, but currently or former practicing lawyer,  
19 but, I mean, if there weren't -- you know,  
20 presumably there's a purpose in going through  
21 these exercises. And you've said yourself that  
22 it's not like we are just rubberstamping every

1 submission, so presumably the program is evolving  
2 and improving and can you capture some of those  
3 trends?

4 MR. JONES: You know, one of the  
5 benefits of the litigation is that we have seen  
6 them throw everything against the wall. I mean  
7 after four years now, we've seen everything it is  
8 that they want changed, or that they want to  
9 attack us on, and so we've learned a lot in the  
10 last three years.

11 MS. SOBECK: But I want to focus on more  
12 positive, forget the plaintiffs. What is the good  
13 stuff that hatcheries are doing now to run a  
14 better program?

15 SPEAKER: What are the reforms?

16 MS. SOBECK: What are the reforms, the  
17 beneficial reforms?

18 MR. JONES: Well, some of the obvious  
19 ones are that slowly but surely all the hatchery  
20 programs, NMFS has criteria for screens on the  
21 water diversions. Many hatcheries traditionally  
22 didn't have any screen, let alone the ones that

1 worked. And so now, we cost all the money, but  
2 now slowly or surely the hatchery operators are  
3 updating their screens so that they don't divert  
4 fish into a field or kill them in some other way,  
5 shape, or form, the same thing with the  
6 destructions. A big one is gene flow, it used to  
7 be, and there are still many places you saw that  
8 95 percent figure.

9 We had a briefing from the Arcadia on  
10 this, this morning; 95 percent of the coral salmon  
11 that return to the Trinity River are hatchery  
12 fish. That's not a good thing. The gene flow  
13 effects from that are not a good thing. There's  
14 been a lot of work that's been done in the last 15  
15 years to start to narrow in on what are acceptable  
16 standards for gene flow. And we are in the most  
17 recent case, and what I just read, in Puget Sound,  
18 one of the conditions there, this was a bit  
19 extreme because those fish are highly domesticated  
20 and don't belong in nature.

21 So, our constraints were pretty -- our  
22 approval was pretty constraining, but they are not

1       allowed to have a gene flow that exceeds 2  
2       percent. So 2 percent of those fish can result in  
3       some kind of offspring that are the result of  
4       hatchery and natural interbreeding. So stuff like  
5       that is evolving and we are getting better at it.

6                 JOHN: And I guess I'd only add, and  
7       then if you are going to have a hatchery to  
8       produce central harvest, to try to isolate it more  
9       effectively, through timing from -- or to keep any  
10      potential spawning off this point then.

11                MR. JONES: And John and Bob, at any  
12      time, chime in here, because you guys know this  
13      stuff a world better than I do.

14                MS. MORRIS: Julie had -- there's  
15      another question here?

16                MS. BONNEY: Yeah. So how long is your  
17      plan built for? Do you have annually, up to five  
18      years?

19                MR. JONES: The one we just issued to  
20      Washington, Puget Sound, has no expiration. As  
21      long as those hatcheries operate as they've been  
22      proposed and as long as they meet the conditions

1 in our authorization and the exemption, they can  
2 operate indefinitely. One thing I know they  
3 mention is funding, I won't say much about it  
4 except that it's becoming harder and harder to get  
5 people to fund reforms.

6           You know, a screen on some of these  
7 programs costs millions of dollars on some of  
8 these water diversions. So, we are running into  
9 -- most with the Federal operators and funding  
10 agencies, Bureau of Reclamation or Corps of  
11 Engineers, we are running into -- we are having a  
12 hell of a time getting them to agree to reforms.  
13 And in fact, the primary issue in the Leavenworth  
14 National Fish Hatchery litigation is this is a  
15 100-year-old hatchery that doesn't have any  
16 screens still.

17           And so we set a timeline for them to  
18 screen their diversion. That was the litigants in  
19 this case, or plaintiffs in this case, are  
20 contending that we gave them too much time, so  
21 we'll see how that goes. Briefings start, the  
22 NEPA will start in September. But anyways,

1 funding is a problem.

2 So is that all we have to do? Well, now  
3 I wish it was. We all have -- this is what we all  
4 here, we have to comply with, and this is one that  
5 really causes us the most problem. This is the  
6 one court that we've had the most difficulty with  
7 and that's NEPA.

8 Approximately 75 percent of the HGMPs we  
9 have to process under the ESA trigger a  
10 requirement for us to also do NEPA. And this  
11 takes time, and in the meantime, we might complete  
12 or nearly complete our ESA, but we can't issue an  
13 ESA exemption until we finish our NEPA work, so  
14 this lengthens the process considerably.

15 If somebody submits to us an HGMP under  
16 4(d) or 10 of the ESA, it's more than you need to  
17 know, probably, or want to. Or if we fund the  
18 hatchery program, those constitute federal actions  
19 on our part that require us to do NEPA, so my  
20 staff, they are becoming experts in NEPA because  
21 we do survive on much of it nowadays. And I  
22 wanted to mention this and emphasize it that when

1 the effects of us approving something or the  
2 implementation of that HGMP exceed a finding of no  
3 significant impact, a FONSI, and we have dealt  
4 with the EIS and a record of decision.

5           Some people have come to us and said, we  
6 really want to steer away, for example, I have  
7 hatchery programs, why in the world are you doing  
8 an EIS for five freaking, lousy hatchery programs?  
9 And the answer is that we did an EA and put it out  
10 for public comments, we got 2,000 comments. You  
11 know, some of those comments were, you know,  
12 postcards. A lot of them were postcards, but we  
13 also got a lot that were more than that, that were  
14 -- and so we had to make a decision.

15           Do we trust that we'll be able to  
16 prevail in court when we get sued on adjusting an  
17 EA, or do we do an EIS and cover our bases? And  
18 we elected to do an EIS. Because so far in court,  
19 we had a hard time convincing federal judges that  
20 a hatchery can have insignificant effects. Just  
21 so far, they just haven't wanted to do it.

22           So that's a big deal to us, to end this

1 process largely because there's a lot of public  
2 notes and comments. It's taking us between 40 and  
3 66 weeks to work our way through the NEPA process  
4 for a group of hatcheries. Is that all? I wish  
5 it was. We also achieve compliance with the U.S.  
6 Fish and Wildlife Services on species that they  
7 have jurisdiction over. So, a hatchery it affects  
8 salmon that comes to us, it affects steelhead that  
9 comes to us, if it affects bull trout,  
10 butterflies, you name it.

11           And the same thing is true, and we, the  
12 Fish and Wildlife Service, needs to issue an  
13 exemption for those species as well. And under  
14 these circumstances when a program affects marbled  
15 murrelets there needs to be a -- the Fish and  
16 Wildlife Service needs to issue a biological  
17 opinion, and we can't issue any of our work until  
18 that's done. So in the case of Puget Sound  
19 steelhead, there were five biological opinions  
20 that were issued, two of them were issued by Fish  
21 and Wildlife Service for effects on their species  
22 and three of them were issued by us for effects on

1       ours.

2                       So what are we doing to accelerate all  
3       of this? Well, we're not, you know, we're not  
4       standing pat. If we look at fiscal year '15, and  
5       we think of that as kind of like a baseline, we  
6       had the capacity to do about 40 HGMPs in a year at  
7       that point, and that cost us in salaries about  
8       give or take \$2.3 million for the staff to do the  
9       work. We've operated and invested in our staff  
10      resources, and in '16, we are getting this spring  
11      actually, we now have a capacity probably by end  
12      of the year to do about 55 a year.

13                      So what does this mean? So with HGMP  
14      reviews, we have pretty much taken the tactics  
15      from three different directions. One is like as  
16      we've said, we increased our resources devoted to  
17      the HGMP reviews, so recently, just in the last  
18      two weeks, we brought the last person on, so we  
19      have three new biologists and a geneticist. They  
20      are working on nothing but hatchery plans.

21                      Second, we've increased our efficiencies  
22      by coming up with templates. So we have a

1       template now that we share with state and tribes,  
2       federal operators, and such, that explains to them  
3       how we work at hatcheries, how we analyze  
4       hatcheries, so that they can design their  
5       hatcheries hopefully to move through the process  
6       as fast as possible. We are also attacking HGMPs  
7       in bundles. We are doing them one at a time, but  
8       largely on a watershed scale, so that means all of  
9       the HGMPs, on a particular watershed we are doing  
10      at once. And that could be 5, it could be 10, it  
11      could be 15, it's that kind of scale we are  
12      talking about.

13                 And then lastly, we've got a lot more to  
14      do, and so we've been pretty successful starting  
15      at Puget Sound of collaborating with the state and  
16      the tribes, 17 Puget Sound tribes, to come up with  
17      prioritization schedule. And this was tough, you  
18      know. No tribe wants their bundle of HGMPs to  
19      come last; the same thing with the state. So  
20      we've been able to negotiate a schedule and  
21      prioritization for moving through these HGMPs in a  
22      consistent matter. The same thing is true in the

1 Columbia, we are about to release the same kind of  
2 scheduling and systematic prioritization here,  
3 too.

4           So where does that leave us on how  
5 things are going right now? So, right now, we are  
6 working on 59 HGMPs in the Columbia Basin, 42 in  
7 the Oregon Coast, 31 in Puget Sound, and 2 in  
8 California, for 134. That's how many HGMPs we  
9 have people actively working on right now. This  
10 is the status of HGMPs coast water, and you  
11 probably can't see this, so I'll just summarize  
12 real quickly.

13           So we've already covered this, there are  
14 331 out there. We are done with NEPA and ESA for  
15 56. We've got 134 that are in process. We've  
16 reduced our backlog. I know, I guess that's a bad  
17 word, sorry. We've reduced the number that are in  
18 waiting down to 11, but there are 78 more that are  
19 in our inbox waiting for us to get to. And that  
20 may sound like -- it's a different in-waiting than  
21 those that we've already determined insufficient.

22           And then we know of 52 more out there

1 that are coming our way soon, so more work is out  
2 there. I think I touched on this already. Win  
3 and over, this one we've won so far, but it's been  
4 appealed to the Ninth Circuit, and we are waiting  
5 for a decision from them. This one we are hoping  
6 that we've beaten off that threat of litigation.  
7 The same thing is true for this one. This one,  
8 oral arguments start in September, and this one is  
9 new. This one attacks us for lack of ESA  
10 coverage, lack of an exemption for the 63 programs  
11 that we write checks for under the Mitchell Act.

12 So that's about it. I guess what I  
13 would say in wrapping up is that we've learned a  
14 lot in the last seven or eight years, what works  
15 and what doesn't, and how to do this, and we are  
16 doing better and we are beefing up our ability and  
17 our capacity to do things faster, but we've still  
18 got a tribal workload in front of us. We haven't  
19 seen the end of litigation, but we are hoping  
20 that, you know, the folks that pound on us for  
21 three years in the courtroom, when they don't get  
22 what they want, then maybe they'll be a little bit

1       reluctant to take us on in the future, because  
2       what we are showing is we know how to do this. I  
3       think Liz has some experience with this in working  
4       on Sandy.

5                   MS. HAMILTON: And others, if I may?

6                   MR. JONES: Sure.

7                   MS. HAMILTON: It's a rough situation  
8       because there's actually an industry that's  
9       somewhat sprung from NOAA money so, you know, this  
10      is going to continue for a while, but, again, your  
11      staff is excellent. The Department of Justice  
12      staff has been excellent on this. It's just a  
13      matter of NOAA having the resources to get through  
14      all these processes. And I really appreciate  
15      being able to work with your staff on it. I do  
16      have one question, though.

17                   Like in the Sandy, you know, we talked  
18      about this a couple of years ago. The settlement  
19      was \$0.75 million, even though NOAA won on most  
20      counts. Did that come out of NMFS's budget? Did  
21      it come out of Department of Justice? I mean,  
22      where does all that money come from to do these

1 lawsuits and to settle these lawsuits?

2 MS. SOBECK: So, you are talking about  
3 money. When the people who sue us, if they win,  
4 then they can be entitled to -- we have to pay  
5 their attorneys' fees, we, the government, have to  
6 pay their attorneys' fees. And it depends on what  
7 statute it's being out under. The in the NEPA  
8 case, I think you just paid out of the judgment  
9 fund, right?

10 SPEAKER: Yes.

11 MS. SOBECK: And if it's not, if it's  
12 under the judgment fund, which is not out of the  
13 Agency's appropriation. It's a fund, you know,  
14 administered by the Treasury. If it's under, you  
15 know, the Magnusson Act or the Endangered Species  
16 Act, then the money comes out of our appropriated  
17 funds, and it's an incentive for the government to  
18 do things right, but it also does generate, you  
19 know, an incentive for groups, that if they know  
20 that the government is not, you know, is not up to  
21 -- doesn't have its legal act together to bring  
22 these suits, but if --

1                   MS. HAMILTON: Can I just make a  
2 comment?

3                   MS. SOBECK: Yes, please.

4                   MS. HAMILTON: You know, if we all have  
5 been doing this right from the get-go, then the  
6 first lawsuit would have failed. So, I mean, I  
7 don't want to blame the plaintiffs entirely for  
8 the plight that we are in. You know, I think that  
9 these are not -- the pathways weren't perfect and  
10 we didn't have consultations on all of them, and I  
11 think the real challenge is when you have kind of  
12 a new paradigm out there, when you have a whole  
13 bunch of -- you know, you didn't know or you  
14 weren't sure or everybody thought the status quo  
15 was all right, and all of a sudden there's one  
16 lawsuit and then it has a cascading effect. And  
17 you can't instantaneously bring yourself into  
18 compliance. And that's, I think, the tough  
19 position that we are in now.

20                   And I'm a big believer in Section 7  
21 consultations and in NEPA, I think it makes  
22 federal decision-making better over the long haul,

1 but I think, again, it's not instantaneous. You  
2 guys are working like crazy. This is an issue  
3 that's going on all over the country that we don't  
4 have the resources right now. We are at a  
5 bottleneck. There are a lot of industries or  
6 activities that depend on us going through the  
7 consultation process, and in a perfect world we  
8 would do it in the statutory 135 days.

9 In the not perfect world we can't do  
10 that, we don't have the number of people. We try  
11 to be more efficient and smarter about organizing,  
12 you know, grouping these and prioritizing them,  
13 and we've reflected it in our federal budget the  
14 last year or two. And I think that we've been a  
15 lot more honest about how we just can't do  
16 everything about more resources and that there is  
17 a cost in time and attorneys' fees and, you know,  
18 penalties. In other parts of the of the country  
19 and the Gulf, it's like if you can't lay your  
20 cable during hurricane season and if we can't get  
21 to your consultation before a hurricane season,  
22 then you are set back for a whole other

1 construction season.

2 So we try to be a lot more honest about  
3 how long it takes to do these kinds of  
4 consultations, how many people it will take, how  
5 much money it will take. I know that this region  
6 is dedicated with what? Another four people last  
7 year. We've requested in the budget another,  
8 however --

9 MR. JONES: The budget increase I think  
10 is 2.1 million, and HGMPs are --

11 SPEAKER: (Inaudible) five.

12 MR. JONES: Less than five.

13 MS. HAMILTON: So, we've had a second  
14 ask for this program, because it's funded out of  
15 different money than just the usual ESA money. We  
16 also ask in the President's budget this year for a  
17 very significant increase for sections of the  
18 consultations for the rest of the country, because  
19 we have, you know, a similar backlog, a lot of it  
20 in the Gulf. And you can imagine, we are \$20  
21 billion worth of projects pouring into the Gulf  
22 for the next 20 years, there's going to be quite a

1 surge in consultations down there. Although we  
2 have done, I think, a really good problematic  
3 consultation and I know a big piece of it, but --  
4 so I'm hoping that as we move through the  
5 litigation juggernaut, but having a plan saying  
6 what the priorities are, saying that we are  
7 working them through, being clear about what we  
8 can and can't do. But maybe we won't be -- and as  
9 you say, learning what's defensible and what  
10 isn't, but maybe we'll have some deadline, we'll  
11 have some -- like in the listing -- we'll have  
12 some deadlines, we'll have a better sense of how  
13 we are going to progress through the workload, but  
14 hopefully we won't be spending millions and  
15 millions and millions and millions of dollars  
16 litigating each and every one of these plans.

17 MS. MORRIS: Erika?

18 MS. FELLER: It's just a little  
19 question. I was wondering, you mentioned, does  
20 every single one of HGMP use triggers? Or has  
21 everyone been finding significant impact, or are  
22 there some other significant factors?

1                   MR. JONES: Well, that's a NEPA term,  
2                   significant versus non-significant, and under ESA  
3                   is it likely to adversely affect or not?

4                   MS. FELLER: Right.

5                   MR. JONES: And that's a lot.

6                   MS. FELLER: But is that determination  
7                   that you feel we have to get in, so do you have to  
8                   deal with the EIS for all of them?

9                   MR. JONES: We're sure hoping that.

10                  MS. FELLER: Have you done some where  
11                  you've only done a FONSI? Do you know?

12                  MR. JONES: Yeah. In the past we have,  
13                  not lately. And we an EIS that we finished in the  
14                  Columbia River for all 159. We are going to issue  
15                  a RAD in July. What we are hoping is that we can  
16                  tier off that EIS to do shorter EAs or whatever is  
17                  necessary, and, yeah, in a faster fashion. We'll  
18                  see.

19                  SPEAKER: You tried it before?

20                  MR. JONES: We just did it with the  
21                  Sandy. It wasn't faster, but we hope -- that  
22                  wasn't a good example.

1                   MS. MORRIS: Okay, Shelly? I'm sorry,  
2 did you have a follow-up, Erika?

3                   SPEAKER: It's a joke?

4                   SPEAKER: I didn't do my homework on  
5 this, coming in and sort of thinking now how  
6 complicated that management plan would be for  
7 hatchery. But you are actually rehabilitating  
8 whole watersheds and looking at all kinds of  
9 things to get the native populations back.  
10 Correct? So it is a complex engineering problem,  
11 if nothing else, let along biology.

12                   And then just curious what the local  
13 support is like, and this seems like a huge effort  
14 for a couple fish, a couple of native -- I don't  
15 know five -- I don't know which species was the 5  
16 percent that's still native. I know there's some  
17 work for bringing back every stock of native  
18 salmon or steelhead.

19                   MR. JONES: Well, we have across the  
20 West Coast. We've sat down in California and all  
21 the other states and we've talked about we are not  
22 going to have fish back in every place they once

1       existed.  Where do we need them?  Where do we want  
2       them back?  Where is it most important to get them  
3       back, and get them back.  So those are our first  
4       -- that's our first priority.  But I'll tell you  
5       that in 1991 when --

6                   SPEAKER:  Is that driven by popular  
7       support or biology?

8                   MR. JONES:  By biology.  I mean, we have  
9       to decide, you know, what does it take to get  
10      these fish off the list?  Which populations need  
11      to be viable, which ones don't necessarily have to  
12      be viable, or what level of viability can a  
13      different population have relative to another?  
14      It's all science, that part of it.

15                   Well, I'll tell you that in 1991 when we  
16      first listed red fish lake sockeye, there was one  
17      that came back.  Everybody wrote them off.  We  
18      were talking about this this afternoon -- this  
19      morning.  And now, you know, we've got a long,  
20      long way to go, but we've got the genetic  
21      resources now to work with, and we've got  
22      hundreds, maybe even a couple of thousand, fish

1 coming back every year now, 900 miles from the --  
2 they have to pass 8 dams twice.

3 So, people see that, and they say, you  
4 know, we can do this. And artificial propagation  
5 has played a role in that.

6 MS. MORRIS: I'm going to make a process  
7 adjustment, and then we'll go back to the  
8 conversation. The way our agenda for the  
9 afternoon is set up is for the discussion of  
10 Hatchery Genetic Management Plans to not happen  
11 until 4:00, but it makes more sense to just let  
12 this flow and continue now. Is that okay with  
13 you, Dick?

14 MR. BRAME: Yes.

15 MS. MORRIS: And so we'll continue this,  
16 and then after the afternoon break we'll return to  
17 the bycatch reduction strategy discussion. And  
18 then let me also say that this is not an action  
19 time for us. We didn't come into the meeting  
20 anticipating that MAFAC was going to take a  
21 position or read a comment letter or anything like  
22 that. It's just using our collective expertise to

1 understand this problem and have a productive  
2 discussion about it without any particular  
3 intended action coming out of it. So, Liz?

4 MS. HAMILTON: It does feed into the  
5 task force. You know, it's like, if you don't  
6 understand hatchery and hatchery fish, then you  
7 don't understand the --

8 MS. MORRIS: Yeah. This is like big  
9 ah-ha moment about hatcheries play a really  
10 important part of the whole snarl of issues in the  
11 Columbia Basin. Liz?

12 MS. HAMILTON: Although, if there were  
13 something helpful from MAFAC, but it is  
14 constructive in this, we would love to know what  
15 that is.

16 SPEAKER: Okay. So you are open to  
17 constructive --

18 MS. SOBECK: I think so. Yeah. I mean,  
19 obviously it's a big, tangled up problem, and  
20 obviously it's going to take a lot more people  
21 working on it to get it to work. I mean, if there  
22 are suggestions or something helpful for Mark of

1 anything, then we should be willing to do that, I  
2 think.

3 MS. MORRIS: Liz, was there another  
4 comment that you wanted to make? When you raised  
5 your hand before I started talking about action  
6 items or non-action?

7 MS. HAMILTON: Well, it sort of  
8 dovetails and then it sort of hits you, yeah. You  
9 know, we've talked about this a lot. NOAA has to  
10 consult on so many things, and that's the good  
11 thing, I like that, because we care about fish and  
12 their habitats. I do hope that the upshot of this  
13 plus what's happening in the Gulf do lead to a  
14 larger consultation unit that could be deployable  
15 somewhat under regional expertise, where staff  
16 could be assigned to help with the workload when  
17 you have Katrina, when you have 331 unsanctioned  
18 programs, whatever it is in the U.S., we will  
19 always need to do this.

20 And so I'm hoping that a beefed-up  
21 consultation unit that isn't adding employees to a  
22 region, but then you have to figure out what to do

1 when the job is done.

2 MS. MORRIS: Okay. I've got Columbus,  
3 and then John.

4 MR. BROWN: Okay. Rob, could you help  
5 understand the difference -- well, from what I've  
6 seen over the past 15 years, there's been a major  
7 shift with a lot more genetics and PCR and so  
8 forth, that's helped the hatcheries produce a much  
9 more genetically diverse product than the old  
10 school of hatchery before, and we are essentially  
11 one fishery with a whole bunch of adds. And so I  
12 know in fishing law it's just a number of  
13 practices and things going on which really sort of  
14 leave themselves up to some new approaches to  
15 handle the hatchery trade for them, and I think,  
16 generally, with wild populations.

17 So to kind of, you know, share with the  
18 delisted how things used to be, how things are,  
19 and the way you think things are going relative to  
20 things that you recover with the wild populations.

21 MR. JONES: Okay. Well, in my opinion,  
22 the biggest change in the last 25 years has been

1       our recognition that a fish is not a fish. A fish  
2       in the Upper Columbia is not the same as a fish in  
3       the Lower Columbia or Puget Sound. To survive  
4       they need to follow all sorts of different  
5       character -- have different characteristics. And  
6       that brings us to genetics. It used to be before  
7       the listings that hatchery shared fish. You know,  
8       if hatchery in the Lower Columbia was short of  
9       fish, short of brood stock, they would put out the  
10      word, and whoever it is that have some extra fish,  
11      whether they be in Idaho or California, we would  
12      send them their way. So that sort of thing in  
13      large part had stopped, I know.

14                 We have genetic meeting protocols now,  
15      so that we just don't spawn one female, and then  
16      add every male and every big male to that, every  
17      big male to that bucket, in the hopes of producing  
18      big nets. That doesn't work very well. So there  
19      is a lot of work that has gone on to improve the  
20      genetic protocols in hatcheries in the last 15 or  
21      20 years. You know, they don't -- for stocks they  
22      use some proportion of local fish in their brood

1 stock to try and maintain the local integrity and  
2 characteristics of all those fish. So a lot of  
3 that has changed and it's better.

4 And it leaves us in a position where  
5 hatchery fish or similar then in some ways to  
6 natural origin fish, and it gives them a chance,  
7 if we need them to, to spawn in the wild, like  
8 Snake River sockeye and others, and hopefully add  
9 to the natural population, or bide its time, at  
10 least, until we fix what got us in -- yeah, John  
11 can --

12 SPEAKER: So I --

13 MR. JONES: I'm sorry, does that answer  
14 --

15 SPEAKER: Hold on.

16 MR. CORBIN: I have one other question.  
17 Are you guys participating in the National Fish  
18 Health Survey?

19 SPEAKER: Yeah. Yeah.

20 MR. JONES: We work really closely with  
21 the service.

22 MS. MORRIS: So you are trying to add to

1 the answer?

2 MR. BROWN: Yeah. I mean, there's  
3 couple of things, another thing we've learned is  
4 not every hatchery fish is the same, it depends on  
5 which species it comes from. I think, you know,  
6 Ken (phonetic) would say that, we've got coho,  
7 we've got all the different kinds of chinook, we  
8 have steelhead. There are differences there that  
9 also come into play as to what you can do under  
10 these (inaudible).

11 MR. JONES: Yeah. Under that, a chinook  
12 salmon that spawns a 6,500-foot elevation 900  
13 miles from the ocean in Idaho is a different  
14 animal than a chinook salmon that comes into the  
15 Lower Columbia and finds the first stream, and,  
16 you know, (inaudible) and spawns. So, you know,  
17 we are trying to maintain those characteristics  
18 for recovery, and the hatcheries are doing a lot  
19 better now.

20 MS. MORRIS: John?

21 MR. CORBIN: I'm not sure how to ask  
22 this exactly, but do you have an estimate of that

1 outcome if you reform these 331 hatchery programs  
2 or the impact on population, number of fish? I  
3 get that your restoring populations to certain  
4 screens. Is there more to it than that? In terms  
5 of an outcome, you know, I guess success for your  
6 program would be a fish is a viable population in  
7 a stream, in a location, but are there other  
8 measures that you would use for success besides  
9 that?

10 MR. JONES: Yeah. You know, we  
11 basically have two missions. One is conservation,  
12 you know, to protect and delist eventually,  
13 recover these fish. That's largely what we talk  
14 about, but, you know, we also have a sustainable  
15 fisheries mission, and most of these hatcheries  
16 are there for that purpose. We have a treaty  
17 trust obligation to Native American tribes, where  
18 we have overriding responsibility to make sure  
19 they can go fishing.

20 So those are considerations, too, and  
21 the word we would like to use is "harmonize." And  
22 so between the ESA and conservation, and between

1 sustainable fisheries and treaty trust, we are  
2 trying, on the other hand, to find solutions for  
3 hatcheries that kind of harmonize those different  
4 obligations in a way that we can defend.

5           And maybe just one point real quick,  
6 maybe I didn't emphasize enough. Now, our people  
7 may still think, I think, it's less now than it  
8 used to be, that all we had to do was show and  
9 issue them something on paper that said, hey, it's  
10 okay, they operate the hatchery and they sealed it  
11 from lawsuit, and they were okie-doke. And that's  
12 just not true, because what happens is that when  
13 we issue a decision then, like I said, we tie  
14 ourselves to the railroad tracks. We're the next  
15 entity in line for litigation, and if we lose, the  
16 same result occurs: The hatchery gets shut down.

17           So whether the hatchery loses when there  
18 is no ESA exemption or whether we lose because we  
19 didn't produce a defensible exemption, either way  
20 the outcome is the same: The hatchery suffers in  
21 the end and the people who depend on it. So, we  
22 have to get this right.

1 MS. MORRIS: Julie Bonney?

2 MS. BONNEY: So, I met with the staff  
3 that you had and the number that year in process.  
4 You said you could do about 55 a year, and that  
5 you added capacity for your staff, but based on  
6 that table, it looks like, to me, you are like 3  
7 or 4 years out and you would have all 331 through  
8 the process, for the plans. So, then are you kind  
9 of at the end of the -- you are in a good place in  
10 terms of workload and all that? I mean, have you  
11 filled capacity with the obligation, and then you  
12 can kind of relieve that stressful piece?

13 MR. JONES: I think in Puget Sound there  
14 are 104 programs, and we have a schedule that  
15 takes us out to 2018 for those. The Columbia  
16 River we are trying to fine-tune that still, so I  
17 can't tell you, but the United States v. Oregon  
18 agreement there are fisheries and hatcheries on  
19 the Columbia River set to expire at the end of  
20 2017. We would like to have our work largely done  
21 or at least well on the way by the time that  
22 happens, so we can fold out of this hatchery stuff

1       into that agreement.

2                   MS. BONNEY:  So, it sounds like, what,  
3       2020 you should have the bulk of the workload?

4                   MR. JONES:  I hope so.  I hope we could  
5       come back and ask somebody if they will.

6       (Laughter)  And just to clarify these are what we  
7       are working on.  We can do 55 of these, 134 here.  
8       We think we can finish about 55 in a year, so we  
9       are working on more than we can finish in a year.

10                  MS. MORRIS:  Dick?

11                  MR. BRAME:  But Julie asked the question  
12       I was going to ask about I figure it look like  
13       maybe three or four, five years from now you were  
14       done with the 331 that you had.  Are there new  
15       ones coming online?  Are there any planned  
16       hatcheries?  What happens at the end of that?  
17       Suppose you get all 331 hatchery programs and they  
18       were all good to go, what happens then?

19                  MR. JONES:  Some time ago, well, we  
20       looked ahead of that, and said, well, that's going  
21       to be nice, isn't it, when we don't have to do  
22       this anymore?  But then we learned that there are

1 new programs, there are changes to programs, there  
2 are programs where their coverage expires and they  
3 need new coverage. I mean, or there are effects  
4 changed, or we have another enlisted -- there are  
5 just a myriad of reasons why this is not going to  
6 disappear in the foreseeable future.

7 MR. BRAME: That's what I wanted to  
8 hear.

9 MR. JONES: In fact, it's so fluid I  
10 remember one of the things, we would send back  
11 reports to headquarters, you know, that table I  
12 showed earlier, 331 and 134, and all that.

13 MS. HAMILTON: It's different than  
14 everybody, yeah.

15 MR. JONES: And there would be a  
16 difference.

17 MS. HAMILTON: That was different than  
18 now, yeah.

19 MR. JONES: And the first question we  
20 did is what changed? You know, somebody decided  
21 to close the program or decided to change the  
22 program, you know, and so --

1                   MR. BRAME: So you become sort of a  
2 compliance Agency at that point? Inspecting  
3 screens and --

4                   MS. HAMILTON: I wanted to say something  
5 to that. There is also, as wild stocks recover,  
6 we might apply for a permit to start using wild  
7 stocks in the hatchery to improve it, so that  
8 would require new consultation, too.

9                   SPEAKER: Better genes.

10                  MS. HAMILTON: Better genes, yeah.

11                  MS. MORRIS: Oh, Pam?

12                  MS. YOCHER: This kind of follows on  
13 with the discussion right now. My hope would be  
14 that if resources are freed up because you are not  
15 doing as much litigation, you and the operators at  
16 the hatcheries, that perhaps that would free up  
17 funds that could then be used to address some of  
18 these reforms. You said the funding is hard to  
19 come by for that, so presumably if the National  
20 Fishery Service didn't have to hire 3 more people  
21 to fight, you know, or defend against litigation,  
22 they could have potentially used that funding to

1 write grants for their hatcheries to make some of  
2 these reforms. Is that correct or is there a hope  
3 that maybe by 2017, 2018, there will be an  
4 opportunity to do some of these industrial reforms  
5 that you mentioned earlier?

6 MR. JONES: Well, certainly, under the  
7 Mitchell Act, we had our funding stream, and for  
8 all the hatcheries, 63 of them as of now, that we  
9 find, you know, we are funding those reforms. But  
10 we also think that if in the case of Leavenworth  
11 National Fish Hatchery that's a fish and wildlife  
12 program funded by the Bureau of Reclamation for  
13 the construction of Grand Coulee Dam, that's their  
14 responsibility, not ours.

15 MS. MORRIS: Randy?

16 MR. FISHER: I kind of apologize. But  
17 can you tell, yeah, like whether their production  
18 levels will stay about the same?

19 MR. JONES: Well, whether production  
20 levels will stay the same, I mean, you have more  
21 predation, more competition, more gene flow with  
22 more production, so we try to find ways to reduce

1       those risks adequately. We start by trying to  
2       find ways to reduce the effects of existing  
3       production, and if we can't, if it can lead to --  
4       we can call for reduced production. So, in the  
5       case of steelhead, we reduced a couple of those  
6       programs even further into state because we just  
7       couldn't defend them at the size they were at.

8                 But one of the things we are doing, and  
9       Sandy is a good example, is in McKenzie. We said,  
10      okay, instead of always trying to be on the nice  
11      edge with production, what's in our consultation  
12      to identify our level of production that we are  
13      comfortable with, and then allow for increasing  
14      production over time? If they can show that, they  
15      are staying within the impacts we can defend. And  
16      that's what the Sandy allows for. It allows for  
17      them to increase production over time, if they can  
18      keep the index (phonetic) down.

19                So, you know, getting away from always  
20      managing on the knife's edge was a big step for  
21      us. And I think the managers are coming around to  
22      the conclusion that it makes sense and willing to

1 do that for the most part as long as they can show  
2 their --

3 MS. MORRIS: Okay. So this is the  
4 question from someone from Florida, nobody in the  
5 Columbia Basin would ask this question, because it  
6 would be so obvious to you, "How does an angler,  
7 either recreationally or commercially, know that  
8 the fish they are pulling out the water is a  
9 hatchery fish or a wild fish?"

10 SPEAKER: A great question.

11 MR. JONES: One of the things we require  
12 in the exemption process is tagging such that we  
13 can manage hatchery fish. Now, a hatchery opens  
14 the gates and releases all their juveniles.  
15 Traditionally, our job is done. You know, we can  
16 go home now and not worry about a thing. Those  
17 fish are yours until they go; when they come back,  
18 they are yours. They are your responsibility. So  
19 you have to have some way to track them, you have  
20 to have some way to identify them, and so we  
21 generally require as conditions some kind of  
22 marking program.

1                   So, you know, a lot of these programs  
2                   are fishery designed to support fisheries. We  
3                   usually require marking as some kind of end work,  
4                   and say, ah, you know, it's missing that fin in  
5                   the back that says hatchery fish, I can keep it,  
6                   or it's not, I've got to throw them back.

7                   MS. MORRIS: And are the markings unique  
8                   enough so that the angler knows which hatchery it  
9                   came from? Or is it just hatchery, non-hatchery?

10                  MR. JONES: Well, a subset of some  
11                  hatchery fish have a little what's called a coded  
12                  wire tag in it. It's smaller than a wire-size  
13                  piece of metal that's implanted in their nose, and  
14                  if you catch a fish that is missing that fin and  
15                  that says it's a hatchery fish, and you come to  
16                  the dock, and there's a checker there and they  
17                  have a wand, and they wand the nose, and they say,  
18                  ah, that fish -- it's a metal detector -- that  
19                  fish has got a little tag in its nose. They lop  
20                  off the head, they take the head back with them,  
21                  and they will -- actually I've done this. They  
22                  will send you something in the mail that says,

1 here's where that fish came from, here's what  
2 hatchery that fish was (inaudible).

3 SPEAKER: And if you get in trouble they  
4 send you to read the snouts if that's, you know,  
5 (inaudible). Sorry.

6 MS. HAMILTON: Do you mean like  
7 community service or something? (Laughter)

8 SPEAKER: Purgatory.

9 MR. JONES: Very excellent question.

10 MS. MORRIS: Okay. Any other questions  
11 or comments? John, do you want to say something?

12 MR. CORBIN: Well, I was just going to  
13 say as part of the technology, I think, from this  
14 line of questions, but I would think technology  
15 has improved. There is two genetics now. The  
16 genotype, the mom and the dad, at the hatchery,  
17 the technology exists that you can then determine,  
18 everybody out there who is involved in it. We  
19 don't do that anywhere.

20 SPEAKER: Frankly enough, I'll just say  
21 the Red Drum Hatchery in Texas, and they can tell  
22 you what tank that that fish was spawned in.

1 MR. CORBIN: Yeah.

2 SPEAKER: On what day with which  
3 parents.

4 MR. CORBIN: So it opens up monitoring  
5 that we can have.

6 SPEAKER: But it's not cheap.

7 MS. BONNEY: So I have one more question  
8 that's kind of off the wall.

9 SPEAKER: It's not cheap.

10 MS. BONNEY: So, I'm from Kodiak. I  
11 don't think you were here, and I work for the  
12 trawl industry, and we have chinook salmon caps on  
13 our fisheries that you cannot exceed. And we get  
14 a huge influx of hatchery-produced stuff in the  
15 Gulf of Alaska, so whatever happens in your region  
16 affects us hugely because of your -- the currents  
17 do better, you know, in terms of the number that  
18 survive or that bycatch reproduction went up.  
19 Then it's a little negative for the people that I  
20 work for, because their fishery gets shut down,  
21 because they hit the half.

22 I mean, have you thought about those

1 kinds of -- and thinking how it would affect the  
2 Pacific Coast, you know, fisheries as well? How  
3 do you balance the competing interests in terms of  
4 the hatchery production element that you are  
5 dealing with, and the effects on other wild stock  
6 fisheries?

7 MR. JONES: Mr. Turner?

8 MR. TURNER: The bycatch in the trawl  
9 fishery of chinook on the Pacific Coast, actually,  
10 is an issue because it exceeded the amount that  
11 was expected in the biological opinion for the  
12 ground fish fishery. So that consultation is  
13 being reinitiated, and we'll come back to that  
14 right now. It's actually up to the Pacific  
15 Council to decide how many chinook they want to  
16 allocate to the trawl fishery. And then we do a  
17 biological opinion to just say, that's jeopardy or  
18 not, so the issue about what's appropriate in the  
19 fishery is really one for the -- it's an  
20 allocation question really for the Council to  
21 wrestle with.

22 Once they've decided it, if we do a

1       consultation, that say it's reasonable or not, and  
2       away we go. We are working the Council right now  
3       on all those questions. What's the appropriate  
4       amount? Have you reduced as much as you can?  
5       What's the fishery look like? And how do we keep  
6       flexibility in the system? It's a civil council,  
7       and it's a big deal.

8                   MR. JONES: And, you know, we do  
9       consider what happens north of us. We were  
10      running a recovery plan, part of the effort of the  
11      Columbia. Part of the chinook from the Snake  
12      River and the Upper Columbia River actually are  
13      caught in Southeastern Alaska, in the Gulf. And  
14      we went to a meeting in Sitka a few years back to  
15      meet with fishermen. A couple other people showed  
16      up, went out in the boat. We heard -- my ears are  
17      still --

18                   SPEAKER: Ringing?

19                   SPEAKER: You were in Sitka, I know  
20      that's true.

21                   MS. HAMILTON: Can I just --

22                   MS. MORRIS: Mike, and then we'll come

1 back to you, Liz.

2 MR. OKONIEWSKI: Yeah. I think one  
3 difference, and correct me if I'm wrong, but we  
4 don't have a PSC fishery down here. So if they  
5 exceed a kind of a soft cap and make a move, if  
6 it's out on the whiting side, and I think  
7 naturally on the right fish, how that works, if  
8 they just could shut you out of some areas in the  
9 shut down period?

10 MR. TURNER: Well, if you are going to  
11 do what the ESA does, it's a kind of a  
12 reactionary. Indeed, our role under the  
13 Endangered Species Act is to react to what  
14 somebody else is asking to do. So in this case  
15 the Council would be describing some fishery,  
16 whether it's to move up rockfish or however they  
17 wanted to design the fishery and then we would say  
18 thumbs up or thumbs down.

19 MR. OKONIEWSKI: But in the case it's  
20 the Gulf, if you are not familiar, they actually  
21 shut the fishery down and put 1,700 people out of  
22 work for 3 to 4 months.

1 MS. HAMILTON: Yeah. We've got you down  
2 on 2,700 fish.

3 MR. TURNER: And was that because of the  
4 ESA or because of the (inaudible)?

5 MS. HAMILTON: No. It was basically a  
6 Council regulation, so actually we are under the  
7 allowable take. I think the allowable take for  
8 all trawl fisheries is 40,000?

9 SPEAKER: Yes.

10 MS. HAMILTON: And they built silos and  
11 so one silo hit the cap and so that fishery got  
12 shut down.

13 MS. MORRIS: Mike has a follow-up.

14 MR. OKONIEWSKI: Well, sort of. My  
15 original question actually.

16 SPEAKER: A follow-up to the original  
17 question.

18 MR. OKONIEWSKI: It's a good segue into  
19 the bycatch. I guess before HGMP came on, were  
20 there ever any cases where you just release fish  
21 into a barren river, hatchery and whatever fish?  
22 Just did they survive or did that ever happen? Or

1 is it part of any program at any time in the past?

2 MR. JONES: I think there are lots of  
3 examples for you to (inaudible). It's interesting  
4 because when you look at the literature, and if  
5 you take a salmon and put it somewhere where  
6 salmon don't normally exist, they sometimes do  
7 really good: The Great Lakes, Peru, and Chile,  
8 places like that. But if you put a Puget Sound  
9 salmon in the Columbia River, they don't do very  
10 well. So, yeah, fish are really highly adaptive  
11 for their environment. If there's a niche, you  
12 know, I'll take advantage of it, but if that niche  
13 is failing, they don't do so well.

14 MS. MORRIS: Liz?

15 MS. HAMILTON: I just wanted to maybe  
16 point out to folks, and we are talking about  
17 Columbia Basin salmon, I think it's about 200  
18 million the last release in the Columbia Basin,  
19 but there are also 200 major dams. And so a lot  
20 of these facilities were built to mitigate for  
21 what would be known to be devastating lost  
22 fisheries. So we've got to make this work, you

1 know, legally and biologically, but also remember  
2 the mitigation aspects that most of these  
3 facilities are meant to cover. Perhaps the dams  
4 have that language built right into their  
5 authorizing language.

6 MS. MORRIS: Dick?

7 MR. BRAME: I don't mean to put you on  
8 the spot, but -- (Laughter)

9 SPEAKER: You are going to do it, right?

10 MR. BRAME: Absolutely. I do.

11 SPEAKER: He can handle it.

12 MR. BRAME: How do you see if -- and  
13 perhaps there is no answer, but how would you see  
14 MAFAC helping you in this process? What can we do  
15 to help? We are from the government, and we are  
16 here. (Laughter)

17 MR. TURNER: I have an answer.

18 MR. JONES: Please.

19 MR. TURNER: I was creeping to give it  
20 and then you did, Rob, which is to support the  
21 notion that the permits that we issue, the reviews  
22 that we do under the ESA are science driven.

1 We've gone through an interim phase where, as Rob  
2 said, the operators just wanted their program.  
3 And so they would give us a lousy piece of paper  
4 and they would just ask us to turn it around  
5 overnight, and they'd get a little certificate  
6 with gold border and think that everything was  
7 okay.

8           And I think the operators, the people  
9 who are sort of playing the inside game, now  
10 recognize that that just doesn't work, because you  
11 are going to lose the lawsuit on the frontend, and  
12 we issue you a bad permit on the backend, but we  
13 are going to lawsuit right back where they were.  
14 And I will have to write a check for attorneys'  
15 fees and she gets really tired of doing that, like  
16 that is the second one.

17           So, the good permit is our goal  
18 supported by science. The more that the  
19 constituencies that support hatcheries can embrace  
20 that, that there it is, and the easier it is for  
21 the operators as well as everyone else that you're  
22 talking to who might have a 20002 ZIP Code.

1                   SPEAKER: But you don't like this group  
2 to evaluate your science, so they are like the  
3 national academies do that. There's just not a  
4 whole lot of scientific expertise here.

5                   MR. TURNER: No, no, no. I'm suggesting  
6 that you adopt strong policy position that the  
7 permits be supported by good science. We're  
8 confident in our science.

9                   SPEAKER: Okay.

10                  MR. TURNER: But when we asked for that  
11 from operators, they sometimes are kind of rolling  
12 their eyes saying, well, can't you just give me  
13 this permit, because I'm really going to need it?  
14 Yeah, so it's embracing from a policy perspective  
15 that the work we do be supported by (inaudible).

16                  MS. MORRIS: And it sounds like you are  
17 trying to change decades-old culture of hatchery  
18 work, right?

19                  MR. TURNER: That's right.

20                  MS. MORRIS: So you've got the people  
21 who have been doing the same thing for decades,  
22 and it's always been okay in the past, and now

1       it's not okay and it's really hard to get the  
2       social part changing, the culture change. Yeah.

3               MR. TURNER: And it's expensive.

4               MS. MORRIS: Yes.

5               MS. SOBECK: And it's expensive. I  
6       guess, Dick, that's what I would say, is that  
7       maybe there's not anything specific that MAFAC  
8       should do with respect to these new reviews and  
9       our consultations, but especially as you guys kind  
10      of move into the task force that you just agreed  
11      to this morning. Kind of having this  
12      understanding that Patrick does play a huge part  
13      in the system, and that we are taking a hard look  
14      at hatcheries and trying to move them in the right  
15      direction is a useful piece of information to have  
16      in that whole mosaic of what's going on in the --  
17      this one, if nothing else. That would be  
18      important, if that's the only thing you got out of  
19      this conversation.

20              MS. BONNEY: It would seem, though, to  
21      me that it's science-driven, but it's also  
22      process-driven to meet those requirements, right,

1 in terms of being able to dot the I and cross the  
2 T. And the other is you've been able to secure  
3 funding to build capacity, which I think is a key  
4 component as well. So, I mean, maybe we could  
5 just give you kudos for realigning the process and  
6 starting to win in court and keep the hatchery  
7 operation in compliance, but underscoring the  
8 science-driven, process-driven, and making the  
9 dollars available as it builds to capacity.

10 SPEAKER: There you go.

11 MS. MORRIS: So, can Julie and Dick just  
12 like write that up, and bring it back to us on  
13 Wednesday when we have our reports, and we'll vote  
14 on it? Does that sound like something we could  
15 do? Is that a good idea? Do people think we  
16 should do that? Any objection to that moving  
17 forward? Great.

18 MR. BRAME: I mean, the only other thing  
19 I had thought of, and this is, you know, just a  
20 dumb guy from Eastern North Carolina, what are  
21 salmon? (Laughter)

22 SPEAKER: We talked about that.

1                   MR. BRAME: The only other thing I could  
2 think of, and this is a stretch, is there some  
3 pool of talent or a group of people or a group of  
4 experts that could help in this process that we  
5 could call together maybe? I mean, you all are  
6 probably the experts on this. I don't know. It's  
7 the only other thing I could think of, something  
8 along this line.

9                   MR. JONES: Well, I'm sorry I'm laughing  
10 because there's been, you know, since, gosh, early  
11 1990s, the National Academy on the hatchery side.  
12 There's been at least three signs for new groups  
13 that Congress fund to come in and make  
14 recommendations. So, yeah, we've had a lot of  
15 that. And I'm not saying that, you know, the  
16 science is evolving or learning, and we can never,  
17 will never, however, end. But I'm not sure that  
18 we want to invest in another one of those just  
19 yet.

20                   MR. BRAME: Okay.

21                   MS. HAMILTON: Do you have team workload  
22 or -- are you asking about workload or were you

1 asking expertise?

2 MR. BRAME: Yes, yes.

3 MR. JONES: You asked about our  
4 capacity?

5 MR. BRAME: No. I was asking about  
6 creating a task force or something that would help  
7 them and -- that could help them. Surely they  
8 need more. I mean, this is clearly a case, if we  
9 could bring more dollars, I think we'd go faster.

10 MR. JONES: You know, I sometimes have a  
11 hard time showing my face in front of the state  
12 agencies because we've stolen so many of their  
13 people. I mean, our staff is comprised almost  
14 entirely of geneticists, fishery biologists,  
15 population ecologists, and others from the best  
16 that we've been able to steal from the states.  
17 And so cool, we are good.

18 SPEAKER: Another conference.

19 MR. MORRIS: Any other comments on this  
20 interesting topic that we've just spent the last  
21 hour on? It's been really -- I think it's been  
22 great. Thank you so much for being here.

1 MR. JONES: My pleasure.

2 MS. MORRIS: Okay. So, if there's no  
3 objection, we'll take our break now, and then  
4 we'll come back and work on drafting out some  
5 comments that we might make about the National  
6 Bycatch Reduction Strategy. And people will want  
7 to take their laptops.

8 SPEAKER: Yeah. That's right.

9 (Recess)

10 MS. MORRIS: Okay. So do you want to  
11 hear about the No Host --

12 SPEAKER: Of course.

13 MS. MORRIS: -- now or at the end of the  
14 bycatch discussion?

15 SPEAKER: It's incentive.

16 SPEAKER: Do you want to hear about it  
17 now?

18 SPEAKER: We'll give you the secret map.

19 SPEAKER: You tell us now, we're going  
20 out.

21 SPEAKER: We'll wait, Julie.

22 MS. MORRIS: Okay. We'll wait till the

1 end.

2 SPEAKER: The troublemaker down at the  
3 end just queered it for us.

4 MS. MORRIS: Okay. So, Mike and I have  
5 been, like, coming up with the process just in the  
6 nick of time here. And do you want to explain it  
7 or should I?

8 MR. OKONIEWSKI: Well, first off, I  
9 didn't know I was this thing until a few days ago,  
10 and I think Julie Bonney volunteered me, so. But  
11 bycatch is near and dear to my heart, saying that  
12 somewhat sarcastically. Personally, I had some  
13 major events and fishing events anyway curtailed  
14 by bycatch and so from the commercial side, I've  
15 been involved in it. And recently we had the Port  
16 of Kodiak when it was shut down for trawl fishing  
17 last year, I believe, right. And did that cost,  
18 Julie, \$24 million or something in there?

19 SPEAKER: Eleven. (Laughter)

20 MR. OKONIEWSKI: So it was substantial  
21 for 9,000 (phonetic) people. So these things have  
22 deep impacts commercially as well as on

1 businesses. And our company pays a lot of  
2 attention to it, we have quota on the West Coast,  
3 some, and quite a bit in Canada. They don't have  
4 quite the same issues out there, but they do have  
5 times when you run into you are over your quota on  
6 certain things. Our premiere whiting boat last  
7 year hit a canary (phonetic) whiting round, put  
8 himself over. If the ACL weather remained the  
9 same, that canary would have been out of the water  
10 for four years.

11 And that's our best boat, and the guy  
12 just put like \$1 million or \$2 million in the  
13 vessel. So, he was a little perplexed when that  
14 happened. So these things do have impact as far  
15 as monetary. Obviously I'm just bringing that up,  
16 because that's my personalized view of it, so what  
17 I'm looking at today is Draft National Bycatch  
18 Reduction Strategy. I went back on MSA and  
19 attempted to figure out where it is -- why NMFS is  
20 doing this. It's pretty apparent this reading of  
21 NMFS is this is a good outcome, a good way to  
22 tackle, and that 316 section on the reengineering,

1 and also on the national standards themselves.

2           There's strong language in there, and  
3 doesn't suggest mandates and if you are going to  
4 reduce bycatch. However, there's also language in  
5 the national standards, and I'm just going to  
6 bring this up now and get it out of the way. As  
7 far as economic objectives, and it does say reduce  
8 bycatch to the extent practicable, and the  
9 national standards, to me that's a balancing act.  
10 It's an equilibrium where there's economic goals  
11 and there's conservations goals, and I'll throw a  
12 bycatch in that basket.

13           But knowing also that if you don't have  
14 reduction of bycatch in certain fisheries, the  
15 economic events that get triggered out of that can  
16 be devastating as well. So, again, it's somewhat  
17 of a balancing act. To me the ACL for bycatch  
18 species one by one that they allow after it's gone  
19 to the different sectors involved in -- going  
20 through an allocation process, that should be the  
21 hard line in the sand, as far, not exceeding,  
22 especially on overfished species or PSC species,

1 prohibited species that you don't want to cross  
2 when it's pretty evident.

3 But on the other hand, it's somewhat of  
4 a funding mechanism, if you will, to catch target  
5 species. And you say, well, how is that possible?  
6 And one counters the other, because you are  
7 funding your target species with the use of  
8 bycatch. In some cases, like the Bering Sea --  
9 Julie, what's that fishery worth?

10 MS. BONNEY: We've got one --

11 MR. OKONIEWSKI: \$0.75 billion maybe?

12 MS. MORRIS: Yeah, at \$3 million?

13 MR. OKONIEWSKI: So it's pretty  
14 important that we have some amount of funding  
15 material to support those fisheries. But from the  
16 conversation side there is no question that we  
17 need to get better I think as fishermen anyway,  
18 and I'm just speaking the fish side of it right  
19 now, in terms of how we endeavor to reduce  
20 bycatch. And I think that is a goal we just have  
21 to own up to, and I think it's, cooperatively or  
22 collaboratively we can do a much better job.

1                   What I've seen in the outline, and I've  
2                   read it several times, is I support if not all the  
3                   goals in there, certainly I can see where they are  
4                   logically -- an outcome of them of MSA. However,  
5                   I do think that from my perspective, I would like  
6                   to see some mention of the importance of bycatch  
7                   to support fisheries, relying on that bycatch as  
8                   target fishes. It's a balancing act once again,  
9                   but it really does not mean that it would include  
10                  the reduction of bycatch as a goal.

11                  If you have an ACL, and you are allowed  
12                  a certain amount, then I'm not -- yes, we want to  
13                  stand to that number, but, on the other hand, I  
14                  think we have to work a little bit harder, and not  
15                  leaving the economics behind in this whole  
16                  process. So, with that, I ask that possibly we go  
17                  through this draft and we deal with a little more  
18                  detail than I think the overview of the  
19                  PowerPoint, the two heads up here, Eileen.

20                  And in particular there's I think six  
21                  objectives. At the end there's one goal and six  
22                  objectives, if I remember right. And I think we

1 would need to at least look at that, and since  
2 this is crossing over, what, three subcommittees,  
3 possibly?

4 MS. MORRIS: Maybe it's three.

5 MR. OKONIEWSKI: Maybe more. I want to  
6 make sure that whatever we do would be  
7 representative of everybody's input from those  
8 perspectives of the subcommittees what protected  
9 species are or what have you. I found it really  
10 interesting going through here, because there's so  
11 much, I think, in terms of fish, but the seabirds  
12 or marine mammals or everything under the sun  
13 literally that, you know, can be considered  
14 bycatch. I think it's a very complex subject.

15 Julie, do you want to kind of mention  
16 what we were talking about as far as possibly a  
17 process to get to our final comments?

18 MS. MORRIS: Yeah. We thought we would  
19 spend this time sort of getting a range of things  
20 that might compose a comment, and not filtering  
21 that too much right now, just getting everybody's  
22 ideas out and recorded. And that we might try to

1       organize that and bring it back to you on  
2       Wednesday afternoon, but not in the terms of a  
3       motion that MAFAC would pass at that moment. That  
4       we would look at it, the iteration of it again on  
5       Wednesday afternoon, and then after the meeting,  
6       Mike and I would volunteer to take where we ended  
7       up Wednesday afternoon and form a sort of  
8       succinct, written statement that could be put in a  
9       letter and then circulated to everybody for a  
10      final review, and have a conference call or  
11      whatever mechanism needed to be adopted before the  
12      June 6th deadline. Is that right?

13                 MR. OKONIEWSKI: Third.

14                 MS. MORRIS: I mean, third. We are down  
15      from 12 to 6 -- it's actually the 3rd, okay. So,  
16      that was the process we were thinking of. Heidi?

17                 MS. LOVETT: It would be good to choose  
18      that now before you depart.

19                 MS. MORRIS: Yeah.

20                 MS. LOVETT: And so that when you have  
21      that conference call, it's time to notice it  
22      officially and it's all in the calendars.

1                   MR. OKONIEWSKI: I'm sorry. The date,  
2                   certainly we have to have this done by what was  
3                   the --

4                   MS. MORRIS: June 3rd.

5                   MR. OKONIEWSKI: June 3rd?

6                   MS. MORRIS: Yeah.

7                   MR. OKONIEWSKI: That's the time?

8                   SPEAKER: Yes.

9                   MR. OKONIEWSKI: Unless there's any  
10                  objection I think that -- Julie and I kind of  
11                  thought that would occur.

12                  MS. MORRIS: Yeah. We weren't caught --  
13                  Wednesday morning or afternoon we could have  
14                  something ready for us to vote on. But we thought  
15                  we could take two steps in that direction before  
16                  mid-afternoon on Wednesday.

17                  MR. OKONIEWSKI: Does that sound  
18                  reasonable? So, I guess at that point maybe we  
19                  could just go through this and there's one thing  
20                  in here that I believe is a little more detail,  
21                  and it's they are talking about economic and  
22                  regulatory discards and other things. I don't

1 know how much we want to get into that, but I  
2 think the discard, let's talk about a little bit  
3 before. Is there any thoughts, I guess, as to --  
4 if we should give more discussion on that point?

5 MS. MORRIS: Heidi, can you merge it  
6 just one -- see if you can re-margin and still fit  
7 on a page. That's a little better, thank you.

8 MS. BONNEY: So I guess, Mike, I'm  
9 trying to understand the demands. To me bycatch  
10 is protected (phonetic) species, it's the  
11 discards, it's both in terms of redefining  
12 economics. So I'm thinking the strategy covers  
13 all of those issues that you are saying the  
14 economic and regulatory discards?

15 MR. OKONIEWSKI: I probably stepped  
16 ahead of myself. The part on the economics to me,  
17 I believe at least on my side, they'd like to see  
18 a sentence in there that there needs to be an  
19 achieved balance of economic goals and  
20 conservation goals, or reduction of bycatch. Just  
21 if you go all one to reduce bycatch, the best way  
22 to do that ultimately is just not having any fish.

1 I mean, that's one solution. Not practicable,  
2 though.

3 So where does practicable stop I guess?  
4 And I don't know that we need to get into the  
5 weeds on what that means, but it prescribed it as,  
6 I believe, under one as to accept practicable  
7 reduced bycatches. No, that's (inaudible), but  
8 the point being is there's the balancing act  
9 between the economic objectives and getting the  
10 species out of the water and at same time reducing  
11 bycatch. That's a tricky one, because the other  
12 extreme is you don't reduce bycatch and you just  
13 go and catch whatever comes in the matter, in the  
14 hook and line and whatever it is.

15 And between those two extremes you get  
16 to find that center point, that balance point in  
17 my mind, and the bycatch reduction itself is --  
18 I'm not arguing the point, That's what we are here  
19 to talk about. But on the other hand, in a way,  
20 that's what I said earlier, it supports the  
21 fishing that does take place, the targeted  
22 fishing. So, its limitations on how much take you

1 can have, but the important limitations as to  
2 effective removal of fish, to take the species out  
3 of the water? Does that kind of make sense?

4 SPEAKER: Yes.

5 MR. OKONIEWSKI: So if we could get some  
6 minimalistic statement on that in there, which I  
7 believe we can, then I would like to do something  
8 like that.

9 MS. BEIDEMAN: I don't know if this is  
10 to your point at all, but with regard to economic  
11 discards, my fishery mostly that I've been  
12 familiar with has had issues with regulatory  
13 discards, but there are economic discards. And  
14 the only thing I want to bring is although it's  
15 covered by MSA as an economic discard, there  
16 appears to be a global push to want to eliminate  
17 discarding, period, which would mean retaining  
18 everything, okay, even if you really didn't have a  
19 market for it. I mean, and we have a little bit  
20 of instance, similar instances in our fishery,  
21 where they are required to keep fins on certain  
22 animals.

1                   Well, what happens with that is  
2                   dumpsters are filled with fins at the dock. You  
3                   know, sea gulls and trash companies probably love  
4                   it, but, you know, we have red fish, fresh fish  
5                   boats. We don't have endless space, so if we were  
6                   required, which is it's being pushed in other  
7                   areas of the globe, to retain everything, you  
8                   know, and we wouldn't necessarily be able to cut  
9                   (phonetic). So I know that's not exactly the same  
10                  as what you are talking about, but I have some  
11                  concerns where this seems to be a movement to  
12                  eliminate discarding of all sorts.

13                  MS. BONNEY: First of all, I'm going to  
14                  make this specific. I'm looking at first what is  
15                  bycatch, and so if it goes through and it talks  
16                  about -- because bycatch is different under each  
17                  of the -- and so when you are talking about  
18                  Magnusson, if you are -- and fishing aside, it's  
19                  all about the extent practical? And while you go  
20                  through and you define what it is under the  
21                  Magnusson, you look at the phrase that everybody  
22                  centers on. So I think under this definition,

1 under the Magnusson bycatches defined as fish  
2 harvested, obviously, I think you should include  
3 to the extent practicable, under what the  
4 Magnusson provisions are versus leaving that.

5 Then it kind of goes to Terri's comment  
6 about the portion of the international full  
7 retention of everything because there is the  
8 possibility there in terms of practical bycatch,  
9 so that kind of goes to that issue. I guess the  
10 other thing is, and I don't know how, and I'm  
11 circling to someone else's comment that was how  
12 much progress we've made in terms of bycatch, and  
13 it kind of goes to Mike's issue of economics.

14 So it's like anything you can get,  
15 anything, 85 percent obviously to the bell-shaped  
16 curve, and you can get 85 percent of improvement,  
17 you know, of \$10 and the last 15 percent of  
18 improvement is going to cost you \$100 million,  
19 right. And so whether there's some way of  
20 prefacing this about the progress that's been made  
21 up to this point, and then going on to the  
22 strategies for the future so that we can at least

1 give ourselves credit and a pat on the back and  
2 talk about the tradeoffs that you do with reducing  
3 bycatch in terms of the economics, which I think  
4 is where Mike was commenting on.

5           And I can keep going, I have some other  
6 thoughts, but if we wanted to go to the second  
7 page, which is subject to -- when you are talking  
8 about -- where was it? Area closures, where was  
9 that? It talks about time and area closures, it's  
10 on page 2. And in my mind that's old school in  
11 terms of dealing with bycatch. And so in the  
12 North Pacific, they've put in closure areas that  
13 have been in place for 30 years, and now they are  
14 going back and they are reassessing those to  
15 decide whether they are appropriate because of  
16 ecosystem changes, climate change, stock,  
17 distribution, and so to tote that as a good way to  
18 reduce bycatch. I would argue that's old school,  
19 and then actually as regulated we need to revisit  
20 those closures to decide if they are appropriate  
21 today or something else makes more sense. So,  
22 I'll shut up now.

1                   MS. MORRIS: So you need me to call on  
2 people or do you want to call on people? Because  
3 Erika and Ted both want to make comments.

4                   MR. OKONIEWSKI: Just, could I comment  
5 back to her a little bit?

6                   MS. MORRIS: Okay.

7                   MR. OKONIEWSKI: A little bit of a  
8 follow-up. Are you suggesting a review of those  
9 closures or not having any closures at all? Or  
10 what's old school and what's new school?

11                  MS. BONNEY: Well, I think they need to  
12 revisit time and area closures to see if they're  
13 meeting bycatch goals and objectives.

14                  MR. OKONIEWSKI: Just, for example,  
15 we've got yelloweye rockfish, which is the most  
16 freshest one we have probably except for Cal cod  
17 (phonetic). On the West those don't seem to go  
18 very far from some rocky areas, and I think most  
19 of the fishermen are coming to the conclusion it's  
20 better just to stay out of them. They don't mind  
21 seeing them closed, but they are going through a  
22 review process again, and I think those periodic

1 reviews are probably something that could be on  
2 there we could mention. But we are still in --

3 MS. BONNEY: So the example in the North  
4 Pacific as they have it, areas that are closed for  
5 king crab, and then finding that actually the  
6 bycatch is lower in the box than outside of the  
7 box, because some of the other fishermen can be in  
8 there. And you have CDQ versus non-CDQ and it  
9 accesses the difference. So I think it's a review  
10 process, like you suggested, to revisit those  
11 things versus saying that they are perfect now and  
12 they shouldn't change.

13 MS. MORRIS: Erika, you are next.

14 MS. FELLER: I want to go back to what  
15 I'm thinking of as kind of the definitions issue  
16 up front. I mean, what kind of strikes me is like  
17 the case that Mike gave on the West Coast before  
18 you have like yelloweye rockfish and canary  
19 rockfish, all those guys have rebuilding plans and  
20 ACLs. And I don't love the idea of killing those  
21 animals and abusing them. I'm not really that  
22 perturbed by it, because I know that that harvest

1 is not deterred, there are limits. We kind of  
2 know what the boundaries are. There is a currency  
3 -- I mean it creates a currency for dealing with  
4 the returning stocks.

5           But then, on the other hand, you have a  
6 lot of animals out there that have not been  
7 determined as to why conservation and management  
8 -- there is no fishery management plan, there is  
9 no stock assessment. We don't know what that  
10 catch limit is. And a lot of times that worries  
11 me more, and I think that's a separate problem  
12 from trying to reduce discard and waste to trying  
13 to address something which may or may not be like  
14 a population level impact on the species that's  
15 just simply not documented because we don't manage  
16 those species.

17           You know, they are not that interesting  
18 to us. And so, you know, this seems to kind of be  
19 a lot of very different problems under one head.  
20 Do you know what I mean? Like what Terry was  
21 describing with sharks. You know, if there's a  
22 catch limit, well, I mean years, there's a whole

1 '70s (phonetic) issues kind of about shark  
2 finning, but is there a catch limit for sharks?  
3 Are we actually monitoring that mortality? Is  
4 this something that's actually being managed? Or  
5 is there a whole bunch of mortality that just  
6 nobody is paying any attention to?

7 And I kind of wonder if there's some way  
8 to kind of characterize this to sort of describe  
9 those different aspects to it. Because I think  
10 what managers are going to have to do in each  
11 list, the cases are just going to be willing to  
12 different.

13 MS. MORRIS: Ted and Terri, then Harlon,  
14 and then Julie. Go ahead, Ted.

15 MR. AMES: Well, part of the solution to  
16 a problem like this is what can industry do? And  
17 there's been an effort, I understand, with co-ops  
18 communicating to the rest of the fleet areas where  
19 they are encountering bycatch. Is that not  
20 working well? Or is there -- it cannot be refined  
21 to better address the problem?

22 MS. BONNEY: Can I answer that question?

1       So, in the Bering Sea, Heather knows this, too,  
2       but they have what they call rolling hot spots.  
3       So basically the fleet is being managed through  
4       communication, and bycatch is happening on the  
5       ground. And so because salmon move and they have  
6       tails, they originally had static closures, and  
7       they found over time, that those static closures  
8       actually increase the bycatch. And so they  
9       removed all of the closures, and have a  
10       requirement that they have this rolling hot spot  
11       movement in place to reduce the same bycatch.

12                So it just proves that the old school  
13       map that I've just made a box close the area  
14       actually was increasing bycatch, and so they found  
15       it was better to give flexible tools to the  
16       industry to manage their bycatch versus the staff  
17       closures.

18                MS. MORRIS: Thank you.

19                MS. BONNEY: Does that help?

20                SPEAKER: It helps, yeah.

21                MS. MORRIS: Terri? Oops, sorry, back  
22       to you, Mike.

1                   MR. OKONIEWSKI: For the whiting side we  
2           have a risk pool co-op on the shore side, for  
3           example, and we do have somewhat of a similar  
4           situation, where we have hot spots where you  
5           declare and then offshore they've actually got a  
6           full-fledged co-op throughout, in the mother  
7           ships, for example. CPs are a little -- their  
8           catching process seems a little bit different, but  
9           they have codes of conduct. They have to move --  
10          you know, they have cooperative agreements, and  
11          it's hardcore, you know, if there's a problem area  
12          and they get out.

13                    So timing and geography, those two  
14          things, and a constant play. I mean, they are  
15          getting advice every day, even trip-by-trip, you  
16          know, when the skippers are calling and saying,  
17          you know, stay out of this area.

18                   MR. AMES: Can I ask, is there some way  
19          that you can quantify that? If, for example,  
20          where several boats in the fleet are operating  
21          close to that area that would go there, could you  
22          quantify the amount of bycatch that you are saving

1 by this methodology?

2 MS. BONNEY: They have actually done  
3 that in the Bering Sea for salmon, where they can  
4 basically look at rates affected in that area  
5 versus outside of that area. But I don't know  
6 what those numbers are, but tens of thousands I'd  
7 imagine.

8 MR. AMES: And that's a plus.

9 MS. MORRIS: So, just let me say that  
10 these risk pools and cooperatives, I don't know if  
11 rolling hot spots is in the strategies, but the  
12 strategies are promoting these kinds of things.  
13 They do have area closures in there as well, which  
14 is what you are objecting to.

15 MS. BONNEY: But it makes it sound as if  
16 it's permanent. Any permanent closure is a bad  
17 idea in my mind, because time changes, it's giving  
18 tools versus --

19 MS. MORRIS: Right. So let's move tools  
20 and reviews, we'll include -- if that can be  
21 included. Okay. So, Mike wants to talk again,  
22 but Terri is next. Can you wait?

1                   MR. OKONIEWSKI: Well, it's on the  
2 co-op?

3                   MS. MORRIS: Okay. Go ahead.

4                   MR. OKONIEWSKI: The way it's a better  
5 mousetrap. One reason why it is a better  
6 mousetrap, what they are doing in the industry is  
7 they know they've got X-amount in their account to  
8 fund -- the currency and to fund the fishery,  
9 right, of bycatch. So they've got a hard  
10 agreement that when it looks risky, they want to  
11 stay risk averse as a co- op because it can damage  
12 the entire co-op. So what they'll do is, it's  
13 instantaneous that they can draw and just get out  
14 of that area.

15                   They'll move. Whereas if they were  
16 using hot spots as created by NOAA, the reason I  
17 think they like the walking on the place is  
18 because they don't have the ability or flexibility  
19 to go back to NOAA level, and actually change  
20 those day-to-day or hour-to-hour, or have -- and  
21 that's where I think the cooperative type approach  
22 is much more efficient and it's much more

1 effective than having just the hard closures, by  
2 NOAA Fisheries.

3 In some cases you can do it, but other  
4 cases where you've got fishery moving around a  
5 lot, salmon, for example, versus rockfish, one  
6 might be a better strategy in one area for one  
7 species, and the cooperation approach might be  
8 better for another species like salmon.

9 MS. MORRIS: Terri?

10 MS. BEIDEMAN: Okay. To the extent  
11 practicable, with regard to these primary  
12 closures, in the fisheries that I'm familiar with  
13 we've had a static series of static closures, or  
14 may have the lock-down tight since 2000. We are  
15 no longer allowed to use J hooks in our fishery.  
16 We are supposed to use circle hooks as we know  
17 they do great things for turtles. But we've been  
18 unallowed to try to see what kind of catches we  
19 would have in those areas that have been closed,  
20 and they were closed, primarily, not that we  
21 didn't catch anything else, but that they were  
22 primarily closed for juvenile swordfish.

1                   Swordfish in the Atlantic is fully  
2 rebuilt. And I'm not saying that we should be  
3 killing all the juveniles, but they need to  
4 protect the juveniles that these boxes were closed  
5 in 2000 and is minimal. So we have requested  
6 numerous times, please, let us go in and fish.  
7 We'll take 100 percent observers while we fish in  
8 there to gather the data, because that's what they  
9 say, we have no data to open them up.

10                   I think there should be a review  
11 process, whether it's outdated or not, you should  
12 try to gather it. And if you don't have it, you  
13 should at least review it. The time area of  
14 closures have slowly but surely, you know, pushed  
15 a whole load of people, the whole East Coast of  
16 Florida, when the fleet fishery went out of  
17 business, you know, and some people were really  
18 happy that happened, but, you know, we can't catch  
19 our swordfish quota because of it. And we are  
20 going to lose our swordfish quota, it might not be  
21 this year, it might be.

22                   But every single bit of conservation,

1       you know, is by keeping Americans holding on to  
2       that quota, because we care about billfish and  
3       turtles and mammals, and all that stuff. And when  
4       we lose quota to other countries because we shut  
5       our own fisheries down, and don't give them an  
6       opportunity to survive, then we are working  
7       against conservation of these species because the  
8       other countries, eat turtles, mammals, and  
9       billfish, and everything else.

10                So, I said it, I'll try not to say it  
11       again, but I can't promise. Those areas were  
12       closed on the basis that the gear, we are not even  
13       allowed do use them, we haven't been able to even  
14       try, because the interpretation of the extent  
15       practicable has been our guess to the extent  
16       possible. And I believe that sounds to me like if  
17       there's one more billfish caught in a box, then  
18       they are not allowed to open it up. But what's  
19       happened is we are being pushed out into areas  
20       where we don't want to go fishing, because we are  
21       not going to catch swordfish and tuna there. But  
22       it's what's open, so the boats that are left are

1       trying to fish out there, they are catching all  
2       kinds of stuff nobody wants us to catch, because  
3       we've been pushed.

4               MS. MORRIS:   Okay.  So that point has  
5       been made by several people.

6               MS. BEIDEMAN:  Yes.

7               MS. MORRIS:  We don't need to make that  
8       point anymore in this discussion this afternoon.

9               MS. BEIDEMAN:  Okay.  All right, but I  
10      have --

11              MR. SHELLEY:  I think to her point, part  
12      of the reason that the Agency could be looking at  
13      this seriously is that they are engaged in that  
14      whole sensing of the ocean and sensing the  
15      ecosystem, and you can learn a lot, Terri is  
16      talking about with the fishermen, you know,  
17      knowing what's happening in the ocean  
18      temperature-wise, salinity-wise, and coral-wise.  
19      It's all moving, right?

20              MS. BEIDEMAN:  Right.  Well, and not  
21      only the fact that these are fish with tails that  
22      swim all along the whole ocean, we are not talking

1 clams and scallops and things, that kind of hang  
2 around the same place. But I think what I wanted  
3 to kind of point to in the first place is look at  
4 the report that came out of this, not this draft  
5 but the actual report, striking to me, that there  
6 are so few fisheries that have the level of detail  
7 to provide the information to compare, you know,  
8 reductions in bycatch.

9           You know, our particular fishery, and  
10 I'm involved in a lot, is one of those. So we, of  
11 course can highlight it because we're one of the  
12 few that has all the data. You know, by fish, by  
13 number of pounds, by weight, that can do, you  
14 know, all kinds of mathematics on it, present all  
15 kinds of graphs, but where is everybody else? So  
16 your first topic circle there has to do with data  
17 collection. And in my opinion, there are a lot of  
18 fisheries apparently they are not providing  
19 sufficient information to gather this kind of  
20 data.

21           So, I'm going to say that that -- it  
22 sounds like some of the fisheries that folks have

1       been talking about, do that kind of information,  
2       but it's the ones that don't that, you know, keep  
3       getting pummeled through regulations because we  
4       have the information.

5                   MS. MORRIS: Harlon?

6                   MR. PEARCE: I'm trying to follow up on  
7       Julie's and Terri's points. The closed fishery  
8       the closed areas is not a fisheries planned deck.  
9       You have to evolve and change. That's why you  
10      close. That's why don't let people in there  
11      because it's got to change, and you would expect  
12      that you'd be able to get back in here and do  
13      something. And if not, you are going in the wrong  
14      direction, personally.

15                   Second, excuse ignorance at something --  
16      the question I'm about to ask, and I've learned  
17      through this process that I know in ecology, you  
18      know, our bycatch in the shrimp fisheries, for  
19      instance, we are under a percentage reduction of  
20      effort pre-Katrina in order -- the snapper, to  
21      protect the snapper fishery. But the bycatch I'm  
22      talking about are basically junk fish. You know,

1       they should go back, and they don't make the --  
2       really at this point, today, doesn't mean  
3       anything.

4                   The question I have to ask Mike is, the  
5       tonnage of bycatch you are talking about, what is  
6       that? And then secondly, is it directed fishery  
7       kind of fish that you are talking about with the  
8       bycatch or are you talking about the junk fish  
9       that I'm talking about that we have in the Gulf?

10                   MR. OKONIEWSKI: But bycatch obviously,  
11       going by these terms, under the ESA and marine  
12       mammal protection, take is considered bycatch and  
13       under Magnusson-Stevens this is something else.  
14       So when I refer to it on the West Coast anyway and  
15       in particular it's usually overfished species, and  
16       sometimes it could be what we call choke species,  
17       we used to differentiate this by incidental take  
18       or catch, and bycatch was for overfished.

19                   So we did have a kind of a process going  
20       and what we are talking about. Like sable fish is  
21       pretty healthy right now, but it could be a choke  
22       species when you're fishing for dover. So the

1       tonnage that's involved, like Cal cod, I think  
2       it's 4 tons or something, 2 tons for the whole  
3       fishery, I mean you could close down everything if  
4       you caught that much. And it's the recreational  
5       fishery in that area, so I mean, it's -- tonnages,  
6       I guess, it's relative to what species you are  
7       talking about. The canary now off the rebuilding  
8       list and -- does that kind of answer your  
9       question?

10               MR. PEARCE: Sort of. You know, just  
11       very different than what I'm used to in the Gulf.

12               MS. BONNEY: But I think the problem is  
13       -- if I can intervene here, but it's all of  
14       everything you said, and so everybody has a  
15       different push button, so to speak, so it could be  
16       economic trash this and (inaudible) value. It  
17       could be a choke species because of the ACL. It  
18       could be a prohibited species, because some other  
19       user group wants to catch that fish; halibut and  
20       red salmon is a good example in Alaska.

21               So, all of things are over on this side,  
22       the bycatch, and on the policy side. Then what is

1 the goal from the Agency and to the Council? I  
2 mean, the problem I struggle with the most is the  
3 management actions many times create a bycatch,  
4 so, do we care, like in the cod (phonetic)  
5 fisheries in Alaska there? And low-type species,  
6 trawl fishery, you used to hear catching maybe  
7 four or five different species at a time, but the  
8 way the bycatch report is structured, it makes it  
9 look as if Alaska has a lot of bycatch because I  
10 took rexall (phonetic) and an area 2 target, or I  
11 took cod in flatfish target. The reality is that  
12 the involvement in cod, and it's all being  
13 utilized, I would say that it's an incidental  
14 catch, but it is the bycatch in the fishery.

15 So those all need to be defined  
16 appropriately so that it is categorized as  
17 bycatch, because it's really fixed to more of a  
18 fuller retention environment or maximized  
19 retention. But the thing that I struggle with is  
20 a lot of -- the Council forced bycatch. So, a  
21 good example is you can -- and I have to be  
22 careful because I know Ted is a big advocate of

1        Catch Air Fishery, but for certain fisheries it  
2        makes sense. So for the people that I work for,  
3        they go out and they catch pollock, and then you  
4        reach that quota for that season, you shut the  
5        fishery down, and then they go chase cod because  
6        that's open, but they are throwing away pollock  
7        because pollock has declined.

8                    And so you have what you call maximum  
9        retainable allowances when a fishery is closed for  
10       direct fishing, but you had just catch share from  
11       those fisheries you wouldn't have to have the  
12       MRAs. Everybody would catch everything, keep it  
13       all and not throw it away because it's required by  
14       regulation to be discarded. So, honestly, I don't  
15       know whether there's anything in the strategies  
16       that talks about building better partnerships with  
17       the regulating partners in terms of how to think  
18       more innovatively about moving forward on bycatch.

19                    So, like we just went through the idea  
20       of time and area closures. The ability to build  
21       more regulatory flexibility level, participants to  
22       keep fish versus throwing it away, so I don't know

1       that I see that in the strategy. You talked about  
2       partnerships, but it is around -- in the North  
3       Pacific another one that drive me crazy is they  
4       have this attitude the only way to reduce bycatch  
5       is to hit you over the head versus I think really  
6       if you are giving summons to fishermen that they  
7       are going to do a better job, but it needs to be  
8       more positive.

9               A good example is how to bycatch where  
10       you'd have a cap and what they do is they just  
11       reduce the cap, but in a lot of the trawl  
12       fisheries, they don't have enough halibut, but  
13       they are able to process to OY, so we have a good  
14       motivation to do a better job of stewarding that  
15       cap. So you would really like to build the  
16       mechanism where you are sharing whatever your  
17       savings are with the other user group, but the  
18       bycatch user group would also be able to use what  
19       they've saved; a portion of their savings to get  
20       more fish out of the water, so they get OY versus  
21       the authority just saying, we are going to whack  
22       it down the cap, and see if you can survive within

1       that.

2                   So instead of based criteria, that get  
3       everybody moved, bringing the horse to the right  
4       gate would be good. And I don't know how you  
5       build a strategy in that, but the onus on the  
6       Agency to educate the management councils to think  
7       more creatively about how to do a better job with  
8       reducing bycatch which is a win-win for all the  
9       participants. Because I do think we are back to a  
10      point where we've got the low-hanging fruit, the  
11      easy things done, and so now we are at the harder  
12      issues, and so it comes to more flexibility than  
13      just going down the same path.

14                   MR. PEARCE: Julie, you wanted more  
15      clarification. You say you have 2 tons or 4 tons  
16      or whatever of --

17                   SPEAKER: Cal cod.

18                   MR. PEARCE: What's that?

19                   SPEAKER: Cal cod.

20                   MR. PEARCE: Okay. Do you keep that  
21      bycatch or would you have to throw it away?

22                   MR. OKONIEWSKI: Do you know, I've been

1 away from the groundfish fishery, perhaps John can  
2 tell me, but with some species you can keep those  
3 and I think you can actually sell those, if you  
4 have a quota to cover that.

5 SPEAKER: Yes. I have a quota, right.

6 MR. PEARCE: When you are done, you are  
7 done. You can -- John is --

8 MR. OKONIEWSKI: John is nodding his  
9 head.

10 MR. PEARCE: It's not a regulatory  
11 discard then, it's --

12 MR. OKONIEWSKI: No. No.

13 MR. PEARCE: Okay. That's different,  
14 and you have to throw it back.

15 MR. OKONIEWSKI: Well, however, it would  
16 be -- but that might be ABQ, not an INQ, so it's  
17 --

18 MR. PEARCE: So, your bycatch is  
19 basically fish you shouldn't be catching if you  
20 didn't have a quota for it? If you had a quota  
21 for it, you can keep it?

22 MR. OKONIEWSKI: Right.

1                   MR. PEARCE:  If you don't -- like if you  
2 don't have a quota for it, what do you do?

3                   MR. OKONIEWSKI:  You are in trouble.

4                   MR. PEARCE:  My middle name.

5                   MR. OKONIEWSKI:  This one guy talked  
6 about best whiting boat?

7                   MR. PEARCE:  Right.

8                   MR. OKONIEWSKI:  He caught too much  
9 canary, that raised the ACL on canary  
10 dramatically, maybe 12 to 1 or something.  Because  
11 it's been rebuilt since 2006, guess what?  But he  
12 would have been off the water, off the old ACL, we  
13 figured 3.5 to 4 years.

14                   MR. PEARCE:  I think that answers it,  
15 but I'm still --

16                   MR. OKONIEWSKI:  If you do, you are  
17 farther ahead than me.

18                   MS. MORRIS:  Peter and then me.

19                   MR. MOORE:  I think it is an issue in  
20 this, as far as we left on that any primers or  
21 definitions or criteria for what's practical.  And  
22 every Council is different, fisheries is even

1       within council, so at least New England are  
2       different in terms whether what they are defining  
3       as practicable and not-practicable. And it seems  
4       to me that that's important for a lot of reasons.  
5       I mean, are you able to catch your quota or not?  
6       And it seems to me the practicability enters into  
7       that question.

8                   I know that's a difficult thing to  
9       define, but factors maybe or some guidance to  
10      Councils or to those manager, what they could  
11      think about in terms of being practicable or not,  
12      that will be helpful.

13                   MS. MORRIS: Eileen?

14                   MS. SOBECK: I guess I was just going to  
15      say, I think you guys are all raising a bunch of  
16      good points, and I don't think we have to -- it  
17      doesn't bother me that we are talking a ton of  
18      different kinds of bycatch. I think it's part of  
19      the point, is that really kind of recognize that  
20      there a lot of different buckets and kind of  
21      explicitly owning that, and kind of looking at one  
22      saying for this kind of bucket we need this kind

1 of solution, for these kinds of bucket, we need  
2 other kinds of solutions, and recognizing that the  
3 solutions change over time.

4                   You know, sometimes I mean, you know,  
5 when we didn't have a gear solution and we didn't  
6 really know much about climate change, closed  
7 areas were what we had, the tool we had, and you  
8 know, we had a hammer and we used it. And now we  
9 have a lot more tools, and some of them end up  
10 being cheap, who was -- you were taking there --

11                   MR. CORBIN: Yulecon (phonetic).

12                   MS. SOBECK: Yulecon, okay. Well,  
13 that's a pretty solution that seems like  
14 low-hanging fruit, but until somebody thought  
15 about it, it didn't exist. And so the definition  
16 of what's practicable today versus what's  
17 practicable tomorrow, I mean, that's part of  
18 what's slippery about it, but that doesn't mean we  
19 shouldn't try. You know, I think these concepts  
20 that you are putting on the table are good ones,  
21 and that's sort of what we are looking for, king  
22 of the laundry list of things that we need to

1 consider, and the fact that maybe we need to  
2 divide things up into buckets and have different  
3 solutions for different buckets.

4           So that when councils are trying --  
5 whatever other partner, state partners, now what  
6 kind of bycatch they are looking at, so they have  
7 a better sense of what kind of solution they  
8 should be looking at and what some of their  
9 options are or aren't. You know, this notion of  
10 junk fish that Harlon is raising, you know,  
11 today's junk fish we can maybe help develop a  
12 market for tomorrow, so today's solution and  
13 concerns might be different that what they are  
14 tomorrow. I think we are looking for that whole  
15 breadth of what it is they bringing to the table.

16           MS. MORRIS: Thank you, Eileen. Bob?

17 Bob: So, in that spirit, I think that we need to  
18 try and encourage as much experimentation as  
19 possible. We've got a lot of different ideas that  
20 have been effective whether it's selective gear  
21 development. I think that one of the areas that  
22 has yet to be really fully explored is modeling

1 the various effects of putting in a different  
2 minimum size versus a different bag limit, and how  
3 those incentivize the fishermen. But anything we  
4 can do discourage the practice of economic  
5 high-grading, which is something that goes on in  
6 New England, it would be tremendously appreciated.

7 I think that we really need to encourage  
8 experimentation as much as possible. Look at  
9 what's going on in Europe with this experiment  
10 where they are forcing people to bring the fish to  
11 shore, whether they want to or not. And it's not  
12 going to work for all of our fisheries, but it  
13 might work in some of our fisheries and I think we  
14 need to really open our eyes.

15 But one of the things that I didn't see  
16 in here and maybe it was just glossed over because  
17 it's a summary document, it's how do management  
18 approaches that we had out of Council level  
19 incentivize fishermen behaviors in different  
20 respects? And I think that that's -- it is  
21 mentioned, I guess, briefly, but I think it really  
22 deserves a lot more explanation.

1 MS. MORRIS: I've got Heather?

2 MS. BRANDON: Yeah. Just to build on  
3 that. Scaling up those innovations, I think, is  
4 something that really needs to have some focus by  
5 the Agency and Wildlife (phonetic). Funding the  
6 Fisheries had a partnership for a number of years  
7 around the program called Smart Gear, which is a  
8 competition for fishermen around the world to  
9 submit innovative bycatch reduction ideas. And if  
10 you are going to catch fries (phonetic) and then  
11 we tried take the winner's idea and spread the  
12 word, and scale that up because the nature of  
13 fisheries is also different, but to try to think  
14 about that a little bit.

15 And ways typically that Smart Gear has  
16 -- it's on pause right now, so would we want to  
17 revamp that, change it do something different or  
18 continue it. I'd love to see the scaling up piece  
19 of it, like now -- a bit more. Thanks.

20 MS. MORRIS: Mike?

21 MR. OKONIEWSKI: To Terri's point  
22 earlier, I think that when you shut down an area,

1 maybe a fishery of sorts, it could be both or  
2 either, and you don't review it, and in the face  
3 of what you may be attempting to protect then you  
4 basically lock out economic opportunity. And  
5 we've see it in other areas on the West Coast as  
6 well. So I guess my point is that when a stock is  
7 declining, it's just like, you know, they can do  
8 an emergency action and shut down fishing pretty  
9 quickly, and that's the way it should be.

10           Below a certain threshold you can really  
11 be in trouble, so I'm not arguing against that  
12 point, but sometimes, like in the case of Little  
13 Rock, that was never actually technically  
14 overfished, and I think, I don't know, 8, 9, 10  
15 years or something to get it off the overfished  
16 list. Because once it got down to what they said  
17 was a certain threshold, then it had to go up to a  
18 pretty high threshold before you can fish on it  
19 again.

20           So, stock assessments is critical on  
21 this, on species you are attempting to protect  
22 because if you are going to forego fishing

1 opportunity and economic opportunity then it  
2 follows that you should be keeping track of what  
3 it is you are protecting, so that when it is  
4 rebuilt you can at least get some of it to work  
5 with, to prosecute if you have -- fisheries that  
6 are healthy.

7           To Bob's point, I think in my experience  
8 there seems to be three areas where you can really  
9 have the most impact on reduction of bycatch. One  
10 geography. Move if the fish you don't want to  
11 catch are in that area. Communication is  
12 essential in all that. That's where I think co-op  
13 systems do work, and very effectively.

14           The second one, and it goes right in  
15 touch with that, is timing, because you have  
16 certain times when you get high salmon abundance,  
17 for example. Maybe you want to be off the water  
18 at that time.

19           If you are racing for fish and the  
20 target fishery, you are probably not going to pay  
21 much attention. You are going to get out there  
22 and get yours before the next guy gets his, and

1 the quota is gone. So, there's regulatory  
2 management tools that can be put into place to  
3 catch yours and I think co-op is necessary for  
4 that, but some collaborative work to avoid  
5 bycatch.

6 And the last one is technological and I  
7 would say it's the mechanical side of that which  
8 is the gear, and also the electronic side of that,  
9 which had gone along ways, cameras and other  
10 ideas, that they can see what's going on or they  
11 can actually track the acoustic signal and pretty  
12 well know what they've got down there.

13 That is where the future is, I think,  
14 but right now the time and geography, timing,  
15 geography, I think are the ones we can get  
16 immediate response out of. They are already  
17 working on many areas. So I'd just like to throw  
18 it out there. The technology is going to take  
19 some time, and it's actually an investment on the  
20 fisherman's point, too. Funding would be great,  
21 but there seems to be a limited amount but enough  
22 to go around. So we pretty much agree; so, those

1 two points. Thank you.

2 MS. MORRIS: Thanks, Mike. Terri.

3 MS. BEIDEMAN: Okay. And I guess it  
4 just follows right along with the stock assessment  
5 issue. One of the issues of bycatch has to do  
6 with protected species, and as we protect species,  
7 and hopefully, for the most part, many of them are  
8 rebuilding, and we heard some stories about that  
9 earlier today, there's going to be more and more  
10 interaction with them. We've seen that with the  
11 turtles, you know. I guess it's worked really  
12 well, and all of a sudden, fisheries that never  
13 sold loggerhead turtles, we were seeing loggerhead  
14 turtles up and down the East Coast; the scallop  
15 fishery and the homeland fishery, et cetera, you  
16 know.

17 And as we have yet another factor, which  
18 is climate change, and things moving northward or  
19 southward and (inaudible). At least on the East  
20 Coast we have an awful lot of limited-access  
21 fisheries, and if you don't have a permit, then  
22 you can't retain it. And most fisheries are

1 pretty much missed, whether you are using that or  
2 longline or fishing rod and reel. And if you  
3 don't have a permit to retain it, you'd better  
4 throw it overboard and that's a regulatory discard  
5 and considered bycatch.

6 So our climate change situation moving  
7 things around coupled with, I mean, it's a  
8 complicated depth to try to address this and  
9 bycatches. You know, not all the fishermen, but a  
10 fisherman gets punched in the nose for it, but an  
11 awful lot of it has to do with, you know, turning  
12 the ship slowly. As I said, you know, it's  
13 factual, NMFS is not nimble often. And being able  
14 to change things and, therefore, fishermen get  
15 stuck out following the rules if they are  
16 law-abiding and throw things away.

17 But I just want to bring other stock  
18 assessment for protected resources that their  
19 populations are increasing. They are having all  
20 kinds of effects on not only what they eat, but  
21 interactions with other fisheries and that's, you  
22 know, ultimately something we are trying to

1 minimize.

2 MS. MORRIS: Okay. Ted and then Pam?

3 MR. AMES: It's kind of a dumb question  
4 to Terri. The juvenile is closed off to long life  
5 of sorts. In other fisheries, you can increase  
6 the size of the hooks. I'm not really well  
7 acquainted with the circle mostly. Is that  
8 feasible to significantly increase the size of the  
9 hook for accessing to the area?

10 MS. BEIDEMAN: Specific to the circle  
11 hooks, we have a limitation they are large hooks,  
12 pretty large hooks already, with the premise that  
13 they wouldn't be ingested by turtles and they've  
14 been very successful in that regard. There was a  
15 limit, though. Someone said to me when they put  
16 them in, we probably won't be catching much fish  
17 if we have to start fishing with anchors. So,  
18 there is a limit to how big you can go and still  
19 get them on the bait. We have to have certain  
20 kinds of bait and we have a lot of regulations,  
21 like bizarre number of regulations. It's amazing  
22 that we even still have 87 participants out of 4-

1 or 500 active ones in the '90s.

2 I don't know that we could go much  
3 bigger and attract the pelagic fish we are looking  
4 for. But I know for sure they will catch far  
5 fewer small fish, the little Jacobs that had no  
6 regulation and they were allowed to be offset, and  
7 they were juvenile areas, primarily, but you could  
8 stop, catch big fish, but we cast even find out,  
9 because we are allowed to even have it. There may  
10 be some experimental fishing allowed but they are  
11 going to have to go through a process, and it's  
12 going to take eons to collect significant data to  
13 effect the change, in my opinion. Eons is better  
14 than nothing, I guess. Thank you.

15 MS. MORRIS: Pam?

16 MS. YOICHEM: I have a comment on the  
17 research objective, kind of following up with  
18 something mentioned, and under this one of the  
19 strategies under the research objective is to  
20 track NOAA Fisheries Funded Research as a  
21 transition to management decisions to measure both  
22 success and applicability of science tools

1 resulting from research and to modify those tools  
2 as needed. I would argue that it's worth tracking  
3 not just NOAA Fisheries-funded work, but any  
4 research sponsored by anybody that NOAA is aware  
5 of, and to not only track it as a transition to  
6 management, but what it doesn't transmission --  
7 transition to management.

8           Why not? I'm thinking of this with the  
9 Smart Gear Program. I was a judge for that  
10 program in the early years, and some of the things  
11 that were proposed, I thought this is an obvious  
12 no-brainer. It's going to take off like wildfire,  
13 and it never went anywhere, and I'm wondering why.  
14 And she said, you know, fisheries are different  
15 and so on.

16           I know of other cases where -- and  
17 basically the reason that I think it's important  
18 to track the ones that aren't working or don't  
19 seem to be getting to management kind of gets back  
20 to what we were doing with the recovery plans for  
21 endangered species, where we found that, you know,  
22 what were the obstacles and how can we overcome

1 those. So maybe it's just individual fisheries  
2 that are different, maybe there's a problem with  
3 communicating results.

4 In one case then that I could think of,  
5 the problem was that a very intriguing idea was  
6 identified during some laboratory experiments, and  
7 then it was not able to be implemented for field  
8 testing, because of the inability to obtain a  
9 research permit to do the project. So it stalled  
10 right there. So, I think there are a number of  
11 issues, but before we invest more money, which,  
12 definitely, we should continue the investments, I  
13 think, in research, but it would be helpful to  
14 know, first of all, on the positive side, let's  
15 really demonstrate how these things are paying  
16 off, but then also show where the research hasn't  
17 paid off. Why is that? And is there something we  
18 can -- low-hanging fruit that we can put when we  
19 move forward. We can identify those.

20 MS. MORRIS: Heather?

21 MS. BRANDON: Just a question for folks,  
22 for the sake of discussion, but particularly Mike

1 and maybe Julie a little bit. For species that  
2 are rebuilding and there will be more and more of  
3 those rebuilding individuals in the latter, for  
4 those, would you be -- how do you feel about  
5 abundance-based bycatch caps? And would you be in  
6 favor, if the Agency has enough information, to  
7 have such a flexible system? How do you feel  
8 about abundance-based bycatch caps?

9 MR. MOORE: About what?

10 MS. BRANDON: Abundance-based bycatch  
11 caps.

12 MS. BEIDEMAN: Well, I kind of thought  
13 some of our species were almost kind of already  
14 doing that, the stock assessments for marine  
15 mammals. For instance, we have a PBR that's based  
16 on a stock assessment abundance, that's a fraction  
17 or whatever, they have the formula. When we have  
18 slow or incomplete or we don't have the money to  
19 do the stock assessments on our -- I mean, we live  
20 and die by PBR, and if we have anything to do with  
21 mammals and if those numbers are low, because the  
22 stock assessment is old, or conversely the other

1 way. You know, the problem is timeliness and also  
2 estimates for other fisheries as well.

3 SPEAKER: Hi, Terri. What's PBR?

4 MS. BEIDEMAN: Potential biological  
5 removal.

6 SPEAKER: Potential biological removal.

7 MS. BEIDEMAN: And actually, at least  
8 with most of the marine mammals, it's about 1  
9 percent of the estimated population, and they do a  
10 mathematical thing, but what it comes out to, is  
11 about 1 percent; multiplying times maximum  
12 productivity and all kinds of stuff, but it's  
13 about 1 percent.

14 MS. BONNEY: Can I -- just to follow up  
15 on that. I think there's examples like ACL and  
16 (inaudible) that likes packing as long the  
17 assessment's keeping up, then it's (inaudible).

18 SPEAKER: Right. Right.

19 MS. BONNEY: But you'll need some of the  
20 ESC species that are just a number, and so it's  
21 just -- I think it all depends on if you have the  
22 science to support that kind of an abundance-based

1 approach. You know, you are trying to do that,  
2 but how -- and they think they may have had a  
3 right person up there, but we are going to find  
4 out. So I think it depends.

5 MR. OKONIEWSKI: So, I'd say, if you  
6 want to see abundant space for marine mammals but  
7 -- that's a joke.

8 (Laughter) But they are already  
9 using abundant space for like  
10 Their overfished species on ACLs on the  
11 West Coast. For halibut, it's a tricky area, and  
12 I don't have an opinion, honestly. I don't feel  
13 especially confident about the stock assessments  
14 going on for a bit, and then going to get a Ph.D.  
15 for the last seven years and now he feels less  
16 confident. I think they've got the better  
17 scientists in there, but nonetheless it's open to  
18 question, I think. If it's better, you know, if  
19 it can be proven, if it's defensible as being  
20 better, I think you have to take a hard look at  
21 it.

22 But just reacting out of emotion that

1       it's a better way to go, and thinking it's -- on  
2       the certain sector side or other people who are  
3       stakeholders, just thinking it's going to be  
4       another way to further, you know, ratchet down  
5       what the trawl fishery is doing, it's that kind of  
6       approach, I don't agree with it. I mentioned  
7       earlier, Randy brought the part about solving the  
8       Middle East, the Eastern situation, while the  
9       halibut bycatch situation is one of those like  
10      salmon.

11                 You were at probably the second meeting  
12      last year, and what was that? Two-and-a-half days  
13      of testimony, the big dances, the getaway cakes,  
14      and whatever, to get their points across, but it's  
15      really what scientifically is best, the best  
16      defensible position. And honestly, to me, in that  
17      fishery it's not a conservation issue. You are  
18      going out and killing halibut in front of the gear  
19      tanks, for God's sake. Why would you think that  
20      the trawl shouldn't get something to support their  
21      own fishery?

22                 Should we still be reducing bycatch in

1 the trawl fishery? Yes. Absolutely. But it's  
2 going to take time and better technique to get  
3 there, but they want to do it as badly as anybody  
4 else who are being impacted. Like what Julie  
5 said, give some incentives to get there. And that  
6 doesn't preclude using abundance space, it's just  
7 what's proven as the better model, first. I think  
8 on the West Coast it's a slam dunk that that's the  
9 way to go. The halibut I think is a lot trickier.

10 MS. MORRIS: Peter wants to say  
11 something, and then I'm going to drag us through,  
12 quickly, just the objectives statements and see if  
13 anybody -- I mean, these are so great and so  
14 strong, I can't believe that we have concerns  
15 about them, but I want to check. And then we'll  
16 conclude committee discussion. So, Peter?

17 MR. MOORE: Actually I didn't know if we  
18 were going to do that process.

19 MS. MORRIS: Okay.

20 MR. MOORE: My only comment was, as  
21 Eileen mentioned earlier, a number of conservation  
22 groups that have serious problems with the

1 proposed standardized bycatch reduction  
2 methodology tool. And it seems to us that it's  
3 not -- but consistent with the strategy, I don't  
4 think it -- you know, at least our view is that  
5 it's not producing more credible data,  
6 particularly in areas like New England where, you  
7 know, you talk about 100 percent in Pacific  
8 groundfish, we're talking about reducing it to 14  
9 percent in New England groundfish where half the  
10 stocks were overfished and knowing that's why.

11           So, you know, the fishermen were under  
12 the quota, none of the models are working,  
13 overfishing continues, overfish continues, and we  
14 are reducing a bycatch data collection mechanism,  
15 at least the numbers. So, I just don't understand  
16 as a layperson, I'm not a statistician, how one  
17 fishery can require 100 percent or be forced to  
18 have 100 percent and another has 14 percent, which  
19 just seems like such a gap.

20           You know, this strategy is going to be  
21 useful, and the objects will only be met with the  
22 data going into it. That's really the beginning

1 and end of all this management. And we haven't  
2 gotten it right in New England. So I don't know  
3 if it's a regional issue or not, but --

4 SPEAKER: Sometimes?

5 MR. MOORE: Sometimes zero?

6 SPEAKER: Observation, you know, when  
7 monitoring --

8 MS. MORRIS: Okay. On that down note,  
9 so the first objective: Strengthen monitoring and  
10 data collection programs?

11 MR. MOORE: Yes.

12 MS. MORRIS: Through cost-effective and  
13 known existing tools. So, anybody have any -- I  
14 mean, what's the question I'm asking? Thumbs up  
15 if you support this objective. So give some  
16 physical -- okay, good.

17 SPEAKER: A caveat?

18 MS. MORRIS: All of this is a caveat.  
19 Terry?

20 MS. BEIDEMAN: I just want to say until  
21 we have data from more fisheries, potentially all  
22 fisheries, but take fish from the water, taking

1 estimates of post-release mortality from the ones  
2 that are providing lots of data is unfair. And I  
3 think that until other groups are at least putting  
4 data, too, that we need to go south in doing our  
5 leap on what's the post-release mortality.

6 MS. MORRIS: Yes. But want to  
7 strengthen them during data collection, that's  
8 consistent with what you want to do.

9 MS. BEIDEMAN: It's just the first  
10 sentence right there underneath. So, yes.

11 MS. MORRIS: Okay.

12 MS. BEIDEMAN: But since it's there I  
13 didn't want to give it a thumbs up, and so I made  
14 my caveat.

15 MS. MORRIS: Okay. And Mike, you had  
16 something to say about this objective?

17 MR. OKONIEWSKI: Well, I don't object to  
18 the objective, but the --

19 MS. MORRIS: Good. (Laughter)

20 MR. OKONIEWSKI: To collect bycatch  
21 data, to inform Agency of bycatch priorities,  
22 aren't those priorities already established as

1 part of policy? And then, I mean, that's  
2 informing the decision-making process or  
3 something, but the priorities themselves, is that  
4 what it's informing?

5 MS. MORRIS: So, that might be a word  
6 choice issue.

7 SPEAKER: Yes.

8 MS. MORRIS: He's looking for a  
9 response. But Erika wants to respond.

10 MS. FELLER: Well, I don't if it's a  
11 response, but actually, I think that's a very good  
12 point. I think the idea, especially in the  
13 conversation about co-ops and risk pools and  
14 industry-driven efforts to reduce bycatch, this  
15 just isn't about NMFS use of these data to inform  
16 bycatch production. It's also about the private  
17 sector use of those data. And a lot of times, A,  
18 there's a lot of data that's collected, but it's  
19 not used; and, B, there are a lot people who could  
20 use data to do cool things out of the water that  
21 may be hard for the Agency to regulate, but maybe  
22 within kind of the operational discretion that the

1 industry has.

2 MR. OKONIEWSKI: In other words,  
3 including NGOs, in some cases they've been very  
4 helpful.

5 MS. MORRIS: In some cases? (Laughter)

6 SPEAKER: In some cases.

7 MS. MORRIS: And it may be informed  
8 bycatch management or bycatch mechanisms or  
9 something like that to the priorities.

10 Okay. We are moving on to objective  
11 two. Clarify bycatch research needs and support  
12 research programs to meet these needs. Any --

13 MR. OKONIEWSKI: I would add support,  
14 clarifying support.

15 MS. MORRIS: Would you say what you said  
16 again?

17 SPEAKER: It's on the objective to  
18 clarify and support or that's not that  
19 (inaudible).

20 MS. MORRIS: Support research programs  
21 to meet those needs?

22 SPEAKER: Forget it. Strike that, it's

1 too late.

2 SPEAKER: You concur with the report.

3 SPEAKER: Yes, I concur. I think that's  
4 come up a bunch of times.

5 MS. MORRIS: Everybody okay with this,  
6 except for Bob who is suffering from lack of  
7 caffeine right now?

8 SPEAKER: Actually I to my caffeine.

9 SPEAKER: He got his caffeine.

10 SPEAKER: It was hiding in the other  
11 urn.

12 MS. MORRIS: Okay. So now you're civil  
13 again. Okay. Third, improve discard and take  
14 estimates for use in the commercial and  
15 recreational management. It seems really  
16 important to me. Anybody, any concerns about this  
17 objective?

18 MS. BEIDEMAN: The same thing with the  
19 sentence underneath. I do improve support to take  
20 estimates. I have some concerns about trying to  
21 do estimates of post-release mortality with the  
22 few fisheries that provide sufficient data to do

1       that kind of calculation being the ones that will  
2       bear the brunt of it. So, having had some  
3       experience in that area.

4               MS. MORRIS: So, ditto?

5               MS. BEIDEMAN: Ditto.

6               SPEAKER: Ditto.

7               MS. BEIDEMAN: Sorry. My perspective.

8               MS. MORRIS: Yes. Ted?

9               MR. AMES: I'm still stuck with the  
10       dilemma that you have over on the East Coast. One  
11       of the things I've done in the past is plot the  
12       location, bycatch or target species, and over a  
13       period of a number of years you create a database  
14       that will tell you where you can expect to get  
15       bycatch problems. And if the fleet were to do  
16       that for X- number of years, it would seem as  
17       though that might possibly be of help.

18              MR. OKONIEWSKI: I'll give an answer to  
19       that. Recently the NRDC, TMC, the media, got  
20       together with some of the industry folks, and they  
21       have what they call collaborative EFH, approach  
22       for groundfish. And in that process they are

1 working at eliminating the RSA, which is a huge  
2 swath in territory. We can't use bottom trawl  
3 gear and putting refined, focused areas where they  
4 would be off- limits or using fishermen logbooks  
5 and everything else to do something very similar  
6 to what you are talking about. It's a  
7 collaborative effort and it's one of the  
8 alternatives that's before the Council for  
9 consideration.

10 I think it's probably likely to get  
11 something like it passed, and so we are using  
12 logbook data, fishermen history combined with just  
13 terrain, I guess it's terrain underneath the  
14 water; bottom geography to map out areas where we  
15 know that we shouldn't probably be using trawl  
16 gear. Is that kind of along the lines of what you  
17 are talking about? So I think that what you are  
18 saying is we are doing exactly that.

19 MS. MORRIS: Okay. And you can talk  
20 about this over beer, right?

21 SPEAKER: Yes.

22 MR. OKONIEWSKI: No. My cohorts will be

1 along with you. I can't --

2 MS. MORRIS: So you won't be there.

3 Mike won't be there, sorry. Ted?

4 MR. AMES: I was just going to point out  
5 that if you -- I assume there are those trawl  
6 surveys through the whole area, and probably the  
7 State of Alaska does as well. And if you  
8 integrated that information with your logbook  
9 information you would have not only the credible  
10 database, but you would have vetted it by virtue  
11 of what they found in the trawl survey as well.

12 MR. OKONIEWSKI: To your last point, I  
13 can show you some graphs of when we had done the  
14 whole coast that way.

15 MS. MORRIS: Great. Okay. Next  
16 objective: Improve management measures designed  
17 to reduce bycatch while strengthening  
18 understanding of the economic and social factors  
19 contributing to bycatch and the effectiveness of  
20 bycatch measures. We've touched on this in terms  
21 of angry behavior and things like that. Julie?

22 MS. BONNEY: Well, I'm reading this and

1       then I'm reading the strategy. To me I think that  
2       some of the regional management councils are  
3       failing in terms of developing management  
4       structure that reduce bycatch. And so how do you  
5       articulate that? It's basically educating the  
6       councils about how to develop appropriate  
7       management structures that facilitate bycatch  
8       reductions.

9                   MS. MORRIS: Very good.

10                  MS. BONNEY: And I don't think that the  
11       strategy -- what it says up top, it sounds like  
12       you might get that in the objective if the  
13       strategies don't match.

14                  MS. MORRIS: Is there anything else on  
15       this one?

16                  MS. YOCHER: One minor point, I think  
17       the objective probably means effectiveness of  
18       bycatch reduction measures, for the other bycatch  
19       measures, besides bycatch reduction measures.

20                  MS. MORRIS: Okay. Thank you.

21                  MS. YOCHER: Just a minor --

22                  MS. MORRIS: Add the word "reduction?"

1 MS. YOCHER: Yeah.

2 MS. MORRIS: Thank you. And then Mike?

3 MR. OKONIEWSKI: Well, I don't quite get  
4 what understand of the economic and social factors  
5 contributing the fact that we don't go after and  
6 deliberately do it for some social and economic  
7 reason. It's, you know, you are attempting to  
8 avoid so you don't hurt yourself, but it almost  
9 sounds like there is social and economic reasons  
10 to target bycatch in that. And I guess I just --

11 BOB: I like the hydrating, Mike.

12 MS. MORRIS: I think it was Paul brought  
13 up about hydrating in recreational fishery.

14 SPEAKER: About what?

15 MS. MORRIS: Hydrating.

16 BOB: Well, it happens in the commercial  
17 fishery, too.

18 SPEAKER: That's a good point.

19 MS. SOBECK: Well, it's like what Harlon  
20 said, it's like, you know --

21 BOB: You led the way on two fish.

22 MR. OKONIEWSKI: That's a good point.

1 I'll take that one and shut up. (Laughter)

2 MS. MORRIS: Okay. Moving on:  
3 Strengthen the effectiveness of management  
4 measures through regular review and coordination  
5 with law enforcement. We've talked a lot about  
6 regular review. Anything to add here? People are  
7 okay with this objective? Terri?

8 MS. BEIDEMAN: I do support the  
9 objective, I just want to make a comment. It's  
10 been our experience lately, but some of the  
11 observers are having to assume a much more  
12 aggressive role towards law enforcement, taking  
13 their charge seriously or currently the  
14 implication is being given to them during training  
15 that they should be seeking out violations on the  
16 boats, and that they are rather expensive to  
17 return to the dock with reports of violations.

18 So, fishery monitoring, science  
19 collection, observers, all well and good, pseudo  
20 fish cops acting like, you know -- It's causing  
21 some problems with 30 years of working  
22 cooperatively with the observer programs, taking

1 observers before they were required. And we are  
2 now starting to sense -- and I don't know, I think  
3 it's coming from on high. I don't think it's  
4 coming necessarily -- or it might be coming from  
5 the contractors, I don't know.

6 MS. MORRIS: A concern?

7 MS. BEIDEMAN: A concern that they are  
8 --

9 MS. MORRIS: That something is changing  
10 there. Okay. Final objective: Improve  
11 communication within NOAA Fisheries and increase  
12 partner and stakeholder awareness, understanding  
13 engagement through open, two-way communication.  
14 Yes, Erika?

15 MS. FELLER: Probably a minor point, but  
16 improving communication through open  
17 communication? I think it's probably between if  
18 you'd want to improve stakeholder awareness,  
19 understanding, and engagement through open, two-  
20 way communication.

21 MS. MORRIS: So, it's two different  
22 things.

1                   MS. FELLER: Why couldn't you just get  
2                   rid of improved communication?

3                   MS. MORRIS: Okay.

4                   MS. FELLER: I mean, do we want to  
5                   improve -- it seems like it's doing more things.  
6                   I think this one ought to be kind of oriented  
7                   towards partners and stakeholders. There are  
8                   other things here that kind of talk within that  
9                   one communication and it's kind of confusing to  
10                  say we want to improve communication (inaudible).

11                  MS. MORRIS: I think this is here,  
12                  because within NOAA there have been problems with  
13                  communication. I think that's why it's here,  
14                  right?

15                  MS. FELLER: I would also, on this one,  
16                  one of the things I like about the previous  
17                  objective is this idea where you would review the  
18                  coordination with law enforcement. You don't  
19                  review coordination. It's also something that  
20                  needs to happen with partners and stakeholders,  
21                  especially where you have sectors, you know, these  
22                  types of institutional relationships with groups

1       involved in bycatch. That's not just a  
2       communication test, that's a coordination group.  
3       You know, it depends on the relationship there. I  
4       think that's more just communication.

5               MS. MORRIS: Thank you, Erika. Okay.  
6       So, we've reached the point in the day where we  
7       have some kind of logistics announcements. One is  
8       that it is Columbus' birthday. (Applause)

9               MS. HAMILTON: And there will be singing  
10       tomorrow night.

11              SPEAKER: We'll have singing and cake at  
12       Liz's house tomorrow night.

13              MS. MORRIS: It's just fine to wish him  
14       birthday. We are not going to ask him how old he  
15       is. We know he reached retirement age, but we  
16       don't really know how old he is.

17              The second thing is that, Heather, you  
18       have a subcommittee at breakfast, so please talk  
19       about where, and if anybody wants to come to that.

20              MS. BRANDON: Right. I was thinking  
21       that we could -- anyone who wants to talk about  
22       Hawaiian monk seal or white abalone partnerships

1 that could develop or facilitate, that we could  
2 discuss that over breakfast, 7:45 in the  
3 restaurant that's attached to the hotel.

4 MS. MORRIS: Thank you, 7:45. Before we  
5 get to how to walk to where the party is, are  
6 there any other kind of logistics, end-of-day  
7 announcements? Is anybody here today who won't be  
8 here tomorrow?

9 Okay. I think we've had a very full day  
10 of rich conversations and lots of -- we generated  
11 a lot of material that we'll work on and fine tune  
12 and turn into some methods, be that over the  
13 couple days or over the next month. So, Jennifer,  
14 where do we go from here?

15 MS. LUKENS: I have the important duty  
16 of what we are doing for the --

17 (Whereupon, at 5:08 p.m., the  
18 PROCEEDINGS were adjourned.)

19 \* \* \* \* \*

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## 1 CERTIFICATE OF NOTARY PUBLIC

## 2 COMMONWEALTH OF VIRGINIA

3 I, Carleton J. Anderson, III, notary  
4 public in and for the Commonwealth of Virginia, do  
5 hereby certify that the forgoing PROCEEDING was  
6 duly recorded and thereafter reduced to print under  
7 my direction; that the witnesses were sworn to tell  
8 the truth under penalty of perjury; that said  
9 transcript is a true record of the testimony given  
10 by witnesses; that I am neither counsel for,  
11 related to, nor employed by any of the parties to  
12 the action in which this proceeding was called;  
13 and, furthermore, that I am not a relative or  
14 employee of any attorney or counsel employed by the  
15 parties hereto, nor financially or otherwise  
16 interested in the outcome of this action.

17

18 (Signature and Seal on File)

19 Notary Public, in and for the Commonwealth of  
20 Virginia

21 My Commission Expires: November 30, 2016

22 Notary Public Number 351998

