

UNITED STATES of AMERICA
NATIONAL OCEANIC and ATMOSPHERIC ADMINISTRATION

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MARINE PROTECTED AREAS
FEDERAL ADVISORY COMMITTEE

SECOND MEETING, Day 3 of 3

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WEDNESDAY, NOVEMBER 19, 2003

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SAN MATEO, CALIFORNIA

The Committee reconvened at 8:43 a.m. in the Bay Bridge Conference Room, B and C, at the San Mateo Marriott San Francisco Airport Hotel, 1717 South Amphlett Boulevard, San Mateo, California.

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Committee Members Present:

Mr. Robert L. Bendick, Jr.
Mr. David Benton
Dr. Daniel W. Bromley, Chairman
Dr. Michael J. Cruickshank
Dr. Rodney M. Fujita
Dr. Delores (Dolly) A. Garza
Mr. Eric L. Gilman
Dr. John R. Halsey
Dr. Mark A. Hixon
Mr. George D. Lapointe
Dr. Bonnie J. McCay, Vice Chair
Mr. Melvin E. Moon, Jr.
Mr. Robert J. Moran
Dr. Steven N. Murray
Mr. Michael Nussman
Dr. John Ogden
Mr. Terry O'Halloran
Mr. Lelei Peau
Dr. Walter T. Pereyra
Mr. R. Max Peterson
Mr. Gilbert C. Radonski
Dr. James P. Ray
Captain Thomas E. Thompson
Mr. Robert F. Zales II

Ex-Office Members Present:

Ms. Mary Glackin
Ms. Jacqueline Schafer

Also Present:

Ms. Marjorie Ernst
Dr. James Kendall

From the National MPA Center:

Ms. Ginger Hinchcliff, Director, Training & Technical
Assistance Institute
Mr. Joseph A. Uravitch, AICP, Director
Dr. Charles Wahle, Director, MPA Science Institute

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Public Comment Speakers:

Donna Parker, commercial fishing
Jessica Hamilton, Ocean Conservancy
Jesus Ruiz, YMCA Scuba
Cheri Recchia, Ocean Conservancy
Kate Wing, Natural Resources Defense Council
Fleur O'Neill, Save Our Shores
Jamie Wine, diver
Yasaman Golban, San Francisco resident
Bart Hall, Fred Hall & Associates and anglers
Jane DeLay, Monterey resident
Robert Osborn, United Anglers of Southern California
Bob Strickland, President, United Anglers
of California
Roger Thomas, Golden Gate Fisherman's Association

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

(8:43 o'clock a.m.)

MS. ERNST: This meeting of the MPA Federal Advisory Committee is reconvened.

CHAIRMAN BROMLEY: Thank you, Maggie.

Our program is, this morning, between now and nine o'clock, which is the public comment period, we had set aside for final discussion of subcommittee and the discussion of the committee work. We will do that, but at the end of business yesterday we tabled a motion concerning the charter. And Mary Glackin has to leave some time and so I would, with your permission, would like to dispense one way or the other with the motion that was tabled yesterday.

And would you like me to read the motion that we tabled? I think it's been distributed. Everybody should have a copy in front of you. So the floor is open for, I would hope, brief reactions to the motion. And then let's deal with it one way or the other so that we can move on.

Dolly.

* DR. GARZA: I would move that we put the motion back on the record table.

CHAIRMAN BROMLEY: Good. Thank you.

Is there a second to that motion?

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1 MR. [SPEAKER]: Second.

2 CHAIRMAN BROMLEY: It's been moved and
3 seconded that the motion come back before us.

4 Thank you, Dolly.

5 Comments on it.

6 MR. PETERSON: Call the question.

7 CHAIRMAN BROMLEY: Call the question. Are
8 you ready for the question?

9 Am I doing okay, Dolly?

10 Are you ready for the question?

11 Okay. Just for the record I will read the
12 motions, so that there can be no doubt what we're
13 doing. "The Committee recommends" --

14 DR. GARZA: No, no. All we're doing is
15 putting it back on the table, so then we have to vote
16 on the motion after.

17 CHAIRMAN BROMLEY: I'm sorry. I missed
18 this. Yeah.

19 DR. GARZA: So it's just a technicality.

20 CHAIRMAN BROMLEY: Yeah. Okay. It's back
21 on the table.

22 DR. GARZA: No, we have to go.

23 CHAIRMAN BROMLEY: Okay.

24 MR. BENTON: Ask if there's any objection
25 to the motion, to bring it back before us.

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1 CHAIRMAN BROMLEY: Okay. Are there any
2 objections to -- I'm sorry, Dolly. I'm focused on a
3 lot of stuff here. Please tell me what to do, okay?

4 DR. GARZA: You say, "Hearing no
5 objections," --

6 CHAIRMAN BROMLEY: Hearing no objections,
7 --

8 DR. GARZA: -- "the motion before us."

9 CHAIRMAN BROMLEY: -- the motion before
10 us. All in favor of the motion -- now and then call
11 the question; is that right?

12 MR. LAPOINTE: You've taken action on
13 that, Mr. Chairman, and with no objection, the motion
14 to call it to -- to put it back on the table is done.

15 CHAIRMAN BROMLEY: Okay.

16 MR. BENTON: And it's back before us. Now
17 do you want us to read the motion back to the body and
18 then --

19 CHAIRMAN BROMLEY: I want to dispense with
20 this as quickly as I can.

21 (Laughter.)

22 CHAIRMAN BROMLEY: Yes, Max.

23 MR. PETERSON: Since Dolly is the maker of
24 the motion and is also the parliamentarian, let me
25 help out by --

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1 CHAIRMAN BROMLEY: Yes.

2 MR. PETERSON: -- her motion at table is
3 nondebatable --

4 CHAIRMAN BROMLEY: Yes.

5 MR. PETERSON: -- and it does not require
6 -- in fact is not debatable, it immediately goes to a
7 vote.

8 CHAIRMAN BROMLEY: Yes, okay.

9 MR. BENTON: We're ready to vote.

10 MR. LAPOINTE: I thought, Mr. Chairman,
11 that we already voted. I mean when you asked for no
12 objections, if there are no objections, the motion's
13 dispensed with, and so now we're on the substance of
14 it.

15 MR. ZALES: We're on the substance of the
16 motion, --

17 MR. LAPOINTE: Good.

18 MR. ZALES: -- the way I understand --

19 DR. GARZA: So, Mr. Chairman?

20 CHAIRMAN BROMLEY: Yes.

21 DR. GARZA: I will read the motion.

22 CHAIRMAN BROMLEY: Thank you.

23 DR. GARZA: Okay. The motion that we now
24 have on the table before us, "The Committee recommends
25 to the Department of Commerce and the Interior the

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1 changes to the charter presented in our notebook and
2 discussed on November 17th, 2003. The Committee
3 believes the changed as proposed are important to have
4 a clear understanding of our procedural rules.

5 "The Committee understands and accepts the
6 verbal advice received from counsel that we have the
7 flexibility under the existing charter to operate as
8 described in the proposed changes and we intend to
9 operate accordingly.

10 "The Committee recommends that the
11 Department of Commerce and Interior amend the new
12 charter upon renewal as proposed. If further advice
13 of counsel indicates we cannot operate accordingly, we
14 encourage the agencies to work to make the necessary
15 adjustments as expeditiously as possible so we can
16 perform our duties."

17 This is the motion before us, Mr. Chair.

18 CHAIRMAN BROMLEY: Thank you.

19 Is everybody clear on this?

20 Are you ready to vote on the motion?

21 DR. GARZA: I call for the question.

22 CHAIRMAN BROMLEY: The question's been
23 called. All in favor of the motion as printed before
24 you and as read by Dolly say, "Aye."

25 [MEMBERS]: Aye.

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1 CHAIRMAN BROMLEY: Opposed?

2 (No audible response.)

3 CHAIRMAN BROMLEY: The motion passes.

4 Thank you very much.

5 So we have 15 minutes for a final
6 discussion of subcommittees and discussion of the
7 committee work. And I understand that some of you
8 had, the three subcommittees, had counted on more time
9 than that. Would you like to proceed with Groups 1
10 and 2, and get as far as we can, and then we'll come
11 back to this and squeeze it into another part of the
12 agenda; is that acceptable?

13 DR. HIXON: We're ready, group 1.

14 CHAIRMAN BROMLEY: Group 3's ready to go.
15 Group 1 is ready to go. Group 2 is ready to go.

16 Why don't we start now with group 3.
17 Let's go in reverse order, and see how much time you
18 take. Try and do it in five or so minutes and maybe
19 you can get it done here.

20 MR. MOON: Thank you, Mr. Chairman. Mel
21 Moon.

22 We met this morning. We have provided a
23 outline of some of the discussions that we've had
24 starting with the tasks that we've identified for the
25 Committee.

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1 Second part is a recommendation for the
2 Committee to take into consideration which would be to
3 develop a letter to be sent to the governors, the
4 executive directors of the Regional Fishery Management
5 Councils, the tribal entities, scientific
6 institutions, professional organizations. Essentially
7 we wanted to get it as far as we could and leave
8 nobody out.

9 The letter would have a cover letter. It
10 would have four documents attached. The first
11 document would be the Executive Order. The second
12 document would be a description, a two-page
13 description of what's happened to date with the MPA
14 Center and some of the activities of what's been going
15 on with the Committee, this Committee.

16 And then the two documents that we talked
17 about, the classification system for Marine Protected
18 Areas and the user's guide for Marine Protected Area
19 types and terms. These would go out as drafts and the
20 purpose would be to solicit comments on these
21 particular drafts. So that is a recommendation from
22 the committee to the full Committee.

23 And then the second part is that we have a
24 process that we are going to follow to reach
25 clarification on MPA coordination. I think it speaks

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1 for itself. We do have two subcommittees that we see
2 coming up into the future. We have not officially
3 created them, but to give everybody a heads-up on the
4 strawman for performance goals and principles, and
5 also the subcommittee for the definitions of cultural
6 resources. And we have internal work being done on
7 what exactly that would be, but more or less we wanted
8 to give a heads-up.

9 So we do have one item for a
10 recommendation to the full committee on the submission
11 of the letter for outreach purposes.

12 CHAIRMAN BROMLEY: Very good. That's it?

13 MR. MOON: That's it.

14 CHAIRMAN BROMLEY: Okay. So your item
15 number 3, "Create a subcommittee to complete
16 definitions for cultural resources" is something you
17 plan to do internally and --

18 MR. MOON: Yes, that's correct.

19 CHAIRMAN BROMLEY: Yeah. Okay, very good.

20 Can we withhold action on that? Would it
21 be all right with the Committee if we withhold action
22 on that and hear from the other groups and then we'll
23 have all of our decision items before us?

24 Yes, Bob.

25 MR. ZALES: I just would like -- I've got

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1 a couple questions about the number 1 item.

2 CHAIRMAN BROMLEY: Good. Please do go
3 ahead.

4 MR. ZALES: Can I do that now?

5 CHAIRMAN BROMLEY: Yes, indeed.

6 MR. ZALES: Do that now?

7 CHAIRMAN BROMLEY: Yeah. No, let's do
8 that now.

9 MR. ZALES: Where you're talking about the
10 governors -- Bob Zales for the record -- is that
11 governors of coastal states or the entire 50 states?

12 MR. MOON: Governors of coastal states.

13 MR. ZALES: Only coastal states?

14 MR. MOON: Well, and the Great Lakes.

15 MR. ZALES: Okay. And how about like
16 states up the Mississippi and --

17 MR. MOON: Actually I would say that this
18 is -- that list is the list that's going to be
19 developed by the Center. We haven't looked at that.
20 And I know there's ongoing work on defining that list,
21 so it would probably be more accurate to ask.

22 MR. ZALES: Okay. And the next one is
23 you've got the executive directors of Regional Fishery
24 Management Councils. How about the RAs of the
25 Regional Centers for the Fishery Service?

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1 MR. MOON: It's not meant to be exclusive
2 to anybody. In fact what we would like to do is send
3 it to everybody, but we're trying to be as inclusive
4 as possible, and practical at the same time.

5 MR. ZALES: Okay.

6 DR. OGDEN: Mr. Chairman?

7 CHAIRMAN BROMLEY: Yes, Dave.

8 MR. BENTON: If I could add just a little
9 bit to that. I think part of the discussion was that
10 some of the documents like the criteria documents and
11 the descriptive documents for MPAs that have been
12 developed by the Center, have gone through NOAA and
13 NMFS, and some of the agencies, but not some of these
14 external entities. And that was really part of the
15 discussion of what we were trying to get at. So
16 that's why we identified the governors, Fish and
17 Management Councils and others.

18 And, as Mel said, it's not intended to be
19 exclusive, as representational. But there is a fair
20 amount of dialogue within the federal system, not
21 nearly as much with some of the other entities, and
22 maybe we were trying to get to that.

23 And I just call your attention to, for
24 example, it says "professional organizations and
25 NGOs." We also had the public there. And the Center

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1 had indicated that what they were really talking about
2 was some kind of a fairly broad vetting of some of
3 these documents in draft form to solicit public
4 comment as well as I understand it. Am I correct?

5 So, for example, the professional
6 organizations would also be like trade associations,
7 that kind of thing.

8 MR. ZALES: To that point very quickly. I
9 just wanted to see, because it's my impression that
10 not all of the Regional Fishery Centers, even though
11 NMFS as an entity through NOAA and Silver Spring has
12 gotten the information, I don't think it's been
13 clearly distributed amongst the others. And I want
14 that broad coverage. I think most everybody here
15 does.

16 CHAIRMAN BROMLEY: Thank you.

17 Other comments?

18 Let me ask a clarifying question. If this
19 letter, which would go to quite a few people, is being
20 prompted by us as a body, is it important that we as a
21 body approve the exact nature and content of this
22 letter? What is the -- are there legal things here as
23 well as how you prefer to operate kinds of issues?

24 Mary?

25 MS. GLACKIN: Well, again, coming back to

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1 the advisory nature of this committee, I don't think
2 you could approve this letter. You could comment on
3 it, provide comments on it.

4 CHAIRMAN BROMLEY: Okay. Yeah. But could
5 we, would we need to as a committee sort of structure
6 the way the request is made and so on, or is it not
7 necessary to do that?

8 MS. GLACKIN: I think that we could take
9 advice or input on that. Joe, do you agree?

10 CHAIRMAN BROMLEY: Okay.

11 MS. GLACKIN: Yeah.

12 CHAIRMAN BROMLEY: Thanks.

13 Gil.

14 MR. RADONSKI: Gil Radonski. I'm not on
15 that subcommittee, but the way I read it, this is just
16 an outreach mechanism. I think trying to fine tune
17 the letter is not a prerogative nor should we even
18 worry about it. But we are concerned about reaching
19 out to these people and telling them what's going on
20 and raise the level of awareness.

21 CHAIRMAN BROMLEY: Okay, that's fine.

22 Dolly and then Dave.

23 DR. GARZA: And I think there was a
24 technical question which I think Mary was addressing,
25 is can FACA committees write their own letter and send

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1 it out without going through the Departments which
2 they are technically under?

3 CHAIRMAN BROMLEY: Yes. And, Mel, and I
4 thought I heard Mel sort of saying something about the
5 MPA Center being involved in this. So I --

6 MR. MOON: That's right.

7 CHAIRMAN BROMLEY: Are we telling the MPA
8 Center to do something? I'd like to know --

9 MR. MOON: We're making a recommendation
10 to the Departments to write the letter. which is not
11 coming from FACAs. It's from the departments, to
12 recommend that they write the letter and make the
13 outreach approach. I just want to make that clear.

14 MR. PETERSON: Mr. Chairman?

15 CHAIRMAN BROMLEY: I have Dave, Mike, and
16 Jim on the queue, please. Dave.

17 MR. BENTON: Mr. Chairman. The
18 discussion's correct. I mean it's a recommendation to
19 the Departments.

20 CHAIRMAN BROMLEY: Yeah.

21 MR. BENTON: The letter was simply really a
22 cover letter to have a packet behind it, and it sort
23 of dropped out of these notes, I believe. And the
24 packet included things like the classification system
25 and user's guide documents. It was clearly stamped

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1 "Draft," as I remember our discussion at least, to
2 solicit comments on these kinds of documents, plus
3 some informative materials to say here's what's been
4 going on.

5 So the letter itself is a cover. The
6 intention was to advise the fact to the Departments
7 that there would be a cover letter with a packet to
8 inform these entities and other entities that solicit
9 --

10 CHAIRMAN BROMLEY: Okay. Thanks, David.
11 You seem to have a charming effect on the sound system
12 around here.

13 MR. BENTON: Yesterday it wasn't me.

14 CHAIRMAN BROMLEY: Are you sure?

15 MR. BENTON: I'm sure.

16 CHAIRMAN BROMLEY: Mike.

17 DR. CRUICKSHANK: I think that covers the
18 points I was going to make.

19 CHAIRMAN BROMLEY: All right. Thank you.
20 Jim. Jim Ray and then Max.

21 DR. RAY: My points have been covered.

22 CHAIRMAN BROMLEY: Okay. Max.

23 MR. PETERSON: I was just going to suggest
24 you post this kind of thing on the secure web so we
25 know about it. It seems to me like it's providing

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1 something to the Department. I would think we want to
2 be more formal on that.

3 CHAIRMAN BROMLEY: Okay. Good point. Is
4 everybody comfortable with this?

5 Mel, do you have any other...

6 MR. MOON: I guess you're interested in
7 holding this off, or we could have a consensus here
8 for that to go forward. It's your call.

9 CHAIRMAN BROMLEY: Well, if people are
10 ready to sign off on that, I think that's fine.
11 Jacqueline has her hand up.

12 MS. SCHAFER: One item I just want to
13 cover. We discussed it in our subcommittee, but the
14 timing on this, we would certainly like this done in a
15 way that we would get the benefit of the response back
16 by the next time we meet. I think the Department's
17 aware of that, but I just wanted to bring it out for
18 the purpose of the Members.

19 CHAIRMAN BROMLEY: What's the sense of the
20 Committee, is that -- so they proceed with this; is
21 that okay?

22 MR. [SPEAKER]: Yes.

23 CHAIRMAN BROMLEY: Okay, Mel, you have
24 your marching orders.

25 MR. MOON: All right. Thank you.

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1 CHAIRMAN BROMLEY: Thank you.

2 We have five minutes before the public
3 comment period. Would group 1 or 2 like to try to
4 squeeze something in or would you rather hold it off
5 for later? Lelei.

6 MR. PEAU: Mr. Chairman, just a quick
7 amendment to the recommendation.

8 CHAIRMAN BROMLEY: Okay. Yesterday, okay.

9 MR. PEAU: I'd like to draw your attention
10 to the bullet number 1.

11 CHAIRMAN BROMLEY: This is what was on the
12 screen yesterday.

13 MR. O'HALLORAN: Yes, on the screen. And
14 -- but Bonnie isn't our PowerPoint person.

15 CHAIRMAN BROMLEY: Could you just read
16 bullet number 1 to us?

17 MR. O'HALLORAN: Yeah.

18 MR. PEAU: As it stands right now, Mr.
19 Chair, the chairs shall request Secretaries of
20 Commerce and of the Interior to reach out to partner
21 agencies for financial support for hosting the next
22 meeting.

23 The proposed change, Mr. Chair, is that we
24 drop for hosting the next meeting and replace it with
25 for financial support to the Committee as a whole,

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1 that financial needed for staff support for the
2 subcommittee.

3 CHAIRMAN BROMLEY: Could you read that
4 last -- there are two pieces there, support for
5 Committee as a whole and support for --

6 MR. PEAU: And the staff support for --

7 CHAIRMAN BROMLEY: And the staff support
8 for the subcommittee, for your subcommittee?

9 MR. PEAU: Three. Three subcommittees.

10 CHAIRMAN BROMLEY: All three
11 subcommittees. Okay. And this, as I recall, would
12 stand as your recommendation needing group approval,
13 where the other two things were sort of suggestions
14 that the MPA Center might view. As I recall there was
15 one about posting stuff on the web or CD material, or
16 what was it?

17 Sorry, I don't have it in front of me, and
18 I was working off the screen. Background material on
19 CDs.

20 MR. PEAU: Background materials be made
21 available on CDs.

22 CHAIRMAN BROMLEY: Oh, yes. Wonderful.
23 Okay. So the recommendation now reads: "The Chair
24 shall request Secretaries of Commerce and of the
25 Interior to reach out to partner agencies for

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1 financial support for this Committee as a whole and
2 for staff support for the subcommittees." Am I --

3 MR. PEAU: That's correct.

4 CHAIRMAN BROMLEY: -- capturing that
5 correctly?

6 Okay. Mary, do you want to help us think
7 about this?

8 MS. GLACKIN: I'll try. I don't know how
9 --

10 CHAIRMAN BROMLEY: Yes.

11 MS. GLACKIN: -- helpful I can be.
12 Actually I've learned quite a bit in the last two days
13 with this Committee in terms of different perspectives
14 people bring.

15 And I'm continually struck and actually
16 kind of awed by how willing people are to roll up
17 their sleeves and do the work that's laid out in this
18 Executive Order. And I feel a little bit like a
19 broken record to keep reminding it that it is not the
20 charge to this Committee to implement this Executive
21 Order, to produce documents or that type of thing.
22 It's really to comment and provide advice on things
23 the government is doing.

24 So I know that there are models that
25 people have past experience with or current experience

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1 with, like Fisheries Management Council where you're
2 really asked to produce something, but that's not what
3 the charge of this Committee is. The charge of this
4 Committee is to provide advice. So we're really not
5 looking for voluminous things coming out of here but
6 more commenting on products that we're producing.

7 And I think along those lines the
8 documents that are in the Federal Register now, we
9 would plan to come to you with approaches for how to
10 do other things. So you can pass this motion. We're
11 in tight fiscal constraints. I think everybody knows
12 that here, but I guess I'm more worried about maybe
13 what's driving this recommendation versus the actual
14 recommendation itself.

15 CHAIRMAN BROMLEY: The "C" in our
16 Committee stands for John Calvin. You know we have a
17 lot of people ready to roll up their sleeves and go to
18 do hard work here, right? We're very Calvinistic.

19 And you're reminding us, I mean as I think
20 about group 2 and what they had proposed to do, you're
21 sort of, if I may put words in your mouth, you're sort
22 of wondering why they're going to do all this. Is
23 that right? I mean they're going to produce stuff
24 rather than comment on stuff, right?

25 How do I react, Lelei? Roll your sleeves

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1 back down, huh?

2 MR. PEAU: Well, I'm kind of taken aback
3 with the comment, with all due respect. When we have
4 our breakout sessions in subcommittees, certainly we
5 were called for help by the staff themselves to provide
6 them with guidance and identify gaps so that they can
7 move forward with the agenda.

8 And certainly we cannot take the work that
9 we have been presented to us and offer guidance without
10 going more deep into the subject matter and learn more
11 about it. And you do that by doing research and
12 putting more time into the work in order for us to
13 properly provide guidance. It certainly requires a
14 lot more research and sitting down and investigate
15 what the rationale behind the bullets that have been
16 given to us.

17 I mean I certainly can speak for our group
18 that I think everyone's prepared to move forward. But
19 we look at the staff, the staff is also hampered with
20 their own day job. And they cannot continue to
21 provide the level of support that is needed. And
22 therefore we feel that it is only fair that they
23 provide some sort of financial support in order to
24 continue that dialogue and continue that
25 participation.

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1 CHAIRMAN BROMLEY: Good. We are at nine
2 o'clock and I think out of courtesy to our public
3 commenters, we do need to suspend the conversation, if
4 I may. But I have Gil --

5 MR. RADONSKI: Mr. Chairman?

6 CHAIRMAN BROMLEY: Yes. I have Gil and
7 Dolly and Bob, but, yes, Gil.

8 MR. RADONSKI: I'll try and be very brief,
9 but this speaks exactly to Mary's point.

10 CHAIRMAN BROMLEY: Yeah.

11 MR. RADONSKI: And I agree with what Mary
12 said. And the other day when we accepted the protocol
13 that Joe provided on the committees, I stated that
14 these apparent -- since they are coming from Joe and
15 his work plan apparently is approved in the
16 Department, I treated that as Joe was asking advice,
17 not Joe but the Department. And that's how we
18 attacked and formed these three subcommittees, based
19 on a request from the Department vis-a-vis Joe's
20 proposal for the subcommittee structure.

21 So I think we're proceeding on the basis
22 of what you said, that we're here to provide advice
23 and recommendations. So that's how we are proceeding.

24 So are we wrong in doing this?

25 CHAIRMAN BROMLEY: Let me -- well, I'd

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1 like to get Mary off the hook, but maybe she doesn't
2 want to be off the hook. So --

3 MR. RADONSKI: I don't think it's being on
4 the hook. I think we have to set procedures for
5 dealing with this.

6 CHAIRMAN BROMLEY: Okay. I fully agree.
7 And what I'd ask Gil is: Would you allow me to move
8 us to the public comment period? And when that is
9 finished, we will come back, Gil, and I will recognize
10 you first and we'll pick this right up.

11 Now the risk is that Mary has to catch a
12 plane, but that's all right. We can -- she may not be
13 here, which will give us more latitude to talk about
14 her.

15 (Laughter.)

16 CHAIRMAN BROMLEY: But we do have to sort
17 this out. It's very clear. And I think part of it is
18 more misunderstanding than is necessary, but I think
19 we do have to now out of courtesy to our speakers,
20 turn to that. Is that okay with everybody?

21 Okay. We are now a few minutes past 9:00.

22 And this is the period in which we are open for
23 public comment. And I will read a set of instructions
24 for those making public comments to the Federal
25 Advisory Committee on Marine Protected Areas.

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1 Is that all right if I read this, Maggie,
2 is that the presumption?

3 We have 11 people who have signed up. The
4 idea is that each person would have five minutes to
5 speak. This is subject to change depending upon the
6 number of registered speakers. At the moment with 11
7 times five we're within the time limit that we had
8 allocated.

9 Maggie here on my left, from your
10 perspective, has two cards. She has a yellow card,
11 which will be raised at the four-minute mark. At the
12 four-and-a-half-minute mark a red card will be raised
13 in a horizontal position. And then once the red card
14 turns to vertical, this means that your time is up.

15 So we're grateful for those of you that
16 signed up that came here, disrupted your schedule to
17 speak to us, and I would now like to call the first
18 speaker. There's a microphone there. And if you're
19 terribly tall we have one over here for the basketball
20 players. But try to use the one in the middle, for
21 the most part.

22 The first person is Donna Parker. Would
23 you please identify yourself and if you represent --
24 no, you can use that one there. Oh, you're going to
25 add some. I'm sorry -- identify yourself and if you

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1 represent an organization, it would be nice if you
2 would share that with the group. Thank you.

3 MS. PARKER: Thank you, Mr. Chairman,
4 Members of this Committee. My name is Donna Parker.
5 Today I'm representing myself, however I am a long-
6 time participant in the North Pacific fisheries. My
7 husband and I have a salmon-gill netter in southeast
8 Alaska. I am the Director of Government Relations for
9 a fishing company in the North Pacific.

10 I am a board member of several fishing and
11 processing organizations as well as the Marine
12 Conservation Alliance. I'm on a number of council
13 committees, including the Ecosystem Committee and the
14 By-Catch Reduction Committee, and I am a federally-
15 appointed member of the Stellar Sea Lion Recovery
16 Team.

17 So from my background you could see that
18 I'm familiar with the jurisdiction and managerial
19 issues both in state waters and federal waters in the
20 North Pacific.

21 The map that I passed out to you
22 represents the MPAs already in existence in the North
23 Pacific. They were installed over a long period of
24 time, served many purposes, but for one reason or
25 another, all protect habitat as well. It represents

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1 over 130,000 square miles. Those dark areas there
2 meet your criteria of being closed for more than three
3 months out of the year. Most of them are closed all
4 year round to all or most gear types.

5 I would argue that the entire EEZ is a
6 marine-managed area. There are quotas. There is
7 enforcement. There are closures. And many of the
8 regulations in place to manage them which did not
9 exist before the Magnuson-Stevens Act, these I would
10 say are MPAs which are more tightly managed and have
11 specific goals and objectives.

12 Having said all that, I want to say I hope
13 this map speaks for itself, that we welcome MPAs in
14 the North Pacific. We're not afraid of them. We
15 regularly use them in our toolbox to manage the
16 fisheries in a sustainable way.

17 Currently the Council is focusing quite a
18 bit on the development of essential fish habitat and
19 habitat areas of particular concern, as our other
20 councils, which will mean additional closures are
21 likely.

22 The Board of Fish in Alaska, which manages
23 the state waters, has appointed an MPA committee and
24 they too are moving ahead in this regard.

25 The point is that this is part of a large

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1 toolbox. We also have things that the National
2 Academy of Science panels have recommended and impacts
3 to benthic habitats that MPAs are one tool. Other
4 tools are gear modifications as well as effort
5 reductions.

6 The ecosystem recommendations made by the
7 National Academy of Sciences include MPAs, but they
8 also include monitoring catch and by-catch, reducing
9 capacity, additional research and institutionalization
10 of scientific and stakeholder participation in the
11 transparent process.

12 It's all part of the toolbox that's used
13 in order to sustain our fisheries.

14 The point is that MPAs are important, but
15 they are not effective unless used in conjunction with
16 other tools.

17 Based on that I'd like to make a few
18 specific recommendations to this group.

19 Number one, prioritize your task to
20 completing an inventory of existing MPAs, finalizing
21 your criteria, identifying the type of habitat and the
22 protections afforded both stated and unstated, and
23 give the MPA Center its marching orders so they can
24 proceed in this capacity.

25 Number two, at this stage do not try to

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1 assess the effectiveness of MPAs. Simply, this is
2 just an impossible task. We have tried to do this
3 under stellar sea lion regulations, setting up
4 experimental zones. It's a very frustrating
5 experience, one that you should not be engaged in at
6 this time because it will be reduced to a subjective
7 judgment until proper efficacy criteria are developed
8 within the existing jurisdictions.

9 Don't try and manage the fisheries. There
10 are existing structures. The Councils exist, the
11 Boards of Fish exist. They have designated authority
12 and jurisdiction. These are complex and comprehensive
13 management tools. They have strong agency scientific
14 support and strong stakeholder participation. Do not
15 distract or impose MPA process on top or outside of
16 these processes.

17 Three, do not -- do, however, communicate
18 with these decisionmaking bodies to seek the proper
19 partnerships and guidance from them and how they might
20 coordinate your efforts.

21 Communicate with them as soon as possible.

22 There's a lot of speculation about what the MPA group
23 is about and the MPA Center. I think it should be
24 made clear to them what your mission is and the
25 specific examples of how you plan to interact with

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1 them in the future are provided directly to them and
2 on your website.

3 Ask that the group specifically direct the
4 MPA website to eliminate a specific statement that I
5 think one of your Members mentioned early on in this
6 meeting, declaring that less than one percent of the
7 marine areas are protected. This is alarming and
8 inaccurate. It misleads the public.

9 I think under the criteria that you have
10 there it's significantly more. I know in the map that
11 I sent out to you, over 25 percent of the fishing
12 shelf is closed.

13 Finally, in the future please include
14 public comment before the end of the meeting. Thank
15 you.

16 CHAIRMAN BROMLEY: Thanks very much, Ms.
17 Parker. Okay.

18 MR. ZALES: Mr. Chairman, and I'm sorry I
19 failed to ask this earlier, are we going to be able to
20 ask questions of the public or no?

21 CHAIRMAN BROMLEY: My understanding is
22 that we are here to take comments from the public, to
23 receive comments from the public.

24 MR. ZALES: Okay.

25 CHAIRMAN BROMLEY: Not to ask questions of

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1 the public.

2 Okay. The next individual is Jessica
3 Hamilton.

4 DR. RAY: Mr. Chairman?

5 CHAIRMAN BROMLEY: Yes.

6 DR. RAY: The way the Ocean Commissions
7 handles this at theirs was they do not question. They
8 do take comment. But if that person that presented it
9 or organization provides a written copy of it, they
10 will provide it to the members.

11 CHAIRMAN BROMLEY: Yeah.

12 DR. RAY: So I think if we would offer
13 them the opportunity, if they provide the written
14 statement, --

15 CHAIRMAN BROMLEY: Yes.

16 DR. RAY: -- that it would be provided to
17 the members of the committee.

18 CHAIRMAN BROMLEY: Indeed. I mean if any
19 speaker here or if you know someone who was unable to
20 be here, is that right, wishes to submit written
21 comments to us, we will receive them and be happy to
22 do so.

23 Okay. Ms. Hamilton.

24 MS. HAMILTON: Good morning. Can you all
25 hear me okay? Hi, my name is Jessica Hamilton, and

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1 I'm the Pacific Ecosystem Manager for the Ocean
2 Conservancy right here in San Francisco.

3 We are advocates for wild, healthy oceans,
4 and we have approximately 150,000 members nationwide.

5 And we really appreciate the opportunity to speak
6 with you today and support your efforts to strengthen
7 and enhance the network of Marine Protected Areas
8 across the country.

9 And California has been the center of a
10 lot of excitement lately. We've had wildfires. We've
11 had a new governor, but I also want to share you with
12 some of the exiting things that have been happening in
13 California regarding oceans, and hope that some of
14 these can provide support for some of your
15 deliberations around ocean protection.

16 So the first one is the Marine Life
17 Protection Act, and some of you may have already heard
18 about it. It's been kind of held up as a model for
19 implementing Marine Protected Areas in other parts of
20 the country. And it basically requires that the state
21 develop a master plan for Marine Protected Areas.

22 And the specific goals of the act are ones
23 that I think you all could also consider in your work:

24 Provide ecosystem protection, represent a diversity
25 of habitats, improve the existing array of MPAs within

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1 the state, and ensure that the new system functions as
2 a network.

3 And so I did bring a few copies of the
4 MLPA. I don't know if you need a whole bunch more
5 reading to do, but I'll be sure to leave that with
6 Chairman Bromley and maybe the staff if you're
7 interested.

8 So beyond MLPA we've had the Channel
9 Islands. And some of the speakers did mention that on
10 Monday. And basically there's been an ongoing joint
11 federal-state process to establish marine reserves
12 within the Channel Islands National Marine Sanctuary.

13 This was started in 1988 when a nonprofit sport
14 fishing group put in a petition to establish these
15 marine reserves within the National Marine Sanctuary.

16 They developed a 17-member stakeholder
17 group, a little bit smaller than the group here today,
18 and they helped develop some goals for the Channel
19 Islands that also possibly could support your work.
20 And some of these goals, first of all, would be
21 ecosystem biodiversity, to protect representative and
22 unique marine habitats, ecological processes, and
23 populations of interest.

24 Another goal is to support sustainable
25 fisheries, to achieve sustainable fisheries by

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1 integrating in marine reserves into fisheries
2 management.

3 National and cultural heritage is another
4 goal. To maintain areas for visitor, spiritual, and
5 recreational opportunities that include cultural and
6 ecological features.

7 And, lastly, for education, to foster
8 stewardship of the marine environment by providing
9 educational opportunities, to increase awareness and
10 encourage responsible use of resources.

11 And so while -- you know so much of the
12 debate around Marine Protected Areas is focused on
13 fisheries, there are other reasons to establish Marine
14 Protected Areas. But with that said, I did want to
15 talk a little bit about fisheries and MPAs.

16 And as Deputy Director of NOAA Fisheries,
17 Rebecca Lent mentioned on Monday during her talk many
18 fishermen will tell you that there already are a lot
19 of Marine Protected Areas in California due to the
20 groundfish closures. And they ask way additional MPAs
21 are needed.

22 Well, the reasons for these emergency
23 closures is because the fisheries are in serious
24 collapse. And scientists have determined that
25 California species such as the bocaccio, cowcod,

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1 canary rockfish, some of these fisheries will take
2 nearly 100 years to rebuild.

3 And rebuilding really only means bringing
4 it back to fraction of its original abundance. And
5 actually yesterday -- or Monday, excuse me, when the
6 governor was signed in, he signed an executive order
7 which essentially puts pending groundfish closure on
8 hold. And these types of actions that really point to
9 the importance of having Marine Protected Areas that
10 are permanent.

11 I just wanted to say that we believe MPAs
12 are a vital part of the tools that we have to manage
13 fisheries. And that's not a quote from me. That's a
14 quote from Dr. Bill Hogarth, Director of NOAA
15 Fisheries, when he presented to the U.S. Commission on
16 Ocean Policy in Los Angeles about a year ago. So we
17 certainly support him in that.

18 So just in terms of, it's really important
19 to look at the big picture here. You can no longer
20 stand on the edge of the ocean and look out and think
21 that it's vast and limitless. And we need to
22 recognize that there are certainly limits to what we
23 can do. We certainly look forward to working with you
24 and can certainly provide any information that you
25 need.

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1 Thank you.

2 CHAIRMAN BROMLEY: Thank you very much,
3 Ms. Hamilton.

4 Our third speaker is Jesus Ruiz.

5 MR. RUIZ: Thank you, Mr. Speaker. My
6 name is Jesus Ruiz. I am the State Coordinator for
7 the YMCA of the USA National Scuba Program. I'm also
8 a member of the California Marine Life Protection Act
9 Regional Working Group for Monterey.

10 The previous speaker addressed what the
11 MLPA is. I won't go too much into it other than to
12 point out that Dr. Fujita is also a working member of
13 the MLPA Regional Working Group up in San Francisco,
14 and I'm sure he can be a valuable resource to you on
15 MPAs in California.

16 I wanted to primarily point out to you
17 that there is no representative of the scuba industry
18 in your panel. I understand and I might be wrong, but
19 my understanding is that there was an individual
20 selected from the scuba industry to sit on the panel.

21 And then when the panel was reshuffled again that
22 that individual was replaced by somebody else.

23 I just want to point out to you that there
24 needs to be a consciousness of the fact that that
25 scuba industry, the recreational scuba industry, is a

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1 large stakeholder in MPAs and marine activities.

2 I know that Dr. Fujita is a diver. And
3 I'm wondering if there is any other recreational
4 divers on the panel. Is there?

5 Thank you very much. I now request that
6 you also keep in mind that when you're addressing this
7 issue that you carry the water for the recreational
8 scuba divers. And I distinguish that from commercial
9 diving or technical diving out scientific diving,
10 because those are different interest.

11 And the reason that we need to keep in
12 mind that there is a major stakeholder, in California
13 alone there is 1.2 million Certified Recreational
14 Divers. And I'm not sure what the exact number is
15 nationwide. I think it's over five million, but it's
16 a large stakeholder.

17 A lot of divers go to tropical areas to
18 dive, though California in itself is a dive
19 destination. Different type of diving, colder water,
20 but it is a dive destination. And there are other
21 parts in the Territories of the United States that are
22 dive destinations. And this is something you should
23 keep in mind when designing a recommendation or making
24 recommendations regarding the establishment of MPAs.

25 As the previous speaker alluded to, the

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1 process of implementation or recommendations for the
2 work in process for the Marine Life Protection Act in
3 California is moving as fast as a petrified fish,
4 basically still in the water.

5 First, I know there is a reluctance for
6 the federal government to get involved in this state
7 jurisdiction, within the three-mile range. But there
8 are ways in which the federal government can assist
9 the state. The Channel Islands is a good example of
10 it.

11 I know the Sanctuaries might also be a
12 possibility, but there are other areas that are not
13 covered by the Sanctuaries that might be areas for
14 recommendation for Marine Protected Areas.

15 And I request or recommend that the panel
16 here look into possibilities where the federal
17 government might be able to come in and assist the
18 state if not actually do some of the work themselves.

19 Usually the -- oh, what's the name of it -- the
20 National Monuments Act that the Executive Order from
21 the previous administration was enacted. That's a
22 possibility as well.

23 The other issue I'd like to bring up is
24 that in all the presentations that were made
25 previously, for example, by Dr. David Smith from the

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1 National Parks Service, of all the list of
2 participants of partners that were listed, the
3 recreational divers were not listed as one of them.

4 And I'd like to see the outreach, somebody
5 asked, well, where do you get your list of
6 stakeholders or people to outreach to. I'd like to
7 make sure that when you do develop that list, that the
8 recreational scuba industry organization, certifying
9 agencies, and the national organization DEMA, -- some
10 of you know what that is -- that stands for Diving
11 Equipment and Manufacturer Association, is the
12 national organization, that these organizations be
13 contacted. And I left my contact information at the
14 front.

15 So I'd like as a state representative for
16 one of the certifying agencies, I'd like to be on that
17 contact list.

18 CHAIRMAN BROMLEY: I'm sorry, Mr. Ruiz.
19 Your time is about up. Can you wrap up quickly?

20 MR. RUIZ: Yes.

21 CHAIRMAN BROMLEY: I'm sorry.

22 MR. RUIZ: First, very quickly, two short
23 items. Please make a distinction between consumptive
24 and nonconsumptive users when you're talking about
25 diving. That is very important. And I was going to

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1 elaborate on that, but for the sake of time I won't.

2 And my last point is I really would like
3 to commend Dr. Charlie Wahle from the MPA Center here
4 for reaching out to the community and being of
5 assistance. He and the staff have been wonderful in
6 this area. Thank you.

7 CHAIRMAN BROMLEY: Thank you. We share
8 your enthusiasm for the staff of the MPA Center.
9 Don't we, Joe?

10 MR. URAVITCH: Completely.

11 CHAIRMAN BROMLEY: The next speaker is
12 Howard Egan. Mr. Egan.

13 Okay. Then I'm going to move ahead to Ms.
14 Cheri Recchia.

15 MS. RECCHIA: Good morning. My name is
16 Cheri Recchia. I am Director of the Ecosystem
17 Protection Program with the Ocean Conservancy. And
18 you heard from my colleague a little bit earlier, my
19 San Francisco-based colleague Jessica Hamilton, about
20 the sort of conservation context from my
21 organization's perspective. So I'm going to provide,
22 if I might, some more technical comments based on what
23 I've been hearing in the Committee's deliberations
24 over the last two days or so.

25 And I'm providing these comments as

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1 someone who has been working for nearly a decade now
2 on MPA policy, MPA site and system design and
3 planning, predominantly in Canada, Australia, and now
4 the United States.

5 I think I'd like to begin by
6 congratulating the Committee, really, after what
7 seemed to me and perhaps some of you as kind of a
8 bumpy start. I think, particularly yesterday, there
9 was really some good work done. And I would like to
10 congratulate you on coming together and starting to
11 have some I think really productive and fruitful
12 discussions about matters of substance.

13 I am quite impressed, I was a little, in
14 all honesty, hesitant about the subcommittee structure
15 that was proposed by the MPA Center, but I think on
16 reflection and on seeing it operating, that it
17 actually is quite a pragmatic solution. I think you
18 cut this cake a number of different ways, and this
19 particular way, from my opinion, looks like it's going
20 to work pretty well and will facilitate the
21 consideration of products to date by the MPA Center
22 and future activities. And I think that will just
23 help everything slot into the work that's been
24 undertaken already by Joe and his colleagues.

25 So I would urge you to retain that

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1 committee structure if you feel that it's working for
2 you. And I think that it offers a lot of flexibility.

3 So from my perspective I congratulate you on making
4 that work so far and I urge you to retain it.

5 I've also heard some discussion about
6 possibly looking at the Federal Register Notice on the
7 MMA inventory and criteria. I don't know if the
8 Committee has decided to look at that, but I would
9 encourage you to do so. I think looking at that will
10 help you understand some of the issues that have been
11 considered in trying to decide what is and isn't an
12 MPA and ultimately what a national MPA system or
13 network might look like.

14 In particular this issue of how do we deal
15 with fisheries closures, how are we cognizant of the
16 fact that there is this important tool out there and
17 that fisheries closure established for a fisheries-
18 management purpose can clearly serve other
19 nonfisheries purposes as well and make an important
20 contribution to a national network. That clearly is
21 recognized by Members of the Committee, but
22 understanding how to integrate that piece with other
23 pieces, such as endangered species closures and the
24 variety of other tools that are out there, National
25 Marine Sanctuaries, National Parks, National Wildlife

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1 Refuges, National Monuments, etc., etc., to say
2 nothing of all the state designations, that's a bit
3 tricky. And I think Joe and his colleagues have done
4 some really good thinking on that so far. Some of
5 that thinking is revealed in the MMA inventory, the
6 Federal Register Notice, and supporting documents.

7 So I think that might be useful for the
8 Committee and I would urge all of you or perhaps one
9 of the subcommittees to look at that.

10 The last thing that I wanted to say is
11 that, as I'm sure many Committee Members are aware,
12 there has been a lot of work trying to figure out how
13 to assess MPA effectiveness. And one initiative that
14 NOAA is involved in is being launched by IUCN, WWF,
15 NOAA and some other partners, and it looks, for
16 example, at different indicators relating to
17 governance, socioeconomics, and biophysical aspects.
18 So there's a lot of out there.

19 And for the subcommittee number 2, if
20 that's retained, I think there are some raw materials
21 that might be helpful you to become familiar with and
22 to consider in your deliberations as you move forward.

23 In considering what a national MPA system
24 might look like, I think subcommittee number 1, which
25 I had the opportunity to observe yesterday, made a

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1 really good start in developing a vision or a goal
2 statement, or whatever you think of it, and I urge the
3 Committee to remember that I think the very good
4 comment I heard yesterday, being careful about the
5 perfect being the enemy of the good, and recognizing
6 that you could spend, I think, a lot of time
7 deliberating the exact wording of that, I think you
8 made a very good start. And I look forward to hearing
9 more about that as that moves forward.

10 So I think I will close there and
11 congratulate the Committee again on starting to roll
12 up their sleeves and get to work. And certainly my
13 organization and others I know are eager to hear more
14 about your products moving forward. And I reiterate
15 my colleague's offer to help in any way I can. Thank
16 you.

17 CHAIRMAN BROMLEY: Thank you very much,
18 and my apologies to you for butchering your name.

19 Our next speaker is Kate Wing, and there's
20 a name I can handle.

21 MS. WING: Thank you very much. Good
22 morning, Members of the Committee. Thank you for
23 giving us this opportunity to provide public comment
24 today. My name is Kate Wing. I'm with the Natural
25 Resources Defense Council. I work on ocean policy out

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1 of the San Francisco office here. And we have over
2 half a million members nationwide and over a hundred
3 thousand members here in California. And I'm here
4 representing those people today.

5 I want to let you know that there was a
6 recent poll conducted or released just last week that
7 shows that 75 percent of Californians support creating
8 marine reserves, fully protected areas even when they
9 were told that it might restrict their own commercial
10 or recreational fishing opportunities.

11 There's a high level of support for not
12 just MPAs but marine reserves in the state of
13 California and by the members of the public and by
14 Americans overall. And we have seen that in survey
15 after survey, year after year, particularly on the
16 West Coast.

17 So the work that you are doing is
18 certainly timely. And I would remind you that it's
19 not just for the user groups, as we usually think of
20 them, and the stakeholders that many of you here are
21 representing, but also for everyone and all members of
22 the public, because it is a public resource. And this
23 is part of how we invest in our public resource for
24 the future.

25 I want to speak on a couple of things

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1 particular to California since that's where we're
2 lucky to have you at this meeting, and who knows where
3 you will be put in the midst of these budget crises
4 next time. Perhaps someplace not quite as scenic, but
5 one can hope.

6 We believe that the Marine Life Protection
7 Act is still a good model. You know we got some
8 problems in California. We don't really have any
9 money. We've got some budget crises. We've got a new
10 governor who's still trying to figure out who's going
11 to make things work.

12 But we think the bones of the MLPA are
13 still sound. And we think that its processes for
14 evaluating, reviewing and looking at public input as a
15 way to design a network of Marine Protected Areas,
16 looking at that kind of synthesis, trying to create a
17 set-up that balances scientific input as well as
18 public input and that looks at trying to walk that
19 tightrope between respecting what the local community
20 knowledge is, respecting what the needs of local
21 people are, and respecting what the habitats locally
22 are with the larger issues: How do they work
23 together, how does the larval dispersal interact, how
24 does this affect pelagic species, how does this affect
25 the entire coastline out to the EEZ.

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1 How do all of these things interact and
2 how can we create a process that gives you some type
3 of a plan, a master plan, a master guideline, a master
4 set of standards to meet for a lasting Marine
5 Protected Area, and still takes into account what the
6 people who live there and the people who use the area
7 think.

8 On some level that is what you as a
9 committee are being asked to come up with on a
10 national level, and I don't envy you that task. It's
11 very difficult.

12 And while we have this framework in
13 California for how we're going to attempt to do that,
14 as you can see, we still haven't managed to pull it
15 off. We have a couple more years. And we still plan
16 to do that, but it's still going to be an uphill task.

17 And I expect that and I hope that whatever
18 ends up coming out of the national recommendations
19 will respect what is going on in California and allow
20 the processes that we already have in place here to be
21 additive to that process and not have to be re-
22 invented to fit a new national protocol.

23 I also want to comment actually briefly on
24 the motion that is up for discussion that you'll be
25 returning to at the end of our commentary, because I

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1 think that the comments that were made by Ms. Parker
2 are also illuminating for a number of reasons.

3 I too work extensively with the Councils,
4 particularly with the Pacific Council. And many of
5 the people in this room, I know as well, were at the
6 meeting that NMFS held for their constituents last
7 week in Washington, D.C.

8 And I would say I think that the Councils
9 are not all that clear on what it is you are doing,
10 that many of the Councils expect you to solve all of
11 their problems for them. And some of the Council
12 members think that you're going to fix every MPA issue
13 and that they aren't going to have to deal with it.
14 And they say things like, Well, we don't have to talk
15 about that because that Federal Register Committee is
16 going to figure that all out and then they're going to
17 come back and tell us what to do.

18 So if you are not going to do that, you
19 should tell the Councils. You should perhaps let them
20 know in that letter. And if you are, in fact, going
21 to be very constrained as an advisory body and really
22 constrain your advice and not -- maybe only roll up
23 your sleeves part way, but if you are going to
24 constrain that, I think it also behooves you to let
25 the other federal groups that are going to be involved

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1 in this process know as well.

2 Because many people are looking to you to
3 really be the beacon for where the federal government
4 is going to go; where the two hands of NOAA, NMFS and
5 NOS, are going to go, to make peace and move forward
6 on MPAs that work for all the species in the ocean,
7 not just whoever you happen to have regulatory
8 authority on that day.

9 So I encourage you and I thank you for
10 your work. And I encourage you to make clear as you
11 go along what your path is going to be, both to the
12 public and to the other federal agencies so at the end
13 of this we really end up with something that works for
14 the public and the state and the feds and the fish.
15 Thank you.

16 CHAIRMAN BROMLEY: Thank you very much.
17 All of you have been very punctual; we are grateful
18 for that.

19 The next speaker is Fleur O'Neill.

20 MS. O'NEILL: Good morning, Members of the
21 Federal Advisory Committee. Thank you for providing
22 the opportunity to make public comment this morning.
23 My name is Fleur O'Neill and I work for Save Our
24 Shores. We're a local nonprofit situated in Santa
25 Cruz and Half Moon Bay. And we work to protect and

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1 promote the ecological integrity of the Monterey Bay
2 National Marine Sanctuary.

3 Save Our Shores and our many members
4 throughout the Central California Coast support a
5 network of well designed and enforced marine reserves
6 to proactively protect the sustainability of ocean
7 resources. By promoting an ecosystem approach to
8 protection, Marine Protected Areas, particularly
9 marine reserves, are proving to be an effective
10 management tool in mitigating resource depletion and
11 habitat devastation.

12 In the last two years Save Our Shores has
13 been working to help diverse stakeholders become
14 constructively involved in the implementation of
15 reserves along the Central California coastline,
16 particularly within the boundaries of the Monterey Bay
17 National Marine Sanctuary.

18 In March 2002 Save Our Shores produced the
19 first to have a Central Californian's Fisherman's
20 Forum on Marine Protected Areas. More than 170
21 fisherman, scientists, environmentalists, and resource
22 managers attended this two-day workshop.

23 The forum underscored the value of efforts
24 to keep communication channels open during every stage
25 of the MPA process. Most importantly the forum

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1 revealed significant areas for common interests
2 regarding MPAs.

3 Building on last year's success, next
4 month Save Our Shores will begin a series of Fisherman
5 Straight Talk Sessions. Each session will provide an
6 opportunity for informal dialogue about Marine
7 Protected Areas between fishermen, harbor personnel,
8 and the marine science community.

9 Straight Talk Sessions will take place in
10 local harbors. Beer and pizza will be provided for
11 the fishermen, and the fishermen will be heard. A
12 website containing a bulletin board or online forum
13 will be posted or will be developed to keep the
14 dialogue going and to keep the comments by the
15 fishermen active.

16 In addition to reaching out to the
17 fishermen, Save Our Shores will be forming a land-to-
18 sea coalition. As you're well aware, MPAs require
19 clean water. So it's extremely important to involve
20 those who are involved in water quality protection and
21 watershed restoration in the discussion on Marine
22 Protected Areas.

23 A final objective of Save Our Shores' work
24 in the next year is to educate various audiences
25 within the general public about the benefits of Marine

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1 Protected Areas. However, as Kate Wing pointed out,
2 it seems Californians are already pro-reserves, and 75
3 percent of them stated their support for the creation
4 of reserves off the California coast in the recent
5 survey conducted by the Public Policy Institute.

6 In support of MPAs, SOS or Save Our Shores
7 will continue to work towards the creation of a marine
8 reserves network that is supported by the communities
9 and stakeholders that will benefit most from it.

10 Thanks very much.

11 CHAIRMAN BROMLEY: Thank you, Ms. O'Neill.

12 Our next speaker is Mr. Jamie Wine.

13 MR. WINE: Good morning. I'd like to
14 thank you for the opportunity to comment. My name is
15 Jamie Wine. I hold a B.S. in marine biology and a
16 B.A. in environmental studies, and I work as a
17 scientific aide at the Department of Fish and Game in
18 the Environmental Toxicology Lab.

19 I'm a scuba diver and a seafood lover, and
20 this Advisory Committee, what you're addressing, is
21 extremely important to me as a member of the public.

22 As you probably already know, a network of
23 marine reserves would provide multiple ends to a goal
24 of protecting the ocean. It would increase
25 biodiversity, an abundance of species, and individuals

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1 within those species groups. And it would provide an
2 intrinsic beauty that hasn't really been addressed
3 today or, as I've seen in general. Mostly we're
4 looking at functionality.

5 And as a diver I've dived in -- dove in
6 the Florida Keys and inside and outside of protected
7 areas; in Costa Rica inside and outside of protected
8 areas. And here in California I don't really dive
9 outside of protected areas because there's really not
10 that much to see.

11 And I think that that ecosystem value and
12 the beauty of that biodiversity is an extremely
13 important thing to consider. And that should be a
14 stakeholder as well, but it's very hard to quantify
15 and analyze what that means. And I'd like you to
16 consider that in your advisory role.

17 As I've seen, I've seen these things
18 firsthand, and I like to see more of it. In my
19 lifetime I've never known a time without beach
20 closures. I've never known a time without collapsed
21 fisheries and I've never known a time without there
22 being abundant lobster or abalone that I could go out
23 and snorkel in and pick off the ocean floor and enjoy
24 it with my family and with my friends.

25 And I don't know if some of you have

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1 experienced that, but I would like to get back to a
2 point where those benefits exist and we can get rid of
3 the nasty things that are going on in our ocean.

4 I'd like to thank you for the time that
5 you're putting into this effort and I hope that you
6 are successful in bringing together the multiple
7 stakeholders in this process in designing Marine
8 Protected Areas on a federal level. Thank you.

9 CHAIRMAN BROMLEY: Thank you very much,
10 Mr. Wine.

11 The next speaker is Yasaman Golban.

12 MS. GOLBAN: Good morning. My name's
13 Yasaman Golban, and thank you for the opportunity to
14 allow me to speak this morning.

15 I'm speaking today simply representing
16 myself. I am a resident of San Francisco.

17 I've lived in coastal California most of
18 my life. I spent the first half of my life growing up
19 in Southern California. Sorry, I have a cold. And
20 the second half of my life growing up around here in
21 Northern California.

22 I first began learning about fisheries
23 issues in a college course a few years ago. And since
24 then I've grown increasingly concerned about the
25 health of our oceans. As many of you well know,

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1 rampant pollution, widespread ecosystem damage, and
2 fisheries closures are all realities of my lifetime.

3 Today I simply want to register my strong
4 support for networks of MPAs and marine reserves as
5 part of the solution to our ailing ocean ecosystems.

6 I believe they are a critical tool to be
7 used and should be used more frequently than they are
8 today. Thank you for allowing me the opportunity to
9 speak.

10 CHAIRMAN BROMLEY: Thank you very much.

11 The next speaker is Bart Hall. Mr. Hall.

12 MR. HALL: I don't think I need that one.

13 I'll just turn this up a little bit. My name is Bart
14 Hall and I'm the producer of consumer fishing shows in
15 California. And we produce the largest consumer
16 fishing show in the western United States.

17 I sit on the board of directors of groups
18 with way too many letters in our acronyms and I've
19 spent a lot of money over the years trying to make
20 more fish in clean water.

21 And that's an important part for
22 recreational anglers: More fish and clean water.
23 Because we're really lousy at what we do. We use hook
24 and line, and we don't catch very many fish. And in
25 order to be successful we got to have good water and

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1 lots of fish.

2 So it's very important to us that the work
3 you do here leads to more fish, but I would urge you
4 to reject the model that you've seen in Southern
5 California of marine reserves. That is a terrible
6 model and it's not a model that's going to allow you
7 to bring the recreational anglers into your fold.

8 And early on in the process, I find this
9 very funny, the folks who were more extreme than I am
10 in terms of conservation were saying that we want to
11 create the Yosemite of the seas in Southern
12 California. Well, I had the opportunity to respond to
13 that because I just got back from Yosemite.

14 And I said, you know that is a great idea
15 because one interesting thing about Yosemite is you
16 could still fish there. And you can fish there. You
17 can't use a net and you can't use a spear, but you
18 could use a hook and line.

19 And in creating areas in the south I would
20 urge you to look at the park model, because
21 recreational anglers can be your steward in that
22 environment, and we can follow the rules. We can use
23 bag limits, slot limits, etc., etc., and only hook and
24 line. And we can catch and release fish that we catch
25 on hook and line if we manage to catch some.

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1 And, finally, as we stand here today
2 talking about how terrible the conditions are in the
3 oceans, I've just returned from Southern California
4 where today they are catching white sea bass in record
5 numbers, halibut in record numbers, calico bass in
6 record numbers. They are catching marlin off
7 California this week in numbers we haven't seen in a
8 long time.

9 And so the problems with fishing are
10 relative to other problems in recreational anglers,
11 but if you want to include us do not use the models
12 that you used in Southern California. The good thing
13 that it did, it galvanized us a group. But we want to
14 go forward and make more fish, and we want to make
15 sure there's clean water. But we want to do it in a
16 setting that allows recreational anglers to do what
17 they do. And what they do does not negatively impact
18 the environment. We can be the stewards to help that
19 work.

20 Thank you.

21 CHAIRMAN BROMLEY: Thank you very much,
22 Mr. Hall.

23 The next speaker is Ms. Jane DeLay.

24 MS. DeLAY: Good morning. And thank you
25 for being here and thank you for inviting all of us to

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1 come and speak to you this morning.

2 I am here to speak not in my capacity, I'm
3 Director of Policy for Save Our Shores, but instead
4 I'm here to speak as a resident of Monterey, as a
5 mother, as an educator, as a community leader, and as
6 an artist in my community.

7 And I'm here to speak in support of Marine
8 Protected Areas and the work that we are all here to
9 do, to set aside areas of our ocean to protect them,
10 because I think they offer the best opportunities to
11 secure our future in terms of abundant biodiversity,
12 healthy ocean ecosystems, our chances to improve our
13 understandings of the ocean systems, as well as for
14 maintaining sustainable multiple use.

15 And I'm here to speak because there are
16 lots of authorities behind me. I have such great
17 respect for my colleagues in the environmental
18 community, for the fishing community with whom I have
19 established relationships for, with all of you, and
20 with the citizens of Monterey. Excuse me. Because
21 it's more terrifying to come up and speak, from the
22 emotional standpoint, than to have your notes in front
23 of you. Thank you.

24 Anyway, I was inspired last night by a
25 speaker who I heard speak, and it wasn't about marine

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1 reserves, it was about the continuum of life and our
2 role in that continuum of life, that we are not here
3 to use and abuse the natural resources, rather we are
4 a part of it.

5 And I believe that Marine Protected Areas
6 assist us in understanding that and moving to be more
7 a part of our natural systems in the flow of it. And
8 he spoke about the consciousness of that continuum of
9 life in terms of our consciousness of our past, our
10 awareness of the present, and our hope for the future.

11 And Marine Protected Areas, as I said
12 before, offer us that hope for the future. And he
13 spoke and reminded us about the indigenous populations
14 and their awareness of what was going on, and their
15 intuitive response to protecting the resources by
16 setting aside areas where once they thought they were
17 depleted and they were no longer providing the support
18 that they had in the past, that they were just set
19 aside as tabu. They didn't need all the science and
20 the fancy public meetings and all the things that
21 we're going through, although I think that we need
22 them now. But I wanted to remind us of that intuitive
23 need to this is something that's worthwhile protecting
24 and setting it aside works.

25 So please continue with the work that

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1 you're doing. Please continue to support the public
2 process and allow the public to come and speak to you.

3 Certainly look to the Marine Protected Area and the
4 work that all of us are doing to see that process go
5 forward in a very positive and inclusive way. And,
6 once again, thank you for being here.

7 CHAIRMAN BROMLEY: Thank you very much.

8 The next speaker is Mr. Bob Osborn.

9 MR. OSBORN: Thank you for the opportunity
10 to speak today. My name is Robert Osborn, and I
11 represent the United Anglers of Southern California.

12 USAC is the largest association of dues-
13 paying recreational fishermen in California. The
14 various United Angler associations now total nearly
15 20,000 members and are affiliated with numerous other
16 clubs, with memberships approaching 70,000 members.

17 USAC has been deeply involved in the MPA
18 process in California since 1998. We have represented
19 the angler point of view on MPAs through the entire
20 Channel Island National Marine Sanctuary Merway
21 (phonetic) Process. We also have been involved with
22 the California Marine Life Protection Act that was
23 first brought into the public arena in 2001.

24 We have distributed information on Marine
25 Protected Areas to hundreds of thousands of

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1 recreational anglers. We solicited the input of over
2 60,000 recreational anglers for their opinions on
3 Marine Protected Areas.

4 We obtained the signatures of over 40,000
5 concerned California citizens who were concerned about
6 their access to the ocean and protested the
7 establishment of massive marine reserves in
8 California. This petition drive was conducted at
9 sport fishing landings during the fall of 2001, which
10 not a prime time for participation in sport fishing.
11 Yet the drive quickly resulted in the removal of maps
12 for a system of reserves in California.

13 It is important to note that the primary
14 reason there was such an adverse political reaction to
15 marine reserves is because the specific viewpoints of
16 the California marine recreational angler was
17 deliberately not included in the process of developing
18 policies for Marine Protected Areas.

19 The West Coast is unique. It is unique in
20 many ways. Geologically it's the young coast and it
21 is still forming. Unlike the East and Gulf Coast it
22 is characterized by very sprawled continental shelf.
23 The continental shelf on the West Coast averages about
24 20 miles, which is a small fraction of the average
25 width of the shelves in other U.S. coasts.

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1 Because of the geological use of the West
2 Coast, it is also supports a smaller variety of
3 geological features. Fewer exposures to major climate
4 changes results in fewer unique features.

5 When a California policy was developed for
6 replicating marine reserves in multiple locations
7 unrepresentative of physical habitats, it failed to
8 consider that in some cases only one or two instances
9 of appeal geological feature may exist. The
10 uniqueness of the West Coast demands unique solutions
11 for its protection.

12 California anglers far and away represent
13 the largest on-the-water public use and interest in
14 California's marine living resources. Approximately
15 90 percent of trips on the ocean to view or utilize
16 marine resources are by recreational anglers for the
17 purpose of fishing.

18 California's the second largest state in
19 the Union for participation of marine angling.
20 According to the Marine Angler Expenditure Study in
21 the Pacific Coast Region 2000, prepared by the
22 National Marine Fishery Service, California marine
23 anglers annually expend two and a half billion dollars
24 in California on ocean angling. Oregon and Washington
25 anglers combined spend annually another \$2 billion on

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1 ocean angling.

2 The loss of recreational fishing
3 opportunities would have devastating economic effects
4 on coastal communities along the West Coast. These
5 communities depend upon the business of recreational
6 anglers to maintain the vitality of their communities.

7 We have grave concerns that are representative of
8 West Coast recreational anglers, who were not selected
9 for participation on this important panel.

10 We believe it would be a huge mistake to
11 move forward with the development of a national policy
12 of Marine Protected Areas without ensuring that West
13 Coast recreational fishermen are afforded an adequate
14 opportunity to provide a full measure of input into
15 the process.

16 We urge this Committee to provide
17 information to the Secretary of Commerce on the
18 existence of representation in gaps such as this as
19 soon as possible. We believe that the only way a
20 successful policy for Marine Protected Areas can be
21 developed is by ensuring that are stakeholders have an
22 opportunity to fully participate. Thank you.

23 CHAIRMAN BROMLEY: Indeed, thank you very
24 much.

25 The next speaker is Mr. Bob Strickland.

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1 MR. STRICKLAND: Good morning. My name is
2 Bob Strickland. I'm the President of the United
3 Anglers of California. And a lot of people have said
4 what I wanted to say, but I'm going to just digress a
5 little bit -- that might not be the right word.

6 But, anyway, we first heard about Marine
7 Protected Areas, I was one of the people on the FMP,
8 the Fisheries Management Plan, for the rockfish in
9 California. And in the middle of our monthly meetings
10 up pops MPAs.

11 Well, MPAs came to us as three things: A
12 closed area, a park, and a conservation area. Now all
13 we hear is closed areas. And we're not against MPAs,
14 but like Bart Hall said, we're not causing the
15 problem. We would like to see parks where we can
16 still fish. Rod and reel are not hurting our
17 fisheries.

18 There is destructive fishing out there
19 that are doing the damage, and it's not us. And I'd
20 like you guys to really look at that.

21 The other thing I'm going to tell you, and
22 I know this for a fact. The second illegal thing in
23 California is poaching. And that's because we don't
24 have enough wardens to protect our resources here in
25 California. Now to bring in these more MPAs, I don't

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1 know how we're going to protect those.

2 So there's a lot here to consider and I
3 hope you will take the time to consider these things.

4 Thank you.

5 CHAIRMAN BROMLEY: Thank you very much.

6 I would like -- that's the last of our
7 registered commenters. I'd like to ask if Mr. Howard
8 Egan has re-entered the room, because we had your
9 name, but didn't notice you.

10 Seeing no sign of Mr. Egan, I believe we
11 have gone through the list of people who had signed up
12 to speak.

13 Maggie, do I now declare the public
14 comment period closed? I'm sorry, I'm still learning
15 the ropes here.

16 Yes, all of the comments we received will
17 be in the transcript. And if any of you have written
18 comments that you wish to submit to us, we will make
19 sure that all Members of the Committee do receive
20 them.

21 I've just been notified that there is an
22 individual in the room who wishes to speak on behalf
23 of, I presume that's the right word, Mr. Howard Egan,
24 and the name is Robert Thomas; is that correct?

25 MR. THOMAS: No. My name is Roger Thomas,

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1 and --

2 CHAIRMAN BROMLEY: Roger Thomas.

3 MR. THOMAS: Roger Thomas, and I represent
4 the Golden Gate Fisherman's Association. Our
5 association has approximately 70 commercial passenger
6 fishing vessels from Fort Bragg through Monterey,
7 carrying approximately 250,000 anglers yearly to our
8 offshore fishing grounds.

9 We're also associated very closely with
10 SAC, which is our Southern California counterpart, and
11 they carry 750,000 marine recreational anglers yearly
12 to the offshore fishing grounds.

13 I'm also a member of the Pacific Fisheries
14 Management Council and I also sat on one of the
15 Regional Committees for California, MLPA stuff. And
16 that has come to screeching halt for one reason:
17 There is no money to support the thing.

18 All of us were working towards solutions
19 and supported the activity of having Marine Protected
20 Areas in our toolbox to get the job done.

21 When I bring up financial matters and
22 fiscal matters, my big concern with all the MPAs is
23 that we look at areas we think we should close, I
24 think we need to make sure that we have the money and
25 the funds to inventory what is in the areas, to take a

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1 look and make a final determination if it's
2 scientifically valid to close it.

3 We need to have the money to enforce the
4 closure. We need to set goals of what we want to
5 establish by the closures and be able to open the
6 areas up if our goals are met.

7 The Councils, the state regulators have
8 set lots of regulations to manage fisheries. We
9 probably have the largest closed zone on the West
10 Coast, 20 fathoms out to 250 fathoms in most areas of
11 the coast is totally closed to commercial and
12 recreational groundfish fishing.

13 In Southern California you have the 4700-
14 square-mile cowcod closure and you also have the
15 Sanctuary closure. And these are all done by
16 management agencies. The Council has restricted
17 limits drastically on recreational fishermen, so
18 there's lots of activities. And all these closures
19 are to protect four different fish: Bocaccio, canary,
20 yelloweye and cowcod. And we feel with these closures
21 we have a great chance of them coming back.

22 In fact, the bocaccio on recent surveys
23 had showed a dramatic increase, and will be able to
24 the Council level -- to have a limited fishery on
25 bocaccio next year.

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1 We certainly support having it in our
2 toolbox. And I would urge this Committee when making
3 recommendations, if the money isn't there to support
4 it, let's get the funds somehow. Because if it is
5 this done properly I don't believe it will work.
6 Thank you.

7 CHAIRMAN BROMLEY: Thank you very much.

8 I think that exhausts the list of people
9 now that had signed up to speak. And the public
10 comment period is closed. Is that all, Maggie?

11 Thank you. Again thank all of you and my
12 apologies to those of you whose names I butchered.
13 I'd ask Dana in the future for a little bit of
14 phonetic help for some of them so maybe next time I
15 can do better. Thank you again.

16 Okay. I guess we're back. Mary, how much
17 time do you have time before you have to go?

18 MS. GLACKIN: If I'm out of here at
19 quarter of 11:00.

20 CHAIRMAN BROMLEY: Quarter of 11:00, okay.

21 We ended -- we interrupted, I should say,
22 our deliberations. We interrupted our deliberations,
23 I guess, I fear in a sense of a little consternation
24 and confusion and some concern, I guess, right? Is
25 that fair enough, Lelei, from your group.

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1 And let me see if I can't capture where I
2 think we are. And then I do have a promise to Gil and
3 Dolly and Bob to speak. I have you on the list, but
4 let me say that it seems to me the issue here is we
5 are structured, we are set up to offer advice and
6 comment to the Secretaries.

7 And my guess is that several of the groups
8 are intent on producing work products, and maybe
9 that's the sense. And I think group 2 articulated
10 that in a very tangible way in the sense that they
11 feel they need staff support to do the kind of work
12 that they envision -- or that all of the subcommittees
13 envision doing.

14 And I will defer it to Mary in a minute.
15 And I will go to Gil and Dolly and Bob, but it seems
16 to me the reconciliation of these two visions, which
17 need not be in conflict, is that the work products
18 that are produced as long as they are in the manner of
19 generating the information base to offer advice, offer
20 comment, then we don't have a problem.

21 But if it means this Committee going back
22 to ask for more money to allow extraordinary work to
23 be done, obviously we have a bit of an issue that has
24 to be discussed.

25 So, Gil, I promise to go back to you. I

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1 will recognize Dolly, Bob, Terry, who wants to speak.

2 And I think there may be others, Bob. So let me --
3 let's see, I've got Gil, Dolly, Bob, Terry, and Bob
4 Bendick.

5 MR. RADONSKI: Well, I stated what I saw
6 as a problem on Monday when we talked about setting up
7 subcommittees. I said that we do need to develop a
8 procedure how we are going to receive requests from
9 the two Secretaries to provide advice and
10 recommendations.

11 And at that time I stated I saw Joe's
12 proposal as the only recommendation or piece of paper
13 that we've received from the Department for advice.
14 That's how I saw those requests within the
15 subcommittees.

16 Now I still think our first order of
17 business should be to develop procedures for how we
18 are going to receive requests from the Secretaries and
19 how they're going to be dispatched. I think that
20 probably what we did in the subcommittees was a little
21 over ambitious, but it's a worthwhile product. The
22 Secretaries already have received the needs
23 assessment. That's a document that's a basis of
24 subcommittees to recommendations. We're going to try
25 and sort that out and identify gaps. I think that's a

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1 legitimate piece of advice and recommendation to the
2 Secretaries.

3 That being said, I think when we -- one of
4 the reasons we're in the predicament we are is because
5 the way the FACA Committee started up. We had an
6 abomination of a meeting in Washington, D.C. that was
7 replete with poor facilities and poor guidance, and
8 everything else.

9 We came to our Second Meeting and we
10 elected a chairman. Now my personal feeling is the
11 Chairman is not a referee. Anybody can referee this
12 meeting. The Chairman who's going to provide guidance
13 to this Committee and he's going to depend on strong
14 staff support from the Department to relay to us what
15 our agenda is and how we're going to handle these
16 requests.

17 We have received just about nothing in the
18 way of guidance from staff. I just think we've had a
19 horrible start. We've got to set up our procedures
20 for how we're going to deal with the departmental
21 requests, because that should be our number one item.

22 That's what it says. The Executive Order is very
23 clear. And Mary has pointed this out very succinctly.

24 That's the end of my comments.

25 CHAIRMAN BROMLEY: Thank you.

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1 Dolly. Dolly passes. Bob Zales.

2 MR. ZALES: Bob Zales. I agree a lot of
3 what Gil has said, and I guess I need some
4 clarification because I can consider this several
5 ways. If all we're going to do is give advice and
6 recommendations, I mean do we do that just verbally?
7 We just sit here and then give our comments to the two
8 Secretaries and to the Secretary of Commerce
9 predominantly, and do we let it go at that? Or do we
10 actually do work and give advice on information that's
11 provided to us and put it in a written format,
12 something that is documented and is tangible and it
13 can be read and distributed later?

14 And I guess that's the key question,
15 because if you're going to do this in writing, unless
16 we all write it ourselves and depending on the size of
17 what's going to be done, then I would suggest that
18 some staff help is going to be necessary.

19 I mean in my mind if all we're going to do
20 is give verbal advice and recommendations, why do we
21 have subcommittees? I mean we can do that as a
22 committee as a whole.

23 So I guess I'm trying to get some guidance
24 and some clarification on that.

25 CHAIRMAN BROMLEY: Thank you.

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1 Terry O'Halloran.

2 MR. O'HALLORAN: Thank you, Mr. Chair. My
3 response to that in subcommittee 2 is a couple of
4 things. We did get this guidance from the MPA Center
5 for the subcommittees.

6 We had eight items in there that they
7 would like some assistance and advice on. And we
8 ordered our subcommittee in order that we might
9 address those.

10 In terms of product I think what we're
11 trying to do, and this is my interpretation, is that
12 we do go back and we do roll up our sleeves, we do
13 educate ourselves and we produce a product not to go
14 to the Secretary but to come to this body in which to
15 help us formulate whatever recommendations this body
16 might deem appropriate to the Secretaries. So that's
17 the process that I see that we're doing in our
18 subcommittee.

19 And I see us as being very proactive
20 rather than reactive. I don't feel the part of our --
21 that our only role here is to wait until we're asked a
22 question and then react to that question. That we are
23 a proactive group and to give advice in areas that
24 perhaps the Secretaries might not even have been able
25 to formulate the question. So we'll give you the

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1 answer and then let you come up with the question.

2 In terms of the finances, it was not in
3 order to get a larger budget in which to do more, just
4 simply do more work. I see our financial crunch
5 coming in our meetings, in the number of meetings we
6 can have and where those meetings might be conducted,
7 because of the different budgetary -- the different
8 costs in different locations.

9 And I think that that is one of the
10 reasons why we would like to see an increased budget,
11 so that we might perhaps have some flexibility in more
12 meetings and in some places that might be considered
13 more expensive. Because, from my mind, some of those
14 locations are going to be important for us to go and
15 visit and hear from the local communities in those
16 regions.

17 The other thing about staff support is
18 that during our subcommittee meeting we had our
19 recorder, which was Bonnie, and we found that she was
20 spending her time trying to record what our comments
21 were rather than participating. And her participation
22 to us was very important.

23 And we find that we need to have that
24 staff support so that the Committee Members in the
25 subcommittees are free to participate actively and

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1 proactively to do our work. And that the MPA
2 Center's, they've got full plates. Each of those
3 members, the staff, I'm amazed at the amount of work
4 that you're able to produce with the number -- I was
5 surprised that you only had something like five FTEs.

6 The amount of work that comes out of that
7 MPA Center, I'm amazed. I think you guys should be
8 commended with what you're able to do. So as a
9 subcommittee if we go to the MPA Center and we request
10 information that might require research, a little
11 extra work, I think that that's additional work levels
12 that they may need additional support for and that
13 drives to the resources. So that's kind of may take
14 on some of the comments that Mary made.

15 CHAIRMAN BROMLEY: Very good.

16 Rod, could you?

17 DR. FUJITA: Thank you, Mr. Chairman.
18 First let me just say that I shared Terry's belief,
19 the work plan developed by subcommittee 2 is intended
20 to be responsive to Joe's guidance and the
21 subcommittee structure and the bullets that we adopted
22 as a full Committee. I don't think we intended it to
23 be a de novo product, that it's not responsive and
24 does not provide advice and comment.

25 So it really is trying to focus on the

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1 specific questions and points, the issues that the MPA
2 Center is specifically asking for guidance on.

3 I also just -- I think that maybe the
4 conflict here arises from different interpretations of
5 what the nature of the comment is. You know there's
6 passive comment on existing documents and strategies,
7 which we could just do verbally as individuals.

8 I think the work plan that we've outlined
9 gives our subcommittee and maybe other subcommittees
10 an opportunity to think more creatively, a little bit
11 more out of the box, and in a little more proactive
12 fashion, perhaps to be more thoughtful about how we
13 address these questions and issues. Thank you.

14 CHAIRMAN BROMLEY: Thanks.

15 Let's see, Wally and then, Joe, do you
16 want to make a clarifying comment?

17 MR. URAVITCH: Just one short clarifying
18 comment. This pertains to the charges specifically to
19 the Committee that were presented in June and at this
20 meeting.

21 This is not something we made up. And
22 maybe it wasn't clear, that we didn't put it into a
23 memorialized document such as a transmittal letter
24 from someone in the agencies to the committees, but
25 the three specific tasks we asked were those from the

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1 Department leadership. They're not from me, they're
2 not from the MPA Center.

3 Maybe what we need to do in future is put
4 them in the form of a letter to the Chair from the
5 leadership of the agency so that it's clear that
6 that's what that is. But the specific charges I
7 presented both in June and here are directly from
8 leadership in Commerce and Interior. It's not us.

9 MR. RADONSKI: Can I clarify my point on
10 that, Chair?

11 CHAIRMAN BROMLEY: Yes, you may.

12 MR. RADONSKI: I agree with Joe and I
13 cased it -- I put it in those words. It did come from
14 an approved work program. And I thought it was very
15 legitimate and I am very proud of the way working
16 group 2, subcommittee 2 handled it. I think it's a
17 model. It is a roll-up-your-sleeves, it is a lot of
18 work, but it does comport with the directive in the
19 Executive Order.

20 CHAIRMAN BROMLEY: Good. Mary, I
21 recognize.

22 MS. GLACKIN: Mr. Chair, --

23 CHAIRMAN BROMLEY: And then Wally, but I
24 -- Mary has a special position here.

25 MS. GLACKIN: Well, I was just going to

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1 say, Mr. Chairman, I found all of these comments here
2 very helpful and really encourages me that I do think
3 that the Committee settled into some consensus on the
4 role and the approach to the role and one that I think
5 the government welcomes.

6 So, as I said before, my concern wasn't
7 with the particular recommendation itself. And these
8 comments and all that have been made I think are --
9 have been very helpful.

10 MR. RADONSKI: Mary, can we get some
11 guidance from the Department on how we should handle
12 these, just as the question that Joe raised --

13 MS. GLACKIN: Thank you. I meant to go
14 on. I knew I had one more thing I wanted to say.

15 I think that we do have start-up issues, I
16 mean June notwithstanding. You know we're developing
17 things. I think we should feel good about how far
18 we've come in the last couple of days, but I think we
19 clearly need to do more. And we can go back and look
20 at that and come forward with approaches. And I think
21 that's quite appropriate.

22 CHAIRMAN BROMLEY: Good, okay. Wally.

23 DR. PEREYRA: Thank you, Mr. Chairman, and
24 I appreciate it. And I certainly appreciate the
25 comments of my colleagues that preceded me on this

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1 important issue.

2 I would like to say, though, that from my
3 perspective in looking over the Executive Order, I see
4 the Center as being the organism that does the work.
5 I don't see us becoming another Center. I think that
6 could be counterproductive. I think we could be
7 working at cross purposes.

8 I think our greatest value that we can
9 provide is to, in fact, provide the advice and
10 recommendations. And these recommendations may be
11 recommendations to the Center to consider certain
12 other approaches or ways of looking or addressing a
13 certain particular issue. But for us to get involved
14 in going and doing research and so on and so forth, I
15 mean I have another job. I have several jobs. In
16 fact, I have too many jobs at the present time that
17 require a great deal of my time. And I cannot be
18 spending 40 hours a week, so forth, or even 20 hours a
19 week working on a big work job.

20 So from my perspective I'm more than
21 willing and excited about providing advice and consent
22 to the Department and to the Center on this important
23 issue, but I think we should focus in that direction.

24 CHAIRMAN BROMLEY: Thank you.

25 Are there any other comments? Bob --

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1 sorry, Bob. Yeah.

2 MR. BENDICK: Just very briefly. I think
3 the strength of this Committee is its diversity.
4 That's the value it brings to the Departments. And
5 we're talking about a proactive versus reactive
6 approach.

7 We could each from our own perspectives
8 provide comments. And that may be of some value, but
9 not the real value we could bring to this enterprise.

10 It's only if we can work together to find some common
11 understanding and do that around specific charges or
12 issues as has been done in the subcommittees, that we
13 bring real value in bridging the gaps among us and
14 being able to offer to the Departments some meaningful
15 basis for policy compromise.

16 Now that also comes in the sort of rough
17 and tumble of public hearings and meetings, but we can
18 try to avoid that. We can try to be proactive. And
19 we can only do that if we produce some product that
20 brings us together to comment rather than doing that
21 separately.

22 CHAIRMAN BROMLEY: Good. Yes, Max.

23 MR. PETERSON: Let me suggest a couple
24 things. Number one, I think the staff has done a very
25 good job in recognizing the 30 of us that have

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1 different perceptions on what the staff might have
2 done. I thought the staff have done a real fine job.

3 I think Mary's help here has been good. I think
4 other staff, I think Joe's help has been very good.

5 So I don't want to leave any impression
6 that the Committee is somehow dissatisfied with the
7 staff, because I think the majority of the Committee
8 is very satisfied with the staff.

9 When you have 30 people that are very
10 divergent you have a certain amount of thrashing
11 around, which we saw the first couple of days. I
12 think we have settled down.

13 I did a little calculations quickly, and
14 this Committee cost probably about \$100 a minute if
15 you calculate any value at all to our time. So I
16 think we need -- the only thing that's frustrating to
17 me is I think we need to move on. I think that we
18 need to get going on the agenda.

19 I don't think we need any more advice.
20 The Executive Order outlines a whole bunch of things
21 that we're expected to do. I think we need to get
22 cracking. It's clear to me that the recommendation of
23 the subcommittees go to the full Committee, and then
24 they go to the Secretaries as advice, not action but
25 as advice.

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1 If they want more advice from us, please
2 ask. But I'm not going to sit around and wait for
3 more. I think we've got enough to keep us busy for a
4 couple of years. Thank you.

5 CHAIRMAN BROMLEY: Thank you.

6 Maggie asked to follow up on a question
7 Terry O'Halloran raised.

8 MS. ERNST: Terry, you raised a question
9 at the June meeting about whether we could accept in-
10 kind services --

11 MR. O'HALLORAN: Yes.

12 MS. ERNST: -- as a means to help stretch
13 our budget.

14 MR. O'HALLORAN: Yes.

15 MS. ERNST: And I did get an answer for
16 you. And I'd just like to put that on the record now.

17 And that is that the Department can accept gifts
18 under certain circumstances to support Advisory
19 Committee meetings.

20 But the point would be that the Department
21 or NOAA would be the ones accepting it, and not the
22 Committee itself. And this has usually been in the
23 form of in-kind gifts like meeting space, things that
24 we would have otherwise had to have paid for
25 ourselves.

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1 There are some caveats. We don't accept
2 gifts from grantees or contractors, or pay any source
3 where acceptance of a gift would create an appearance
4 of impropriety. And so we can start looking at those
5 kinds of opportunities to stretch the budget for
6 meetings.

7 MR. O'HALLORAN: Excellent.

8 CHAIRMAN BROMLEY: Okay. Thank you. It's
9 10:15. We have a break scheduled at 10:30. We will
10 need to discuss that.

11 We have to hear yet from group 2 again.
12 Do you -- right? I mean -- and group 1. Mark, we
13 never did bring you back this morning, did we? No.
14 Group 3 is finished.

15 Group 2, do you regard yourselves as
16 finished or do you want a little more time?

17 MR. PEAU: Well, I --

18 CHAIRMAN BROMLEY: But let me -- just yes
19 or no right now.

20 MR. PEAU: No.

21 CHAIRMAN BROMLEY: No. So we have to hear
22 from group 1, Mark. We have to discuss the next
23 meeting. We have to discuss the venue and the dates.

24 And a comment was made that you didn't want a
25 chairman who was a referee as opposed to a leader.

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1 And let me only say that in that vein I
2 would very much be grateful if group 2 would
3 reconsider its focus on more money and more budget.
4 And I, too, thought that yesterday we were on a very
5 good trajectory. I thought when the groups got
6 together that there was a lot of excitement, a lot of
7 creativity coming out of them, ideas about what was
8 going to be done next. I'm not as pessimistic as some
9 evidently that this meeting has not been very good.

10 And so I would urge that the groups go
11 back and continue, as you've said you were going to
12 do. And I guess I wished that the budgetary question
13 could put to one side at this moment, but that's only
14 a request on my part.

15 I think, as Max and others have said,
16 Wally has said, we do have a good trajectory. We have
17 wonderful ideas that have come from subcommittees.
18 And it seems to me that March 15th is a useful date by
19 which the subcommittees will formulate, crystallize
20 what it is they think they wish to do. Before we
21 leave here today we need to ratify or sign off on
22 their general work plans. And let's move forward.

23 Mark, would you like to try to report for
24 group 1?

25 DR. HIXON: Yes. Thank you, Mr. Chairman.

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1 CHAIRMAN BROMLEY: Yeah. Thanks.

2 DR. HIXON: I apologize for not having a
3 document for the rest of the Committee. Our committee
4 met right up to the meeting time this morning.

5 We've been working very closely with our
6 ex-officio Members, Charlie Wahle and Mary Glackin.
7 And we propose to the full Committee a work plan
8 between now and March 15th that entails three things.

9 First, the draft goals/vision statement
10 that we presented yesterday we will continue to revise
11 among ourselves until we have reached consensus. Then
12 post that on the secure webpage for the consideration
13 of the full Committee for a continued discussion up to
14 and including our next meeting. That's the first
15 item.

16 The second item is to provide feedback for
17 the Notice in the Federal Register regarding MMA
18 criteria, the document that we've all received copies
19 of before. The Center, MPA Center has requested our
20 subcommittee to provide formal feedback about that
21 document. And later in the process to provide
22 feedback on the Center's responses to public comment
23 on that document, that public comment period now being
24 closed. So we propose to do that as well.

25 And, finally, our third item that we

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1 propose is to help the MPA Center start to formulate a
2 process whereby human impacts in the U.S. EEZ can
3 somehow be assessed. This will be a very long-term
4 process in the long run, but begin to define and work
5 with the Center on exactly what that process would
6 entail. That's our proposal. Thank you.

7 CHAIRMAN BROMLEY: Wonderful. Any
8 comments to that? David and Michael.

9 MR. BENTON: Mr. Chairman, I'm somewhat
10 confused with that report. I thought that the
11 subcommittees -- maybe I misinterpreted what was said,
12 but I thought that the subcommittees were to prepare
13 materials to come back to the full Committee. For
14 example, feedback on the MMA criteria. It sounded
15 like the subcommittee was going to work directly with
16 the Center and represent us as a body or represent the
17 subcommittee and give them comments. That's what is
18 -- I need some clarification on that.

19 Similarly, --

20 CHAIRMAN BROMLEY: Would you clarify that
21 for us?

22 DR. HIXON: Yes, I'd be happy to clarify.

23 Implicitly, all subcommittees report to
24 the full Committee. So each item in our work plan
25 will come back to the full Committee for

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1 consideration.

2 MR. BENTON: Before it goes to the Center?

3 CHAIRMAN BROMLEY: Yes.

4 MR. BENTON: Okay. Fair enough.

5 CHAIRMAN BROMLEY: I have Mike and then
6 Rod -- and Maggie reminds me, it comes back here. We
7 deliberate on any work product, anything that the
8 subcommittees --

9 DR. HIXON: Absolutely.

10 CHAIRMAN BROMLEY: That's clear in your --

11 DR. HIXON: That's absolutely clear to our
12 subcommittee.

13 CHAIRMAN BROMLEY: Okay.

14 DR. HIXON: I'd also like to -- Mike now
15 has the floor --

16 CHAIRMAN BROMLEY: No.

17 DR. HIXON: I thought he did.

18 CHAIRMAN BROMLEY: Well, I did, and David
19 said he wants to elaborate, so --

20 DR. HIXON: Oh, okay.

21 MR. BENTON: Just seeking just a little
22 bit more clarification, Mr. Chairman.

23 CHAIRMAN BROMLEY: All right.

24 MR. BENTON: So, for example, if you also
25 said you were going to formulate a process with the

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1 Center on how to assess human impacts, before that
2 goes to the Center as a recommendation, that's going
3 to come back here for review and possible
4 modification?

5 DR. HIXON: That is correct.

6 MR. BENTON: Okay.

7 CHAIRMAN BROMLEY: Thank you. Okay.

8 MS. GLACKIN: Could I?

9 CHAIRMAN BROMLEY: Yeah, Mary, please.

10 MS. GLACKIN: Yeah. Because this kind of
11 gets to the point. What's actually going to happen
12 here is the Center is drafting an approach for doing
13 that. And we're going to do an iteration here, but it
14 -- to get something that's good enough to come to the
15 full Committee.

16 CHAIRMAN BROMLEY: Yeah.

17 MS. GLACKIN: Okay.

18 CHAIRMAN BROMLEY: Thank you. Wonderful.

19 Okay, Mike has the floor.

20 DR. CRUICKSHANK: Thank you --

21 DR. HIXON: Mike, you had asked me to
22 introduce you; is that correct?

23 DR. CRUICKSHANK: Yes.

24 DR. HIXON: Okay. There's been an issue
25 before our subcommittee regarding the status of

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1 nonliving, nonrenewable resources. And Mike
2 Cruickshank has proposed three explicit questions he
3 wants to be read into the record.

4 So, Mike.

5 DR. CRUICKSHANK: Thank you, Jim.

6 CHAIRMAN BROMLEY: Could I just ask a
7 clarification question? Is this essential to your
8 going forward? Is it part of your intended work plan?

9 I appreciate needing to get something in the record,
10 but if it is a bit aside, tangential to the permission
11 that you folks need to proceed, I would like to know
12 whether now is the right time to do this.

13 DR. HIXON: It's not explicitly in the
14 three items we propose at this time, although it's
15 certainly an item that must be addressed.

16 CHAIRMAN BROMLEY: Must be addressed.

17 DR. HIXON: And is certainly relevant to
18 the overall goals and vision statement.

19 CHAIRMAN BROMLEY: Okay. Is that okay?
20 We hear from Mike?

21 Go ahead, Mike.

22 DR. CRUICKSHANK: Thank you, Mr. Chairman.

23 This is drafts of requests for clarification --

24 CHAIRMAN BROMLEY: Will you be able -- if
25 it's long will you be able to provide us written --

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1 DR. CRUICKSHANK: At 1:30. You have it in
2 front of you, Mr. Chairman.

3 CHAIRMAN BROMLEY: I have it in front of
4 me.

5 DR. CRUICKSHANK: Or you had.

6 CHAIRMAN BROMLEY: Yeah, well, I've got a
7 lot of stuff in front of me here.

8 DR. CRUICKSHANK: I gave one to each of
9 the subcommittee members. That's not enough to go
10 right around the full Committee. So this is a draft
11 of request for clarification from the Secretaries of
12 the Departments of Interior and Commerce.

13 Question 1: Clarification is requested
14 from the Secretary of the Department of Interior on
15 whether the areas designated as leases or other set-
16 asides under the authority of the Outer Continental
17 Shelf Lands Act as amended in '97 be included or
18 excluded wholly or selectively from the inventory and
19 the subsequent list of national MPAs.

20 The second question: Clarification is
21 requested from the Secretary of the Department of
22 Commerce on whether the areas designated as leases or
23 other set-asides under the authority of the Deep
24 Seabed Hard Mineral Resources Act of 1966 be included
25 or excluded wholly or selectively from the inventory

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1 and subsequent list of national MPAs.

2 Question 3: Clarification is requested
3 from the Secretary of the Department of Interior on
4 whether the MMS, or Minerals Management Service, has
5 the authority to require that coastal states with
6 existing MPAs in their territorial waters adjacent to
7 active OCS leases contribute data to the MPA Centers
8 in the development of a national MPA inventory at no
9 cost to the MPAs.

10 CHAIRMAN BROMLEY: Okay.

11 DR. CRUICKSHANK: And those are the three
12 requests. I did make a couple of additions that had
13 been given to me in review, which you may have noted
14 there. And I will give you the reserved piece.

15 CHAIRMAN BROMLEY: Okay.

16 DR. CRUICKSHANK: Now I don't know what to
17 do with this, Mr. Chairman, to present it now as a
18 proposal and perhaps --

19 CHAIRMAN BROMLEY: Well, as my question,
20 does the Committee wish to consider these requests in
21 more detail before they're passed on? And, if so, we
22 have a bit of a problem in terms of time?

23 And is there an urgency, Mark? I come
24 back to you for help on this.

25 Mike, would you be content to have that

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1 come here and then at the next meeting deliberate and
2 discuss this in some detail?

3 DR. CRUICKSHANK: I think so. And I think
4 it's also important that I was approached by and
5 representative of the Minerals Management Service, who
6 asked that they be apprised of this proposal --

7 CHAIRMAN BROMLEY: Okay.

8 DR. CRUICKSHANK: -- early on.

9 CHAIRMAN BROMLEY: Yeah.

10 DR. CRUICKSHANK: Before it becomes cast
11 in concrete so that they may comment on it.

12 CHAIRMAN BROMLEY: Good. These are
13 important issues. They are important questions. The
14 issue I have before me is the urgency of it now versus
15 at our next meeting.

16 DR. CRUICKSHANK: I think that the next
17 meeting would probably be a sufficient time for it to
18 have the stamp of approval, but I've had -- if we have
19 the okay to pass it out to MMS.

20 CHAIRMAN BROMLEY: Okay. Could I be
21 reassured, Maggie and Joe, that this will show up in
22 the book for the next meeting?

23 MS. ERNST: Conveyed.

24 CHAIRMAN BROMLEY: Yeah, be conveyed to
25 MMS and get prompted -- for deliberation by this

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1 Committee before it goes as a request of the
2 Committee. Is that okay?

3 DR. CRUICKSHANK: That's --

4 CHAIRMAN BROMLEY: Mike, is that fine?

5 DR. CRUICKSHANK: Yes.

6 CHAIRMAN BROMLEY: Okay. Rod Fujita. No?
7 Okay. It's 10:30. We have -- to take a
8 break or we cannot take a break. I'll do whatever
9 your wishes suggest.

10 We do have to discuss the next meeting. I
11 would like to have us now come back and, in a sense,
12 synthesize in our mind what we think we heard from the
13 three groups. One way to do this is to ask you
14 whether you heard anything this morning from groups 1,
15 2, or 3 that cause you anxiety, that you want to
16 revisit.

17 I've expressed one form of anxiety that I
18 have about budgets. And then let them go forward, or
19 we can go back and item by item give them authority to
20 proceed.

21 I'll open it up to your wishes here. Max.

22 MR. PETERSON: Mr. Chairman, I move that
23 we tell the subcommittees to go ahead and do good
24 things.

25 CHAIRMAN BROMLEY: Go ahead and do good

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1 things.

2 MR. O'HALLORAN: I second it.

3 CHAIRMAN BROMLEY: It's been moved and I
4 think it's been seconded by Terry O'Halloran that the
5 subcommittees be authorized to go do good work. Is
6 that -- do I capture the essence of this, Max?

7 MR. PETERSON: Yes, sir. And in
8 accordance with their work plan.

9 CHAIRMAN BROMLEY: In accordance with
10 their work plan spelled out to us.

11 MR. PETERSON: Right.

12 CHAIRMAN BROMLEY: Mike, is this a
13 comment?

14 MR. NUSSMAN: It's a comment toward that
15 motion, and I would certainly support that motion
16 because I am totally in favor of good things.

17 That being said, Mr. Chairman, --

18 CHAIRMAN BROMLEY: Which distinguishes you
19 from --

20 MR. NUSSMAN: Virtually everybody else in
21 this group I would say.

22 At any rate, I do think that the point you
23 made raises an interesting concern. As we go down the
24 road, by the very nature of our meeting and the way we
25 meet and the way we move things forward, I think there

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1 needs to be a process we think through, so we actually
2 know collectively when we're doing things that really
3 count.

4 In other words, this is the last view.
5 We're going to move towards this recommendation.
6 We're going to do this. I'm not sure how we
7 accomplish that. I know other advisory committees and
8 other groups have mechanisms that it has to be in
9 writing and we do it at this point in time during the
10 meeting, but we need to think through that. I don't
11 think we're anywhere close to that unfortunately right
12 now, but I think we will be in one day. And I would
13 urge us to think through the process of how we sort of
14 identify major decision points we make. Thank you.

15 CHAIRMAN BROMLEY: Thank you. I worry
16 about that as well.

17 David, your hand is up, and then Rod.

18 MR. BENTON: Thank you, Mr. Chairman.
19 Sorry I stepped out for just a second. Is it -- and
20 this is just a point of clarification. Yesterday I
21 believe it was group 1 said that they were in a
22 process of forming technically a work group under the
23 FACA.

24 CHAIRMAN BROMLEY: Well, --

25 MR. BENTON: At one point they've said

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1 that and I'm --

2 CHAIRMAN BROMLEY: They used that word and
3 Mark withdrew the word "working" the minute it was out
4 of his mouth within our subcommittee.

5 MR. BENTON: Okay. So we're not looking
6 at a subcommittee going off and forming a work group
7 under FACA? Perfect.

8 CHAIRMAN BROMLEY: We are not, but Mark
9 would like to elaborate as clarification?

10 MR. BENTON: I'm satisfied, Mr. Chairman.

11 DR. HIXON: To clarify that, Mr. Chairman,
12 we actually did discuss a bona fide working group at
13 our initial meeting, but later reconsidered that. So
14 at this time we are not discussing forming a working
15 group as defined. We always use the word as it was
16 originally defined. Thank you.

17 CHAIRMAN BROMLEY: Yeah. Yes, David.

18 MR. BENTON: Thank you, Mr. Chairman.
19 Just being a stickler for details then. So by saying
20 "going off and doing good work and consistent with the
21 work plan," no work groups -- no subcommittee's going
22 to put together a work group without coming back here.

23 CHAIRMAN BROMLEY: That's correct.

24 MR. BENTON: And the products of the
25 subcommittees are going to come back here for review,

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1 approval before they become anything approaching quasi
2 official to the agencies and --

3 CHAIRMAN BROMLEY: That is absolutely
4 true.

5 MR. BENTON: Thank you.

6 CHAIRMAN BROMLEY: That has been our
7 operating procedure since we started. Thanks for
8 clarifying it, David. That is exactly what will
9 happen.

10 There will be no work product, no anything
11 from any subcommittee that is not reviewed and
12 discussed at some length by this group.

13 So we have a motion before us that the
14 committees go do good work. Rod? I'm sorry, I did
15 have you on the list, yes.

16 DR. FUJITA: Thank you, Mr. Chairman. I
17 too am in favor of good work, but I do have a question
18 for subcommittee 1 regarding their proposed workplan.

19 Mark, from a quick glance at the bullets
20 under subcommittee 1, Subcommittee Structure, it looks
21 like the three that you've selected to focus on the
22 draft goal/vision statement, feedback on MMA criteria,
23 and this process to assess human impact kind of
24 captured most of those bullets, right.

25 I'm wondering if the identification of

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1 priority habitats or important resources and habitats,
2 those two bullets, are those worked into those three
3 proposed work elements or were they explicitly
4 excluded and, if so, why?

5 DR. HIXON: Mark Hixon. They were not
6 explicitly excluded. And would implicitly ultimately
7 be part of a human impacts analysis.

8 These were identified by the ex-officio
9 Members as their most pressing needs at the present
10 time, again between now and March 15th.

11 CHAIRMAN BROMLEY: Okay. Other discussion
12 of the motion?

13 All in favor of the motion as stated say
14 "aye."

15 [MEMBERS]: Aye.

16 CHAIRMAN BROMLEY: Opposed?

17 (No audible response.)

18 CHAIRMAN BROMLEY: Good work wins out,
19 Mike.

20 MR. PETERSON: Well, I was surprised by
21 that.

22 CHAIRMAN BROMLEY: Let me say that what I
23 would like to have happen would be that Maggie and Joe
24 and the three chairs of the subcommittees would work
25 together to distill down -- and, Mark, you did a

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1 wonderful job sort of giving us three points -- all of
2 you did. I don't mean to distinguish -- but that was
3 very clear, 1, 2, and 3. That would be wonderful, I
4 believe, if this were posted on the website so that
5 Members of the Committee could get into it and have a
6 reference point so they could see exactly what 2 is
7 going to do and 1 is going to do and 3 is going to do,
8 okay?

9 And it can be as brief as what you did,
10 Mark, or it could be as elaborated as what Mel did, so
11 that everybody on the Committee here can, if they wake
12 up in the middle of the night terrified by what one of
13 the subcommittees is doing, they can go see it and be
14 reassured that they know what's going to happen.

15 And in a sense this will provide all of us
16 with a roadmap and also kind of an agenda item that we
17 know what we can expect to deliberate at our next
18 meeting. We will not be surprised when these work
19 products appear before us. Is that all right?

20 Would you like that? Is there anything
21 else you would like? Mark?

22 DR. HIXON: I just want my subcommittee to
23 know that I'll put that workplan past them before
24 posting it on the web.

25 CHAIRMAN BROMLEY: Okay. Mel.

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1 MR. MOON: Yeah. I think the question of
2 the forwarding of this information to the Department
3 of Interior and Department of Commerce, I assume
4 that's going to be forwarded by you as the Chairman to
5 minutes or a letter transmittal?

6 CHAIRMAN BROMLEY: Yes.

7 MR. MOON: Okay. I just wanted
8 clarification.

9 I think it would be good if we were to get
10 a response back, and I guess that could be part of our
11 letter, to encourage us to give us some guidance, that
12 we give you good information, is this the kind of
13 thing that you are looking for, so that we can get
14 some communication back and forth.

15 CHAIRMAN BROMLEY: Right.

16 Yes, ted.

17 CAPT. THOMPSON: Ted Thompson. A number
18 of us were torn between which subcommittee we would be
19 like to be on and could obviously only participate on
20 one during this meeting. But during the
21 intercessional, between meetings I for one, and I
22 assume others, may like to be at least -- at least
23 have a watching brief as to what is happening in
24 subcommittee 1, in particular, in my case, and would
25 it be possible for us to at least be on the email

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1 exchange list to watch what's going on as that's being
2 developed. Thank you.

3 CHAIRMAN BROMLEY: Wonderful.

4 Yes, Mark.

5 DR. HIXON: In response to Ted's request,
6 our committee discussed that issue, especially the
7 goal/vision statement, which is such a general thing.

8 But every step along the way, what our subcommittee
9 decided to do, my belief is that we would hash out
10 documents within our group, find a consensus
11 statement, then post that on the secure webpage, at
12 which time the entire Committee has access to it. So
13 basically we'd be putting things forward as opposed to
14 opening up all our email discussions to all Committee
15 Members.

16 We've chosen to operate first as a
17 subcommittee and take our first drafts, our first cut
18 at things, and then put them out there for the entire
19 Committee.

20 CHAIRMAN BROMLEY: Ted, is that all right?

21 CAPT. THOMPSON: At that point is the rest
22 of the Committee going to have opportunity to discuss
23 it intercessionally before it is finalized for
24 bringing it back to the next meeting?

25 CHAIRMAN BROMLEY: Yes.

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1 CAPT. THOMPSON: Then that would be
2 satisfactory.

3 CHAIRMAN BROMLEY: Would there be -- may I
4 ask of everyone, there be a mechanism whereby when one
5 of the subcommittees posts new things on the website
6 that a general alert email goes out to all of us?
7 Because like Wally, some of us have three or four
8 jobs. And sitting around consulting websites is
9 something that we do when we can squeeze it in.

10 So, Maggie, is that going to be possible,
11 that there could be some mechanism so that a blanket
12 email goes out to all of us that says there's a new
13 posting on the website. You don't even need to say
14 what it is, just alert us.

15 MS. ERNST: We'll say what it is.

16 CHAIRMAN BROMLEY: Well, you can, but
17 minimize your work burden. Ted, that then alerts all
18 of us, that there's new stuff posted there, go consult
19 it.

20 Mark.

21 DR. HIXON: Mr. Chairman, I suggest that
22 the subcommittee chairs then notify Maggie --

23 CHAIRMAN BROMLEY: Yeah.

24 DR. HIXON: -- to make those general
25 announcements.

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1 CHAIRMAN BROMLEY: That's right. Yes,
2 that's a good --

3 DR. HIXON: As items become available.

4 CHAIRMAN BROMLEY: Is that all right?

5 Okay. Tell you what, why don't we take a
6 three-minute break, allow you to do the necessities.
7 And try to get back here at 10:45. We have to discuss
8 the next meeting, the venue, the dates, and the
9 agenda.

10 (Recess taken from 10:42 a.m. to 10:55
11 a.m.)

12 CHAIRMAN BROMLEY: Okay. Unless I missed
13 something we have three issues to address, and then
14 I'll bring up the fourth. But right now -- yes, Bob.

15 MR. ZALES: Bob Zales. Mr. Chairman, I
16 hate to do this, but I need to bring something up to
17 try to get a little further clarification.

18 CHAIRMAN BROMLEY: All right.

19 MR. ZALES: But I have a concern about how
20 do subcommittees communicate back and forth to the
21 Center and the rest of the full Committee is out. And
22 it's my understanding as a member of committee 1 that
23 in our deliberations on the past that we're going
24 over, that there's going to be communication between
25 the Center and us. But it's my understanding that

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1 that information is going to be out.

2 So it's not necessarily that the Members
3 of the full Committee can comment on every little
4 thing that's done, but they can kind of watch the
5 process. And if they see something that they have a
6 concern with or something, they can communicate with
7 one of the other Committee Members or the Chairman or
8 something. And I just want to be sure that that's
9 clear.

10 And there may be a couple other comments
11 from other Members of the full Committee about this,
12 but I just want to be sure that my understanding is
13 clear.

14 CHAIRMAN BROMLEY: Yes. Mike.

15 MR. NUSSMAN: Mr. Chairman, this goes back
16 to the question I asked yesterday which was what are,
17 in fact, our rights and privileges as a Committee
18 Member versus a subcommittee we don't serve on. And I
19 want -- I guess the question is what are -- let's make
20 sure we understand those and have a good feel for
21 that.

22 CHAIRMAN BROMLEY: All right. I'll give
23 you an operational impression and then maybe there are
24 technical issues. It would seem to me that any Member
25 of this full Committee is entitled to and encouraged

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1 to watch and contribute to the deliberations of any of
2 the subcommittees. I would hope that's what we can
3 do.

4 That's Bob's concern. Right, Bob?

5 MR. ZALES: Yes.

6 CHAIRMAN BROMLEY: And you're sort of
7 thinking, okay, how do we get this done. It's your
8 concern. And I don't see anything in any -- I'm not
9 aware of anything that would prevent that from going
10 forward. And I should think we ought to encourage i

11 MR. NUSSMAN: That's very good, Mr.
12 Chairman. I think that addresses the question I have.
13 Obviously I don't think we want to turn a
14 subcommittee into the full Committee.

15 CHAIRMAN BROMLEY: No.

16 MR. NUSSMAN: But to the extent we can
17 watch and have our voice heard by members of that
18 subcommittee, --

19 CHAIRMAN BROMLEY: Right.

20 MR. NUSSMAN: -- then we would make, just
21 on an efficiency perspective, it would make the work
22 of the Committee far more complete --

23 CHAIRMAN BROMLEY: My vision here is that
24 the role of the subcommittee is to delegate all the
25 way along the line. Not to delegate autonomy or

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1 authority, but to delegate tasks, to delegate the more
2 detailed work. But subcommittees are always owned by,
3 controlled by and creatures of the full Committee.
4 And full Members of the Committee have the right to
5 participate in those deliberations.

6 Mark.

7 DR. HIXON: Thank you, Mr. Chairman. I
8 just wanted to emphasize for all Members of the full
9 Committee that the members of committee 1 are well
10 aware of the general nature of the tasks that have
11 been put before us. And our intent is to be
12 completely open through all stages of our proceedings.

13 That said we will be doing a lot of give
14 and take within our committee and our ex-officio
15 members, but those will always be available to anyone
16 on the full Committee at any time. Thanks.

17 CHAIRMAN BROMLEY: I'd like to ask and
18 then -- David, I would like to ask all three committee
19 chairs, that you keep good records of the
20 interventions that come to you from other Members of
21 the Committee somehow. Some written form. If they
22 come as emails, you save them someplace. So that the
23 three of you acknowledge publicly that you have
24 received this.

25 And as you bring your deliberations to

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1 closure, I think it would be very nice if you would
2 keep revisiting these interventions that have come to
3 you and be prepared. You better be prepared given
4 what's going to happen here. You better be prepared
5 to say to Bob Zales or to anybody, yes, Bob, thank you
6 for your intervention. We decided to ignore it, and
7 here's why. Huh?

8 You owe that to Bob. You owe it to
9 anybody.

10 I pick on you, Bob, only because there you
11 are and it's your question.

12 But you know you want to be prepared to
13 say to all of us who have taken time to send in
14 comments, that was a great comment, but we don't see
15 how it fits. And then Bob has a chance to say, well,
16 it fits because " so you're protecting yourself. Is
17 that right, Bob and Mike?

18 Yeah, go ahead.

19 MR. NUSSMAN: Toward that end, Mr.
20 Chairman, I would ask the staff to make sure there's a
21 list on the website of the different subcommittees,
22 the members and the chairs, so that we can actually
23 have some ability to do that. So thank you.

24 CHAIRMAN BROMLEY: What we're going to
25 have on the website is exactly that, Mike. And plus

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1 we're going to have for you a written version of how
2 they see their marching orders between now and March
3 15th.

4 Maggie.

5 MS. ERNST: Yeah. We will be beginning
6 the process of getting endorsement for the
7 subcommittee structure. And we will be providing a
8 list of the composition of the different subcommittees
9 on that.

10 And I guess I'd make one comment about the
11 use of the term "deliberation." As I understand it in
12 FACA, that the full committee is the place where you
13 deliberate and the subcommittees are just developing
14 preliminary findings and canvassing members of the
15 full Committee to provide input on that. But the work
16 that goes onto the extranet place should be viewed in
17 a technical sense as nondeliberative in nature.

18 And I just wanted to point out the use of
19 the word "deliberative," you know has the distinct
20 meeting under FACA. And the full Committee definitely
21 gets to deliberate, but the subcommittee does
22 something short of that.

23 CHAIRMAN BROMLEY: Yes. How's that, Bob?

24 MR. BENDICK: That's good.

25 CHAIRMAN BROMLEY: Mike? Is everybody

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1 satisfied with that?

2 Okay, David.

3 MR. BENTON: I have just sort of a
4 technical thing, Mr. Chairman. So the work of a
5 subcommittee that's done through email exchanges...

6 CHAIRMAN BROMLEY: Or by telephone.

7 MR. BENTON: Well, telephone's one thing,
8 but just at least the email exchanges will be
9 transparent. I mean we'll be able -- even though
10 we're not on the subcommittee we can see it,
11 recognizing the caveats that you and Mike have said,
12 which is we don't want this to become a committee of
13 the whole, but at least it's transparent. The
14 workings of the subcommittee will be transparent to
15 the rest of the full Committee and we can interact
16 with them through the chair of that subcommittee or
17 through a member of that subcommittee, as appropriate.

18 Is that right?

19 CHAIRMAN BROMLEY: Yes.

20 Yes, Mike.

21 DR. CRUICKSHANK: Is it my understanding
22 that the workings of the subcommittee itself are not
23 necessarily transparent. They're on the email, but
24 anything that comes out of the subcommittee in
25 agreement goes on the website, is then available to

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1 everybody else. Because not every time you come back
2 and say, hey, Bob, that was -- indicate its worth --

3 CHAIRMAN BROMLEY: No.

4 DR. CRUICKSHANK: -- would be on
5 everybody's email, because that's --

6 CHAIRMAN BROMLEY: But how do we put it,
7 intermittent work products, intermittent gelling and
8 crystallization of things. That's what gets --

9 DR. CRUICKSHANK: Subcommittee work
10 products, not individuals.

11 CHAIRMAN BROMLEY: Yeah.

12 MR. PETERSON: Mr. Chair, I think that's
13 extremely important. You would drive us all to drink
14 if all the email traffic between all the subcommittees
15 was sent to the full Committee.

16 CHAIRMAN BROMLEY: Yes. Yeah.

17 MR. PETERSON: I mean that could be
18 several hundred emails per day, or something. We
19 don't want something like that.

20 CHAIRMAN BROMLEY: Don't want that. But
21 we want some trigger mechanism when tentative work
22 products or tentative crystallization of ideas or
23 what-have-you is reached by a subcommittee.

24 MR. PETERSON: Right.

25 CHAIRMAN BROMLEY: Is that okay with

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1 everybody? Mark?

2 DR. HIXON: Thanks, Mr. Chairman. A
3 suggestion I have is given at least for subcommittee
4 number 1 that we're working on documents that at any
5 time any full Committee Member can request the draft
6 that we currently are working with. And then
7 eventually once our subcommittee is satisfied with a
8 consensus statement for our subcommittee, we then post
9 it on the secure webpage. And we're -- basically then
10 passed it forward to the entire Committee. But any
11 time any working draft, would be happy to forward to
12 anyone for comment.

13 CHAIRMAN BROMLEY: Yeah.

14 DR. HIXON: Thank you.

15 CHAIRMAN BROMLEY: Is everyone comfortable
16 with this?

17 Okay. We have one legal issue that needs
18 to be addressed, and I propose to deal with it as
19 expeditiously as I can. And that is the subcommittees
20 were established for the purpose of this meeting only.
21 And we already have a motion that we've approved
22 which empowers them to proceed to do their work.

23 So unless I hear objections to the
24 contrary, we have already in a sense ratified our
25 subcommittee structure and their membership. And we

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1 will now proceed once the meeting is over to get
2 formal authorization for the ratification of that from
3 the government. Is that all right?

4 So do I hear objections to this
5 expeditious dealing with this particular matter?

6 (No audible response.)

7 CHAIRMAN BROMLEY: Okay. Thank you.

8 All right. Our next meeting. We have a
9 venue issue -- yes, Bob.

10 MR. ZALES: Go ahead.

11 CHAIRMAN BROMLEY: No, no, please.

12 MR. ZALES: I was going to make a
13 suggestion about the next meeting.

14 CHAIRMAN BROMLEY: I see. All right. Do
15 let me proceed with my list.

16 We have a venue question, we have a
17 windows-of-time question, and we have an agenda
18 question.

19 And what I would like to propose is that
20 we deal with the agenda thing first, that we deal with
21 the window-of-time thing second very quickly, and then
22 the venue thing. Bob, so it's just my preference to
23 do it that way. Let me see how quickly it might go.

24 Let me propose this. Let me ask your
25 permission to do this. The agenda, Mel is not here.

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1 I guess Mel perhaps -- he had to leave. What I was
2 going to do was to ask the three subcommittee chairs
3 to work with me and with Bonnie and with Joe and
4 Maggie to constitute the Agenda Committee for the next
5 meeting.

6 And I will very soon, if you approve this,
7 I will very soon send emails to all of you asking for
8 your ideas about how the agenda ought to be put
9 together. If you have thoughts about that right now,
10 we can certainly do it. I'd like to kind of see them
11 in writing so that I can put them all together.

12 So is this an acceptable -- and I've
13 talked to Lelei and I've talked to Mark, and they've
14 agreed to do this. Bonnie got away before I could ask
15 her, but I can't imagine her saying no. And, Mel, I
16 can't imagine him saying no.

17 So that's my proposal, that the agenda be
18 put together by a subcommittee rather as it was for
19 this meeting and since we're on that. I want to
20 commend again John and Maggie and Joe and the others
21 of you on the Agenda Committee. You did give us a
22 wonderful structure to work from. So this is my
23 proposal.

24 Steve and then Mike, your hand's up. Or
25 are you scratching your forehead. Steve and Mike.

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1 DR. MURRAY: I'd just like to speak in
2 favor of that strategy. I think that it's the most
3 logical thing to do given that we've identified
4 subcommittees. And at least for the next meeting
5 we're going to see that whatever agendized items that
6 we're going to be looking at are going to be really
7 directed in part by those subcommittees. And the
8 chairs are the best representatives of that. So I'd
9 like to see if we can as quickly as possible dispense
10 with this and move on.

11 CHAIRMAN BROMLEY: Okay. Mike.

12 MR. NUSSMAN: Mr. Chairman, I'd speak in
13 support of that idea. I would offer a slight
14 variation on it. And it would be that -- it would
15 seem to me that the agenda for the next Committee is
16 something that we will not know until -- or will not
17 be able to set with any sort of comfort level till we
18 see how the work products for the different
19 subcommittees has proceeded.

20 So there will be a point in time once we
21 set a next meeting when the agenda will have to be
22 produced.

23 CHAIRMAN BROMLEY: Yeah.

24 MR. NUSSMAN: What I would urge you to do
25 is to pull together the group you've just discussed.

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1 And at a date that's announced to everyone, to the
2 full Committee, have that Agenda Committee meet. And
3 prior to that meeting, if anybody on the full
4 Committee has particular thoughts about what should or
5 shouldn't be or whatever else, anything else about the
6 agenda, they would be forewarned and be able to get to
7 --

8 CHAIRMAN BROMLEY: Yeah.

9 MR. NUSSMAN: -- the Agenda Committee
10 prior to its meeting.

11 CHAIRMAN BROMLEY: Wonderful. Thanks,
12 Mike.

13 Rod.

14 DR. FUJITA: Thank you, Mr. Chairman.
15 Yeah, I like this idea, too. And I agree with Mike
16 Nussman that we really can't figure out the agenda in
17 any detail until we know where the subcommittees are.

18 But let me offer a couple of thoughts on
19 the general framework, if I may.

20 CHAIRMAN BROMLEY: Yeah, please.

21 DR. FUJITA: I think it would be useful
22 for us to hear from local folks, to get their
23 perspective on how MPAs are perceived and what their
24 substantive issues are, to feed into our
25 deliberations.

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1 I think it's logical also to consider some
2 kind of report from the subcommittees as part of the
3 agenda.

4 CHAIRMAN BROMLEY: Yeah.

5 DR. FUJITA: And I would ask that we
6 include a public comment period early in the agenda,
7 prior to our deliberations and any action items, so
8 that we can consider and take into account the useful
9 comments that the public makes. Thank you.

10 CHAIRMAN BROMLEY: Thank you. I was going
11 to ask you that, whether you'd like to have the public
12 comment come early in our deliberations rather than at
13 the end. So thank you, Rod.

14 I have Dave and then I have Bob.

15 MR. BENTON: Thank you, Mr. Chairman. Rod
16 hit on one of the two points I was going to make
17 about, and that's the public comment period.

18 And the other one is in your thinking and
19 in the thinking of the Committee, I think what you
20 propose is a good idea. I would stress minimizing
21 reports from sort of -- we've had a lot of
22 presentations. I'd stress minimizing that and
23 emphasize maybe doing work maybe through our Committee
24 structure. That's it, Mr. Chairman.

25 CHAIRMAN BROMLEY: You're reading my mind.

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1 Bob.

2 MR. ZALES: Bob Zales. And I agree with
3 everything that's been said. And on the public
4 testimony part, what you may want to do in
5 establishing the agenda is once you do the procedural
6 things of adoption and minutes, or whatever, however
7 you're going to go through, that the next, before we
8 even get into the business of the Committee, is to
9 then allow the public testimony, period. And then
10 maybe do Committee stuff after that and then get into
11 the working thing.

12 CHAIRMAN BROMLEY: Yeah.

13 MR. ZALES: One thing I would like just to
14 throw out just for consideration, because it's been
15 mentioned here and I'm a big fan of this, is the
16 interactive part of outreach and frontloading, and
17 stuff like that. To maybe consider allotting enough
18 time for public testimony to allow limited questioning
19 from Committee Members to the public to try to clarify
20 various points and things like that. Just to consider
21 it.

22 CHAIRMAN BROMLEY: Yeah.

23 MR. ZALES: But I think it would be --

24 CHAIRMAN BROMLEY: We will. And I want to
25 ask what the legal issue is here, if there is one.

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1 MS. ERNST: I think exchanges are allowed
2 with the public. I think the public making comments
3 have an opportunity to ask questions of the Committee
4 and develop a dialogue between you. And I double
5 checked that with our attorney this morning, as a
6 matter of fact. And I think it might be good to get
7 some of those guidelines out so that people that come
8 to these public meetings know that there is an
9 opportunity for exchange.

10 CHAIRMAN BROMLEY: Okay, good. I have Gil
11 and I have Dave, now I have Rod and I have Tim. Gil,
12 go ahead.

13 MR. RADONSKI: Thank you, Chairman. I
14 heard a comment here, you know, cut -- David, I don't
15 know exactly what you meant, but on the informational
16 stuff. I think I was a member of the Agenda
17 Committee. I know I provided feedback to John and I
18 requested that we have some sort of information, some
19 feedback from the refuges and from National Park
20 Service. And that was incorporated, and I thought
21 that David Smith did an excellent job.

22 And I would like to see that as a model.
23 Perhaps keeping it as a luncheon type speaker, if
24 that's what they want to do. But I think we ought to
25 progressively move through the groups, have Mineral

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1 Management Service provide a similar presentation and
2 the various element, programmatic elements within the
3 Departments, the partnership, lay out, start laying
4 out what their programs are.

5 I think that this was effectively done,
6 again by David Smith. And I think we could do this on
7 an incremental basis over our various meetings, so we
8 get a feel for the programs that are in place. We
9 have an opportunity to ask questions. I think that's
10 an extremely important element. And we ought to take
11 advantage of it.

12 CHAIRMAN BROMLEY: Thank you.

13 Dave.

14 MR. BENTON: Thank you, Mr. Chairman. I'm
15 really responding to Bob Zales, but I can't -- I want
16 to respond a little bit to, Gil.

17 And I don't disagree with that, Gil, other
18 than that instead of eating up almost a full day or
19 the majority of our time right now. I mean the
20 Chairman -- all I was asking was that the Chairman
21 look at that and sort of balance it out --

22 MR. RADONSKI: Sure. Oh, I agree --

23 MR. BENTON: -- with emphasis on our work
24 part.

25 But I wanted to speak to the point raised

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1 by Bob Zales about asking questions of the public, and
2 I support that. But I also know from experience,
3 especially with a large group, that we're going to
4 need a chairman to save us from ourselves on that.

5 And as you think about it, Mr. Chairman,
6 one thing you might want to consider is some rules for
7 us that we empower you with so you don't -- and you
8 would aggressively pursue them like, for example,
9 maybe we only get one question per witness and no
10 softball questions that could lead into 20-minute more
11 dialogue or statements. That kind of thing.

12 CHAIRMAN BROMLEY: Yeah.

13 MR. BENTON: Because I think the back-and-
14 forth is real important, but it can also become a real
15 time eater-upper.

16 CHAIRMAN BROMLEY: And if I may --

17 MR. ZALES: To that point, that was my
18 caveat --

19 MR. BENTON: Yeah.

20 MR. ZALES: -- of limited time.

21 MR. BENTON: Yes.

22 CHAIRMAN BROMLEY: And there is an issue
23 of clarification questions versus elaboration and
24 defend-your-position kind of question. And, you know,
25 why do you say that. I mean -- yeah, and I know you

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1 want to avoid that. That's in your off-limits
2 category, mine as well. So we will work on that.

3 And I assure you that I do want some
4 guidelines from you because we will need to keep it
5 confined.

6 Rod and then Ted.

7 DR. FUJITA: Thank you, Mr. Chairman.
8 Real briefly. I'm just responding to Bob Zales'
9 suggestion that the public comment period come right
10 after administrative stuff and before any substantive
11 discussion.

12 I think it's actually more useful to have
13 the public comment after they kind of have some
14 understanding of what the subcommittees have been
15 doing. They're not going to be privy to the website.

16 They're not going to be privy to those subcommittee
17 products prior to the meeting, I don't think.

18 So rather than just guess at what we're
19 going to be working on and trying to provide some
20 informative input, I think it's probably better to
21 give them a chance to hear what the subcommittees have
22 been doing and then comment on that and whatever other
23 issues they want to comment on just prior to our
24 discussion of that work and any deliberations we
25 actually may take.

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1 CHAIRMAN BROMLEY: Good. Thank you.

2 Okay, Ted.

3 CAPT. THOMPSON: Thank you, Mr. Chairman.

4 Just a procedural comment. In reading our charter, I
5 note it says "Subcommittees may be established subject
6 to the provision of the Department of Commerce
7 Committee Management Handbook." To the extent that
8 that management handbook may impact on the procedures
9 and deliberations of our subcommittees, could I ask
10 Maggie to maybe review that and get those provisions
11 to us so we'd understand what that restriction is in
12 our --

13 MS. ERNST: I was going to provide a copy
14 of the handbook to the Chairman. And that involves
15 the endorsement process in writing of the subcommittee
16 structure and the composition. The handbook is in the
17 process of being revised. It was written in 1985 and
18 there is -- the attorneys are still reviewing the
19 final version, or we would just give it out and it
20 would be a perfect resource for us. But I was going
21 to do that through the Chair, and then he will convey
22 what he thinks would be useful for the full Committee
23 to have under their belt as far as the handbook.

24 CHAIRMAN BROMLEY: Thank you.

25 Could I ask a question? We had -- and it

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1 goes back to David's question and comment. I just
2 need your advice about the agenda. Rod made nice
3 points about let the public comment be later, somebody
4 wants it first. We will work on that.

5 I did notice that this time the guest
6 speakers did take 20 percent of our meeting time and
7 both lunches. And I don't think I counted the lunches
8 in the 20 percent. So maybe more than that. And I
9 would appreciate some guidance from you.

10 I do agree that it is wonderful to hear
11 from one or two representatives of something or other,
12 but I also happen to believe that this group would
13 very much benefit from having a lunch time when we
14 might get our sandwiches and come back here and talk
15 and so on. And so I would appreciate some guidance
16 from you.

17 Do you want free lunches one day out of
18 this? And what is an acceptable proportion of these
19 PowerPoint presentations? That's my question to you.

20 Let's deal with it quickly. Sort of yes, no. No
21 long answers. I just need your help.

22 Max, Bob. Wait a minute, I'm sorry. I
23 had Lelei on before I gave my little speech there. So
24 you get the first crack. You can either respond to my
25 question or what you were going to say.

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1 And then I've got -- who had their hands
2 up? Max, Bob, Rod, Dolly, and George. Okay. Lelei,
3 go ahead.

4 MR. PEAU: Mr. Chairman, this is really a
5 procedure matter.

6 CHAIRMAN BROMLEY: Yeah.

7 MR. PEAU: My dedication is also in favor
8 of deferring public comment until the end of our
9 meeting. I think it's a real opportunity to allow the
10 public to sit in and listen to our deliberations, and
11 then formulate their position based on what they
12 heard. And oftentimes I think they will make a case
13 without having the information.

14 Secondly, I think we need to have some
15 sort of procedure in place in terms of how we address
16 the public comment. I think we need to have some
17 procedures in writing to ensure that if the public
18 would like an official response from the Committee,
19 that requires some sort of written statement so that
20 there's no confusion. And I do not want to spend a
21 whole hour of listening and no action taken based on
22 the comments presented before us.

23 Thirdly, I would like to see our future
24 meetings to have an opportunity to get out at some of
25 the sites. I mean there's some really good

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1 opportunity. I really hate to come all the way here
2 and not be able to visit the Center. After all, this
3 is the place that is providing us technical
4 information and providing -- I want to see how these
5 guys operate in action.

6 We're here and we're not having that
7 opportunity. So I strongly encourage that future
8 meetings that allow full Members to get out and visit
9 some of those sites. Thank you.

10 CHAIRMAN BROMLEY: Thank you. We'll take
11 that into consideration.

12 Okay. I presume this other queue is in
13 response to my request for guidance on PowerPoint
14 presentations.

15 MR. PETERSON: Yes, Mr. Chairman. Let me
16 comment first that I thought you put together a super
17 committee to develop the next agenda. I'm not sure
18 you need any more advice.

19 CHAIRMAN BROMLEY: Okay.

20 MR. PETERSON: I think the comments that
21 have been made are good.

22 I think on the business of making
23 presentations, many PowerPoint presentations, if they
24 simply have been provided to the Committee in advance,
25 could be read. They don't need much embellishment.

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1 So I think in terms of efficiency, unless there's a
2 real need to understand a program or we need the
3 person present, it's a long ways to where we meet to
4 have somebody come to make a 30-minute PowerPoint
5 presentation.

6 But I'm comfortable with delegating it to
7 you and your committee. I would suggest you submit --
8 send out a draft agenda so at least --

9 CHAIRMAN BROMLEY: Yes.

10 MR. PETERSON: -- to have an opportunity
11 to look at it. But other than that I'm comfortable
12 for you all to go ahead.

13 CHAIRMAN BROMLEY: Thank you. Okay. Bob.

14 MR. BENDICK: I thought the balance was
15 about right at this meeting. And I think it's really
16 important that we learn together about what's
17 happening out there for some proportion of the
18 meeting.

19 CHAIRMAN BROMLEY: Thank you. Rod.

20 DR. FUJITA: Thanks, Mr. Chairman. Just
21 reiterate that I think it's important to have some
22 presentations. I'd rather see them focus on the local
23 issues and limited to maybe one or two lunchtime
24 presentations rather than 20 percent of the meeting.

25 Also I have a suggestion as to how to make

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1 the presentations more useful, perhaps. Now that we
2 have subcommittee structure, you might want to
3 reconsider asking the subcommittees to submit names of
4 folks that could give a smaller scale presentation to
5 the subcommittee to help them specifically with their
6 work products.

7 CHAIRMAN BROMLEY: Good. Yes, that's
8 nice. Thank you.

9 Okay, Dolly, George, and Dave.

10 DR. GARZA: Thank you, Mr. Chair. I have
11 a couple of comments. In terms of the public comment,
12 I'm not as concerned about the time that it should be
13 at. Certainly last is not the best.

14 In terms of the interactive, my concern is
15 that if we start even with just one question per
16 person to the first person is going to take the whole
17 time. And so I think we need to hear from all of the
18 public first and then have our questions written down
19 so that we could ask someone to come back up to
20 clarify something. So that would be my
21 recommendation.

22 In terms of presentations from agencies or
23 from more *federales*, nonprofits, whatever. I think
24 that what we had today certainly was necessary because
25 we're trying to get the big picture, but I agree with

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1 my colleague right here that in future ones I guess I
2 would like to hear from some on from the Council or
3 from an MPA or from somewhere that's trying to deal
4 with a big issue. And if, as stated earlier, they're
5 looking for us for response, then I would like to hear
6 from them to say this is what we think you were
7 supposed to do through this Executive Order process.
8 I think that would be excellent.

9 I also support Lelei. I think that it's
10 just -- to me it's terrible that we got this far and
11 we're not going to Santa Cruz, we're not going to see
12 what these guys are doing, because I think that would
13 help us in our subcommittees, at least subcommittee 2,
14 to figure out how we should be assisting and providing
15 recommendations through them to the two Departments.
16 Thank you, Mr. Chair.

17 CHAIRMAN BROMLEY: Right. Thank you so
18 much.

19 George.

20 MR. LAPOINTE: Enough has been said, Mr.
21 Chairman. Thanks.

22 CHAIRMAN BROMLEY: Okay. Dave.

23 MR. BENTON: Mr. Chairman, the only other
24 thing that you raise, I agree with Max. You've got a
25 super committee and I've got every faith that you're

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1 going to do a good job in figuring out the balance on
2 presentations. And the other thing you asked though
3 was about lunch?

4 CHAIRMAN BROMLEY: Yes.

5 MR. BENTON: Working lunch. And I would,
6 for one, strongly support that we have at least one
7 working lunch and it not be the one on the last day.

8 CHAIRMAN BROMLEY: Yes.

9 MR. BENTON: Okay.

10 CHAIRMAN BROMLEY: Yes. And by "working
11 lunch," do you mean that we work during it or that we
12 have a chance to visit and socialize. What is your --

13 MR. BENTON: What I mean by a "working
14 lunch" is the way you described it, where we without
15 having a presentation, have an opportunity to sit here
16 and discuss things, --

17 CHAIRMAN BROMLEY: Yeah.

18 MR. BENTON: -- whatever those are that
19 are on our mind over a lunch, without it being eaten
20 up by a presentation.

21 CHAIRMAN BROMLEY: Thank you. Yeah, I
22 think that would be valuable.

23 Okay. All right. Are we okay on the
24 agenda side of things, huh?

25 We have windows of time. We have venue.

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1 Joe has asked for a minute before too many people get
2 away. And I'm going to give to Joe for his thing, and
3 then we'll do these other things.

4 MR. URAVITCH: Thank you, Mr. Chairman. I
5 didn't intend to interrupt here. I thought I was
6 going to be last.

7 CHAIRMAN BROMLEY: That's all right.

8 MR. URAVITCH: But just on behalf of the
9 two Departments, Jim Kendall and myself, we just
10 wanted to thank you all for the really excellent two
11 and a half days that we've had here.

12 We're very excited about the work you're
13 doing. I think we've accomplished more than we
14 thought could be accomplished, just given the size and
15 diversity of the group. And we're just really pleased
16 with the foundation work that you're laying both for
17 the near-term and the long-term, for the U.S. and the
18 management of its ocean and coastal waters.

19 And so I really want to thank you all for
20 the hard work you've been doing and I really
21 appreciate the direct comments. I'm sort of a blunt
22 person myself, as you may have noticed, so I don't
23 mind hearing that from others. I think it's helpful.

24 And I'd also just like to thank Maggie
25 Ernst and all of our staff who put an incredible

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1 amount of work together to make this happen. And
2 thank you all again.

3 (Applause.)

4 CHAIRMAN BROMLEY: Thank you, Joe. On
5 behalf of the Committee I want to thank you and Maggie
6 and Dana and Bunnie -- and who else -- yeah, everyone,
7 Charlie Wahle and Ginger Hinchcliff. And all of the
8 people, some of whom, I'm sorry, I don't even know
9 their names, who made this thing work here and who put
10 together for us I think a fantastic launching pad by
11 which we can do good work. So thank you all.

12 I think some of us perhaps under
13 appreciate how complicated doing one of these is, from
14 where Maggie sits and Joe sits. I couldn't function.

15 Some of you may not think I am functioning here, but
16 I couldn't function without Maggie here slipping me
17 notes, kicking made under the table, and keeping me on
18 track.

19 And I'm also grateful to the
20 parliamentarians in the room. I can do a lot of
21 things, but keeping track of which motions are on the
22 floor and are on the table and halfway between, I got
23 a little befuddled this morning. I apologize for
24 that. I will try to do better in the future, but I
25 got a lot of good help. And I'm happy to receive it

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1 from all of you.

2 The other thing I do appreciate, let me
3 say this, is that at breaks some of you come up and
4 say, now, Dan, don't figure to do this. And please
5 don't ever hesitate to come up and say, Dan, don't
6 forget, we still haven't addressed this, we still
7 haven't addressed that.

8 I have a lot of paper up here, I have a
9 lot of stuff going on, and so I do beg you to come up
10 and say, look, we haven't dealt with that yet, or
11 what-have-you. So please do that.

12 Okay. Let's go to venue, okay. The venue
13 issue. And then we'll deal with the time issue.

14 Bob. I sort of pushed Bob off.

15 MR. ZALES: Bob Zales. I just want to
16 reiterate a suggestion I made at the first meeting,
17 that our next meeting be held in Hawaii in conjunction
18 with the hearing. And to kind of explain that a
19 little bit further is, and as we heard comments today
20 from the public, that Councils -- and my personal
21 experience and knowledge of the various people I
22 represent across the country, and I think it's more
23 than probably just the Council here and the Council in
24 the Gulf, there is severe concern, serious concern
25 about what this Committee is going to recommend and

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1 advise the two Secretaries to do regarding MPAs.

2 And I think that it would be very prudent
3 for this panel and also for the Council to have an
4 opportunity to meet in a location such as Hawaii,
5 which then gives our friend from American Samoa and
6 the people in Hawaii, who obviously for public
7 comment, they're not going to travel here to give
8 public comment, so it would give us a way to hear from
9 people in areas that we probably would not hear
10 otherwise.

11 From what I understand, the Hawaiian
12 Islands and the Western Pacific, there's extensive
13 knowledge and expertise and information about the
14 various marine managed areas, reserve, sanctuaries,
15 whatever, that I think this Committee could benefit
16 from.

17 And I just see a tremendous opportunity to
18 interact not necessarily on a daily basis, but to be
19 able to have like one day to better actions between
20 the Council chair meeting and this panel. We do our
21 business whenever, before or after that day. They do
22 their business before or after that day.

23 From what I understand that meeting will
24 be held on the Monday, Tuesday, and Wednesday after
25 Easter, in April, which Easter I believe is April

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1 11th.

2 So my suggestion would be for us to meet
3 like on that Tuesday, Wednesday, or Thursday, or that
4 Wednesday, Thursday, and Friday, so that it wouldn't
5 interfere with anybody's vacation or religious
6 situation with Easter. You could leave on that Monday
7 or that Tuesday, and work in conjunction with, I
8 think, the lead Council would be the Western Pacific
9 Council, which would be Kim Sanders, and work with the
10 Fishery Service.

11 And even though when you're looking at the
12 information provided to us, it's the least expensive
13 of the most expensive. I believe the cost benefit
14 from the knowledge that can be gained by everybody
15 with the interchange of information is immeasurable,
16 really.

17 And I really believe that overall
18 government expense that it's probably cheaper, because
19 you're going to have a lot of people that are already
20 going to be at that meeting that would attend -- some
21 of those people would attend our meeting, so that you
22 could kind of combine it. So I just throw that out in
23 that rationale for discussion and see where it goes.

24 CHAIRMAN BROMLEY: Okay. Thank you very
25 much.

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1 Dolly.

2 DR. GARZA: Thank you, Mr. Chairman. I
3 have an alternative suggestion, although I have no
4 opposition to that one. As I stated and I've stated
5 every chance I could, that I was really disappointed
6 that we did not get to Santa Cruz here. I would
7 support having a meeting in Charleston so that we can
8 at least see one of the facilities -- it is in
9 Charleston, isn't it? Okay. Because I think that's
10 part of what we need to know in terms of
11 recommendations that we need to make.

12 On the point of the costs of these, I
13 don't think that that should be as important to us. I
14 think we should find the money if we decide where
15 we're going to meet.

16 As an example, and this is just a side
17 note, for the Alaska costs, the hotel costs per night,
18 those are the summer rates. Those are not the winter
19 rates. I've been meeting up in Anchorage sort of
20 endlessly, and our average rate right now is between
21 80 and \$90. So the cost for the meeting in Anchorage
22 is highly exaggerated, as is with Sitka. As soon as
23 the summer's over, those guys will do anything to get
24 you guys up there.

25 And so I don't want us to be the number

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1 one in terms of most expensive. We should be the
2 number one in terms of destination desired. Thank
3 you.

4 CHAIRMAN BROMLEY: That means that I could
5 stay at Fairbanks tonight for \$26; is that right?

6 Okay. Let's see, I have Terry on the
7 list, but let me get Mike and David and Rod. Okay,
8 others? Okay. Dave -- Terry.

9 MR. O'HALLORAN: Thank you, Mr. Chair. I
10 support Bob Zales' comments about our next meeting
11 being in Hawaii. And I'm not saying that because I am
12 from Hawaii and it means that I don't have to travel,
13 which I would like, but there are several things that
14 Hawaii can offer this Committee.

15 First of all, we are the only island state
16 in the Union. And we have several MPAs from all
17 different levels of government. And we also have the
18 cultural aspects in Hawaii that weigh very heavily on
19 decision-making.

20 We also have, from my perception in Hawaii
21 currently, a very anti-MPA posture. I mean it's very
22 strong. And I think it would be very helpful for our
23 Committee to go to an area where there's a lot of
24 ocean area, there are existing MPAs, there's cultural
25 issues, and we also have a lot of concerns about MPAs.

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1 And I think that that's something that we need to as
2 a committee need to understand better.

3 I don't know that necessarily everyone
4 sitting around this table has all the perspectives
5 that might be presented from persons that are in
6 Hawaii that might want to talk with us.

7 In addition, we are a Center where my
8 colleagues from American Samoa and some of the other
9 island around the area could participate more easily
10 and present an island perspective to the Committee,
11 which again I think is important.

12 And as it relates to costs, I feel very
13 confident that we can, now that -- Maggie, thank you
14 for checking on that -- that we can get some in-kind
15 support. I feel very confident that we could get some
16 in-kind support specifically in hotel rooms to reduce
17 our cost for that venue. Thank you.

18 CHAIRMAN BROMLEY: Thank you.

19 Mike.

20 DR. CRUICKSHANK: Yes. I felt a little
21 bit about different suggesting Hawaii and I certainly
22 endorse both Bob's and Terry's --

23 CHAIRMAN BROMLEY: Okay.

24 DR. CRUICKSHANK: -- endorsement of that
25 issue. And one thing about the Hawaiian Islands is

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1 that for many, many years the holding of a government
2 meeting there has brought wrath from the local
3 residents of Washington, D.C. on all the Members
4 present, which is unfortunate, because they have --
5 I've traveled in the Islands a great deal, and we have
6 a poor image in the United States and of being
7 supportive of their activities.

8 And not only are they, American Samoa,
9 Guam, the Northern Mariana Islands, but we have close
10 association with the Marshall Islands and with Taiwan.

11 And there's a tremendous element there valuable to
12 the fisheries in those areas which somebody has to
13 look at because there's also a Forum Fisheries Agency
14 in the South Pacific. And I think that we should make
15 contact with them and with all the relevant players
16 there, because there are some very important issues
17 that need to be discussed, and I'm delighted. I would
18 certainly support that.

19 In terms of cost, I -- I believe there's a
20 varying cost off the season. I'm not sure Easter is
21 -- it may be the very high, I'm not sure, but you can
22 look into that. Sometime we should venue there, I
23 believe.

24 CHAIRMAN BROMLEY: All right.

25 DR. CRUICKSHANK: Thank you.

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1 CHAIRMAN BROMLEY: Thank you very much.

2 I have David and then Rod.

3 MR. BENTON: Thank you, Mr. Chairman. I
4 strongly support the recommendation that Bob Zales has
5 made and for all the reasons that have been said but
6 for another one as well. I think that it's important
7 for us as we go forward with our work that we not
8 become centric on Washington, D.C. and that we
9 actually go to the various regions around the country
10 for the very reason that Rod Fujita brought up about
11 public comment and hearing about local situations.

12 And I support Bob's proposal -- I mean all
13 things being equal, I wouldn't care when we go to
14 Hawaii or to the Western Pacific. I think we need to
15 go through and should go there and would be remiss if
16 we did not go there. But because the Council chairs
17 are going to be there, a lot of senior NOAA officials
18 will be there, I can guarantee you pretty much that
19 there will also be some members representing their
20 respective committees in Congress that have
21 jurisdiction will also be there, because they go to
22 the meeting of the chairs of the Councils and they
23 attend those meetings because that's who they interact
24 with.

25 So you can kill a lot of birds with one

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1 stone with this one meeting. Otherwise it wouldn't
2 matter when, but I think this is the opportunity to
3 really be most efficient if we're going to do our job
4 about going out to the Western Pacific and hearing
5 what they have to say.

6 So it just makes a heck of a lot of sense
7 to me to go out there and go to meeting and hear --
8 have it be where we can interact with the Councils, as
9 Bob said before.

10 And I know that I talked with I think all
11 the -- I think all the chairs or their executive
12 directors last week about MPAs and what's going on. I
13 think Bob may have done the same thing. And they're
14 actually pretty interested in having such a joint
15 interaction to clear the air on some issues and see
16 how they fit in and how we fit in.

17 CHAIRMAN BROMLEY: Good. Thank you.

18 Rod.

19 DR. FUJITA: Thank you, Mr. Chairman. I
20 think Hawaii would be a wonderful venue for many of
21 our Committee, for the local expertise, because
22 there's active MPA issues there, particularly in the
23 northwest Hawaiian Islands.

24 However, I am troubled by the idea of our
25 Committee meeting jointly or in some forum with the

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1 committee chairs -- the Council chairs. I think
2 there's a lot of groups who are intensely interested
3 in the work of the Committee. I don't think it's wise
4 for us to affiliate ourselves with any particular
5 group.

6 I think there are other ways to consult
7 with and fully engage the Councils, who are going to
8 be important players in the implementation of any
9 questioned of MPA policy. But I don't think it's a
10 good idea for us to meet with them at their Council
11 chairs meeting. Thank you.

12 CHAIRMAN BROMLEY: Good. Let me see if I
13 can capture what I've heard. I hope it's the same
14 thing you've heard.

15 The suggestion for Hawaii brings together
16 three things. It brings together place, it brings
17 together time, and it brings together an issue of
18 ripeness or readiness. And we will not be able to
19 resolve those three.

20 What I mean by ripeness or readiness is a
21 little different from what Rod said. It's not
22 unrelated. The issue is will we be at a point in our
23 deliberations at which we are ready to sit down
24 constructively with Council chairs or indeed anyone
25 and meet jointly. That, I believe, is an issue for

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1 us.

2 Leaving that aside, it seems to me that
3 the two issues then, and I believe cost off the table,
4 I think cost is no object. That's not an issue that
5 we need to worry about, I guess. It's easy for me to
6 say. That's somebody else's job, to find the money,
7 but it does not figure in my calculation.

8 What figures in my calculation is the
9 commitment to meet with the chairs of the Fisheries
10 Management Council puts us in a window with no
11 latitude. And what are we to do if we -- and my hope
12 is that we do not have to settle this today.

13 My hope is that we take these invitations,
14 these arguments under advisement, and that we do as we
15 did for the previous meeting -- I'm sorry -- as we did
16 for this meeting, that the Agenda Committee and Maggie
17 will have to do the timing, we take these under
18 advisement. But what are we to do if it turns out
19 that we sort of have a mental commitment to meet with
20 the chairs of the Council and seven or eight or nine
21 of our Members are unable to make this particular
22 meeting?

23 This I think is a serious issue for us. I
24 just throw that out.

25 David, Bob, and Max.

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1 MR. BENTON: Mr. Chairman, I think those
2 are all valid points. What I would suggest perhaps
3 is, and maybe this is overstepping it, I sense -- and
4 maybe I'm wrong about this -- but I sort of sense that
5 there is at least a fairly strong sentiment of trying
6 to pursue the idea that Bob put forward.

7 And that you could through your Committee
8 put that out through to the group to see who couldn't
9 make it. I mean we're all going to have conflicts.
10 The one advantage of doing it at that time is that
11 none of the Councils will be meeting in their formal
12 session. And a lot of folks have to go to those and
13 participate, so it has that advantage as well.

14 I don't think that it's time that we put a
15 motion in front of us to say this is when and where
16 we're going to meet, or something like that. But I
17 think it would be useful to take that as our initial
18 place we're going to do it and what we're going to do,
19 and put it out there and see what kind of response we
20 get. And I would leave that to you all to work out.

21 CHAIRMAN BROMLEY: Well, it does privilege
22 one proposal that's before us, and there are several
23 other proposals before us. And I have to think about
24 how I wish to privilege that one in terms of putting
25 it out as the default position unless it's defeated.

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1 So I recognize Bob. I'll recognize Max, but I'm going
2 to need a little more guidance before I feel
3 comfortable going forward saying, okay, here's the one
4 or up and down. And then we'll retreat and try to
5 figure out another one or we'll accept it.

6 I a little reluctant to privilege one. So
7 let me stop there. Dolly -- but first I have Bob
8 Zales. Let's try it. Now we're running up against
9 the time, so let's make our interventions brief, to
10 the point, please.

11 MR. ZALES: Yes. Bob Zales. And I agree
12 with what Dave said and I would just like to add a
13 couple of things. I may have misspoken when I said
14 kind of a joint meeting. I don't mean it as a joint
15 way of exchange.

16 It would be a limited exchange on our
17 part, but it would be more knowledge gathering on our
18 part from the various Councils as to -- and in my mind
19 this is a good time to do this for the reasons of
20 we're looking to identify right now MPAs, what they
21 do, what they don't do, how they impact and how they
22 don't impact.

23 Each region and each Council I think has
24 its own kind of set of guidelines as to how they do
25 it. I think that's why we're here, because

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1 everything's kind of dysfunctional. That what this
2 would do, this would then allow those Councils through
3 their chairs and vice chairs to come to this panel and
4 say, this is our concept. This is what we do. Here
5 are our areas. Here's the identity. Here's what they
6 do. Here's the amount, here's what they don't do.

7 And then we can gather all that
8 information and put that in our storage box of working
9 to try to come up with the recommendations that we're
10 charged to do at a future date.

11 And so I would also like to say my
12 impression of the Council process through all is that
13 they're going to be critical players in what happens
14 with MPAs in the future, because they're the ones who
15 have established in the various jurisdictions they
16 have so far. And I see that continuing. I don't see
17 their authority being diminished.

18 CHAIRMAN BROMLEY: Okay. I have Max, Gil,
19 Dolly, and Terry.

20 MR. PETERSON: Mr. Chairman, in the
21 interest of time I would suggest we let the Committee
22 that you previously established look at this question.

23 For example, how often do those committee chairs
24 meet. I think maybe they meet twice a year.

25 It might be that the ripeness question

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1 would fit better later. Isn't that right, George,
2 they meet twice a year?

3 I do think it's important that they be
4 specifically consulted with at some point. I'm not
5 sure whether we're ready in April. I would support
6 the idea, but I would suggest we delegate to your
7 Committee to come up with a couple of proposals.
8 Otherwise I don't feel secure in deciding it here.

9 CHAIRMAN BROMLEY: Yeah. It's my
10 understanding that Barbara Stevenson has pointed out
11 to us that -- when in the future will they meet again?
12 In the New England area?

13 MS. ERNST: I believe a year from April.

14 CHAIRMAN BROMLEY: A year from April.

15 MS. ERNST: The Council chairs are to be
16 meeting in Maine?

17 MR. PETERSON: Do they meet twice a year
18 now?

19 MR. ZALES: Well, now to that point.
20 Normally they do meet twice a year. For whatever
21 reasons, budget or whatever, this year they, from what
22 I understand, have been told they only have one
23 meeting this coming year.

24 CHAIRMAN BROMLEY: So they're meeting
25 April 2004 and then --

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1 MR. ZALES: 2004 and then --

2 CHAIRMAN BROMLEY: -- spring of 2005 in
3 New England.

4 MR. ZALES: March, April, May of 2005.

5 CHAIRMAN BROMLEY: Thank you.

6 Okay. Gil.

7 MR. RADONSKI: For the record, I support
8 Bob's proposal. I do think for all the reasons that
9 have been stated it would be a good idea.

10 But one of the things -- you know we're
11 sitting here today in November 2003 and shortly the
12 Commission on Ocean Policy is going to issue a report.

13 And this whole picture is going to change
14 dramatically, the level of debate, the topics of
15 discussion, a lot of it is going to be driven by that,
16 so the Agenda Committee is going to have a lot of
17 flexibility.

18 And I suspect we are going to be looking
19 -- we would be looking for a presentation from
20 somebody that's knowledgeable about the Commission on
21 Ocean Policy and their report, to brief us on what the
22 report says and how it's going to be disposed of
23 through national policy.

24 So, again, I endorse Bob Zales' proposal.

25 I think it would be a good use of funds. It would be

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1 very beneficial for all the reasons given, but I think
2 we have to be flexible.

3 CHAIRMAN BROMLEY: Thank you.

4 I have Dolly and Terry.

5 DR. GARZA: Thank you, Mr. Chair. I think
6 that Max summarized fairly well what my concerns are.
7 I had perceived this next meeting as pretty much a
8 working meeting, where the subcommittees will report
9 and we'll have some work to do. And I think that
10 would be difficult to do, in my mind, when you have
11 the chair Council meeting going on.

12 And so sort of in terms of timing that may
13 be better later. And that could be something that the
14 Agenda Committee can address. Thank you.

15 CHAIRMAN BROMLEY: Thank you.

16 Terry.

17 MR. O'HALLORAN: Thank you. My suggestion
18 about Hawaii isn't necessarily tied to a joint
19 meeting.

20 CHAIRMAN BROMLEY: That's right. I
21 understand.

22 MR. O'HALLORAN: And I --

23 CHAIRMAN BROMLEY: It's good that you make
24 that clear.

25 MR. O'HALLORAN: And I think that a joint

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1 meeting with any organization at this moment I think
2 would not serve us well, because the minute we do with
3 one we disenfranchise others. And we do have a lot of
4 work to do.

5 Having said that, I still want to put
6 forward the suggestion that Hawaii be the next venue,
7 because all it has to offer. And I know when you say
8 Hawaii, everyone thinks vacation, sun, and fun. And,
9 yes, we have that. But there are those of us in
10 Hawaii who work very hard.

11 (Laughter.)

12 MR. O'HALLORAN: And I think that this
13 Committee would work very hard. And so --

14 CHAIRMAN BROMLEY: His sunburned forehead
15 is a testament to how hard he works.

16 MR. O'HALLORAN: Well, it doesn't mean
17 that we don't do our work outside.

18 CHAIRMAN BROMLEY: Right.

19 MR. O'HALLORAN: But so I would like to
20 keep that suggestion for Hawaii. I think it would be
21 a very valuable venue for us. And, anyway, I think
22 that's good.

23 CHAIRMAN BROMLEY: Good.

24 MR. O'HALLORAN: Thanks.

25 CHAIRMAN BROMLEY: All right. David,

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1 maybe this is the last comment.

2 MR. BENTON: Just a very brief comment,
3 Mr. Chairman. I would just note for the record that
4 we're here in San Francisco in the same kind of
5 concerns about, hey, sun, fun, and go down to San
6 Francisco, hang out on Fisherman's -- you know, all
7 that applies. And we're here and we've been locked in
8 these rooms for two and a half days and done our work.
9 And I think that's important.

10 And the other thing is that the Councils
11 are a regulatory body. I think that's distinctly
12 different than other -- like the environmental groups
13 or something that might feel like, hey, why are you
14 meeting with them. We're meeting with them because
15 they're a regulatory body. It wouldn't be -- I agree
16 with Terry. It wouldn't be a joint meeting, but have
17 the opportunity to interact with them in some
18 appropriate fashion that the Chair works out I think
19 would be important.

20 CHAIRMAN BROMLEY: Okay. May I try to
21 capture the sense of the discussion here? And that is
22 I would ask your permission to do as we did before,
23 and as I recall this repeats a little bit of what we
24 did in June where we had people making presentations
25 to us. And that's fantastic. I think that's the way

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1 that it ought to be done. And I'm happy it became as
2 it did rather than as motions in which it gets tied up
3 in all of that. I think this is fantastic, Bob.
4 Thank you. We're getting ideas out on the table.

5 And all of you who did these, I think
6 that's the way it ought to be done.

7 It seems to me we have but one choice,
8 Hobson's Choice, which is to canvass the entire
9 Committee by email for dates and have -- and venues,
10 and have the Agenda Committee take all that under
11 advisement and make a determination.

12 MR. [SPEAKER]: Sounds great.

13 CHAIRMAN BROMLEY: May I proceed to do
14 that?

15 MR. [SPEAKER]: Yes.

16 CHAIRMAN BROMLEY: Pardon me?

17 CAPT. THOMPSON: Just do it quickly.

18 CHAIRMAN BROMLEY: Do it quickly.

19 CAPT. THOMPSON: April is just around the
20 corner.

21 CHAIRMAN BROMLEY: It is indeed. I
22 promise you it will be done very expeditiously.

23 And we limit the time window to the month
24 of April. Is that part of your sense, or why? I
25 mean...

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1 MR. O'HALLORAN: May I offer?

2 CHAIRMAN BROMLEY: Yeah.

3 MR. O'HALLORAN: We have set some internal
4 deadlines of March 15 --

5 CHAIRMAN BROMLEY: March 15th.

6 MR. O'HALLORAN: And so it seems that
7 April would be the appropriate time to have it. If we
8 delay it then our work will sit for a while, and we
9 don't have that much --

10 CHAIRMAN BROMLEY: Right. So we will ask
11 -- in terms of time, we will confine it to the month
12 of April, is that what people want?

13 Okay. That still leaves us with the
14 dilemma. If 12 people say April is out for some
15 reason, we're going to have to -- we will come back to
16 you.

17 MR. O'HALLORAN: Yeah, sure.

18 CHAIRMAN BROMLEY: Mike and Bonnie, I
19 guess. Yes, Mike.

20 DR. CRUICKSHANK: A suggestion. That
21 instead of having hour-long presentations, we could do
22 what a lot of these conferences do, a ten-minute
23 presentation, hand out paper, which will give us a lot
24 more information to mull over in the time we have.

25 CHAIRMAN BROMLEY: I see. You're back to

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1 where we do PowerPoint presentations --

2 DR. CRUICKSHANK: Right. Because I'm
3 thinking about that --

4 CHAIRMAN BROMLEY: That's right. And all
5 the PowerPoints we had we also received a sheet of
6 paper.

7 DR. CRUICKSHANK: Yeah. And if we could
8 -- have the people there to ask questions to.

9 CHAIRMAN BROMLEY: Thank you. Okay. I
10 have Bob and then I have Dave.

11 MR. ZALES: Bob Zales. To the point about
12 the time constraints, because I think that was an
13 issue and yesterday as to whether or not this March
14 15th date, where it came from and whether to leave it.

15 What I could see, working with that now, is for these
16 committees to do their work and to use that March 15th
17 as a deadline, that would then give the Committee a
18 little bit of time to play with it. And it would also
19 then give adequate time for the Center to get it
20 disseminated prior to the meeting time so that we
21 don't arrive at the meeting with the information. We
22 actually have it several days ahead of time to carry
23 it with us.

24 CHAIRMAN BROMLEY: Yeah. That's good.

25 And I congratulated Maggie when we first

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1 started on the thinness of the meeting book. I
2 thought it was marvelous to get a meeting book that
3 had 22 pages in it at most, rather than three inches.

4 And so I encourage them to keep it brief but, yes,
5 this -- Bob, this is an essential kind of input. So,
6 yeah.

7 David.

8 MR. BENTON: Mr. Chairman, going back to
9 your point about April, --

10 CHAIRMAN BROMLEY: Yes.

11 MR. BENTON: -- I think that's an
12 excellent suggestion. I'd be remiss if I don't do the
13 paid political ad I was asked to do and which is Wally
14 wanted me to tell you he can't do it in March. So
15 I've discharged my duty.

16 (Laughter.)

17 MR. BENTON: The only thing I would ask is
18 that we set this up in such a way that it does not
19 conflict with meetings of Regional Fishery Management
20 Councils, because I know we have a lot of
21 representation around this table of folks that go to
22 those.

23 CHAIRMAN BROMLEY: Yeah.

24 MR. BENTON: And a lot of those meet in
25 late March, some in early April, and some I think in

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1 mid- to late April, but I'm not sure. But, anyway, if
2 you would factor that in in your thinking.

3 CHAIRMAN BROMLEY: Yeah. March will not
4 be one of our options, David. I think that takes care
5 of some of the Councils. That goes back to the fact
6 that our subcommittees won't have work products till
7 March 15th. There's no reason to rush it. So it will
8 be -- we will do April and see how it turns out.

9 Is that all right?

10 And if it turns out we have a problem only
11 in terms of membership ability, then we will come back
12 to you. How's that?

13 Any other items you'd like to discuss?
14 Maggie, have I -- are there things? Joe, Steve?

15 MR. O'HALLORAN: Dan, thanks. A good job.

16 DR. FUJITA: Yes.

17 CHAIRMAN BROMLEY: Thank you.

18 DR. HIXON: I'll second that.

19 MR. BENTON: Are you ready for a motion to
20 adjourn?

21 CHAIRMAN BROMLEY: I think we could
22 entertain a motion to adjourn.

23 MR. BENTON: I'd move we adjourn.

24 CHAIRMAN BROMLEY: Is there a second to
25 the motion?

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MR. [SPEAKER]: Second.

CHAIRMAN BROMLEY: All in favor say "aye."

[MEMBERS]: Aye.

MS. ERNST: This meeting is adjourned.

(The Second Meeting was adjourned at 12:00

noon.)

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