MARINE PROTECTED AREAS FEDERAL ADVISORY COMMITTEE

DAY II

Wednesday, May 18, 2005
8:00 a.m.

Doubletree Hotel
Portland, Maine
PARTICIPANTS:

Dr. Tundi Agardy, Sound Seas
Robert Bendick, The Nature Conservancy
David Benton, commercial fishing
Dr. Daniel Bromley, University of Wisconsin, Chair
Dr. Anthony Chatwin, The Nature Conservancy
Dr. Michael Cruickshank, Marine Minerals Technology Center Associates
Dr. Rod Fujita, Environmental Defense
Dr. Delores Garza, University of Alaska
Eric Gilman, National Audubon Society
Dr. John Halsey, Michigan Department of State
Dr. Mark Hixon, University of Oregon
George Lapointe, Maine Department of Marine Resources
Dr. Bonnie McCay, Rutgers University, Vice-Chair
Mel Moon, Quileute Natural Resources Department
Dr. Steven Murray, California State University, Fullerton
Michael Nussman, American Sportfishing Association
Terry O'Halloran, recreation industry (Hawaii)
Dr. John Ogden, Florida Institute of Oceanography, University of South Florida
Dr. Walter Pereyra, commercial fishing
Max Peterson, International Association of Fish and Wildlife Agencies (retired)
Gil Radonski, sport fishing
Dr. James Ray, Oceanic Environmental Solutions, LLC
Barbara Stevenson, commercial fishing
Kay Williams, Gulf of Mexico Fishery Management Council
Robert Zales II, recreational fishing
Other Participants:

Joseph A. Uravitch, Director, MPA Center
Tom Kitsos, Department of Commerce
Heidi Recksiek, National MPA Center
Dr. Charles Wahle, National MPA Center
Larry Maloney, Department of the Interior
Dr. Brian Melzian, Environmental Protection Agency
Jacqueline Schafer, U.S. Agency for International Development, Deputy Assistant Administrator,
   Bureau for Economic Growth, Agriculture & Trade
Bobbi Walker
Leslie Ann McGee
Bob Fletcher
Bob Hayes
CONTENTS

PAGE

Call to Order  5
Document Review and Discussion  5
Tour of Portland Fish Exchange and Fish Pier  178
Lunch
Document Review and Discussion: Addressing Comments  179
Adjourn for the Day  357
Reception
DR. BROMLEY: I think I should, whatever, call us to order. I hereby call us to disorder. Are you ready for more disorder? Okay. You have before you the minutes from our February meeting. I will not ask for approval now because presumably you have not had time to read every word and check every comma. But I would call it to your attention and ask you to look at the minutes and perhaps just before we break to go to the Fish Exchange, we will approve the minutes from the February meeting.

Do we need some time, Barbara, or Lauren, Joe, somebody, before we leave this room for directions, instructions? Would you like a few minutes to --

MS. STEVENSON: Just a minute or two.

DR. BROMLEY: Just a minute or two? Okay. We'll do that. And, Barbara, do we need to leave this place at 11:30 sharp? Is that the plan?

MS. STEVENSON: No.

DR. BROMLEY: It's pretty flexible?

MS. STEVENSON: Right. You want to be there before noon, but other than that, it's flexible.
DR. BROMLEY: Okay. So we will stop at 11:30. We'll give you a few minutes, Barbara, to explain, and then we'll stop. Bob?

MR. ZALES: I have a question about the minutes. Generally the minutes that we've always done, and I don't know why I haven't asked this question before, but knowing that we have a court reporter, because it's kind of a summary of the meeting itself. There's really not much in here about the discussion from the panel. If somebody wanted to obtain those discussions, how would they do that?

DR. BROMLEY: I'll have to defer.

MS. WENZEL: The transcript is posed on the website. So if people wanted to get the detail, they can get it there.

MR. ZALES: Okay. So it's in much more detail than this?

MS. WENZEL: It's verbatim.

MR. ZALES: Oh, okay. Great. Thank you.

DR. BROMLEY: Okay. We have compiled a list of issues that were raised as we went around the room yesterday, and I believe it's been distributed.
MS. WENZEL: Actually, it has not been distributed.

DR. BROMLEY: Okay. Well, it will be. I'm sorry, Lauren.

MS. WENZEL: That's okay.

DR. BROMLEY: Lauren is multi-tasking here. And the place we'd like to start would be to address the subcommittee, the ad hoc subcommittee that met this morning to help us with the definition of access, language in the document and so on, and then we have Max's proposed language about authority.

So I'd like to start with those things, clean up access, clean up authority, and then we have some other -- what we did yesterday is we took the census of what we heard, created major issues, what we think are major issues, what we think are narrower issuers. Notice we didn't call them minor. They're narrower. And then some packaging and delivery issues.

So the plan it seems to me will be to address items number 1 and 2 on these outstanding issues that you have before you, and Bonnie is prepared to present on behalf of item number 1. We have Max's language on
number 2, and then we'll work our way down through some of these bigger issues, see how to address them.

Bonnie, do you want to --

DR. McCAY: Sure. This morning, Max, Barbara, Mark, Gil, John and myself met over breakfast and discussed the question of definition for the glossary, the glossary entry for access, and we also discussed page 3, objective number 4, the rewritten version of which some people were uncomfortable with, and there was some ambiguity about. And then we added to our agenda page 3, objective number 2, because there was concern about that and we thought might be easily handled, and so we're proposing a change in that to you as well.

I'm waiting for the --

DR. BROMLEY: Yeah. We're waiting for the --

DR. McCAY: You know, a moment of silence for the --

DR. BROMLEY: While we wait for the technology.

DR. McCAY: -- lost words and confused thoughts. Well, let me start by saying, the easy part
is, if you look at objective number 2, there is a phrase in every geographic region that Barbara had pointed out was of some concern. And we proposed eliminating that from the text. It isn't necessary. The phrase that precedes it, which I don't remember because I don't have it in front of me, you know, seems -- it's about representative examples, and it seems to be adequate to meet the intent of the Executive --

DR. BROMLEY: I'll read it to you. Item 2 now reads: Conserving, enhancing and/or restoring representative examples of the nation's marine ecosystems and habitats in all geographic regions, as well as unique biophysical and geologic features.

DR. McCAY: And Barbara could probably speak to it better, but I think the general concern was the lumping and splitting and defining what geographic regions are, the implications of that seemed to be kind of scary. Barbara, do you want to speak to it better?

MS. STEVENSON: Well, that, and then there's the presumption that even if there were currently MPAs that would meet this criteria, that there would be some in the future making much smaller what the geographic
regions were, and then you would be obligated to have one in each geographic region, whereas if you take it out, you can have as many or as few in any particular geographic region, but just the geographic region is not the determination that you need one.

DR. McCAY: I think if we're going to have computer problems, maybe we should hold off a little bit. What do you think?

DR. BROMLEY: Well, I think people -- let's go on with this conversation. Maybe people have it in front of them. If they don't, it's a short sentence. Wally and Tony I have on the queue, and Rod.

DR. PEREYRA: In our subcommittee, we had a rather lively discussion of this particular issue as I recall. I see Tundi is smiling over there. I still have an ongoing, a difficult ongoing problem with this particular item. Let me see if I can make myself clear.

In the North Pacific, the principal ecosystem that we have is the Eastern Bearing Sea ecosystem. It's fairly well defined. It's a large marine ecosystem. It's a one of. There's only one of those
in the world. How do we address that in terms of a representative example? In other words, how do you deal with that?

I think that the way this is written, it may hold for some coral reef situations and whatnot where you've got multiple examples of the same sort of ecosystem where you can have that. But in this situation, it just doesn't compute. The same would happen, say, in the Gulf of Maine, that particular ecosystem. And I guess I'm asking those that are, you know, are comfortable with this, is maybe they could help me in coming to grips with that. Because I think that that's a difficult situation this particular -- the way it's written right now. Maybe if a couple word changes could effect that.

DR. BROMLEY: Okay. I have Tony, Rod, Bob Zales and George.

DR. CHATWIN: I have a couple of comments. One is, I'll offer -- I'll attempt to help Wally understand. An ecosystem may be unique, but an ecosystem is -- a number of ecosystems are unique, especially at the sale, as a large marine ecosystem,
and it's comprised of the physical elements that sort
of build the characteristics of that ecosystem and the
species that inhabit that physical environment. And,
you know, the habitats, there are a number of different
habitats within that large marine ecosystem.

And the way I interpret this, and when we do
assessments for the Nature Conservancy, we interpret it
in the same way, is that representative approach means
we want to represent all the different types of
habitats, and if necessary, species as well.

A representative approach -- when we talk
about natural heritage, you know, what is our natural
heritage? We haven't defined that. One way of
thinking about it is in that natural environment within
the large marine ecosystem, and how do we represent
that? It's all the different components of that
natural environment.

That's one part of it. Another comment I have
is, I'm troubled by removing that language entirely,
because that language, not as written, but is pretty
similar to language that's already in the Executive
Order. And I don't think we should go and start
changing language in the Executive Order in our
document.

Here, under section 4, number 3, it calls for
a biological -- in the Executive Order -- it calls for
a biological assessment of the minimum area where
consumptive uses would be prohibited that is necessary
to preserve representative habitats in different
geographic areas of the marine environment.

So I would support changing all geographic
areas to different geographic areas to be consistent
with the Executive Order. But I am opposed to removing
all that language in relation to geographic, or the
reference to geographic areas, precisely for the
reasons that Barbara has mentioned; that you can have
as many or as few, and they could all be like our
national --

You know, we could decide that national MPA
system will be our national estuine research reserves.
And they would be all estuine habitats. And that
would not be adequately protecting our natural
heritage, the marine natural heritage.

So I think -- we also have federal agencies
that already take this approach of representation
within geographic areas. So, my suggestion is that we
go with the language that's in the Executive Order of
different geographic areas.

Thank you.

DR. BROMLEY: Okay. Rod, Bob Zales, George, and I guess Wally wants to get back in.

DR. FUJITA: Thank you, Mr. Chairman. I think that the two difficulties here might arise from a lack
of clarity about terms. I think Wally's problem comes from the difference between ecosystem and habitat.

You know, there's large marine ecosystem like the Bearing Sea and the Caribbean Sea. Habitats have a
connotation of a smaller place that's more spatially defined. So, in order to avoid Wally's problem, I
would suggest striking ecosystems and just say marine habitats as the Executive Order says, because that's
really what we want is representative examples of habitats.

The difficulty about all geographic regions comes I think from a misunderstanding of the intent.

Usually when designing networks, one intends to have
representative habitats within all the biogeographic provinces so that because those biogeographic provinces are distinct from each other both in terms of species distribution, but more importantly, because they're bounded by biophysical boundaries that tend to prevent connectivity between the two provinces.

So if you have an offshore jet, for example, it doesn't really make sense to have a network that spans the offshore jet, because if the object -- if one of the objectives of creating the network is to enhance connectivity between the MPAs to get synergistic benefits, and there's no transfer of larvae across that boundary, you know, it doesn't make sense to do that.

It makes sense to have a network in one biogeographic province and another in the next biogeographic province.

So, I would propose to fix that by saying instead of in all geographic regions, to say in all biogeographic provinces.

DR. BROMLEY: Okay. Rod, can you -- these wording suggestions are good. Can we just kind of hold them and let's hear some comments? And then maybe at
the end we can match it all together. Mashed things
together before, have you? Bob Zales. And then I have
George, Wally, Steve and Mike.

MR. ZALES: I'll pass. My concerns are
similar to Wally's.

DR. BROMLEY: Okay.

MR. ZALES: And I'm getting some answers.

DR. BROMLEY: All right. George?

MR. LAPOINTE: I'm going to pass as well, Mr.
Chairman. I don't think I'm going to have anything to
--

DR. BROMLEY: Wonderful. Wally, it's your
turn again.

DR. PEREYRA: I just want to support Rod's
suggestion. I think that's an excellent way of helping
me sleep better now.

(Laughter.)

DR. BROMLEY: All right. Keep that wording in
mind, folks. Steve?

DR. MURRAY: I think Rod addressed Wally's
main concern, and whereas I don't have a real problem
with the habitat part of it, I do have a problem with
your biogeographic province issue.

We just had a 45-minute, 20-member science panel discussion on the Marine Life Protection Act in California about what -- how this would apply or this issue applies. Because in the Marine Life Protection Act, the law reads regions of distinct biological characteristics.

And the issue is, is do you make those provinces or do you make them areas where connectivity and isolation becomes really the issue and where community types change over geographic areas inside biogeographic boundaries? So, Rod, I disagree with your biogeographic province issue.

However, I think that Tony's point about making this consistent with the Executive Order is really the best way to go.

DR. BROMLEY: Okay. Can Wally and Tony and Rod revise their agreed-upon language?

DR. FUJITA: Steve's right. It's not about biogeographic provinces. I erred. It's really about these biophysical distinctions.

DR. BROMLEY: Wally, is that -- can you live
with that for now?

DR. PEREYRA: Sure.

DR. BROMLEY: Okay. Mike, and then Dave Benton.

DR. CRUICKSHANK: I like what Tony said. It made a lot of sense.

DR. BROMLEY: Good. Thank you. Okay. David?

MR. BENTON: Mr. Chairman, I was unclear. Is that using the language from the Executive Order also include the reference to identifying the minimum area necessary? I was unclear about that.

DR. BROMLEY: No.

MR. BENTON: That's also in the text of the EO.

DR. BROMLEY: Tony.

DR. CHATWIN: Well, no. I was referring to that section in the Executive Order for the purposes of the reference to indifferent geographic areas of the marine environment. But I read the entire text.

DR. BROMLEY: Okay.

DR. CHATWIN: If he wants to put it in, I'm happy to do so.
(Laughter.)

DR. BROMLEY: Okay. Barbara, and then I'd like to see if we can't --

MS. STEVENSON: Yeah. Just as we're not going to put in some other things that are in the Executive Order, there are a number of things that we're going to leave for the future. And if we insist on having either the language in the Executive Order or this language in here, then we need to have extensive discussions about the definitions of these, because it's extremely important what the definitions are.

I think that you get your point without having it in here. And if at some point in the future you want to discuss all of these issues that this brings up, that's the appropriate time to do it, at the same time that you deal with other issues that we haven't dealt with. Otherwise, we will definitely not finish this week.

DR. BROMLEY: Okay. Bonnie, you get the last word.

DR. McCAY: Well, yeah. As -- I would suggest then that we -- and I'll make a motion that we revise
the objective of -- and Lauren, would you take out the
term ecosystems, and the other term and leave it at
that. That's my -- hearing what's discussed here, it
sounds as if conserving, enhancing and restoring
representative examples of the nation's habitats as
well as unique biophysical and geological features
captures the intent.

DR. BROMLEY: Can you -- Lauren?

DR. McCAY: Can you do that, Lauren, please?

Marine habitats.

MR. LAPOINTE: Do you need a second?

DR. BROMLEY: Was that a motion, Bonnie?

DR. McCAY: Yes. I move that.

MR. LAPOINTE: Second.

DR. BROMLEY: It's been moved and seconded.

Okay. Would people look at this language for -- that's
enough. Are you ready? Yes, Mark?

DR. HIXON: Just a point of clarification. If
this is done, then there has to be alterations done in
the glossary as well.

DR. BROMLEY: Okay.

DR. HIXON: And also -- just clarification as
well in this phrase: Unique biophysical and geological features are also defined in the glossary.

So it should be bolded.

DR. BROMLEY: How does that look? How does that look to the mover?

DR. McCAY: Yes.

DR. BROMLEY: The seconder?

MR. LAPOINTE: Okay.

DR. BROMLEY: David? Your hand is up.

MR. BENDICK: I have a question for the maker of the motion when it's appropriate, Mr. Chairman. If you want to wrap up whatever you're doing right there, go ahead.

DR. BROMLEY: Go ahead.

MR. BENDICK: Well, is there an intent to -- how does tie in with the language in the Executive Order that I asked about earlier? I'm not convinced that this exactly gets to what Dr. Pereyra was raising, because I'm not sure what the scope of that means yet. And it was something I wanted to raise in other parts. I'm just curious as to how in your mind would that change? Does that tie into, for example,
the nominations process or other parts of the text?

DR. McCAY: May I speak to this?

DR. BROMLEY: Yes.

DR. McCAY: I don't think that it's necessary
to go to that. Right now we're listing the general
objectives, and it seems that based upon the discussion
here, that this reflects the sense of the Executive
Order, the general sense of it, and that questions
about how this is done and so forth, those kinds of
things that would be dealt with either at a later
incarnation of this advisory group or in other fora.

DR. BROMLEY: Okay. Good. Yes, David?

MR. BENTON: Mr. Chairman, and to follow up,
I'm just wondering if it would be a -- and probably not
-- if there would be an appropriate way to reference
Section 4(a)(3) of the Executive Order so that this
interpretation of that objective would be consistent
with that part of the Executive Order?

DR. BROMLEY: Are you asking me would it be
appropriate to do this?

MR. BENTON: I'm asking the maker of the
motion.
DR. BROMLEY: Asking the maker of the motion whether it would be appropriate to cross-reference.

MR. BENTON: To make it consistent.

DR. BROMLEY: And --

MR. BENTON: And it would be a very simple thing. It would just be something along the lines of consistent with Section 4(a)(3) of the Executive Order.

DR. McCAY: Would we do that with all of these statements then? I'm just afraid that would open it up to -- we'd have to go through each one of these. And I think what we're trying to do, is we're trying to work within the Executive Order and to be faithful to it. But we're not doing what I think would have to -- somebody would have to do at some point was to, you know, Federal Register, go through and interpret every item of the Executive Order. That's not our task as an advisory committee, to my reading.

DR. BROMLEY: And link it and justify it and embed it.

DR. McCAY: Yeah.

DR. BROMLEY: I'd prefer that we not start there if we could. Okay. Are you ready for the
question on these modifications? It's been moved and seconded that item number 2 on page 3 read as it is on the screen. Are you ready for the vote on this? Okay. All in favor of that language say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

DR. BROMLEY: Why don't you say no, Rod?

DR. FUJITA: No.

DR. BROMLEY: Okay. Thank you.

(Laughter.)

DR. BROMLEY: So, Bonnie?

DR. MCCAY: Okay.

DR. BROMLEY: You're going to look at item 4 now.

DR. MCCAY: All right. Now, number 4 was the objective that we addressed yesterday when the issue of -- the concept of access, appropriate access came up and it was decided and agreed upon and voted to add the phrase, providing appropriate access to, such that the objective read:

And promoting the ecologically and economically
sustainable use of marine resources for the
benefit of individuals, commercial
enterprises, communities and the nation.
This is what we came back to as a more
readable and sensible interpretation of that. So it
reads:
Providing both appropriate access to and sustainable
use of marine resources within marine
protected areas.
That was our subcommittee's interpretation of what that
objective number 4 was as of yesterday.
And we also, before we go into discussion
about it, I should move down to the definition of
appropriate access. We may want to consider them
separately, but I think it's important to look at that
as well.
And we decided that the phrase to be entered
in the glossary was appropriate access, not just
access, because access is a very simple concept. We
wouldn't have to define that. So, appropriate access.
So entry to and uses of an area that's
considered for or designated as an MPA within the
framework of sustainable use and consistent with the
goals and objectives of a particular MPA. This does
not de facto exclude or include any particular use.

So, this is what we present to you. And I
will make a motion that we accept the revised version
of number 4 and the glossary definition.

DR. BROMLEY: Okay. Is there a second?

MR. LAPOINTE: Second.

DR. BROMLEY: It's been moved and seconded.

Okay. Discussion? Tundi had her hand up. Tundi and
then --

DR. AGARDY: I don't have any problem with the
definition of appropriate access, but I do have a
little bit of a problem with the revision of number 4,
because, again, I think we're falling into the trap of
thinking about the objectives of individual protected
areas as opposed to the objectives in the national
system.

And actually, Rod and I met this morning and
talked about how we could insert access as an
objective. And we were considering access as an
objective of the system. And, therefore, we were
considering access to the nation's marine resources as opposed to access to individual protected areas.

So, I don't know, Rod, if you want to -- you have the language specifically. But we were proposing actually another bullet, another numbered bullet to leave number 4 as is with a sustainable use and to have a separate bullet that describes what we consider to be an important point about how the system is going to ensure fair access to the nation's marine resources.

Rod?

DR. BROMLEY: Okay. So you have some alternative language. Unless you're ready to amend this, can we have a little discussion on this and then come back to it? Okay. Mike, and then Dave.

DR. CRUICKSHANK: I just noticed in reading marine ecosystems is you need the word marine, and perhaps it should be marine habitat. Number 2.

DR. FUJITA: We did that.

DR. CRUICKSHANK: Yeah, but not marine. You eliminated marine also, didn't you?

DR. FUJITA: No, it's there.

DR. CRUICKSHANK: Okay.
DR. BROMLEY:  Dave?

MR. BENTON:  This is a question about the term sustainable use and how this is employed now perhaps in number 4.

DR. BROMLEY:  Could you speak into the microphone, please?

MR. BENTON:  Sorry. Looking at the term sustainable use as we have defined it, Mr. Chairman.

DR. BROMLEY:  Yeah.

MR. BENTON:  It's page 21. Sustainable use is in part defined as a goal of concerning the long-term viability of that resource. That's a resource that's being utilized within the MPA, okay. And I'm curious as to how that applies to oil and gas or mineral resources that might be accessed inside the MPA. And whether or not that term is not exactly correct.

So, for example, and I'll give you a very concrete example, Mr. Chairman. In the North Pacific, our council set aside 388,000 square nautical miles recently as you all know. That probably qualifies under the national criteria right now to be designated as an MPA. It was clearly not the intention of the
North Pacific Fishery Management Council to regulate oil and gas activities in that area. And it's unclear because we haven't discussed the idea of what harm is or what mitigation measures there might be.

My reading under this -- under using sustainable -- the way we've defined sustainable use could be interpreted to imply that what we're saying is that because the council took action on fisheries, that oil and gas is excluded from that area. And that would be a very logical reading. I know it's not necessarily our intent, but it's a very logical reading of the word. And so I want to raise that, because I don't want us to have any unintended consequences.

DR. BROMLEY: Okay. Bob Zales, and then -- oh. Mike, Bob Zales and George. And then Rod.

MR. ZALES: Two things. First, I'd like to know how Gil feels about this changing number 4 and the definition.

MR. RADONSKI: It's fine.

MR. ZALES: You're good with that?

MR. RADONSKI: It's okay.

MR. ZALES: Because I think number 4 then
solves my problem with the recreational use, because that kind of allows everybody in there.

DR. BROMLEY: You can live with number 4, Bob?

Is that what you're saying?

MR. ZALES: Yeah. And I could support that with the caveat of addressing what David just brought up too, because I would have concerns about that as well.

DR. BROMLEY: Okay. I have George, I have Rod, I have Mike and Wally.

MR. LAPOINTE: First, my hat's off to the subcommittee for helping us with this. When Mark and Max told me they had new language, I was a little leery, but this does the job. If I go to the example David raised of the 340 -- is it 344,000 square miles?

MR. BENTON: Eighty-eight.

MR. LAPOINTE: Three hundred eighty-eight.

I'm sorry. It's a big area.

MR. BENTON: What's 40,000 square miles here or there?

MR. LAPOINTE: And we have to pay attention to what the objectives of the system is, and the objective
of the system is for the system to provide for sustainable use.

And then in that example, and there's some question about whether current MMAs are going to be shoehorned in or there's going to be a nomination process, but it's appropriate that they have that discussion about that particular humongous area and make a determination based on the regional process which, you know, we're recommending to find out what appropriate uses are. If oil and gas is appropriate in part of that, touché, and if it's not, the same point.

So I think within this objective, that, you know, the individual circumstances that David talked about could be addressed.

DR. BROMLEY: All right. I have Rod, Mike, Wally, Barb, Tony, and now Dave again. And we're going to try to shut this down.

DR. FUJITA: Okay. Thank you, Mr. Chairman. I'm a little confused by what Mr. Benton said about our definition of sustainable use. I didn't think that definition applied to resources within MPAs. I thought it applied to the nation's marine resources. And in my
view, MPAs are intended to enhance sustainable use but not necessarily by allowing extractive activities to occur within them.

And just to be clear, if we adopt this kind of language, which I'm not comfortable with, what then is the difference between an MPA and a non-MPA? Don't we allow appropriate access and sustainable use of marine resources throughout the EEZ? What are we creating here?

DR. BROMLEY: Mike, Wally, Barbara, Tony, Dave.

DR. CRUICKSHANK: Thank you, Mr. Chairman. With regard to David's question, I think that would be coming up under number 7. I have a number of issues on that particular.

DR. BROMLEY: Okay.

DR. CRUICKSHANK: Thank you.

DR. BROMLEY: Okay. Wally?

DR. PEREYRA: My concern is similar to Rod's, and that is in a population sense, I think of sustainable use as, you know, involving the entire population.
In this case here, it seems to be focused at a very specific area. And that is sort of a subset of the resource itself. So, you know, I may be nitpicking here, but it bothers me a little bit from that standpoint.

DR. BROMLEY: Good. Okay. Barbara?

MS. STEVENSON: David, is your concern that oil and gas are not a sustainable use since they --

DR. BROMLEY: They're a stock resource?

MS. STEVENSON: Right.

MR. BENTON: Mr. Chairman?

DR. BROMLEY: David? Yeah, answer quickly, shortly, briefly.

MR. BENTON: Mr. Chairman, under the definition, the way that the definition is written, it says the extraction and/or utilization of a living or nonliving resource in a way that enhances social and economic benefits from that resource. So in this instance, a nonliving resource, that resource, with a goal of concerning the long-term viability of that resource.

So, given this definition that we have in
front of us that sustainable uses are what are allowed in a marine protected area, I'm wondering how you come up with a long-term goal of conserving the long-term viability of a nonliving resource like oil and gas in an MPA that was not designated for that purpose.

So, I'm concerned about an inconsistency here. That's why I brought this up.

MS. STEVENSON: I understand. I don't have the answer.

DR. BROMLEY: Joe, did you want to?

MR. URAVITCH: Yeah. I think the problem is with the definition of sustainable use. Obviously you can't sustain the use of a finite resource.

DR. BROMLEY: That's right.

MR. URAVITCH: So it's really the sustainable use definition that has the problem.

DR. BROMLEY: Would we help ourselves if we just took out sustainable there and then added something about --

MR. PETERSON: No, no.

DR. BROMLEY: I think the word "sustainable" is giving us some grief here.
MR. PETERSON: No. We need --

DR. BROMLEY: Okay. All right. Then Tony?

I'll go back to my queue.

DR. CHATWIN: Yeah. I would say that sustainable is not giving me grief. What's giving me grief is the way this is worded and the way, in the context of the rest of the document, providing this access within marine protected areas without --

DR. BROMLEY: Yeah.

DR. CHATWIN: I mean, nowhere in the document -- you know, yesterday I talked about our own individual key values and how we set those aside and we came out with our common values. And the key value from the environmental perspective is that we think that some areas should be considered off limits.

DR. BROMLEY: Sure.

DR. CHATWIN: And so statements that imply a right of access to all the marine protected areas really troubles, you know, us deeply. And I'm all for being rational about this and not saying that all MPAs are to be off limits.

But when I understand MPAs, I think that there
will be a range of protection. We talked about this. We've said the -- we're sort of framed that discussion in relation to the goals of the MPA.

And now we have a statement saying that in every MPA we're going to, no matter what the goals are, oh, no, we have the definition that's in the back pages somewhere.

MR. PETERSON: No, no. No, no.

DR. CHATWIN: This is how it reads to me. I'm being completely frank here.


DR. CHATWIN: Yeah. I think --

DR. BROMLEY: This is not the British Parliament where we start to go hooah, hooah.

(Laughter.)

DR. CHATWIN: Mr. Speaker, Mr. Speaker!

DR. BROMLEY: Hooah.

(Laughter.)

DR. CHATWIN: My right honorable friend.

DR. BROMLEY: Wrong honorable friend is the way --
DR. CHATWIN: I think rather -- I mean, if we took out the within marine protected areas, you know, that is what's causing grief, I think. Because the example that David brought up is the fact that there's this issue within a marine protected area. There's an interest in talking about the nation's resources. You know, when it's a finite resource, we still want to be thinking of long-term use of it.

DR. BROMLEY: Okay. That's good, Tony.

DR. CHATWIN: Thank you.

DR. BROMLEY: I have Dave, I have George, I have Max and I have Wally, and now I have Eric. And, Dave, you're next. And Bob. And I'd really like to ask for closure. I'd like to see if these subsequent commentators can't bring it down. Let's focus on how we need to fix this. We don't need to go on forever. David?

MR. BENTON: Okay. Mr. Chairman, the reason, obviously, you know the reason I raise this issue. I think Joe hit the nail on the head. I think it's because the definition of sustainable use was particularly oriented towards fisheries resources and
that kind of activity was not considering other things. And when you do that, this is why I asked the maker of the motion previously about sort of the implications in some of the other actions that we took, because there's sort of a chain reaction happens within the document.

And one of the pieces is the definition here. The other piece to me, and the one that would give me a lot of comfort if it was fixed, is that right now, the way the document is worded in the part about nominations of sites into the national system, is that anything that is designated as a federal MPA or meets the federal MPA criteria automatically goes into the system, goes past go and there's no regional review. And that text -- I identified this for you yesterday -- that text, coupled with these inconsistencies to me sets up a situation where we could be recommending something that results in a lot of unintended consequences.

I think we need to get this very clear and to be very thoughtful about how we do that his. I believe that if we -- a simple fix in the definition of
sustainable use and a fix on the nominations process in
the document on how sites are reviewed, including
existing sites that meet the national criteria for
MPAs, how they are reviewed before they go in the
national system, solves the problem.

DR. BROMLEY: Would you -- that's clear.

MR. BENTON: That's my answer.

DR. BROMLEY: Yeah. Could you do some
wordsmithing? I mean, will you come back to us in a
few minutes maybe with some -- okay. George? And then
let me tell you, I have George, I have Max, I have
Wally, I have Eric, I have Bob Zales and Mike. And
then that's it.

MR. LAPOINTE: And I have a couple of
comments. First, to the position that Tundi and Rod
raised about does sustainable use mean the nation's
resources or the sustainable use within MPAs? It's my
understanding that it is within MPAs, and it's
appropriate use.

Because we aren't charged to talk about the
sustainable use of the nation's marine resources.

We're charged with making recommendations about a
system of MPAs within that. And I think that's an important distinction we all need to understand. And I am comfortable with that.

To Tony's point, appropriate access to and sustainable use. If again within the context of the big area in Alaska, there will be some, I suspect some appropriate sustainable uses, and those need to be discussed.

There will be other MPAs. You know, if you look at Leslie Ann's discussions yesterday about the myriad marine managed areas and MPAs depending on how you make your definition, there is appropriate use, and that needs to be identified. There will be other areas that will be off limits, and appropriate use will be very limited or nonexistent.

And so I think that within the context of the system and the objectives that I'm very comfortable with the language we have.

DR. BROMLEY: I believe we all experienced first hand a sustainable use of an MPA-like area in the Florida Keys, didn't we? It wasn't extractive, but it was a use.
Okay. Max?

MR. PETERSON: Mr. Chairman, I think it's been very useful to listen to these comments, because if you go back and look at the context of where this is going, it says to implement the goals of the national system of marine protected areas it proposes certain objectives. So these are the objectives of the system. And so I think we could dispense with the words "within marine protected areas" without losing anything, because we are talking about the goals of the system, which does include sustainable use. So I think if we just strike "within marine protected areas," we get what you and Rod are both -- and I agree with your point, and I think that would do it.

DR. BROMLEY: Okay. Wonderful.

MR. PETERSON: Okay.

DR. BROMLEY: Thanks, Max. Let's just hold --

MR. PETERSON: That's my -- well, I'm suggesting maybe we just amend the motion to do that.

DR. BROMLEY: Do so if you'd like,

MR. PETERSON: Okay.

DR. BROMLEY: It's your prerogative.
MR. PETERSON: I'd like to amend the motion to drop the words "within marine protected areas."

DR. BROMLEY: All right.

MR. PETERSON: And I'm basing that on listening to other people.

DR. BROMLEY: Sure. That's fine.

DR. MCCAY: I accept that as a friendly amendment.

MR. PETERSON: Okay.

DR. BROMLEY: It's been accepted. Who is the seconder?

MR. LAPOINTE: Yes.

DR. BROMLEY: George, is that acceptable?

MR. LAPOINTE: Yes.

DR. BROMLEY: Lauren, could you give us a look at what that might be?

MR. BENTON: I have a question for that, Mr. Chairman.

DR. BROMLEY: A question. Yeah, go ahead, David.

MR. BENTON: It's a question to the maker of the motion. So it's no longer the objective of the
national system that there might be multiple use MPAs that would allow for some activities and not others?
Because that's what I take from what we just did, or what you just did.

MR. PETERSON: No. What we're doing here, it says provide both appropriate access to and sustainable use of marine resources, and this is all to implement the goals of the national system. We have a whole bunch of goals, which includes sustainable use and so on.

So I think we capture the fact that there will be some MPAs that are closed. There will be some MPAs that have seasonal closures. There will be some MPAs that have multiple objectives. There will be a whole variety of MPAs. And personally since I've dealt with oil and gas quite a bit, many of the oil and gas industries says we are practicing sustainable use, not in every area, but throughout the system. So I think you could -- I think sustainable use still permits extraction in one area that takes out a finite resource. So I don't have any problem with the definition of sustainable use that includes oil and gas
in there.

So, anyway, Mr. Chairman.

DR. BROMLEY: Okay. We have the proposed language. I have a queue here. Can everybody see the language? Providing both appropriate access to and sustainable use of marine resources. Okay. Now, Wally, you were in the queue.

DR. PEREYRA: Yes. In due respect --

DR. BROMLEY: We're speaking now to the modified --

DR. PEREYRA: Due respect to the learned gentleman from Leesburg.

DR. BROMLEY: Who might this be?

DR. PEREYRA: And the sensitivities of the gentleman from Queensland.

(Laughter.)

DR. PEREYRA: No, I, all kidding aside, I have a little problem with eliminating --

DR. BROMLEY: By the way, it's for Queensland, not from.

DR. PEREYRA: Oh, excuse me.

DR. BROMLEY: Parliament is not from anyplace.
They are for.

DR. PEREYRA: I stand corrected, as usual.

MR. PETERSON: The right honorable gentleman.

DR. PEREYRA: With regards to eliminating the phrase, "within marine protected areas," I have a particular problem with doing that, because that could be interpreted to read that as long as you have access in some other area, you've satisfied this objective, and I don't think that's what was intended.

The intent was to specifically highlight the fact that in certain circumstances, multiple use MPAs and so forth, that access would be provided. And I think that that's helpful to have within marine protected areas there.

So, I'd prefer --

DR. BROMLEY: You're not happy with -- okay.

DR. McCAY: Could I, as the maker of the motion, just step in for a second?

DR. BROMLEY: Yes.

DR. McCAY: Please?

DR. BROMLEY: Yes.

DR. McCAY: Thank you. You know, I'm now
thinking that we should have heard from Rod about what
that other objective is, because that other objective
may be the one that does the broader, you know,
dresses the broader system.

And this one -- we do need something to make
it clear that there are multiple use MPAs possible, and
that -- and one objective should be to have those
wherever it makes sense. So I guess I am now wishing I
that I hadn't accepted that as a friendly amendment,
but rather had asked for entertaining, you know,
entertaining another objective.

MR. PETERSON: As the maker of the amendment,
let me point out that we do say right below that that
while some MPAs may have multiple objectives and so on,
line 14 of this same series, line 44 in the same list
of objectives, so we've already said we expect MPAs,
many of them to have multiple objectives and multiple
uses.

DR. BROMLEY: Thank you.

MR. PETERSON: So I don't think -- we're not
providing single use here.

DR. BROMLEY: Thank you, Max. It's very nice
to zoom back out, because we get focused on a sentence or something and we forget where it is embedded. So I'm grateful for that intervention.

Okay. I have Eric, Bob Zales, Mike, Tony, Barbara, Mike, Jim, Rod, Tundi. And I thought I said we were going stop it. But anyway, here we are. Eric?

MR. GILMAN: I wanted to make two comments. One is that because of the title of the section, which discusses goals and objectives of the national system, I don't think it will have any bearing on the interpretation of the objective to include or remove the last four words, within or not within MPAs. It's going to be interpreted to imply things within the system of MPAs.

And my second comment is to suggest that instead of talking about access and sustainable use that we instead discuss appropriate activities within individual units of MPAs within the system. So forget about access and forget about use and talk about activities.

DR. BROMLEY: Okay. Bob Zales, Mike, Tony, Barbara, Mike. Mike, you only get one kick at the can
here, unless -- oh, there are two Mikes.

MR. NUSSMAN: I'm not sure which one is me, but --

DR. BROMLEY: I don't either. But Bob Zales is next, and then I think it's Mike Nussman follows him.

MR. ZALES: I'm going to speak against the friendly amendment part of it, because I think it's critical, number one, that we stick with marine protected areas, because that's what our charge is dealing with.

And some of the other concerns, where it says appropriate access, to me, appropriate means where it can, because it would be appropriate. Where it can't, then you would not have it. And I'll go back to some of my discussion back at the last meeting where I used the analogy of General Motors.

And I'm going to change that now because of our new Secretary of Commerce who came from Kellogg. I'm going to play with cereals. Special K does something different than corn flakes or frosted flakes. Each one does a little thing different. And I'm still
of the opinion that you've got the corporate name of MPA that is the major deal. And under there you have different levels of MPAs and what they do, from total no access to very liberal access to the thing. And this, in my mind, then plays with that, because it says appropriate access. It's sustainable use of the marine sources within the MPA. So I'm comfortable with number 4 the way that it is and with the addition of the definition of appropriate access.

DR. BROMLEY: Okay. Mike Nussman.

MR. NUSSMAN: Mr. Chairman, I would be brief and say that the terms within the marine protected area in fact give me a great deal of comfort. I'm not supportive of taking those out and would disagree with Mr. Zales and focusing on the term "appropriate."

DR. BROMLEY: Okay. I have Tony, Barbara, Mike Cruickshank, Jim, Rod, Tundi and Dave. Tony?

DR. CHATWIN: Yeah, Mr. Chairman. I hear in the discussions a lot of qualifiers and how we all verbally acknowledge that there will be, you know, this is for some MPAs but not for others. But I don't see it explicit as we have spoken about it in the document,
you know.

   I would -- I like the friendly amendment, but
I would also be okay with another verbal suggestion
that I heard here, which was marine resources within
the national system of marine protected areas. The
issue I have here is that this implies every marine
protected area. It can be interpreted to mean every
marine protected area no matter what the intention is
here.

   And we've been very cautious about the
unintended consequences of language we choose. So if
we mean that within the national system, which is our
charge, and which is the goal of this section, you
know, this is all about the system, so let's be
explicit and say within the national system of MPAs.

   DR. BROMLEY: So you're opposed to the
friendly?

   DR. CHATWIN: No, I'm not opposed to the
friendly. I said I support the friendly --

   DR. BROMLEY: But?

   DR. CHATWIN: But I would settle for national
system. Let's be explicit.
DR. BROMLEY: Okay. Good. Barbara?

MS. STEVENSON: I have a process question. I do realize that our subcommittee was not official, so that I presume it was within Bonnie's purview to be able to accept a friendly. I think it would have been a lot better had we been able to deal with this as an amendment.

If this is voted up, I understand what happens. If this is voted down, what then happens? Can we process-wise then propose the language that came out of the committee?

DR. BROMLEY: Yes.

MS. STEVENSON: Okay. Because I have a lot of problems with eliminating within marine protected areas. It says appropriate access. Some access may be scientific only. I assume we are not going to have an MPA anywhere where there is no access, no monitoring, no anything. So there will be access.

Whether the access is scientific only, whether the access is commercial fishing only, whether the access is no commercial fishing, oil and gas extraction, I don't know. But there'll be something.
Because we're not going to have one that no one goes in.

So I would also support another objective that says throughout the whole system. But this is particular to the individuals within the system. So I do not support the friendly.

DR. BROMLEY: Mike Cruickshank.

DR. CRUICKSHANK: Thank you, Mr. Chairman. I have no problem with that, as I said before, either with or without. I think it's better with marine, within the marine protected areas.

But it's the access is what is bothering me that why don't we just take out within the framework of sustainable use? Because that doesn't seem to do anything but confuse it.

DR. BROMLEY: Okay. Jim?

DR. RAY: I have two comments. I still have --

DR. BROMLEY: Wait a minute. I'm sorry, Jim. George, I'm very sorry, but we're having a hard time hearing.

MR. LAPOINTE: Sorry.
DR. BROMLEY: If you need to talk, we ask you to go out in the hallway or something. I'm sorry to say this. You're the host here. But come on, George, shape up, will you?

(Laughter.)

DR. BROMLEY: I'm sorry. It was -- we need to have one meeting here. All right. Who was speaking?

I'm sorry. Jim.

DR. RAY: Well, two points. And I go back to the comment that Dave made about 20 minutes ago. And also a comment that Max made.

I just have concern with, in this particular item number 4, with the use of sustainable, because although I heard what Max said, a lot of people consider any mineral extraction, any oil and gas be a nonsustainable. You know, you're using up the resource. And so I just want to be careful we don't do something that makes it exclusive, you know, excludes that option.

The other point that was just made I think is very important is that the definitions that are used here may possibly become part of the criteria for which
existing MPAs or MMAs get accepted into the federal system.

And I think we need to be careful about that, because I would hope that what we are doing here is setting part of, you know, or finalizing that filter as to what will allow existing MPAs to come into the system.

So we have to be careful as to what the wording is here for that reason. Thank you.

DR. BROMLEY: Okay. Thank you. I have Rod, Tundi, Dave, Bob Bendick, Terry and Bob Zales.

MR. BENDICK: Not me.

DR. BROMLEY: Not you, Bob. Okay. Rod is next?

DR. FUJITA: Yes. Thank you, Mr. Chairman. I like the friendly amendment for all the reasons that have been articulated before. But hearing the concerns of folks who -- I think we're trying to telegraph too much meaning with too few words in this case. You know, it's good to be succinct, but sometimes we confuse matters. And even though we're clear later in the document that some MPAs may have
multiple objectives and others have sole objectives, let me offer some language that might help all of us to accept this objective.

The objective would be to provide both appropriate access to and sustainable use of marine resources, but acknowledging that resource use within or access to some MPAs may be restricted. I think that's what we're trying to get to, this acknowledgement that not all MPAs are the same. They have different objectives, and access and use of resources within them will vary, depending on the goals and objectives.

DR. BROMLEY: Okay. Tundi?

DR. AGARDY: I'm still having trouble with what we're really trying to achieve in this section, so I still think that we are mixing apples and oranges and that I really believe what we were trying to say here is that the system has this overarching goal of stewardship lasting protection. And to get at that goal, the system itself has the following objectives. There is no -- if we apply each of these objectives to individual MPAs within the system, we
will not have a system in the end. Because they are
not going -- not all MPAs raise awareness and
knowledge. Not all MPAs protect cultural resources.
So we have a situation where I think what we're doing
is we're utilizing the tool of MPAs to get at these
objectives, which help us get to the goal of the
national system.

And, therefore, I really liked the wording of
objective 4, and I think we should keep that wording
except for the commercial thing, which I thought at
some point yesterday we struck from objective 4.

And rather than playing with that, I would
propose, although I won't make a motion or anything,
but my feeling is that we should add an additional
objective which says something like providing fair and
appropriate access to the nation's marine resources. I
see that as an objective of the system.

I agree with Tony completely that we do not
want to be misinterpreted to say that we think only
MPAs that provide access can be part of this national
system. Because we are not going to have much of a
system in the end.
DR. BROMLEY: Okay. Dave?

DR. AGARDY: I'm sorry. Can I just --

DR. BROMLEY: I'm sorry.

DR. AGARDY: I'm sorry. It was my fault. I agree completely with what Jim said. I think we ought to be thinking about these things as criteria. And in that case, when we figure out the criteria for nomination of sites or selection of sites, then I think we can talk about all of the kinds of access and the full range of marine protected areas.

But to me, this shouldn't be so problematic, this section. I mean, this is really a pretty straightforward section talking about what is our vision for a national system.

DR. BROMLEY: Okay. Thank you, Tundi. Dave?

MR. BENTON: Very briefly, Mr. Chairman I could support with the caveat that I still believe we need to make a change in the definition of sustainable or address those issues I raised. I could have supported this without the friendly.

But with the friendly, and we're going to vote it up or down, one way or the other, the way it's
constructed right now, I really have a problem with it because I think -- and I'm listening to what Tundi is saying about every -- it looks like that implies if you went the other way, you know, the way it was, it looks like it implies that means you have to have access into every MPA.

I didn't interpret it that way myself. I interpreted it to mean that appropriate access meant given the purposes of the individual MPA, that may or may not be appropriate for that kind of activity, whatever that is.

Taken this way, I take that to mean all the MPAs in the national system are going to be marine reserves, and we've got a lot of other problems there, and that doesn't work for me. So, Mr. Chairman, I just wanted to signal my views.

DR. BROMLEY: Fine. Okay. I have Bob Bendick?

MR. BENDICK: No.

DR. BROMLEY: No? I keep trying to get you to the floor. Terry, Bob Zales and Steve Murray, and then this is it.
MR. O'HALLORAN: Thank you, Mr. Chairman.

This is an interesting debate, and I've found myself going back and forth, depending on who was talking at the moment. But it seems that a system is made up of these individual MPAs. That is what our system is. And given that, I have no problem with leaving in within marine protected areas, and in some ways I think that that's appropriate to have it in there.

Perhaps a way to resolve this could be that we would add a phrase that would be consistent with established goals and objectives, which would mean that if a goal and an objective of an MPA that is within the system could be let's say set aside for pure scientific research, so that we have, you know, we have these kinds of sites that are untouched so that we can understand what's going on, that would be the goal and objective.

And in that particular case, appropriate access would only be allowed by those scientists going in there, and others who wanted to use that would not be allowed.

The other point is, is that as we are
changing, or as we are playing with these definitions, we've got to realize that appropriate access definition down below talks about particular MPAs. It talks about, and it does say that, consistent with the goals and objectives of a particular MPA.

So I think that if we maybe perhaps move that up into number 4, consistent with the goals and objectives of the particular MPA, we might make some progress.

DR. BROMLEY: Okay. You know, we have a dilemma. It's an hour and 15 minutes we've been talking about item number 1. And I'm happy to keep going. I see hands keep coming up, but we've got to get closure on this. So I have Bob Zales, I have Steve, and then I drew a line, and now I have Wally and I see more hands up. What am I to do?

MR. PETERSON: Since I'm the maker of the motion, I'd like to accept some of these suggestions and maybe move us on.

DR. BROMLEY: I'd love it.

MR. PETERSON: I'd like to say including both appropriate access and sustainable use of renewable
marine resources would take care of the question that some resources may not be renewable. And then leave in within marine protected area, consistent with the goals and objectives of the MPA. And then I think Rod can do some magic down below on the definition of appropriate access. We've said it does not include and so on. He can put in this language down here about some MPAs may include multiple objectives.

So I mean, I think this gets us by number 4 maybe, and we can handle the other definitional questions down under the definition of appropriate access. Then we don't have to revise sustainable use and so on.

Anyway, that's my suggestion to amend my own motion to pick up these suggestions and move us on.

DR. BROMLEY: We're in a procedural quagmire, which I'm happy to be in, but we've got -- now I ask someone to offer us wise rewording --

MR. ZALES: If Max has made that as a motion, I'll second that for discussion.

DR. BROMLEY: So now we have an amendment --

VOICE: You've already got a motion on the
DR. BROMLEY: We have a motion on the floor.

DR. McCAY: If it would help, I would withdraw the motion that's on the floor, but I don't think that's --

DR. BROMLEY: This is a substitute. No, this is a substitute motion for the one that's on the floor.

MR. ZALES: And I'll second.

DR. BROMLEY: So we have a second for a substitute motion, and now we're discussing the substitute motion.

MR. PETERSON: And could you repeat the motion?

DR. BROMLEY: Yeah.

MR. URAVITCH: Do you want me to read it?

DR. BROMLEY: Yeah.

MR. URAVITCH: Okay. As amended:

Providing both appropriate access to and sustainable use of renewable marine resources within marine protected areas consistent with the goals and the objectives of the particular MPA.
DR. BROMLEY: Okay. Barbara?

MS. STEVENSON: That's worse.

DR. BROMLEY: That's worse.

MS. STEVENSON: Because --

DR. BROMLEY: Okay.

MS. STEVENSON: Oil and gas is totally eliminated.

DR. BROMLEY: That's good. That's fine. I want to vote on this right here. We don't need any discussion. We've been discussing. I urge us to vote on the substitute. Let's start dispensing with the stuff. But I can't order you to vote.

MR. PETERSON: I would call for the question, Mr. Chairman.

DR. BROMLEY: Call for the question. Thank you. So what we're doing is we're voting on this proposed language on the screen. Let's get it up or down. Are you ready? All in favor --

MR. NUSSMAN: Mr. Chairman?

DR. BROMLEY: Yeah?

MR. NUSSMAN: I'm anxious to move forward. On the other hand, I believe Max also included --
DR. BROMLEY: Included what? Microphone, please.

MR. NUSSMAN: I believe Max included as part of that some reference to Rod working on the language below.

MR. PETERSON: Yeah. And we can take that up separately.

MR. NUSSMAN: Okay. All right.

MR. PETERSON: It's a separate question.

MR. NUSSMAN: Partly because that's a separate question, but it affects the first one. I'm not quite sure what the hell I'm voting on.

DR. BROMLEY: Yeah, Mike. That's a fair point. I'd like to see what we're going to do in the second part. I think that's important. Are you ready to -- can we put all of this to one side and let it ferment a bit and move on? No? Okay. The question has been called. All right.

DR. AGARDY: Sorry. But does the question include the definition of access?

DR. BROMLEY: No. So we're asking you to vote on this without seeing what Mike Nussman would like to
see down below.

MR. PETERSON: And we can debate that.

DR. BROMLEY: And we can debate it, yeah.

MR. PETERSON: When it comes time to it, we can debate that.

DR. BROMLEY: Yeah.

MR. ZALES: If this is voted down, we go back to the previous friendly amendment?

DR. BROMLEY: Yeah. If this is defeated, we go back to the previous friendly amendment. Yeah, Michael?

MR. NUSSMAN: And, Mr. Chairman, I think we've just created a, with the renewable piece, a set that's not being addressed. So I'm not sure how we're going to address that either. So I just --

DR. BROMLEY: Yeah. Okay. Jim?

DR. RAY: The same question. It's excluded consideration of the nonrenewable resources, so the question hasn't been answered on that.

DR. BROMLEY: Yeah. Would you like to vote on this that's on the screen.

DR. GARZA: We have to.
DR. BROMLEY: We have to. So let's vote. All
in favor of what's on the screen say aye.
(Chorus of ayes.)
DR. BROMLEY: Opposed?
(Chorus of noes.)
what do we do.
MR. LAPOINTE: Actually, I have a suggestion,
Mr. Chairman, and that's what I was chastised for
talking to my colleague and compadre Max about. If we
go back to the previous motion, clearly the friendly
amendment --
DR. BROMLEY: Which is the previous, George?
I'm sorry. The one that had been friendly amended?
MR. LAPOINTE: Yes. And what I was suggesting
to Max was that -- and I don't know how we do this from
a parliamentary perspective -- withdraw the friendly
amendment, make it a formal amendment, because then we
vote on the exclusion of within marine protected areas,
which was the essence of the friendly amendment.
And so we break -- that caused either a lot of
people either liked it or didn't. So we vote on that
phrase, and then we get back to the original motion, which is the rejiggered objective for. And I think that way we break those two questions apart and we can get on with our discussion this morning.

But that takes -- I think -- I don't know how you withdraw a friendly amendment. But that would be I think the way to make -- split the question in essence to get on with this.

MR. PETERSON: I think at this point, George, you need to make that motion.

MR. LAPOINTE: Then I would split the question into the approval of objective number 4 as it's been redone. And the second question --

DR. BROMLEY: As it appears on the screen right now?

MR. LAPOINTE: No. Well, the first question would be do we strike or do we not strike the words "within marine protected areas."

DR. BROMLEY: Okay.

MR. LAPOINTE: That's the first question. The second question is the new -- the definition of number 4 as either modified or not modified by the first
split.

MS. STEVENSON: Second.

MR. PETERSON: Are you moving to strike the words "within marine protected areas," George?

MR. LAPOINTE: I'm just splitting the question. And so the first part -- the first split would be -- the first motion would be to say do we strike or do we not strike the words "within marine protected areas?" And then after we answer that question, we'll vote on number 4 either with the words or without.

MR. PETERSON: You've got to move to either strike or to leave it in.

MR. LAPOINTE: Then I would move to strike the words "within marine protected areas." We get a second on that. We call that question, then get on with the other one.

DR. PEREYRA: Second for discussion purposes.

DR. BROMLEY: Okay. So now it reads, it's been moved and seconded, two versions, 4(a), providing both appropriate access to and sustainable use of marine protected -- use of marine resources. That's
what we're voting on. Discussion?

MR. LAPOINTE: I would call the question because we've discussed this to death.

DR. BROMLEY: Because you moved it.

MS. STEVENSON: I have a question on the motion.

DR. BROMLEY: Okay.

MS. STEVENSON: A vote yes means that we go back to the committee language?

MR. LAPOINTE: A vote yes means we strike -- the motion is to strike the words "within marine protected areas" from what is listed as 4(a) on the board.

MS. STEVENSON: So the motion --

DR. BROMLEY: 4(b) on the board.

MS. STEVENSON: Okay. But that doesn't make --

DR. BROMLEY: Go ahead, Barbara.

MS. STEVENSON: Since the motion on the board strikes it, yeah, it takes it out, then this motion would have to be to put it back in, not to take it out.

MR. ZALES: Mr. Chairman, a point of order.
DR. BROMLEY: Jim Ray has been trying to get in here as well. Jim?

PARTICIPANT: A point of order you need to recognize, Mr. Chairman.

MR. ZALES: 4(b) should be number 4. And then 4(a) would be the friendly amended number 4. Then the amended motion would be 4(a). And you've got that corrected. In my mind, when you vote up or down 4(a). If it says, then you discuss further. If it's defeated, then you go to the original motion --

DR. BROMLEY: Which is 4.

MR. ZALES: -- which would be number 4.

DR. BROMLEY: Four. That's correct. Jim?

DR. RAY: Now that I'm thoroughly confused.

MR. LAPOINTE: Let me restate the motion.

DR. BROMLEY: Just a minute.

DR. RAY: Let me just throw out another one, then you can stone me. I think one of the things that's hanging up this whole issue of renewable or nonrenewable here is the use of the word "sustainable," okay.

So if it was reworded to read something
providing both appropriate access and use of marine resources within marine protected areas, it gets away from the nuances of renewable versus renewable versus non renewable.

It just takes out the word "sustainable" there, which I know some people probably won't like. But it's appropriate access and appropriate use of marine resources within marine protected areas. So that's another alternate.

DR. BROMLEY: Okay. George, now you may --

George?

MR. LAPOINTE: The formal motion is eliminate 4(a) for now, and it's from 4 to strike the words "within marine protected areas." That is the motion. And then if that passes or fails, we'll have an amended motion and get on with the main question.

DR. BROMLEY: Okay.

DR. PEREYRA: Four doesn't exist, Mr. Chair.

DR. BROMLEY: Four doesn't?

DR. McCAY: We had the friendly amendment.

DR. BROMLEY: We had a friendly amendment to

4.
DR. McCAY: So we really have -- if I may intervene here, the question would be to restore the words "within marine protected areas" to the motion as it currently stands.

DR. BROMLEY: Yes, David?

MR. BENTON: Mr. Chairman, the procedural issues here are getting in the way of the substantive discussion and voting.

DR. BROMLEY: They are. I know.

MR. BENTON: And what you have in front of you now, what you have on the table is the amended main motion, which is the motion that Bonnie made, amended with a friendly amendment by Max. You can either vote that up or down, or, you know, right now we sort of have this confused motion to me -- I'm sorry, George, but it's confused. It was seconded by Wally for discussion purposes.

I personally would suggest withdrawing that motion, because you've added a level of confusion. Voting either -- and then a ruling from the chair, the chair can rule that the amendment, the friendly amendment could be withdrawn if they want to, or we can
vote it up or down. It gets to the same place, and it's a lot simpler.

Because right now, I don't know which way -- I don't know whether a yes vote means I'm accepting one or the other or anything else. So that would be my suggestion, Mr. Chairman.

DR. BROMLEY: We've got ourselves in a fix, yes. I like what you propose.

MR. LAPOINTE: I guess with the recognition with Bob's analogy of cereal, I am now in the Fruit Loops Division of Kellogg's.

(Laughter.)

MR. LAPOINTE: And with the fervent hope that we will call the question on the friendly amended main motion, I will withdraw my motion.

DR. PEREYRA: I'll withdraw the second.

DR. BROMLEY: Withdraw the second. That gets us partway there.

MR. PETERSON: Let me just withdraw the friendly amendment so that we can get back to the main motion.

DR. McCAY: I will withdraw my acceptance of
the friendly amendment and get back to the main motion.

DR. BROMLEY: Good. We're back to the main motion.

DR. BROMLEY: Desperate times call for desperate measures. Very good.

DR. McCAY: Number 4.

DR. BROMLEY: That is the motion, number 4.

MR. PETERSON: Just black out "marine protected areas," please.

DR. McCAY: No, no.

DR. BROMLEY: No. Four is it. Four is the original motion.

MR. PETERSON: Okay. That's clear. Let's vote.

DR. BROMLEY: Okay. Four is the original motion which modifies what's number 4 on page 3 of your document.

DR. McCAY: Call the question.

DR. BROMLEY: Bonnie has called the question. Yes, Bob?

MR. ZALES: Bonnie's called the question, but I was going to go along with what Jim had said. I
would like to amend number 4 to remove "sustainable."

DR. BROMLEY: Okay. Is that a -- you may do that.

MR. ZALES: Okay. Then I would like to amend --

DR. BROMLEY: If you can get a second.

MR. ZALES: I would like to amend number 4 to remove the word "sustainable." If I can get a second, I'll explain why.

DR. BROMLEY: Could you take the darkness off of it, please?

DR. PEREYRA: Second.

DR. BROMLEY: So it's been moved and seconded to amend number 4 to take off the word --

MR. ZALES: Sustainable.

DR. BROMLEY: To take off the word "sustainable."

MR. ZALES: Right. And actually it's to change the language to guess would be so this would probably be a substitute. It would be providing both appropriate access and use of marine resources in marine protected areas.
DR. BROMLEY: So you're offering a substitute?

MR. ZALES: Providing both appropriate access and use of marine resources within MPAs.

DR. BROMLEY: Access to. Okay. Let's let Lauren catch up with the language. That's good.

MS. WENZEL: We took out "sustainable," right?

MR. ZALES: Yeah. And you take out "to" after "access."

DR. BROMLEY: No, you've got to have access to. You've got to keep the "to" in, sorry,

linguistically.

MR. ZALES: Okay. Access to and use of.

DR. BROMLEY: There you go.

MR. ZALES: Okay. So just remove the word "sustainable." And the reason why I do that is because I think -- and like Jim, I think some people may have a little bit of heartburn with that, but I believe that solves the problem with oil and gas, which I've got similar concerns, as does Dave, especially in the Gulf of Mexico where we probably have more oil and gas stuff going on than anywhere in the country.

And when you read further down into the text,
there's discussion where it says, "while some MPAs may have multiple objectives, other may concern a sole objective." And that's where I've gone with my analogy of GM or Kellogg or however you do this. And I think this is appropriate because to me, appropriate access is just like Terry said earlier.

And I've said this the whole time I've been playing with the MPAs. There could be areas of an MPA that is going to be set up strictly for scientific research, in which case, whoever is allowed in there is going to be a research scientist, is going to have some kind of badge or tag that says I'm a research scientist, and when they go in there, the cop on the water is going to say, okay, you can come in. But when Kay runs in there to go fishing, he's going to say, you don't have identification, you can't play here.

So that's going to solve that. The appropriate access and use to me defines exactly where that needs to go. And the in the definition that we can play with. I mean, I'm happy with the current definition that they came up with, but if they want to play with some of that, I guess we can do that, too.
I would argue that this kind of solves most everybody's problem anyway. It's not going to make everybody happy, but it will make the majority.

DR. BROMLEY: Okay. So we have -- this is the substitute, 4(a). Tony?

DR. CHATWIN: I'd like to ask whether the maker of the motion could accept a friendly of adding the language, "consistent with the goals and objectives of the MPA?"

MR. ZALES: Yeah. I don't have a problem with that.

DR. BROMLEY: The seconder. Who seconded it?

DR. PEREYRA: Yeah.

DR. BROMLEY: Wally seconded it.

MR. ZALES: And to me, I guess that more clearly defines the goals, you know, the goal and objective of a particular MPA. If you've got one set up for whatever reason, and everything plays with it, great, and if it doesn't, then you can kick it out.

DR. BROMLEY: Okay. Now it reads -- is that okay, Bob? And the seconder approved it. So now the substitute is:
 Providing both appropriate access to and use of marine resources within marine protected areas consistent with the goals and objectives of the MPA.

Are you ready for the question on this?

MR. ZALES: I'm ready, unless somebody else wants to discuss.

DR. RAY: Question.

DR. BROMLEY: Yeah?

DR. RAY: Call the question.

DR. BROMLEY: Call the question. All right.

All in favor of 4(a) as it appears on the board, say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(Chorus of noes.)

DR. BROMLEY: Okay. Now it's 4(a), becomes 4.

DR. McCAY: Now we have to vote on it.

DR. FUJITA: Mr. Chairman, I just have a clarifying -- I should have asked this before, but I thought this section was about the goals and objectives of the national system. Why does this one speak to an
individual MPA?

DR. McCAY: It was -- somebody pointed out, the system is made up of individual MPAs, and this pertains to them.

DR. BROMLEY: Yeah. I think we're okay there. David?

MR. BENTON: Mr. Chairman, so we've done that one. Now are we going to move to the access definition?

DR. BROMLEY: Yes, we have to do the access thing. Barbara?

MS. STEVENSON: We have to -- that was a substitute.

DR. BROMLEY: A substitute, yeah.

MS. STEVENSON: So we have to vote on the main motion.

DR. BROMLEY: We have to vote on the main motion.

VOICES: No, no.

DR. BROMLEY: No, I think the substitute preempts the main motion, Barbara. It's not an amendment to, it replaces. That's my understanding.
Is that okay?

MS. STEVENSON: So it replaces the motion.

DR. BROMLEY: So now we have access. Bonnie?

DR. McCAY: I believe that we would -- my motion, my original motion I would change to accept the definition, but to change a little bit to say appropriate access to and use of.

Because those two concepts are combined in the -- I know that seems awkward, but either we don't do it at all, or we have to do appropriate access to and use of is the title of that glossary entry.

DR. BROMLEY: Can't we just say, I think if I understand the sense of what you're offering, is this heading would be appropriate access and uses?

DR. McCAY: Yeah, something like that.

DR. BROMLEY: Okay?

DR. McCAY: Yeah.

DR. BROMLEY: Is that okay?

MR. ZALES: And uses.

DR. BROMLEY: And uses. In the heading, I would just add "and uses." Bonnie, is that all right?

DR. McCAY: Yes.
DR. BROMLEY: So now the heading is appropriate access and uses. This is the definition, right? Entry to and uses of an area considered for or designated as an MPA within the framework of sustainable use and consistent with the goals and objectives of a particular MPA.

This does not -- I don't know if we need de facto -- exclude or include any particular use. That's going to be a definition in the glossary of access and use.

Mike?

DR. CRUICKSHANK: It seems to me that that framework of sustainable use just confuses the issue.

DR. BROMLEY: Which confuses? Within the framework of sustainable use?

DR. CRUICKSHANK: Yes.

DR. BROMLEY: Yeah, well. We've got to go back where we were. Other comments? Would it suffer if we took out the clause "within the framework of sustainable use?" Mark.

DR. HIXON: The definition of sustainable use came from the work of subcommittee one. We spent about
a day on it. At that time, we considered nonrenewable resources as fitting under our definition, because we were talking about the long-term utilization of those resources, and that was the agreement to which we came. And I also point out that sustainable use is under the primary goal of the system on page 3, line 15. So this is a fairly foundational definition that was introduced quite a long time ago and accepted.

DR. BROMLEY: Okay.

DR. HIXON: I just want to point that out. Thank you.

DR. BROMLEY: Good. David?

MR. BENTON: Mr. Chairman, a question for Mark. How do you -- what does it then mean as a long-term conservation of oil and gas, if that was your query, if that was your express intent? Does that mean a particular rate of production of oil and gas within that MPA, or?

DR. HIXON: The idea was the long-term. Yeah, it was the rate.

DR. BROMLEY: A rate of production of gas?

DR. HIXON: It was extracting it at a rate
that maxim -- let's see. That -- I'm just reading the
definition here. That enhanced the ecological, social
and economic viability of that resource.

   MR. BENTON: You're not answering my question,
Dr. Hixon.

   DR. HIXON: Yes I am. I'm trying to.

   MR. BENTON: Go to the previous sentence. And
I don't have it right here in front of me, but I will.

   DR. BROMLEY: I think the point Mark is really
-- the stock resource, there's no use rate which is
sustainable, technically.

   MR. BENTON: That's exactly right. It says
the goal of conserving the long-term viability of that
resource. And if we're talking about a nonrenewable
resource such as oil and gas and trying to understand
how the MPA is going to regulate for the long-term
viability of oil and gas resources, is that a rate of
production, or was that not necessarily applied to the
nonrenewable resource?

   DR. HIXON: I'd like to hear your alternative
wording, please.

   MR. BENTON: Well, first I'm trying to
understand.

DR. BROMLEY: Okay.

MR. BENTON: You said that you guys considered it.


DR. RAY: I just think, you know, from the energy sector, that the key thing is to be sure we don't put words in that end up being exclusive, as in excluding the oil and gas.

You know, and Mark, we had the discussion about sustainable. You know, it's a subtlety that people might misunderstand. For example, the way we're regulated, we can't go in and maximally produce a reservoir as fast as we can pump it, because if we do, we'll leave a lot more in the ground than if we take it out a measured slow rate. The agencies that regulate us make sure that we don't do that because if we leave 20 or 30 percent in the reservoir that we could have recovered, that's also lost money to the government. So you know, it's managed in a way that you get maximum recovery. It usually takes a longer period
of time, but that's a subtlety that most people don't understand. So I just want to be sure that there's not confusion over whether or not, you know, it's sustainable production of the energy resource. It is a finite resource, and over a period of time, you're going to get to the point where you can no longer recover what's left.

So I just want to be sure we just don't get language in there that shoots us in the foot and ends up excluding the ability to, as appropriate, go after those resources.

DR. HIXON: Jim, you were there with us when we came up with this definition. Can you look at the definition now of sustainable use and come up with a modification that addresses your concerns?

DR. RAY: I'll take a look at it.

DR. BROMLEY: Okay. Thank you. Mike Cruickshank.

DR. CRUICKSHANK: I was going to say, the way it's there, consistent with the goals of a particular MPA covers the sustainable use issue.

DR. BROMLEY: Okay.
DR. CRUICKSHANK: And the other thing was that I felt that we actually kind of glossed over the question of energy and minerals during our discussions in the sustainable use issue, because it's a major issue -- when we're going to come to it.

DR. BROMLEY: We will come to it, I think. It'll be Friday or Saturday, Mike, before we get there, but we're going to do that.

DR. CRUICKSHANK: Not to say there are not other major issues.

DR. BROMLEY: Yeah, yeah. Rod?

DR. FUJITA: Well, let me first say for the record, I have no problem with excluding oil and gas activities from certain marine protected areas. I think that's a fully justifiable purpose of an MPA. I also think that the confusion here -- I actually, you know, upon close reading of the definition of sustainable use in our document, I think we're confusing the sustainability of the oil and gas, which is essentially a nonrenewable resource, with another use of the term "sustainability" in the context of oil and gas exploration, which is about minimizing
the footprint of oil and gas facilities and minimizing
the environmental impacts of taking the oil out of the
ground.

The sustainable use definition actually
address this by saying conserving the long-term
viability of that resource with acceptable
environmental impacts.

I think that's the crux of the matter. That's
what they mean. I wasn't there, but I assume that
that's what they meant by putting oil and gas and the
use of nonrenewable resources within the framework of
sustainable use.

DR. BROMLEY: I think that clarifies. Okay.

I have Dave, then I have Jim.

MR. BENTON: Just, Mark had asked what my
alternative thoughts were, and Rod actually hit them
right on the head. I was thinking in my own mind that
a slight modification of the definition to get at the
point that he's making, which is where I thought they
were trying to go with sustainable use.

But in its presently drafted context, I think
it doesn't get there. So I think there's a very simple
fix. I've already got it ready to go as a proposed amendment.

DR. BROMLEY: Okay.

MR. BENTON: Just wanted to signal that, Mr. Chairman.

DR. BROMLEY: Let me call on Jim and then, David, do you want to put your friendly amendment forward? Let me call on Jim.

MR. BENTON: May I have a moment, Mr. Chairman?

DR. BROMLEY: Yeah.

MR. BENTON: We have a motion on this, and I would do mine as a separate motion after we're done with this.

DR. BROMLEY: Okay. Jim?

DR. RAY: I just took a look at the definition. I'm glad Mark reminded me to go back and look at it. The way we actually worded it I think resolved some of my concerns and issues. And secondly, just in a comment to Rod, I fully agree that there are particular MPAs for particular uses that absolutely should exclude oil and
You know, there will be cases where that will be the case, and I guess it's the appropriate use discussion we had earlier. I would never suggest that, you know, that oil and gas could go into any MPA and develop in those areas. There's just some areas where it would not be appropriate, and I would expect it would not be allowed.

DR. AGARDY: You're on the record, Jim.

(Laughter.)

DR. RAY: No, that's fine. I would say that to my companies, too.

DR. BROMLEY: That's right. That's a reasonable position. Jim's a reasonable guy. All right. What do we want to do? David says he has some -- an amendment to this. Do we want to just -- David?

MR. BENTON: Well, Mr. Chairman, you have two choices it strikes me. Right now I believe you have a motion on the floor for this.

DR. BROMLEY: We do. Yeah, right.

MR. BENTON: If you want to take up my definition of sustainable as a separate motion, you
could set aside temporarily this motion and I could make it.

DR. BROMLEY: I misunderstood. I thought you were going to modify this. Okay. Let's -- well, how do people feel voting on this with yet a definition of "sustainable" coming before you? You want to hear the definition of "sustainable?"

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yes.

MR. BENTON: Without making a motion but to signal what that definitional change might be --

DR. BROMLEY: Please.

MR. BENTON: -- that I think is fairly simple. If you look on page 21, sustainable use, go to line 12, on line 12 it says "from that resource, with."

Striking the goal of conserving the long-term viability of that resource, because that could be interpreted to mean oil and gas.

DR. BROMLEY: That's right.

MR. BENTON: Okay. So then it would read: "with acceptable environmental impacts." Drop down to the next sentence, include the words "long term" after
"include" on line 14.

So that would read: "The goals of sustainable use include long-term ecological, social and economic viability." Because I didn't want to lose the notion of taking the long haul vision.

That would be -- some change like that I think accomplishes --

DR. BROMLEY: Could you do us a favor and read it, David? Just kind of read your sentence.

MR. BENTON: I'll read the whole thing.

DR. BROMLEY: Slowly. And then Lauren is kind of typing.

MR. BENTON: All right.

DR. BROMLEY: Read it slowly.

MR. BENTON: "The extraction and/or utilization of a living or nonliving resource in a way that enhances social and economic benefits from that resource, with" -- and here's the strikeout --

DR. BROMLEY: Okay.

MR. BENTON: Strike out "the goal of conserving the long-term viability of that resource with" -- continue the sentence -- "acceptable
environmental impacts. In short, the goals of sustainable use include" -- insert the words "long-term" -- and continue the sentence with "ecological, social and economic viability."

DR. BROMLEY: Thank you. That's nice. How about I reread it now?

The extraction and/or utilization of a living or nonliving resource in a way that enhances social and economic benefits from that resource, with acceptable environmental impacts. In short, the goals of sustainable use include long-term ecological, social and economic viability.

DR. McCAY: Shall we table the motion to approve the definition of appropriate access and uses so that we can address this motion?

DR. BROMLEY: I'd be open to that.

DR. McCAY: Does the seconder agree to that?

Whoever that was.

DR. BROMLEY: Who was the seconder? Okay.

Bonnie moves to table the original so that we can discuss this.
MR. PETERSON: I'll second that.

DR. BROMLEY: Max seconded. Okay.

MR. ZALES: It's nondebatable. You can vote it up or down.

DR. McCAY: Okay. Vote.

DR. BROMLEY: What? I can't hear.

DR. McCAY: It's nondebatable.

DR. BROMLEY: Nondebatable. Right. So, all in favor of tabling --

DR. McCAY: Tabling the previous, the definition.

DR. BROMLEY: All in favor of tabling the definition so that we may consider this point, say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

DR. BROMLEY: All right. David, thank you.

DR. GARZA: Abstain.

MR. BENTON: Mr. Chairman, I have a motion. I've read my motion to you.

DR. BROMLEY: Wait a minute. Abstain, you said? Okay. Yes?
MR. BENTON: Mr. Chairman, I read my motion to you. You read it back. I'm moving that motion now, if I have a second. I don't need to speak to it and we can vote it.

MR. O'HALLORAN: Second.

DR. BROMLEY: Terry seconded it. I'll read it again to you, okay? This is page 21, line 11, under the heading sustainable use.

The extraction and/or utilization of a living or nonliving resource in a way that enhances social and economic benefits from that resource, with acceptable environmental impacts. In short, the goals of sustainable use include long-term ecological, social and economic viability.

MR. PETERSON: Call for the question, Mr. Chairman.

DR. BROMLEY: The question has been called.

DR. PEREYRA: Mr. Chairman?

DR. BROMLEY: Yeah, Wally?

DR. PEREYRA: May I comment?

DR. BROMLEY: Yeah. Go ahead.
DR. PEREYRA: From a biological perspective, I have some difficulties because --

DR. BROMLEY: Can you speak into the microphone a little bit more?

DR. PEREYRA: From a biological perspective, I have some difficulties in that sustainable use from a biological standpoint is based on a recognition that resources vary with time within certain environmental parameters, and the sustainable use can only be achieved by operating in a way that maximizes or optimizes the extraction.

And that, you know, it's not, I mean, it's not self-evident in the definition the way it's presently being reconstructed. And I just -- I needed a minute to think about that before I voted on this.

DR. BROMLEY: Okay.

DR. PEREYRA: I don't know if others have similar concerns.

DR. BROMLEY: I'd like you to restate your concern, please, Wally.

DR. PEREYRA: See, you can have long-term economic viability, and you're still not operating in a
manner --

DR. BROMLEY: Is it the singularity of the word "resource?" Would "resources" help you if it were plural? The extraction and utilization of living or nonliving resources in a way that enhances blah, blah, blah? In short, the goals are. Okay? I mean, this is very -- first of all, it begs the question, what is the resource? But if we make it resources, does that help, Wally? "The extraction and/or utilization of a living or nonliving resources in a way that enhances" -- this is not a formal motion. I'm just --

DR. PEREYRA: I'm thinking in terms of probably a Magnuson Act, Magnuson-Stevens Act perspective. But the word "enhance" is not as meaningful to me as say a word "optimize." Because "optimize" embraces both the physical side or the maximization side and also the modify, as modified appropriately by social and ecological concerns.

So, changing "enhance" to "optimize," it gives me some --

DR. BROMLEY: You wouldn't be surprised if I didn't like the word "optimize," would you, Wally?
DR. PEREYRA: No, I wouldn't be surprised at all, because you're an economist, and economists have different perspectives on life.

(Laughter.)

DR. BROMLEY: If I'm allowed to editorialize. Mark?

DR. HIXON: Wally, remember when we had the discussion on this definition, we considered "optimize" for quite a while and decided to let it go, mostly because it's a loaded word in terms of how it's applied in a technical and scientific sense.

I mean, there's some point based on a set of assumption that maximizes or minimizes some function.

And it's --

DR. BROMLEY: You can't optimize something without knowing what it is you're trying to optimize.

DR. HIXON: Yeah.

DR. BROMLEY: Sorry.

DR. HIXON: I recall that we had talked about that quite a bit and decided to let go. At the time, the consensus we reached was "enhance."

DR. PEREYRA: Mr. Chairman, if I may?
DR. BROMLEY: Yeah.

DR. PEREYRA: I really want to talk to the chair. It's possible to have sustainable use of a resource, but that sustainable use can be at a very low level because it's fished in an inappropriate manner, and that's of concern to me. I think we need to manage our resources and use them in a way that -- I like maximization, but others have difficulty with that -- but at least optimizes the yield in a way that brings about the greatest social benefit.

DR. BROMLEY: There's a guy raised on MSY I can tell.

DR. PEREYRA: I was. I was steeped in it.

DR. BROMLEY: We'll try to disabuse of that.

DR. PEREYRA: I have a lot of MSY scores.

DR. BROMLEY: I know, Wally. We'll have to drink a beer over MSY. But moving right along. David?

MR. BENTON: Well, Mr. Chairman, I was thinking it might be time for a break if you fellows want to discuss the word "enhance" versus "optimize" because I'm ready to vote. But we've lost a lot of our people. Do you want to wait or not?
DR. BROMLEY: If we don't vote, we're going to lose more. So, do you think we're ready to vote on this? What are we voting on? We're voting on the highlighted stuff:

The extraction and/or utilization of a living or nonliving resource in a way that enhances social and economic benefits from that resource, with acceptable environmental impacts.

I'm not very happy with that little thing right there, but --

In short, the goals of sustainable use include long-term ecological, social and economic viability.

DR. McCAY: Call the vote.

DR. BROMLEY: Ready to vote? All right. And what you're voting on is what you see there. In other words, it would strike out that -- and there's an addition. Okay. All in favor of this rendering, say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed? Okay. The ayes have
it. All right. Where are we?

MR. PETERSON: Mr. Chairman, I was going to suggest that we let you put a plural on "resource" up there and use the chairman's prerogative to make "resource" plural.

DR. BROMLEY: Really?

MR. PETERSON: Yes.

DR. BROMLEY: My goodness. Do it. Consider it done.

DR. HALSEY: Make it so.

DR. BROMLEY: Gosh, Max, such powers you pass to me. Thank you.

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yes?

MR. BENTON: If you don't want to take a break, I'm ready to make a motion to bring back on the table the motion that was tabled.

DR. BROMLEY: I'd love that. I don't want to take a break. I'm going to make this group sweat and sit here and squirm.

MR. BENTON: All right. I move to bring it back on the table.
DR. GARZA: That was on the amendment. We still have the motion. So all we did is vote on striking the words and adding long-term --

DR. BROMLEY: Thank you.

MR. PETERSON: She's correct.

DR. McCAY: Call the question.

DR. BROMLEY: Call the question on the main motion then.

DR. GARZA: So if someone wanted to add or delete something else now, we would have to make another amendment.

DR. BROMLEY: Okay. Mike?

DR. CRUICKSHANK: Mr. Chairman, I'd like to go back within the framework of sustainable use. I don't see what the point of it there is, because it says consistent with the goals and objectives of a particular MPA, and if the goals and objectives are laid out there, why do you need the additional within the framework of sustainable use?

DR. McCAY: We're not addressing that part right now.

DR. CRUICKSHANK: We're not?
DR. BROMLEY: No. We're down on the sustainable use part.

MR. BENTON: Mr. Chairman, I'm unclear as to the ruling from the parliamentarian, because my motion was not a motion to amend a motion. My motion was to change the language. And so it was a stand-alone main motion. It was not an amendment.

DR. BROMLEY: That's correct. We tabled the main motion to do this. We've dealt with this. Now we have to take the main motion back off the table. Is that correct?

MR. ZALES: Yes. Sustainable use is done.

DR. BROMLEY: Pardon me?

MR. ZALES: Sustainable use is done.

MR. BENTON: Sustainable use is done.

DR. BROMLEY: Do we have the sense of the group that it's done?

VOICES: Yes.

DR. BROMLEY: Okay. It's done.

MR. ZALES: And should we vote to untable now because Dave made the motion and I seconded?

DR. BROMLEY: That's correct. What are we
untabling?

DR. McCAY: This.

DR. BROMLEY: Appropriate access and uses.

Entry to and uses of an area considered for or designed as an MPA within the framework of sustainable use and consistent with the goals and objectives of a particular MPA. This does not de facto exclude or include any particular use.

And, Mike, that in a sense was your point.

You’re not sure about the framework kind of?

DR. CRUICKSHANK: Yeah.

MR. LAPOINTE: We have to bring it back on the table. We have to vote on the language first before we discuss this.

DR. BROMLEY: Okay. Right. So let’s vote on bringing it off the table. All in favor of that say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed? Okay. Now, thank you, George. It went to my head, getting to add an "s" to a word, just sort of blew me away here.

Okay. Here we are. You want to discuss it.
Mike fussed a little bit about within the framework of sustainable use.

DR. CRUICKSHANK: Yes. I don't understand why that's in there. It seemed to be redundant.

DR. BROMLEY: Okay. Good. Other comments?

Question? Rod?

DR. FUJITA: Yeah, I know it does seem redundant to have within the framework of sustainable use. The reason I like that there is because it's just an added bulwark. There has been some -- there's a lot of discretion within the words "consistent with the goals and objectives of a particular MPA."

There are no standards. We haven't set aside rigorous standards. We haven't, you know, created accountability mechanism. So, there's been problems with natural resource management around the use of discretion with respect to defining what is or is not compatible with goals and objectives. And to, you know, to make clear that the uses that we're referring to are sustainable uses I think is an important bulwark against the abuse of discretion.

DR. BROMLEY: All right. Are you ready to
vote on this one?

MR. PETERSON: Yes. Call the question.

DR. BROMLEY: All in favor of this language highlighted in green as an entry into the glossary, right? Say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed? It carries. All right. Bonnie, does that address everything under item number 1?

DR. McCAY: Thank goodness, yes.

DR. BROMLEY: All right. Item number 2.

We've been only two hours on that one. No breaks. I'm sorry. If you want a break, take it. But I'm holding your feet to the fire now, guys. We're running short.

Item number 2. Max graciously offered some language yesterday late. It's been distributed to you, and it is item 2 on the outstanding issues handout that you have. And Max offers both language and a suggestion as to where it might go.

Max, I'll give it to you. Do you want to introduce this as a motion as it's distributed?

MR. PETERSON: Yes sir. I'd like to introduce
it as a motion, but changing it slightly, because I
listened to people overnight. And so rather than say
the committee is unsure, just say the committee has not
completed a legal analysis to determine whether this
recommendation can be implemented under existing legal
authorities.

DR. BROMLEY: All right.

MR. PETERSON: That's a statement of fact.

DR. BROMLEY: We don't have it on the screen, but you have it in front of you. The committee?

MR. PETERSON: The committee has not completed a legal analysis.

DR. BROMLEY: "Completed" makes it sound like we've started one, Max. It's not undertaken.

MR. PETERSON: Undertaken. Okay. That's fine. Undertaken a legal analysis to determine whether its recommendations can be implemented under existing legal authorities. For this reason, we recommend the Secretaries of Commerce of Interior have a legal analysis completed to determine what additional legal authority would be required or advisable to carry out the committee's recommendations.
We're not telling them to go get legal authority. We're not telling them that they shouldn't proceed under existing authority. We're just saying we don't know the answer to this question, and this just spotlights that.

DR. BROMLEY: Could we shorten it a bit? I mean, we're in the realm of friendly.

MR. PETERSON: Sure.

DR. BROMLEY: Let me just say, the committee is not competent to judge, or the committee -- it's not within our writ to do this or something?

MR. PETERSON: No. I don't think we -- we have some attorneys on the committee.

DR. BROMLEY: Yeah, but they're not empaneled to act as attorneys. And if they were, we wouldn't listen to them. All right. So, Max, let me get your language clear, and then we have some hands up. I'm sorry.

The committee has not undertaken a legal analysis as to whether its recommendations can -- is that it, Max?

MR. PETERSON: Yes.
DR. BROMLEY: Okay. Analysis as to. So we're striking "is unsure" and we're inserting "has not undertaken a legal analysis." Is that correct, Max?

MR. PETERSON: Right.

DR. BROMLEY: Is that your motion?

MR. PETERSON: Right.

DR. BROMLEY: Has it been seconded?

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yes?

MR. BENTON: So this motion only deals with that first paragraph on your sheet, Max, and not the list?

DR. BROMLEY: It does not pertain to the list. It is just that paragraph.

MR. PETERSON: Just this paragraph. And I think down here where I spotlight places where it might be edited, that's just places identified. I'm not suggesting -- I don't have the language to do all that down there. I'm just suggesting that the Executive Committee or somebody --

MR. BENTON: I'll second his motion then, Mr. Chairman.
DR. BROMLEY: All right.

MR. BENTON: I have problems with the list, but I support the intent of the paragraph.

DR. BROMLEY: Okay. We're talking now only about the paragraph on the top of the page. Bob Zales, then Terry.

MR. ZALES: I have a problem with the term the committee has not undertaken legal analysis. Because even though like you say there may be attorneys sitting here, I'm not sure that this committee is of the ability to make a legal analysis.

So I would be more comfortable with like the committee has not received legal analysis or some kind of thing to where we haven't had any legal opinion as to what we can or can't do.

DR. BROMLEY: Okay. Terry?

MR. O'HALLORAN: I would offer that in the second sentence where --

DR. BROMLEY: Is this a friendly --

MR. O'HALLORAN: This would be a friendly amendment.

DR. BROMLEY: Just air it out right now before
a friendly amendment. Just let us hear it.

MR. O'HALLORAN: A friendly amendment that says on the second sentence where it says Secretaries of Commerce and Interior have a legal analysis completed to determine what additional legal authority, if any, would be required or advisable. Because the way this is stated, it sounds like there's an assumption that there might be.

MR. PETERSON: I think that's a very good -- in fact, I had it written that way once. I would accept that.

MR. BENTON: I'll accept it, Mr. Chairman.

DR. BROMLEY: Okay. So what additional legal authority --

MR. PETERSON: If any.

DR. BROMLEY: Comma, if any --

MR. PETERSON: Comma.

DR. BROMLEY: -- would be required to carry it out. That's kind of a friendly. Max, is that okay?

MR. PETERSON: Accepted. The second accepted it.

DR. BROMLEY: Yeah, okay. Rod and then
George.

DR. FUJITA: Yeah. Another minor friendly, Max. Did you mean has not undertaken a legal analysis to determine whether its recommendation, singular, or recommendations plural? In case we have more than one.

MR. PETERSON: That should be plural.

DR. BROMLEY: Thank you. Another "s" gets added. George?

MR. LAPOINTE: In the realm of nitpicking, we haven't done any analysis.

DR. BROMLEY: I know we haven't.

MR. LAPOINTE: So I would take legal out and say we haven't done an analysis because we're recommending they do the legal analysis, so.

DR. BROMLEY: That's what I was trying to -- I mean.

MR. PETERSON: Okay.

DR. BROMLEY: Look, the committee has not considered. I'm not offering specific language. I'm just talking. The committee has not considered the legality, the legal implications of our recommendations. Is that right? We haven't addressed
them. So can't we say that?

MR. PETERSON: I think several of us have struggled with that question --

DR. BROMLEY: Indeed, Max. But as a group, we have not, nor were we asked to, I think. So --

MR. PETERSON: Well, what would you change there, Mr. Chairman? I termed it a friendly amendment. What would you suggest? Do you have a suggestion?

DR. BROMLEY: The committee -- David?

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yeah. Do you have a friendly, David?

MR. BENTON: Well, no, I have a comment which I think I believe that we have considered it in the sense that we have generally discussed it. Concerns have been raised by a number of folks around the table. But we have not received a legal analysis, nor have we been provided one, and we haven't really asked for one.

DR. BROMLEY: We haven't asked for one.

MR. BENTON: Exactly. So I think that the wording should not be done in such a way that could reflect that we haven't thought about this issue,
because we certainly have thought about the issue.

And I had one other point, Mr. Chairman, that
I wanted to raise. I can't recall whether I can
actually make a friendly amendment to an amendment I
seconded. I think I can, but --

DR. BROMLEY: Just talk to us.

MR. BENTON: Okay. It's in the first sentence
there, and I think it's our recommendations --

DR. BROMLEY: Yes. We got that.

MR. BENTON: -- can be fully implemented,
because perhaps some of them could and some of them
could not, but not all of them. And we may want to
consider adding the word "fully" implemented.

DR. BROMLEY: Okay. Yeah. I like "fully." I
like "fully." That's good, David. I think we have
some other work we've got to do, but "fully" is -- or
completely or whatever, but that's nice.

MR. PETERSON: Let me try to pick up those
suggestions.

DR. BROMLEY: Yes.

MR. PETERSON: And say the committee has not
requested or received a legal opinion --
DR. BROMLEY: Yeah. That's better.

MR. PETERSON: -- to determine whether its recommendations can be fully implemented under existing legal authority.

Because some of them obviously probably can.

MR. BENTON: And, Max, you considered those all as friendlies?

MR. PETERSON: Yes, absolutely. If you'd second it, we'd have one motion then without a bunch of amendments. It might be to make it consistent in that second sentence, "for this reason, we recommend the Secretary have a legal opinion."

DR. BROMLEY: Yes, that's right.

MR. PETERSON: Or obtain a legal opinion.

DR. BROMLEY: The way we usually put it is seek legal opinion.

MR. PETERSON: Yeah, or obtain a legal opinion. These people work for them, so they can obtain a legal opinion.

DR. BROMLEY: Okay.

MR. PETERSON: To determine. Take out the word "completed." Okay?
DR. BROMLEY: And then another friendly from the chair, if I may. After the word "whether," getting back to David's sort of fully, whether all of -- if we put in the words "all of" its recommendations can be implemented?


DR. BROMLEY: Is that okay?

MR. PETERSON: Sure.

DR. BROMLEY: "The committee has not requested or received a legal opinion as to whether all of its recommendations can be implemented under existing legal authorities."

MR. PETERSON: Can be fully implemented. Put the word "fully" before --

DR. BROMLEY: Okay. That was the fully. Okay.

MS. WENZEL: Fully is here?

DR. BROMLEY: Yes. Fully implemented under existing legal authorities. For this reason, we recommend that the Secretaries of Commerce and the Interior obtain a legal opinion what additional legal authority, if any, would be required or advisable to
carry out the --

MR. PETERSON: I'm very happy with this. I think it has what we want.

DR. BROMLEY: Do we have authorities in one place and authority in another. Is that a problem?

MR. PETERSON: No, but --

DR. BROMLEY: Under existing legal authority or authorities?

MR. PETERSON: You've probably got 20 different authorities they're working with.

DR. BROMLEY: It's okay like this? All right. Now how do you feel about it? Yes, Michael?

DR. CRUICKSHANK: I just think to remove legal opinion, make it legal opinion, because there are many --

MR. PETERSON: What are you saying, Mike?

DR. McCAY: He's suggesting removing "a".

DR. CRUICKSHANK: Remove the "a" at the top as well.

DR. BROMLEY: Legal opinion? Yeah, I think that's better, Michael. Thank you. Take out the word "a."
The committee has not requested or received legal opinion as to whether all of its recommendations can be fully implemented under existing legal authorities. For this reason, we recommend that the Secretaries obtain -- take out "a" right there I guess, Lauren -- legal opinion to determine what additional legal authority if any would be required or advisable to carry out the committee's recommendations.

How's that? Is that all right? This is one of the more friendly versions we've had. Yes, Mike?

MR. NUSSMAN: Mr. Chairman, I think part of my concern with regard to authorities, this I think goes in the direction and answers the question. What I want to do to complicate matters, feeling that's very important that I do at this point, is to say that, you know, when you look at a provision or a program, you've got two parts, the legal authorities and then the funding issue.

DR. BROMLEY: Mm-hmm.

MR. NUSSMAN: The funding's been raised
elsewhere, and I have, as with this, I think funding is a key part of what we're doing, and I want to talk more about that, and I sort of view it in the same way as we're looking at this. I won't raise it now, because it gets -- I think this can be handled as a separate deal, but I think it's important that we address that issue.

DR. BROMLEY: Good. Okay. All right. How do you feel? Do you want to take some action on this one? All right. Max, are you okay?

MR. PETERSON: I'm okay. And I agree with Mike that we probably need to address funding, but I think it ought to be a separate section.

DR. BROMLEY: Okay. Good.

MR. PETERSON: And I'll work with him on it.

DR. BROMLEY: All right. So the motion before you is on the screen. All in favor, say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed? Wonderful. Max, you have a recommendation about where it ought to go.

Section 1?

MR. PETERSON: I think I would put it I think
probably we're going, as we conclude this thing, you've got a bunch of conclusions.

DR. BROMLEY: Yes.

MR. PETERSON: I think that ought to be one of the conclusions probably.

DR. BROMLEY: You'd put it in the conclusions section?

MR. PETERSON: I would.

DR. BROMLEY: As opposed to Section 1, line --

MR. PETERSON: It could be there either place.

I'll leave it to you all to decide where it goes.

DR. BROMLEY: Can I leave it to you to pull this back for now and let's revisit where it goes later?

MR. PETERSON: Right. Right.

DR. BROMLEY: David had some concerns about all of the specifics down below. And I guess what I'd like --

MR. BENTON: I have a motion, Mr. Chairman.

DR. BROMLEY: Yeah.

MR. BENTON: I have a motion if you're ready.

DR. BROMLEY: I'm sorry, what?
MR. BENTON: I said I have a motion on those if you're ready.

DR. BROMLEY: You have a motion on them if I'm ready. And if I'm not ready, what?

MR. BENTON: I will not do my motion because you're the chairman.

DR. BROMLEY: All right. Let me have it, David.

MR. BENTON: All right. Mr. Chairman, I would move Max's recommendations numbers 3 and 4, and only numbers 3 and 4, and if I have a second, I'll speak to that.

DR. BROMLEY: By recommendations, you mean of the list of six?

MR. BENTON: Of the list of six, I would move his recommendations number 3 and 4.

MR. NUSSMAN: Second.

DR. BROMLEY: You'd like to move those? Okay.

MR. BENTON: Yes.

DR. BROMLEY: Go ahead.

MR. BENTON: Mr. Chairman, having looked at this and given the language we just worked out, the
Executive Order is fairly clear in stating that it does not provide new authorities to federal agencies and they should rely on existing authorities.

We've already said we're not sure whether or not we have the existing authorities. That's what this paragraph accomplishes for at least all or part. But there are a couple of places where Max's recommendation I think improved the document, and those are the two that I identified.

A planning process is a planning process. You can get rid of utilize existing authority. That's item number 3, if you look at page 10. And frankly, Mr. Chairman, page 11, line 8 words are actually contraindicated by the Executive Order itself, because it does not provide the direct authority to set up a national system. It provides direction.

And so I would just delete those words. They're not necessary.

DR. BROMLEY: Okay. Good. Other comments on this?

MR. PETERSON: Well, I think I agree with his two recommendations, but I do not believe that we
should leave in, if you look on page 9, for example, which is the first suggestion, we actually say the actual designation and establishment of individual MPAs within the system should be accomplished under existing provisions of law.

And we don't know of any existing provision of law that lets us do that for cultural and historical MPAs, for example. Certainly the commissions don't have that authority to establish historic and cultural. They just said they didn't have it. So I don't think we could recommend that we do all of this under existing provisions of law. You might say to the extent feasible or something like that.

MR. BENTON: Mr. Chairman, I see the point. I have a motion on the table, and if there's a friendly amendment that would modify the term "existing" in that provision, I could certainly accept it as a friendly.

MR. PETERSON: Okay. I would agree to -- with his motion if we add existing provision of laws to the extent feasible or something like that.

MR. BENTON: To the extent allowed under existing law would probably be the way to go.
MR. PETERSON: What did you say, David?

MR. BENTON: Hang on just a second.

DR. BROMLEY: You know what I'm going to ask? I'm going to ask that Dave and Max have lunch.

MR. PETERSON: Okay. We'll do that.

MR. BENTON: That works.

MR. PETERSON: That works. We'll have lunch.

DR. BROMLEY: Okay. May I ask that? You had a motion. Uh-oh. I'm out of order here. You had a motion.

MR. BENTON: You're the chairman. You can't be out of order.

DR. BROMLEY: Yeah, well, I like to think that, but you guys keep reminding me otherwise. Is that okay? Can you work out some of things?

MR. PETERSON: Sure. We'll work on it.

DR. BROMLEY: Beautiful.

MR. PETERSON: We'll do that.

DR. BROMLEY: We got a table, all right. We're going to table David's motion.

MR. PETERSON: I'd move to table this until after lunch.
DR. BROMLEY: All right.

MR. BENTON: Second.

DR. BROMLEY: All right. All in favor of tabling, say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed? Okay. Good. It's tabled. Don't let us forget to bring it off the table, Max.

MR. PETERSON: We won't.

DR. BROMLEY: All right. Thank you. Okay. We have an hour and ten minutes. We're going to take an official photograph at 11:20. If you want your picture -- if you want your mug to be permanently memorialized in the official picture of this group, make sure you're in the room at 11:20, okay? And Barbara is going to make some comments and then we're going to go.

So we basically have an hour and five minutes, ten minutes. And now we come to the third major issue, which is labeled here NEPA Process Cost and Benefits, All Management Tools Considered. NPA is one tool of many.
The genesis of this issue is that it was brought into the discussion at the comment stage in mid-April and the Executive Committee regarded it as a new and potentially contentious issue, and so we put it off to one side.

And so we have to address it. And I guess it was introduced by Wally, for the most part. Yes, Jim?

DR. RAY: Mr. Chairman, I would just like to make a request. I brought this up at previous meetings, but for biological reasons I think, you know, every two hours, two hours and 15 minutes, there ought to be a short break. You know, right now we've got people getting up and leaving through the conversation, so people are missing parts of the conversation and they're not able to -- then they've got to play catch-up.

DR. BROMLEY: Good.

DR. RAY: I'd rather have the entire committee here whenever we're having discussions so that everybody's on board and hears what's going on.

DR. BROMLEY: Fair enough. Take a break.

That's fair enough.
DR. RAY: Thank you. I'd just like to make the request.

DR. BROMLEY: No, that's right. I take it.

DR. RAY: Thank you.

DR. BROMLEY: I was out of order. The difficulty with breaks is we lose 15 or 20 minutes, because if you've looked at the roster after a break, it takes us 15 or 20 minutes to get everybody back in the room. I'm happy to take a break, but -- so, take a break. Be back in the room in five minutes.

(A brief recess was taken.)

DR. BROMLEY: Here we are. Okay. We have one hour. We're back in business. We have before us the list of major and narrower issues which we would like to work through, work down. And in a sense, we've dealt with 1 and 2. And Max and David are going to have lunch together and come back at a later time to help us with the list of specific changes.

Items 3, 4, 5, 6 and 7 in a sense represent -- I should say -- well, all right. Item 3, let's look at item 3. I'm sorry. I'm looking at something called Outstanding Issues. Sorry, Dolly. It was a handout
from this morning. It's probably not in your packet.

Lauren passed it out earlier in the morning.

Thank you. Does everybody have one? Okay.

Is Wally here?

DR. PEREYRA: Yeah.

DR. BROMLEY: Late in the review process, as I said, April 14th, 15th, four issues came in that the Executive Committee felt took us beyond the realm over which we had been able to have extensive discussion.

And one of them -- I don't have the specific language here, but one of the interventions came in terms of I guess costs and benefits and so on.

So what I would like to ask the individual who made that proposal, I guess it's Wally, I'd like to ask you, Wally, if you would please look at page 12, line 38. And page 12, line 45, and tell me exactly why, or tell us exactly why you don't believe the language that we have there addresses the concerns that -- I think it was you -- that you raised, Wally.

DR. PEREYRA: Would you repeat again? Which lines?

DR. BROMLEY: Look on page 12.
DR. PEREYRA: Right.

DR. BROMLEY: Line 38. And then a little bit below, line 45. On line 38 we say: "The need for and benefits from an MPA based on supporting materials from the natural sciences, the social sciences and customary local knowledge."

This is information about adding new sites. "This would include an assessment of alternative means to achieving MPA goals."

And then -- so, is the committee of the view that the language on line 38 addresses exactly what it is we believe? Because I'd like to see if some of these issues that the Executive Committee thought should be put off to the side can be left there.

And I know you don't have the specific language that Wally or whoever it was proposed, but rather than getting back in a discussion of specific language, I'd just like to ask the question, whether points number 1 and 3 on page 12 do an adequate job of addressing the assessment of the impacts of the creation of an MPA.

DR. PEREYRA: You're asking me?
DR. BROMLEY: Yeah. Well, I'm asking for views.

DR. PEREYRA: Okay.

DR. BROMLEY: But, Wally, please.

DR. PEREYRA: I don't believe it does, and I think that it is not inclusive enough. For example, after "this would include," I think there would need to be something added to the effect of, for example, a statement of the problem being addressed by the proposed new MPA.

I think that that would need to be added there, because as I said yesterday, I believe that this document is lacking in a more specific explanation of the process that would be followed or needs to be followed.

DR. BROMLEY: Are you saying our criteria or our nomination language is insufficient?

DR. PEREYRA: Well, in this particular location here.

DR. BROMLEY: Yeah?

DR. PEREYRA: On line 39.

DR. BROMLEY: I'm sorry. What?
DR. PEREYRA: In line 39, on page 12.

DR. BROMLEY: Right. Right.

DR. PEREYRA: There's a sentence: This would include --

DR. BROMLEY: An assessment.


This would include --

DR. BROMLEY: An assessment of alternative means to achieving --

DR. PEREYRA: I would add --

DR. BROMLEY: But your language, as I recall, Wally, was least cost instrument or something. Is that right?

DR. PEREYRA: No. I had added there, I had it ensure that this new site is a least cost alternative.

DR. BROMLEY: Right.

DR. PEREYRA: I modified that last night in thinking about the concerns that you expressed from --

DR. BROMLEY: Yeah.

DR. PEREYRA: And ensure that a new site -- that the new site is the alternative achieving the greatest net national benefit.
DR. BROMLEY: Greatest net national benefit. Okay. Fair enough. Do you want to move that, or you just want to?

DR. PEREYRA: I feel quite strongly that there's a need to recognize that there are alternatives to solving the problems that are trying to be addressed. And the MPA may or may not be the best alternative.

MR. PETERSON: Would you read that, Wally? How you put it?

MR. ZALES: Read it again and make it a motion and I'll second.

DR. BROMLEY: Well, at this point it's friendly language, right, Wally? Unless you want to move it.

DR. PEREYRA: I could make the motion and get it on the floor.

DR. BROMLEY: Okay. Why don't you do that?

DR. PEREYRA: All right.

DR. BROMLEY: So he's amending line 39 I guess.

DR. PEREYRA: I would amend the second
sentence on item number 1 adding new sites on page 12 to read as follows: "This would include" -- and here I would add some new language -- "a statement of the problem being addressed by the proposed new MPA," and then it would continue -- "an assessment of the alternative means to achieving the MPA goals and ensure that the new site is the alternative achieving the greatest net national benefit."

DR. BROMLEY: That's your motion?

DR. PEREYRA: That's my motion.

MR. ZALES: I'll second it.

DR. BROMLEY: Is there a second?

MR. ZALES: I'll second.

DR. BROMLEY: Bob, Tony and Mike.

MR. BENDICK: I have no objection to the first part of the amendment, although I think on page 11 in 3 and 4, we do require a clear definition of the problem or threat being addressed, and I think that is taken into account in our process.

Secondly, I do object to the sort of measure of national net benefit. It opens such an unlimited field of opportunities that I don't know how with any
rigor you actually assess that.

We could say here consistent with the intent of the National Environmental Policy Act, which I think covers all that ground and which might address Wally's concerns. I know that was mentioned somewhere along the line.

DR. BROMLEY: Okay. Thank you. Tony and then Mike, and then I'd like to, if I may, from the chair, I'd like to make an observation.

DR. CHATWIN: I'll pass.

DR. BROMLEY: If I'm allowed to. Am I allowed to make an observation from the chair? Maybe not. Maybe I shouldn't. Go ahead. Tony?

DR. CHATWIN: I'll pass, Mr. Chair.

DR. BROMLEY: Mike?

DR. CRUICKSHANK: Okay. I had some language to address that and a location for it.

DR. BROMLEY: You have what, Mike?

DR. CRUICKSHANK: Some language to address this NEPA thing and a location for it.

DR. BROMLEY: We have a motion on the floor, Mike.
DR. CRUICKSHANK: Is there discussion of the motion? It's relevant to the motion.

DR. BROMLEY: Okay. Can you just convey it to us as an idea?

DR. CRUICKSHANK: Yeah. As an idea, okay.

Page 4, you have objectives should be accomplished in a way that, and then on the bottom there at (f) responds to the requirements of the National Environmental Policy Act or equivalent protective measures designated under state or local rule or regulation.

And that brings in the NEPA process.

DR. BROMLEY: Which I'd prefer to leave out, but that's just me. Okay? I don't know we need to anchor this to anything. But that's just my editorial observation.

George?

MR. LAPOINTE: I think my sentiments are much like yours, Mr. Chairman.

DR. BROMLEY: Do what?

MR. LAPOINTE: My thoughts are like yours. I don't -- the reference to NEPA strikes me as, if we're going to reference federal law, we should reference
them all.

And I think because we're making recommendations to the Secretary, they'll come under the rubric ESA, MPA -- I mean MMPA, sorry, Freudian slip. Yada, yada, yada, yada, you know, the Data Quality Act, et cetera. And so I don't favor its inclusion unless we put them all in there, and I don't think we need to do that.


DR. HALSEY: Well, I think there are quite a number of MPAs created at the state level. We certainly have some in the Great Lakes that never would -- that would certainly be valuable parts of a national system but would never trigger any kind of NEPA action. So I see it as not necessary.

DR. BROMLEY: Okay. Wally?

DR. PEREYRA: Yes, Mr. Chairman. That is the reason why I wanted to have some specific language in here with process, because I think, again, if you reference NEPA, that is just the federal actions. And I think there's a need to recognize that even within state jurisdictions, recently there have
been some rather controversial MPA-type activities or MPA-type processes that have gone on that I would say are probably not as thorough in terms of how the siting was done as you have in a federal NEPA process with alternatives looked at and least cost alternatives.

That's the reason why when I sent my memo in April to you that I had specific language in there that -- I didn't address NEPA specifically, but I put language in that I thought would be useful. I mean, any NEPA -- any MPA siting activity that might take place in a state or tribal or anywhere.

DR. BROMLEY: Okay. Am I allowed to turn the chair over to Bonnie so that I may make an observation on this language? What should I do?

MR. PETERSON: Yes sir.

DR. BROMLEY: May I speak in a substantive way?

MR. PETERSON: Yeah. Turn it over to Bonnie and you can talk all you want to.

DR. BROMLEY: Bonnie, would you object? Would you recognize me?

DR. McCAY: (Chair.) Oh, yes. I recognize
you, Dan.

(Laughter.)

DR. BROMLEY: Wally, I'm terribly concerned about greatest net national benefit. This is an idea, it's a set of words that have no coherent mapping into anything knowable, and let me leave it at that.

This language is impossible. You're asking for something that is impossible. I'm sorry, from an economic perspective, if I may speak as an economist. Anybody who tells you they can do that is smoking something illegal.

(Laughter.)

DR. McCAY: Dave?

MR. PETERSON: Why don't you just say what you mean?

(Laughter.)

MR. BENTON: Madam chair. I don't have to say Mr. Chairman anymore. Madam chair.

DR. BROMLEY: When do I get this office back?

(Laughter.)

MR. BENTON: Bonnie, seize the power.

DR. McCAY: I've got it.
MR. BENTON: Feel the power.

DR. McCAY: Yes, Dave.

MR. BENTON: I'm not necessarily ready yet to make this as a motion, but it strikes me, and I'm looking over at Wally to see his reaction to this, but what I think he's trying to get at here is that any new site is sort of judged as to whether or not that is the best way to go to address a particular concern, resource management concern.

And as part of that, one part of that that I think is very important is that these -- the new MPAs be judged as to whether or not they have been designed so that they minimize the adverse social economic impacts while meeting sort of the resource management goal you're trying to set the thing up for. And I'm just wondering if there's an alternative way of trying to get at the issue that Wally has identified here with the term "net national benefit," Mr. Chairman.

DR. BROMLEY: Who's the chairman here?

DR. OGDEN: Bonnie is still chair until you get the gavel back. You're in trouble.

MR. ZALES: In reference to what Dan has said,
and I can call him Dan now, because he's no longer chair -- I agree with a lot of what he said, but at the same time in my experience of being regulated and dealing with the regulatory process, I would argue that in many cases the economics of what regulations are based on are at times probably impossible to do, and in most cases have been very limited.

And I'm not sure -- I can't remember if we have the term to the extent practicable in this stuff, but at some point I suspect that --

DR. BROMLEY: We do.

MR. ZALES: And if that's the case, then even though economics may not be absolute for what is going to be done to make this assessment, to the extent practicable, that argument could be made that it could be put in there.

And so I would support this stuff that Wally's laid up there because of that reason. And we would all love to have absolutes in everything that we do, but in fishery management for sure and anything to do with MPAs and anything like that, I haven't seen anything yet that is pretty much absolute.
So I would argue that even though that you may not be able to find exact numbers for these assessment that you will be able to have something produce that some economist, some social scientist, somebody will come up with something to say, well, this is how it could be, given all this information.

So I would support Wally's motion.

DR. McCAY: Okay. Terry?

MR. O'HALLORAN: Thank you, Madam Chair.

DR. BROMLEY: It sounds -- it has a nice ring to it.

MR. O'HALLORAN: Madam Bonnie. Yes, I like that.

DR. McCAY: Mademoiselle, too.

MR. O'HALLORAN: Mademoiselle. You know, I understand Wally's concern about MPAs as being one of many possible solutions to a particular issue or problem and which needs to be dealt with.

It seems that whatever that group is that is dealing with that problem, if they would choose to use other means, other than an MPA, in which to find solutions to those problems, that they would not be
entering into things that are in this document. In other words, they would not be entering into the realm of an MPA.

And so to have language in an MPA document that deals with alternatives that don't relate to an MPA, such as, you know, if it's a fishing issue dealing with bag size limits or whatever that might be as a solution to that particular problem, they don't get into the realm of an MPA. So I guess I'm just wondering how serious of an issue that is, because they would -- that decision would be made by that group and not through a group that's with an MPA.

DR. McCAY: Okay. Next on the list is Dan.

DR. BROMLEY: Bob, I don't doubt that you could find an economist who would give you a number. I live with them, and we all have our price. And if you pay an economist enough, she'll give you exactly the number you'd like.

(Laughter.)

DR. BROMLEY: And the Exxon Valdez fiasco is the very best evidence of that, okay. Economists are -- we respond to price incentives.
More seriously, it seems to me that item 1 addresses -- this would include an assessment of alternative means to achieving MPA goals. Item 3 says the economic effects of the proposed MPA, including both monetary and nonmonetary effects. This will include evidence that the adverse social and economic implications for users of the marine environment have been considered and are, to the extent practicable, minimized.

I find no problem with the existing language.

DR. McCAY: Tony?

DR. BROMLEY: And, therefore, I'm speaking against --

DR. CHATWIN: I was going to point to the language in number 3 as well that addresses the issue of economic impacts. And also, I'd like to -- I have trouble identifying a law or set of regulations out there that calls for a decision to be based on the least cost alternative. I don't see any precedents.

NEPA doesn't call for that.

DR. PEREYRA: Yes it does.

DR. CHATWIN: No it doesn't. It calls for
examining a range of alternatives. And so I just --
that's what I would like to add. Thank you.

DR. McCAY: Wally?

DR. PEREYRA: Yes. I'd just like to thank the
committee members for their constructive comments. And
I do think that this is an important issue in the NEPA
process you certainly do look at alternatives, but you
select that alternative which is considered to bring
the greatest benefit in solving the problem and at the
least cost.

As a practical example of what I'm talking
about here, in North Pacific where I have had a fair
amount of experience, we had a situation come up where
there was a serious issue regarding bycatch of salmon
in the Pollock fishery. And it was proposed that an
MPA-type MMA be put in place to close off an area where
salmon bycatch had been found to be fairly high,
although it varied in time and space.

Upon further examination, it was determined
that a more useful alternative to establishing that MPA
as a restrictive zone would be to utilize the
cooperative arrangement which could establish in the
Pollock fishery and establish a civil contract between the members of the cooperative that made them responsible for coming up with a means to reduce the amount of salmon bycatch, which was done, and which turned out to be a much more effective way of dealing with this particular problem than putting in an MPA.

And that's sort of what I'm getting at, is that we need to have a process which flows from the problem through to a solution, and the MPA in many cases is going to be the solution. And a marine reserve in many cases is going to be a solution. But there will be other possibilities that might offer greater benefit at least cost, at a lower cost to the participants, to the environment and so forth.

And all I'm asking is that there be included in here some recognition that that is a process that needs to be followed, and that we don't just all of a sudden have, as has been proposed in some circles, that we just set aside 20 percent of the world's oceans and everything is going to be fine. Well, that's, you know, that's not realistic and it's probably not in the best interests of the ocean either to proceed in that
DR. PEREYRA: So that's where I'm coming from.

VOICE: Nobody suggested that, Wally.

DR. PEREYRA: And greatest net national benefit, I agree that that's a term that probably should not, you know, should not be entered into this document. But I do think that some recognition of this process and the benefits and costs and minimization and maximization should be in there in some form.

DR. McCAY: Perhaps while we're discussing this, Wally, you might think of some -- come up with some alternative language.

Steve?

DR. MURRAY: I think we're getting off in the wrong place here. I mean, I think our job here is to create a framework, not to dictate what outcomes are going to be. We've come through here and identified a regional process with very open participatory inclusion, with stakeholder inputs, with all of these kinds of inputs that are going to go into a regional focus and determining what goes or doesn't go.

And so the wording that we have here about
adding new sites I think is completely consistent with that approach. We're indicating that an assessment of alternative means of achieving MPA goals is to be done. We're indicating that the need for and benefits from an MPA based on supporting materials, from natural sciences, the social sciences and customary local knowledge is to be done.

We're indicating the economic effects of the proposed MPA, both monetary and nonmonetary effects are to be assessed. That's all to be done in a regional process, open participatory, within which decisions are to be made about whether MPAs will or will not be used, completely consistent with our job.

Putting that last clause on that sentence up there I think is completely inconsistent with that posture.

DR. McCAY: Bob Bendick.

MR. BENDICK: I pass for now.

DR. BROMLEY: Okay. Rod?

DR. FUJITA: Yes, thank you, Madam Chairman.

I agree with Steve Murray. But I do understand Wally's concerns, because these are the same concerns that
arise in every MPA process I've ever been associated
with.

People have a justifiable concern that MPAs
are the best tool to address a particular problem and
not be a solution in search of a problem. So let me
propose, Wally, and see if you like this, that the
document -- let's zoom out a little bit and consider
other aspects of the document that may address these
corns.

On page 1, which is the likeliest page that
anybody will read --

(Laughter.)

DR. FUJITA: -- we have the two paragraphs at
the end there under Benefits of a National MPA System
that made clear to me that MPAs are to be considered
one of many tools that can be used, right? So that
should address your concern that we fully consider
alternative means to achieve MPA goals. And that's
further reinforced by our language at page 12 in bullet
1.

In addition, I think we've addressed the need
to ensure that economic and social adverse impacts are
minimized by our bullet 3. We also have at page 12 on line 16 a reference to adaptive management, which is intended by the subcommittee to encompass and address this problem of increased knowledge about alternative means, to determine whether an MPA is indeed the best way to achieve the stated goals and address the problem.

And I think that that provides a mechanism to address the kinds of problems that you've brought up, Wally, where changing knowledge, changing costs require a change in management measures.

DR. McCAY: Next on the list I have Tony.

DR. CHATWIN: I'll pass.

DR. McCAY: Okay. Dolly?

DR. GARZA: Thank you, Madam Chair, and I also intend to vote against the proposed amendment. And I have the same issues with the greatest national benefit. And speaking from the subsistence or customary side, we would always lose. It's just as simple as that.

And there are MPAs that will be proposed or have been proposed to protect ceremonial sites, to
protect dive sites, to protect things that don't necessarily have an economic value that can be weighed against using a natural resource. And so, I think that this hems it in. It narrows it down and limits the opportunities for MPA uses when I think those types of checks and balances are elsewhere in the document.

Thank you.

DR. McCAY: Mike Nussman?

MR. NUSSMAN: Thank you, Madam Chair. First say that I, in listening this is an interesting debate, and I learn something from each person that speaks. I certainly support Wally's amendment, although I'm not sure I support exactly the words that he has used here, but the concept is one that's clearly coming from appealing on by many people in our -- the recreational and commercial fishing community that in fact there is, if we have a, you know, the only tool you've got is a hammer, everything looks like a nail as it applies to MPAs.

And I think what we're looking for here or what Wally's looking for here is a very clear statement that the alternatives are firmly examined and are
rejected before we go to the idea of a marine protected area, understanding full well that in many instances, marine protected areas are going to be the best use of -- or the best way to address specific issues.

So, with that, I'll listen to the next commenter. Thank you.

DR. McCAY: Great. We have a few more people on the list. We'll try to get through those, but I think we should come to closure very soon. I have Dave next and then Bob, Kay, John and George. And Mark.

Okay.

MR. PETERSON: Do you have me?

DR. McCAY: Okay, fellows. All right, Dave, it's yours.

MR. BENTON: Well, I was actually prepared to amend Dr. Pereyra's proposal in a way to try and get us beyond, but it sounds like you have so many people that want to debate it, I don't know whether I want to make the amendment yet or wait till all this goes around another time before we get to it.

So I'm going to look at the chairs for some guidance here. Because I think there's a way to
clarify this --

DR. McCAY: Well, I think it would be good if you would offer, at least offer your idea that this point.

MR. BENTON: All right. My ideas would be that, given the discussion, that you would strike the words "achieving greatest net national benefit" at the end, and that you would amend that language to read in that last clause -- and don't do that yet.

MS. WENZEL: All right.

MR. BENTON: I can't read it when you do that from back here. And support a conclusion that the new site is a preferred alternative for addressing the problem.

And what we're talking about here is an analysis -- we're talking about a nomination. So it's a documentation of why the thing is being put forward as a site and what's all the supporting evidence.

So if you identify a problem and you do it -- the burden should be on the nominator to have an analysis that goes along with this and a rationale of here's why this is the best thing to support it as the
preferred alternative for addressing the problem that's
to be dealt with.

That's what I'm trying to get at. I'm not
sure I got the words exactly right, but that's what I
was thinking.

DR. McCAY: Perhaps Wally could think about
that while --

DR. PEREYRA: I second it.

(Laughter.)

DR. BROMLEY: It doesn't take Wally long to
think.

DR. McCAY: Okay. We don't have specific
language, or do we there?

MR. BENTON: Do you want me to make it as a
friendly amendment, Wally?

DR. PEREYRA: Yes.

MR. BENTON: I'll do it right now. Okay. Do
you want me to do that?

DR. PEREYRA: Yes.

DR. BROMLEY: Who seconded Wally's motion?

Point of order.

DR. McCAY: We need to know what it is first.
MR. BENTON: Who seconded Wally's motion?

MR. ZALES: I did.

MR. BENTON: Okay. Are you okay, Bob, with this? Sorry.

DR. McCAY: Okay. So we're looking at --

MR. BENTON: All right. Let me then go here, Madam Chair. So it would read, starting on the third to the last line where it starts "assessment of the alternative means to achieving MPA goals, and supports" -- okay. Now, see, I can't read it when she does the --

MS. WENZEL: I know. I'll be quick.

MR. BENTON: Okay. "And support the conclusion" -- I'm not sure I got this right. Give me five minutes here to work on it some more if I can.

DR. McCAY: Okay.

MR. BENTON: All right? Give me a moment. Let it go around for a little bit and I'll --

DR. McCAY: Let's keep going here. Bob Zales, you're next.

MR. ZALES: Yeah. And I believe the language they come up with is probably going to be acceptable.
I just wanted to make the point that in the previous one where it said greatest net benefit, that's not net economic benefit. That's net benefit to the nation, which in my mind would include the social information, natural science information and in many cases the customary and local knowledge information. And what you're looking for is the best overall benefit to the nation as to what you achieve by any of these management processes in my mind. So I just wanted to be sure that it's not recognized as just a solely economic situation.

DR. McCAY: Okay. Kay?

MS. WILLIAMS: Yes, Madam Chair. I have a question for Wally. This language that you presented, is it because of the nominating process or the nominating sites because we now allow in our language an individual to dominate the site and you want to make sure that all the bases are covered on the need?

DR. PEREYRA: My intent here was to ensure that in fact there would be this process followed, that that would be one of the criteria for a site to be included, that it had gone through this sort of an
Assessment of the alternative means to achieving MPA
goals, and supports a determination that the
new MPA is the preferred alternative to
address the problem.

That would be my amendment to Wally's motion.

DR. BROMLEY: David, a friendly. Could you
put "the" instead of "a" new? Because we're talking
now about a specific site. That the new MPA.

MR. BENTON: Oh, yes.

DR. BROMLEY: Is that okay?

MR. BENTON: Actually, that's how I wrote it.

That's actually how I wrote it.

DR. McCAY: Wally, is that still acceptable to
you?

DR. PEREYRA: I wish I had thought of that to
begin with.

DR. BROMLEY: So do we, Wally.

DR. McCAY: Okay. Is there a second to that?

MR. BENTON: You don't need to if it's a
friendly.

DR. McCAY: That's right.

MR. BENTON: You just need to get concurrence.

DR. McCAY: Okay. Is there any objection to
that as a friendly amendment?

DR. FUJITA: A minor suggestion. MPA is going
to address multiple problems, so plural on problem.

MR. BENTON: That's consistent with my intent.

It was an editorial comment.

DR. BROMLEY: Also, Lauren, about the middle
of the paragraph, of the problems being addressed.

DR. McCAY: Right. Okay. Yeah, Mark? I'm
going out of sequence here just to hear if there are
some concerns about this.

DR. HIXON: Specifically, I take issue with
the use of the word "problem" in this context, and that
is because there are situations in which an MPA could
be established without a problem having appeared. This
could be a preemptive issue to address a potential
problem or just an issue in general.

For example, the recent large closures off
Alaska to protect the corals. The corals were not yet
in a state of having a problem. This was a preemptive,
precautionary measure.

So in the spirit of precautionary approaches,
I would just like to replace, I suggest replacing the
word "problem" with "issue."

DR. McCAY: Is that satisfactory to?

MR. BENTON: No.

DR. McCAY: Why not?

MR. BENTON: If I could speak to my friendly amendment, Madam Chair, the reason I did it the way that I did it is because Wally had inserted the word "problem." In Mark's discussion, and he used a good analogy, I thought, the Aleutian Island closures, were to address a potential, but it was still a problem.

The problem with using the word "issue" is to me, it sort of isn't as clear as to what you want to see in the nomination document. Elsewhere I was -- I have another little amendment that I would propose that we actually ask for people when they submit these things to state the purpose of the nomination and the site.

I think that's very important. It gets to the issues that were raised the other day on the panel that Bobby and Mr. Hayes were on. But I think that having a statement of the problem is a very important thing. A problem could be very simple. A problem could be we
need to protect a representative habitat type in this area, and our problem is we need to do that. And so then the statement of why that's the best way to solve the problem is the MPA identifies the area to be protected and would be established to protect the area, solves the problem. That's -- to me, it's a problem statement, and it's a very common usage throughout regulatory processes that you have a problem statement and then you have a means of solving your problem.

DR. BROMLEY: I'm sorry, if I may make a friendly. We have at the top the need for and the benefits from. Maybe this language -- okay, the need for -- that's kind of purpose. The need for and the benefits from an MPA based on supporting. This would include. We kind of repeat ourselves. Can we help ourselves a little bit by taking out that second thing? This will include a statement or something.

DR. McCAY: I'm going to cut this a bit short here and say that we really do have -- there's a motion on the floor with a friendly amendment, and we probably should continue discussing it as such.

And next I have Max, Wally, Tony, Tundi and
Bob Bendick, and Rod again.

MR. PETERSON: I think we're coming closer together here. What I would do would be to where it says a statement of the problem, I would say the concerns or reasons the MPA is being proposed, and the cost and benefits of alternative approaches considered and the basis for proposing a new MPA, which I think picks up what we've heard, because we do want to know what -- we want to know the concerns or reasons for establishing it.

The concern might be to provide an area to do research or monitoring. There may not be a problem there at all. It may be establishing baseline or something. So I'm saying the reasons, the concerns or reasons the MPA is being proposed and the cost and benefit of alternative approaches considered and the basis for proposing the new MPA.

If we'd look at that, I think then possibly, David, then we would -- could leave in something about the analysis to support the determination of the new MPAs the preferred alternative to address the concerns instead of the problems, something like that. I think
that might do it.

So I would propose adding that if you would at least consider that.

DR. McCAY: Well, right now let's consider this as we have it.

MR. PETERSON: Well, I'm going to propose to amend that by adding this language, just to try to move us along, because I think there's a real concern with saying that every MPA has to address already identified problems. I don't think that's a sound approach.

DR. McCAY: I've got people who want to speak to that point --

MR. PETERSON: We may want to add new sites.

DR. BROMLEY: I have a point of order if I'm allowed to ask that. Again, we have a zooming in problem. We are focusing on page 12, and it's just been pointed out to me if you look back on page 11, we've addressed some of these things. We have a very great danger of getting down to a sentence on page N. when on page N. minus 1 we've elaborated it.

So I'm begging us to sort of zoom back a little bit. Let's stop. Let us think about how much
time we're spending on sentences that have already been -- okay?

MR. PETERSON: I'm basically in agreement with you.

DR. BROMLEY: Yeah, so. I'm sorry. That's my point of order.

DR. McCAY: Tony?

DR. CHATWIN: Thank you, Madam Chair. I agree with the intent of this motion, but I do have some degree of discomfort with the use of preferred alternative. I understand that we want the MPA to be recognized as the best out of the suite of alternatives, that that's the one that we should embrace.

My concern about the use of preferred alternative is that has some legal meaning and connotations and it's, you know, for example, the Secretary of Commerce can, if I am not mistaken, can decide to go with something that's not the preferred alternative if the preferred alternative is deemed to be not suitable towards sort of preventing overfishing, for example.
So this could be addressed by the legal authorities. But I think we are opening another area of potential conflict with existing authorities. And I wanted to bring this up not because I disagree with the intent here, but just because I think we're trying to address a core value of this group, and we're introducing language that might not be the best way.

DR. McCAY: Tundi?

DR. AGARDY: I pass.

DR. McCAY: Okay. And Bob Bendick?

MR. BENDICK: Well, we're really wordsmithing, but I would think that if we use the terms "problems" or "threats," which is the term we use on the previous page that the chairman just referred to, it would be consistent.

DR. McCAY: Okay. And Rod, I think you're the last in my -- no, you're not. You're not the last one.

DR. FUJITA: Yeah. Well, I, too agree with the intent of this. I also think that it's kind of redundant, as I noted. All of these things are addressed in other parts of the document in my view. But if it's going to make folks happier, I could go
with this sort of concept but substituting "concerns" for "problems." I think Max and Mark raise a very valid point.

DR. McCAY: Okay.

DR. FUJITA: And Tony has opened up a whole new issue which I hadn't thought of. If we can find a synonym for "preferred," I would like that as well.

DR. McCAY: Okay. And George?

MR. LAPOINTE: I agree with the intent as well, but I think that the chairman's point about taking, you know, a 20,000 foot look is important. You know, Mike Nussman said we're trying to use -- when you're using a hammer, everything looks like a nail. Our job is to design the freakin' hammer. But to recognize that it's going to be put in a tool box. And I think other language in our document does that. So I hope that we can get through the preferreds and the issues and concerns and move away from this dilemma we're in.

DR. McCAY: Are we in any way close to voting on the motion that's in front of us? Yes, Jim?

DR. RAY: I pass.
DR. McCAY: Larry?

MR. MALONEY: Just a couple of quick things. Rather than using the problems or concerns, how about objectives or goals?

DR. BROMLEY: Purpose. Purposes, goals, objectives.

MR. MALONEY: Yes. And just grammatically, there's no noun or no subject that goes to supports there in the last clause.

DR. McCAY: Okay. Well, I think we've talked about many aspects of this. Does somebody want to call the question?

DR. HALSEY: Call the question.

DR. McCAY: Okay. All in favor, please signify by saying aye.

MR. PETERSON: Mr. Chairman?

DR. McCAY: I'm sorry.

MR. PETERSON: I had a motion to amend this that has not been recognized so far and introduce specific language.

DR. McCAY: I'm very sorry. I didn't hear the exact language then. Was there a second to that?
DR. AGARDY: I'll second.

DR. McCAY: Okay. Now there's a second.

MR. PETERSON: It was moved and seconded earlier, but I think something like this in place of the word "reasons" this include a statement of the concerns, reasons.

We can say concerns or purposes, picking up Larry's thought, the concerns or purposes that the MPA is being proposed, and the cost and benefit of alternative approaches considered, and the basis for proposing the new MPA.

We've already defined some of the bases or cost benefits previously. We don't have to restate that.

DR. McCAY: I'm sorry, Max?

MR. PETERSON: Statement of the concerns or problems. We cannot agree to put the word "purposes."

DR. McCAY: Is this correct, or?

MR. PETERSON: No. "Purposes" --

DR. McCAY: The concerns addressed or purposes of.

MR. PETERSON: Addressed by the proposed new
MPA and the cost and benefits of alternative approaches considered, and the basis for proposing new MPA. And then I would strike everything after that. Because some of the things we would consider are spatial questions.

We could include what's already there. We're not trying to -- as the chairman, as Dr. Bromley has suggested, we've already stated all kinds of things that we would consider, so I don't think we need to restate those.

Anyway, that's my proposed amendment. It's been seconded.

DR. McCAY: Okay. It's up for discussion.

Tony?

DR. CHATWIN: Thank you, Madam Chair. I'm afraid I cannot support this language. I have problems again, the same nature, it's a definitional one. Costs and benefits, we've had that discussion and we decided not to use that because they have specific meanings and they have different meanings in different places, and I'm just not prepared to insert that into the document at this point.
DR. McCAY: Dan?

DR. BROMLEY: I am quite opposed to this language for the reasons that Tony's just stated. Costs and benefits no matter how we talk about them, no matter how we elaborate them, they will come down to something that in a sense prejudices uses, different interests.

So I'm quite opposed to the cost and benefits. I could live with the rest of it, but this cost and benefits is a new idea in one sense, and it is not something we've had a lot of discussion about.

MR. PETERSON: I would agree to strike the words "cost and benefits" if you want to, if the second would propose that. Because we do have that elsewhere in the document. Would the second agree to strike the words "the cost and benefits?"

DR. AGARDY: Yes.

MR. PETERSON: We could say and the alternative approaches considered and a basis for proposing a new MPA. We already said it's going to include costs and benefits. So that's redundant.

DR. McCAY: Okay. Wally, I have you next
DR. PEREYRA: I like the former language in 1(a) better. The last phrase proposing, the basis for proposing a new MPA, it seems to me that's the same as the statement of concerns and purposes. So in that sense, I think that language is redundant.

DR. BROMLEY: Just the last five --

DR. PEREYRA: Yeah, the last. The basis for proposing a new MPA is the same as stating --

DR. BROMLEY: We got it in there.

DR. PEREYRA: So I think it's fairly diluted at this point, so I'd like to -- I prefer the one we had.

MR. PETERSON: I think that's good. Stop after the word "considered."

DR. BROMLEY: And alternative approaches considered?

MR. PETERSON: Right.

DR. McCAY: Is this also friendly?

MR. PETERSON: Is that okay with you, seconder? Right.

DR. McCAY: All right. Dave?
MR. BENTON: The problem that I have here, Max, is one of sort of a requirement on people presenting a nomination. And I think -- and the reason I added that last underline that's in the one up above it, a determination that the new MPA is sort of the best alternative, preferred alternative, use your term of art, is because I think that the burden should be on the proposer to show that, yeah, this is the one that's going to answer the problem best, as opposed to frivolous nominations. And that's sort of what I was trying to get at.

Because we have -- anybody can do a nomination for any reason. I can support what you've done here, but I really -- but I cannot support it unless we have something in there that gets at that other issue. That's what I was trying to get at with that last underlined sentence that's at the top. And I actually thought you were going to include that, the determination language.

MR. PETERSON: Okay. I couldn't figure out how to do it. It's kind of dangling there. Approaches considered. Have you got thought as to what we could
DR. McCAY: Yes, Terry?

MR. O'HALLORAN: Would preferred solution be better than preferred alternative?

MR. BENTON: I'm sorry?

MR. O'HALLORAN: Preferred solution.

MR. BENTON: That's fine.

DR. McCAY: I'm a bit concerned that we're doing wordsmithing in a large group here, and I'm wondering if, given the time, we could ask some of the participants in this discussion to work on this. Because it seems like the friendly amendments are piling on top of friendly amendments.

So if you would not object, I would propose that we table this discussion until after the lunch period. I hate to do that, but it just seems like we're at a point where this is really important, to sit down and just come up with something. We can't do this --

MR. PETERSON: I would so move, Madam Chairman.

DR. BROMLEY: I support it.
MR. PETERSON: Good suggestion.

DR. BROMLEY: And it might be a good break, a good time to stop actually. Thank you, Bonnie. What do I have to do to get the chair back?

DR. MURRAY: Take it. Take the gavel.

DR. BROMLEY: Thank you.

DR. McCAY: Wait. We have to vote on tabling this some way. So all in favor of tabling this till after lunch, immediately after lunch?

(Chorus of ayes.)

DR. McCAY: All opposed?

(No response.)

DR. McCAY: All right. And I do ask those most vocal in this who care about it and are willing to come up with something that the rest of you will -- everybody else will agree with to work together after we visit the Fish Exchange.

Yes, Bob?

MR. BENDICK: Yeah, just one quick thing. I have to leave at noontime for a required staff meeting at the Conservancy, but I think we've made just immense progress here, and I think within our grasp is
something really important, which is a broad consensus on a rational approach that's fair to everyone, that's locally and regionally based for saving marine resources in the U.S.

And I do hope in the remainder of the meeting the same kind of sort of can do and collegial spirit that has shown itself at the first part of this meeting can prevail, and that we can come together in a consensus that I think can have tremendous impact.

The only thing that I would add is the one issue we're going to take up after lunch is the issue of funding and support. And I do think in some form, this document has to convey more strongly that funding and incentives for this to happen is an important and legitimate purpose of the recommendations of this committee and should rise to the surface somewhere as we go forward. Because it's not going to happen with the staff support or the incentives to places to have this work.

DR. BROMLEY: Good.

DR. MCcAY: Thank you, Bob. Now I will pass over the baton.
DR. BROMLEY: (Resumes as chair.) Thank you. Please don't leave. We have two issues. We want an official photograph, and we want Barbara to speak. So, Barbara, would you spell out what we need to know.

MS. STEVENSON: Do you want me to speak first?

DR. BROMLEY: Yes. And then we will come up here for this photograph, and then you're free to go. We must be in the lobby at 11:30. So, Barbara, please do your thing, and then everybody come up front.

MS. STEVENSON: A very quick thing. You're going to the Portland Fish Exchange. It's an auction with actual humans there with the fishes all on display. There are electronic auctions. That's why I had to say that. The auction starts at noon, so you will get there in time to look at the fish and see a few minutes of the auction. The auction is extremely interesting for a short time. I understand it's not very interesting to most people for a long time because it's the same thing over and over.

So, you'll go, see the fish, see what they do with them. And if you ride down the pier, there at, at least yesterday, there's three kinds of boats there. I
know one of my boats is there. It's the General George S. Patton. That's the size of what George calls a big boat. I of course call the bigger boats 95 to 120 feet big boats. But that's it. We don't have any bigger than that here.

So in the scheme of everything else, they're all small boats, right, Wally? And you'll see some 55-foot boats which are what I call the main shrimp fleet. They also ground fish and some smaller gill netters and other types of boats are there. The vessels that are landing the fish on the auction, not only are they under the regulations that you saw yesterday with the closed areas, but they were allocated on average 55 days a year to fish under the last amendment. They have mesh restrictions. The trawl fleet has the largest mesh size in any kind of similar fishery in the world, and we also have minimum fish sizes. And on one or two species, we also have trip limits.

So, when you talk about highly regulated, we are, and we're still here somehow. And if you have a coat, you might want to bring it.

DR. BROMLEY: Thank you, Barbara. The address
for those who --

MS. STEVENSON: It's 300 Commercial Street.

DR. BROMLEY: Okay.

MS. STEVENSON: It's on the same street that you --

DR. BROMLEY: Right by the Marine Research --

MS. STEVENSON: Right. And those of you that have a nice little funky map that they passed out here, they don't have the Fish Exchange at the correct place. (Laughter.)

MS. STEVENSON: It is at the bottom of Center Street. You can see on that little map there's a stoplight there. The stoplight's in the right place. Center Street's in the right place, and the Portland Fish Pier is directly through the stoplight. It's very obvious when you're down there looking for it.

DR. BROMLEY: Okay. Thank you. Okay. Come up here, we're going to have a photograph.

MS. WENZEL: As far as getting down to the Exchange we are going to have a shuttle in the lobby at 11:30 that can take some people, and then we're asking folks who have cars if they could also offer other
fols rides. We should have enough space for everybody.

So, thank you.

DR. BROMLEY: Okay. Come up front. We're going to have a photo. I'm worried, Dolly left the room, so I don't know.

(Whereupon, at 11:20 a.m., the meeting recessed for lunch and tour.)
AFTERNOON SESSION

DR. BROMLEY: Okay. We're back in session.

MR. BENTON: Mr. Chairman, could you summarize for us what motions have been tabled? Because there were two.

DR. BROMLEY: Yeah, we're going to do that. We're going to do that. Did you have more?

MR. BENTON: No. I'm getting ready to make a motion to bring them back on the table. I want to know which ones they are and we'll figure out which one to bring back first. I'm ready to go.

DR. BROMLEY: Would you mind, David, if we approved first the minutes from our February meeting?

MR. BENTON: You're the chairman.

MR. LAPOINTE: I move approval of the minutes from the February meeting.

DR. BROMLEY: Thank you. Is there a second?

MR. BENTON: I second.

DR. BROMLEY: Any discussion?

(No response.)

DR. BROMLEY: All in favor of the motion say aye.
(Chorus of ayes.)

DR. BROMLEY: Thank you. Now, David, thank you. We too are wondering which things is on the table. Do you know?

MR. BENTON: Mr. Chairman, I believe that we had the -- what I'm going to call the Wally issue, and we had the issues that were my motion that were the list of deletions, additions and deletions and changes with regard to Max's authorities documents.

DR. BROMLEY: Those are the two issues?

MR. BENTON: Yeah. So if Dr. Pereyra is not here, I would --

DR. BROMLEY: David -- sorry. I was going to lay out the program for the rest of the day, and you kind of preempted me. I'm sorry. May I go back, may I just back up? I'd like to make now a procedural proposal. And that is we just approved the minutes, that we're going to vote at three o'clock.

We have an hour to dispense with the issues that can be dispensed with. And if they cannot be dispensed with, we're going to have to figure out how to describe those things that have not been done. We
must leave time in our program to craft an executive
summary, and we are not going to do any of that
tomorrow. It is going to be done today. We are voting
at three o'clock.

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yes?

MR. BENTON: Could we make that vote
contingent on Lauren being able to get us a document in
front of us to look at?

DR. BROMLEY: That would be fine.

MS. WENZEL: Would it be all right if it's on
the screen?

DR. BROMLEY: It will be on the screen.

MR. BENTON: It's sort of hard to see. But,
you know, what's your production capability? Is
printing hard?

MS. WENZEL: We can do it. It will just take
a little more time, that's all.

MR. BENTON: Got it.

DR. BROMLEY: We are production capability
challenged here.

MR. BENTON: Mr. Chairman?
DR. BROMLEY: Yes?

MR. BENTON: The reason I asked that is you may want to have a little bit of flexibility whether it's three or four o'clock or somewhere in there. If that means we can get a vote done, I think it's important to get the vote done.

MS. WENZEL: Just tell me where we are so I can --

DR. BROMLEY: Yeah, I don't know. It will not be a four o'clock, David. I'm sorry. We have spent a lot of time addressing very important issues, and it's now time to see where we stand. I want to vote at three o'clock, and I believe we are able to read the language on the screen or whatever and situate it in the document that you all have in front of you. And I'm begging you to allow us to do this.

If we wait until four o'clock -- are you telling me that we cannot process what Lauren can project on the screen for the sections that have been changed? I'm open. I mean, if you people feel that you cannot deal with the document, the changes that we've made in it, okay. But, you know, we're down to a
serious moment now.

MR. PETERSON: Mr. Chairman, why don't we proceed and see if we can --

DR. BROMLEY: See where we are.

MR. PETERSON: See if we can meet three o'clock.

DR. BROMLEY: Okay.

MR. PETERSON: And since Wally just came in, I would -- taking things off the table, would you like to take your item off the table first, Wally?

DR. PEREYRA: Bring it on the table. Would you like me to do that?

MR. PETERSON: I think -- yes, you could do that if you'd like to.

DR. PEREYRA: Okay.

MR. PETERSON: And we have a proposal that we worked up that David --

DR. BROMLEY: Okay. Those are the two things we left before lunch. That's great. Let's do a little work.

MR. BENTON: Did you move to bring it back on the table?
DR. PEREYRA: Yes.

MR. BENTON: I'll second the motion.

DR. BROMLEY: Bob, Bob Zales?

MR. ZALES: I've got a procedural question.

We're talking about three or four o'clock today. What's on the table for tomorrow? What are we playing with tomorrow, dealing with all these timelines?

DR. BROMLEY: Well, we have two issues tomorrow, Bob. Actually, if you look at Thursday morning, we have public comment period from 8:10 until whenever, and then we have nine o'clock finalize document review. I'm not sure what we thought we might do there. Then we have a break. And then we have the discussion on the next FAC charge. And I've already been visited by three or four people who tell me they have to leave tomorrow. And it's not clear whether they're leaving at 11:00 or 11:30 or 12:00 or 1:00.

And, you know, that's my anxiety, Bob.

MR. ZALES: Well, I understand. And that's kind of my point that I brought up in one of the conference calls is, you know, we've got half a day set up tomorrow on the future FAC thing. And in my mind,
this document is much more important than the future FAC thing.

So if it takes us dealing with time tomorrow afternoon instead of dealing with the future of FAC, let's deal with what we've got and finish our business and then let the future of FAC worry about the future of FAC. That's just my one thought.

DR. BROMLEY: I propose that we move with all due haste right now and see what we can get done.

MR. ZALES: Yes sir.

DR. BROMLEY: And I'm going to be very cross about delays and delays and delays. If that isn't obvious, I'll repeat it. We need to get going.

MR. BENTON: So I think, Mr. Chairman?

DR. BROMLEY: Yeah?

MR. BENTON: I think that Max moved and I seconded bringing the Wally amendment on the table.

DR. BROMLEY: All right. Do that.

MR. BENTON: Call for the question, Mr. Chairman.

DR. BROMLEY: The question has been called on the --
MR. BENTON: To bring it back before us.

DR. BROMLEY: Yeah, good.

MR. PETERSON: Can we move it over just a little bit?

MS. WENZEL: Yeah. I'm sorry. Which version are you looking at?

MR. PETERSON: The one at the bottom.

MS. WENZEL: I think that's this thing.

MR. PETERSON: It's the one we just put on there.

DR. BROMLEY: It's inside the technology somehow.

MS. STEVENSON: I have a quick question.

DR. BROMLEY: Yes, Barbara?

MS. STEVENSON: Is this 1(a) what we're voting on?

DR. BROMLEY: No.

MR. BENTON: I'm going to read it, Barbara.

DR. BROMLEY: Way down below.

MS. STEVENSON: Since they called the question, I just want to be sure of what we're reading.

DR. BROMLEY: Sorry. Lauren, put it back to
like 130 percent, please.

MR. BENTON: The question was on just bringing it back in front of us.

DR. BROMLEY: Do it at 120, 120 percent.

MS. STEVENSON: So this vote is just to bring it back?

MR. BENTON: Bring this one back in front of us.

MR. PETERSON: Yeah. We're not voting on the substance.

DR. BROMLEY: Okay. Now cursor it down, please.

MS. STEVENSON: Then why are looking at it?

DR. BROMLEY: Which one?

MR. BENTON: That's it.

DR. BROMLEY: That's it? This is what we're taking off the table. All right. Can everybody read it? The need for and benefits from an MPA based on supporting -- on supporting materials from the natural sciences, the social sciences and customary local knowledge.

This will include a statement of the concerns
or purposes addressed by the proposed new MPA and analysis of the alternative approaches considered and a determination that the new MPA is the preferred approach to address the concerns or purposes.

Is that what you wrote, Max, Dave?

MR. PETERSON: What we wrote. That's what the committee wrote.

DR. BROMLEY: Does that look right? Okay.

Ready for the question.

DR. CHATWIN: Excuse me, Mr. Chairman. Are voting to bring it back or are we voting on the substance? My understanding is that we're voting to bring it back for discussion. Is that correct?

DR. BROMLEY: We've already kind of done that. It's back in play, I believe. But I --

DR. CHATWIN: We need to clarify that.

DR. BROMLEY: Okay. Then all in favor of bringing this language back into play off the table, say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed? Okay. How are we doing? Barbara?
MS. STEVENSON: Is this the language they worked on over lunch?

DR. BROMLEY: I believe it is.

MS. STEVENSON: Okay. Which is not what we brought back to the table. We brought back to the table whatever the language was before lunch.

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yes, David?

MR. BENTON: Mr. Chairman, Barbara is correct. And what I would do, Mr. Chairman is move as a substitute motion the work of the committee that you see on the screen entitled l(b) with my name, Max's, Rod's and Mike Nussman's name.

DR. BROMLEY: Substitute motion.

MR. LAPOINTE: Second.

DR. BROMLEY: So it's been moved and seconded as a substitute for what came off the table.

MR. BENTON: So if it passes, Mr. Chairman, it would carry?

DR. BROMLEY: Yeah. That's right. And we don't need to go back to what it replaced. If defeated, then we're back at what we replaced.
MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yes?

MR. BENTON: I'm prepared to speak to it unless we can just vote on it.

DR. BROMLEY: Could we vote on it?

VOICES: Yes.

DR. BROMLEY: Not that we don't value what you have to say, David, but. Are you ready for the question?

MR. PETERSON: Yes sir.

DR. BROMLEY: All in favor say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yes, David?

MR. BENTON: Mr. Chairman, I would move that we bring back on -- back before us the second issue that was tabled, which is the list of items and deletions that Max had. I had a motion on the table that I'm prepared to restate and then deal with it or however you wish.
DR. BROMLEY: Okay.

MR. BENTON: But I'm moving to bring it back before us if I have a second.

DR. BROMLEY: Good. Is there a second to it?

MR. LAPOINTE: Second.

DR. BROMLEY: Okay. All in favor of bringing it back for consideration, say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

DR. BROMLEY: Okay.

MR. BENTON: Max, you didn't type that one in, did you?

MR. PETERSON: Yes, she has it.

MR. BENTON: Okay.

MS. WENZEL: We did. We just put it in the document.

MR. PETERSON: We can put it in the document.

If we can go --

MS. WENZEL: Just walk me through it.

MR. PETERSON: I guess technically what we've brought back on was David Benton's motion to accept
items number 3 and 4.

MR. BENTON: Correct.

MR. PETERSON: But let's -- why don't we just go through them?

MR. BENTON: If you go through them and propose them as a friendly --

MR. PETERSON: Okay. Then you'll accept them? Okay. Let's go to page 9, lines 22 and 23. What we've done here would be to take out the wording that I had suggested earlier and just simply say we'll be accomplished to the extent feasible under existing provisions of law. And she's got that in, page 9, lines 22 and 23. Be accomplished to the extent feasible under existing provisions of law.

DR. BROMLEY: Okay.

MR. PETERSON: Because there are some -- there is some authority out there already, so there could be some things done.

DR. BROMLEY: Okay.

MR. PETERSON: That's the first one.

DR. BROMLEY: That's the first one. Why don't we separate the questions and just deal -- can we just
deal with them as we go through?

MR. PETERSON: We can if you'd like to.

DR. BROMLEY: I'd like to sort of dispense with them.

MR. BENTON: Mr. Chairman, I was prepared to accept these as friendly, but if you want to deal with them separately, the right thing would be for him to propose it as an amendment and vote on it.

DR. BROMLEY: Okay.

MR. PETERSON: Yeah. I'll just propose that as an amendment and we can vote on them individually.

DR. BROMLEY: All right.

MR. BENTON: Your choice.

DR. BROMLEY: Go ahead.

MR. PETERSON: So I would propose that as an amendment.

DR. BROMLEY: Okay.

MR. PETERSON: I need a second.

MR. LAPOINTE: Second.

DR. BROMLEY: Any discussion? Yes, Rod?

DR. FUJITA: Max, I thought you meant to say will be accomplished.
MR. PETERSON: Yes. Will be accomplished.

Thank you. Will be accomplished.

DR. BROMLEY: The friendly, take the "should" out and replace it with "will."

MR. PETERSON: That's good. Thank you, Rod.

MR. ZALES: Can you make that more readable for those of us who have a hard time seeing, dealing with glasses?

MS. WENZEL: Yes.

DR. BROMLEY: Accomplish to the extent feasible under existing provisions of law.

MR. PETERSON: Okay. That's that one.

DR. BROMLEY: Okay.

MR. BENTON: Do you want to vote on each one of these, Mr. Chairman?

DR. BROMLEY: I'd like to vote on each one. Okay. Are you ready to vote on this one? All in favor of this change, say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

DR. BROMLEY: Good. Next.
MR. ZALES: Mr. Chairman, I'm sorry. I can't read it. And so I don't --

MS. WENZEL: Is it the yellow that you can't read, Bob, or?

MR. ZALES: What you've got highlighted in that green color.

MS. WENZEL: I'll just leave it like this.

MR. PETERSON: Can you underline it?

MR. BENTON: It just changes the "should be accomplished" to "will be accomplished to the extent feasible under existing provisions of law" is what it says.

MR. ZALES: Okay.

DR. BROMLEY: Is that okay?

MR. ZALES: Yes.

DR. BROMLEY: I guess we voted on that on.

Next.

MR. PETERSON: Now just as a matter of information, in the original handout we had something on page 10, line 14 and 15, and we're no longer proposing that change, so we can just strike that out so we're not proposing anything.
The next amendment is on page 10, line 35.

DR. BROMLEY: Okay.

MR. PETERSON: And we'd simply delete "utilizing existing authority" because we've already said utilizing existing authority to the extent feasible. We don't need to say it again.

DR. BROMLEY: I'll read it. So it would now read:

Implement a planning process that identifies existing MPAs that meet national system criteria and regional goals and (b) gaps where new MPAs, including trans-boundary MPAs, may be needed to address threats to marine resources not covered by existing legal protections.

Is that what you meant?

MR. PETERSON: Yes.

DR. BROMLEY: Max, does that sound right?

MR. PETERSON: Yes. Yes.

DR. BROMLEY: David, is that okay with you?

So in a sense we're just striking "utilize existing authorities." Bob Zales?

MR. ZALES: Can I ask why that we're removing
"utilizing existing authorities?"

MR. PETERSON: Because we've already said it in the heading of this. We've already said it once in this section. We didn't think we needed to say it two or three times.

MR. BENTON: It's just the Department of Redundancy Department.

MR. PETERSON: Trying to heed or chairman's thought to not repeat everything in every sentence.

DR. BROMLEY: Okay.

MR. PETERSON: Okay, Bob?

DR. BROMLEY: Are you ready for the question?

MR. BENTON: You don't need to vote on this. It's part of the main motion, Mr. Chairman.

DR. BROMLEY: Oh, okay. Thank you.

MR. BENTON: Max is just going through the --

MR. PETERSON: I'm just going through it.

DR. BROMLEY: All right.

MR. PETERSON: The next one, which is part of his original motion, was we suggested delete the words "Executive Order provides the agency with direct authority to establish a national system."
MR. BENTON: Where is that, Max?

MR. PETERSON: It's on page 11, line 21 and 22. I'm sorry. Line 8. I'm sorry.

DR. BROMLEY: So you're deleting the whole sentence on line 8 at page 11, that last sentence. Is that right?

MR. PETERSON: No.

MR. BENTON: Yes we were, Max.

MR. PETERSON: Yes we were. That's right. We were eliminating that whole sentence. That was his original motion.

DR. BROMLEY: Which sentence?

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yes?

MR. PETERSON: Dave, go ahead.

MR. BENTON: Mr. Chairman, my motion was what Max had originally proposed. It was on the sheet. I believe, Max, that the committee made a decision that we would delete the entire sentence, not just those words.

MR. PETERSON: That's right. We were concerned particularly about saying that there wouldn't
be any formal nomination of some sites. We felt that
every site ought to be nominated by somebody. So we
decided the best thing to do was eliminate that whole
sentence. It's redundant. Because we've got a whole
section on nomination.

So that is an amendment to David's original
motion was to strike that entire sentence starting with
Executive Order.

DR. BROMLEY: Okay. Where are we? Has that
been seconded? Are we okay with this? Ready for
discussion?

MR. BENTON: He's making it his motion.

There's not been a second that I've heard.

DR. BROMLEY: I haven't heard one either.

MR. LAPOINTE: Second.

DR. BROMLEY: Now it's been seconded.

MR. BENTON: Now you can vote.

DR. BROMLEY: Anybody want to speak to it?

MR. ZALES: This is taking out line 8, 9 and
10 starting with ask?

DR. BROMLEY: That's correct. Comments?

Ready for the question?
DR. FUJITA: Question.

DR. BROMLEY: All in favor of this change, say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

DR. BROMLEY: Okay.

MR. PETERSON: Page 11, lines 21 and 22.

DR. BROMLEY: Delete "in accordance with existing legal procedures," right?

MR. PETERSON: We thought probably we could delete lines 21 through 23 because the rest of it's redundant.

DR. BROMLEY: So in a sense, it would --

MR. LAPOINTE: Is that a motion, Max?

MR. PETERSON: It's an amendment, yes. We would strike I think the whole sentence.

DR. BROMLEY: Yeah.

MR. PETERSON: Starting with new MPAs.

DR. BROMLEY: Starting in the middle of line 21, page 11.

MR. PETERSON: Yeah. Because otherwise we've
got a dangling thing there.

MR. LAPOINTE: Second.

DR. BROMLEY: George has seconded. Yes, Bob Zales?

MR. ZALES: What is the rationale for removing that sentence?

MR. PETERSON: We've already said twice before that it's going to be done under existing and legal authority to the extent feasible, and we don't need to repeat existing legal authority every time we add another paragraph. Our chairman said we don't need to say it six times, and that's what we're trying -- it doesn't change the substance really of the document.

DR. BROMLEY: We've said it before.

MR. PETERSON: Right.

DR. BROMLEY: Are you ready for the question on this one? Jim?

DR. RAY: Yeah. The only comment I have on that section was, you know, I was thinking one of the additions if this section stayed in was just a statement where you said would be subject to this review process and it would become part of the national
system, I was thinking somewhere we ought to be saying that, you know, to become part of the national system, they need to meet the selection criteria that have been set for the national system. Just as long as that thought is not lost somewhere else in the report.

MR. PETERSON: I think if my seconder would agree, we probably could leave in that new MPAs would be subject to the review process if they become a part of the national system. I think we could leave that in. That's not redundant.

DR. BROMLEY: It's the existing legal authorities part that we want to clean up. Seconder, George?

MR. PETERSON: I'd accept that as a friendly amendment.

DR. BROMLEY: Jim, does that feel better if we leave that part in then?

DR. RAY: Yeah. I just didn't want to lose that --

DR. BROMLEY: How are we doing? What we would then have is new MPA sights must be reviewed and approved in accordance --
MR. PETERSON: In accordance with the review process.

DR. BROMLEY: In accordance, yes. In accordance with the review process. This review process. If they are part of the national system.

MR. PETERSON: Yeah. That's good. Thank you. The last one, Mr. Chairman.

MR. BENTON: We need to vote on this amendment.

MR. PETERSON: We've got to vote on this one.

DR. BROMLEY: Okay. Are you ready to vote on this one?

MR. PETERSON: Yes sir.

DR. FUJITA: I have a question.

DR. BROMLEY: Yes, Rod?

DR. FUJITA: By this process, are we referring to the review process we've outlined in the section? Should we clarify that?

DR. BROMLEY: Yeah, the "this," the unclear antecedent here has me a little bit intrigued. To what does the "this" refer?

MR. PETERSON: We could say the review process
outlined in this document or something like that.

DR. BROMLEY: Well, the sentence starts, It is important to offer specific criteria for the decision to add new sites regarding need, design and implementation provided. Is that okay? Barbara?

MS. STEVENSON: It's the review process outlined below.

DR. BROMLEY: Yeah.

MR. PETERSON: That's probably right. I would accept that as part of the amendment.

DR. BROMLEY: So now where are we? What have you accepted, Max?

MR. PETERSON: She's got it up there now. Review process outlined below.

DR. BROMLEY: Change "this" to "the", the review process outlined below.

MR. PETERSON: Yeah. Leave review process, yeah.

DR. BROMLEY: Is that okay?

MR. PETERSON: Mm-hmm.

DR. BROMLEY: Yes, Tony?

DR. CHATWIN: Mr. Chairman, looking at the
process below, we don't talk about how it's approved. And in this language, we're saying it should be approved according to the process outlined below. So I would suggest taking out the approved, because the intention is that these sites are going to have to be approved through the process under which they --

DR. BROMLEY: Can I ask a point of information? Is it not clear elsewhere in our document this thing that we are now discussing? Is this the only place we say it? Of course not.

MR. PETERSON: No, it's redundant.

DR. BROMLEY: We say it other places over and over again. This thing about new MPA sites, we lay out other places. I can't point to it at the moment, but we lay it out what the criteria are, the review process.

MR. PETERSON: I think if it would make people feel better, instead of outlined below, it would be better to say outlined in this report.

DR. BROMLEY: In this report.

MR. PETERSON: Something like that. Because
it's not all outlined below.

   DR. BROMLEY:  George, you're the seconder.

   Okay.

New MPA sites must be reviewed and approved in accordance with the review process outlined in this report.

   MR. PETERSON:  Yeah.

   DR. BROMLEY:  Is that where we are now?

   MR. PETERSON:  Yes.

   DR. BROMLEY:  How do people feel about that?

   Tony?

   DR. CHATWIN:  I feel it's confusing.

   DR. BROMLEY:  Okay.

   DR. CHATWIN:  We have a section that's entitled Process.  We don't have a section entitled Review Process.  So, again, I'm not debating the substance, it's just a little unclear.

   DR. BROMLEY:  Okay.  But this is in a section called Nominating Sites.  So therefore, why can't we say something like subject to the processes outlined in this report?  I mean, here we're nominating sites.

   Somebody's nominating sites.  I believe.
MR. PETERSON: Do you want to strike the word "review?" Is that what you'd like to --

DR. BROMLEY: Yes, Gil?

MR. RADONSKI: I think Tony is asking for a reasonable thing. He's just saying where can we label a review process in the document? Is that where you're going, Tony? You're just not clear where it is?

DR. CHATWIN: Yeah. Well, I'm saying we don't have one, so should we be referring to one, or should we, like you say, label one --

DR. BROMLEY: I have Dave and then I have George. David?

MR. BENTON: If Bob Bendick was here, he would walk us through this I think fairly quickly, Mr. Chairman, but this was a work product of in large part the result of the work committee that he was on and I was on. And I think that in a Reader's Digest version, we have a nominating process through a regional entity for inclusion if it meets the criteria into a national program. That the agencies, the Secretaries of Commerce or Interior, are going to designate a lead agency for the coordination of that program that's in
another section.

The approval, once it goes through the regional scrub and is forwarded on as a nomination, would be done by that lead agency. That was always my understanding. But it could only done once the regional entity had said it's part of the national backbone, okay. Now whether we need to be clearer about that is a separate question which we could circle back to. And maybe we do. I don't know.

DR. BROMLEY: Okay. George?

MR. LAPOINTE: Trying to clarify. And I think I'm about one for four on these. If we change review process in this report to the nomination process in this report, is that clearer?

DR. BROMLEY: Yes.

MR. LAPOINTE: Because we talk about nominating a number --

DR. BROMLEY: Yes. That's what it is.

MR. PETERSON: That would be better.

DR. BROMLEY: That's what will do it.

MR. PETERSON: It's the nomination process.

MR. BENTON: God, you're good.
DR. BROMLEY: Okay. I had you, Mike.

MR. BENTON: George just made up for earlier.

DR. BROMLEY: Yes, Mike? Quick.

DR. CRUICKSHANK: Just eliminate that second review there. Because it says must be reviewed and approved in accordance with the process outlined below. The line above is the process.

DR. BROMLEY: Nomination process.

DR. CRUICKSHANK: We're going to call that nomination process?

MR. BENTON: Yeah.

DR. BROMLEY: So where are we?

MR. PETERSON: Outlining this report.

DR. BROMLEY: Okay. Now can you read it, Bob?

That's a long way off.

MR. PETERSON: We don't even need that last dangling thing if they're to become a part of the national system.

DR. BROMLEY: That's right. We don't need that.

MR. PETERSON: We don't need that.
DR. BROMLEY: Outlining this report. End with this report. Bob, can you see this now?

New MPA sites must be reviewed and approved in accordance with the nomination process outlined in this report.

MR. PETERSON: Right. Very good.

DR. BROMLEY: Ready for the question?

MR. PETERSON: Yes.

DR. BROMLEY: All in favor say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

DR. BROMLEY: All right. Where are we on your list, David?

MR. PETERSON: Finally, finally. This is the last one. Page 12, line 33.

DR. BROMLEY: Page 12, line 33. It's under Adding New Sites, Lauren. That would be the heading.

MR. PETERSON: Page 12, line 33.

DR. BROMLEY: And then the first sentence. New sites -- yeah, this is what you're talking about.

Go ahead, Max.
MR. PETERSON: Would enter the system under existing authorities, period. And we don't -- there's a whole lot of -- there's states that can include in the system. There's Indian tribes. There's all kinds of people. So it doesn't make sense to just single out National Park Service, which we don't believe has the authority. So just under existing authority, and strike the words National Parks, national marine sanctuaries, state parks, fisheries.

DR. BROMLEY: So you want it to read new sites nominated because your paper says delete under existing authorities. Now you want to say nominated sites, new sites nominated for inclusion would enter the system under existing authorities.

MR. BENTON: Period.

DR. BROMLEY: Period. Is that it, Max?

MR. PETERSON: Well, that's the thought. It's not -- we probably need the word "feasible" probably, something like that. Under existing authorities were feasible would probably be a qualifier. David, what do you think?

MR. BENTON: Max, I think it's fine the way it
is. The only question I have, Mr. Chairman, through the chair, is I believe that at one point you were talking about changing would to could.

MR. PETERSON: Oh, yes, could. Change the word "would" to "could." We're just recognizing that sites could enter the system under existing authority. Some might not, so we're saying that some -- we probably ought to say some new sites nominated for inclusion could enter the system under existing authority. Not all sites could. Anyway, something like that.

DR. BROMLEY: Does the first sentence add value to what we're trying to say here? Is it needed?

It is needed?

MR. PETERSON: I'd be willing to take the whole darn sentence out.

DR. BROMLEY: I think we could take the whole thing out, but I wouldn't fight anybody over it.

MR. PETERSON: I'd be willing to take the whole thing out.

DR. BROMLEY: I don't see why we can't start this by saying in addition to addressing the steps
noted above, newly established sites proposed for inclusion in the national system would be required to assess --

MR. PETERSON: That's great. Let's do that. Is that okay with you, David? Let's do that.

MR. BENTON: Say it again.

DR. BROMLEY: We'd just start with the second sentence. Although I don't like the idea of sites having to assess things, since sites are inanimate objects. But, you know, -- in addition to addressing the steps noted above, newly established sites proposed for inclusion in the national system would be assessed on the following grounds.

MR. PETERSON: Would be assessed in accordance with the following.

DR. BROMLEY: With the following or something.

MR. PETERSON: Yeah.

DR. BROMLEY: David, is that all right? (Nods in the affirmative.)

DR. BROMLEY: George, you're the kind of -- are you the seconder in all this or not?

MR. LAPOINTE: Yeah. I'm seconding it again
if you want me to. Is that accepting the friendly motion?

DR. BROMLEY: Well, you know, this is all at a friendly level. Bob?

MR. ZALES: My question is, under what authority would they enter the system? And the other, I don't have a problem with taking that out and starting with "In addition," but in 1, 2 and 3 it doesn't mention anything about anybody's authority. It just has ways to assess what needs to be done.

MR. PETERSON: We've mentioned existing authority about four times in the document already up to this point.

MR. LAPOINTE: And we've additionally raised the question about whether the existing authority is enough. I mean, that was the quandary I was going to get in before. So if you take the sentence out, you can do it under existing authority, or it's that question about a next step. We can do it under whatever that might be as well.

MR. ZALES: I guess that's kind of my question. What would be the next step if you didn't
enter under existing authority, how would you enter the
national system?

DR. BROMLEY: David, could you answer him?

MR. BENTON: Thank you, Mr. Chairman. There's
two issues going on here with regard to the one Bob
just raised. You would not enter the system if you
couldn't do it under existing authorities unless
somebody gave you more authorities. That's a legal
situation. It could not. And that's the way we've got
this set up, and that's the structure.

The second one, Mr. Chairman, just to flag an
issue, people have -- obviously there's a need for
additional clarity about who approves the nominations,
right? How do you actually take a nomination that's
gone through the entire process and actually say it's
in the new system? That question has surfaced now, and
I'm prepared to make a motion at the appropriate time
to add that as one of the duties under implementation
to the national level discussion.

MR. PETERSON: Okay. But we wouldn't take
that up now.

DR. BROMLEY: We don't want it now.
MR. BENTON: You want to take that up?

DR. BROMLEY: We do not want it now.

MR. PETERSON: No. I think we need to hold that.

MR. BENTON: Yeah. Oh, yeah. No, I'm just signaling an intent to try and clarify that.

DR. BROMLEY: So, where are we on this?

MR. PETERSON: We delete that whole first sentence we were proposing.

DR. BROMLEY: That would be my suggestion.

MR. BENTON: Start with "In addition."

MR. PETERSON: Yeah, start with "In addition."

DR. BROMLEY: Start with "In addition."

MR. BENTON: That's your suggestion.

DR. BROMLEY: Yeah.

MR. PETERSON: To make it grammatically correct, as our chairman has said, I would suggest since sites don't address anything -- assess something --

DR. BROMLEY: Yeah, right.

MR. PETERSON: -- say --

DR. BROMLEY: Sites be assessed or --
MR. PETERSON: -- sites proposed for inclusion in the national system would be assessed --

DR. BROMLEY: Would be assessed.

MR. PETERSON: -- in accordance with the following.

DR. BROMLEY: Yeah. Barbara?

MS. STEVENSON: Can't we say as to?

DR. BROMLEY: I'm sorry. What?

MS. STEVENSON: Can we just say as to?

MR. PETERSON: That's fine.

DR. BROMLEY: Yeah.

MS. WENZEL: Where is the "as to?"

MR. PETERSON: As to the following. That's fine.

MS. STEVENSON: That was my language, so.

DR. BROMLEY: That's your idea, Barbara?

MS. STEVENSON: Yes.

DR. BROMLEY: Okay, Lauren.

In addition to addressing the steps noted above, newly established sites proposed for inclusion in the national system would be assessed --

MR. PETERSON: As to.
MS. STEVENSON: As follows.

MR. PETERSON: As follows.

MS. STEVENSON: As to the following.

DR. BROMLEY: Assessed as to the following.

Is that it? How's that?

MR. PETERSON: That's fine.

DR. BROMLEY: Are you ready to vote on this one?

VOICES: Yes.

DR. BROMLEY: All in favor say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

MR. PETERSON: Mr. Chairman, I retire.

(Laughter.)

DR. BROMLEY: Look at this. Look at these two guys.

MR. BENTON: I'll defer to him.

DR. BROMLEY: Book ends. You guys just leave your hands up all the time, then I'll decide when I want to call on you.

MR. BENTON: That's the deal.
DR. BROMLEY: Yes, David? And then Bob.

MR. BENTON: No, I'll defer to Bob, Mr. Chairman. Go ahead.

DR. BROMLEY: Bob? You'd defer to David, huh?

MR. ZALES: No, I just -- I have a question on number 3 and I've probably heard this answer before, but I can't remember it.

DR. BROMLEY: Number 3 of which one, Bob?

Sorry.

MR. ZALES: On line 45. What is a non-monetary economic effect?

DR. BROMLEY: Wait a minute, Bob. Page number?

MR. ZALES: Page 12.

DR. BROMLEY: Page 12.

MR. ZALES: Line 45. Number 3 under Adding New Sites, the first sentence. What is a non-monetary economic effect? And you being a learned economist, I'm deferring to you for a good answer.

DR. BROMLEY: Both monetary and non-monetary effects. It is an effect that has not been monetized. It is visitor days would be a non-monetary effect. We
do not put a dollar value on the visitor day. So it's
a non-monetized. Maybe we should say rather than --

MR. ZALES: Well, see, the way it reads, it
says the economic effect --

MR. BENTON: Point of order, Mr. Chairman.

MR. ZALES: -- of the proposed MPA.

DR. BROMLEY: What?

MR. BENTON: Point of order.

DR. BROMLEY: Point of order. Yes?

MR. BENTON: We have a motion that's been
amended that's on the table. If we're going to get
into this discussion, we should probably adopt the
motion and then go to new items.

DR. BROMLEY: That's right. Thanks.

MR. PETERSON: I move the adoption of the
motion as amended, which is what we're on now.

DR. BROMLEY: Yeah.

MR. LAPOINTE: Second.

DR. BROMLEY: Okay. So now we're back to
this. Thanks for the point of order, David.

MR. BENTON: We've got the whole package in
front of us now, as amended.
MR. PETERSON: All we've got to do is vote one more time.

MR. BENTON: And all we've got to do is vote it all up and down.

MR. PETERSON: Yeah.

MR. BENTON: We've already had a vote on all the amendments.

MS. STEVENSON: I need clarification as to -- I understand all the motions we moved to amend, but what's the original motion that we're now voting on? Is it up there for us to see?

DR. BROMLEY: It is the unamended -- yeah, it was a collection of things. David, are you going to clarify this?

MR. BENTON: I'll clarify it to a degree. The main motion that we started with was my motion on this list to do this.

MS. STEVENSON: Yep.

MR. BENTON: We have subsequently made a bunch of amendments that are on that board that I do not have and cannot read right now.

MS. STEVENSON: Right.
MR. BENTON: That's all we're voting on.

MS. STEVENSON: I understand.

MR. BENTON: Yeah. That's all we're voting on now. It's that whole package of amendments plus my --

MS. STEVENSON: Plus your original --

MR. BENTON: Plus my original on this, which was basically to get rid of 3 and 4, which he went through as we discussed it.

DR. BROMLEY: Are we okay?

MS. STEVENSON: So we already took care of the other part of your original?

MR. BENTON: That's correct.

MS. STEVENSON: That's all I couldn't remember. Fine. Okay.

DR. BROMLEY: Tony?

DR. CHATWIN: Get rid of 3 and 4? I didn't follow you.

MR. BENTON: We can't hear you.

DR. CHATWIN: I didn't follow, get rid of 3 and 4 on this list?

MR. PETERSON: No. They stay there.

MR. BENTON: They stay there.
DR. CHATWIN: Stay where?

MR. PETERSON: They stay in the motion. I just read those for clarity but said they were part of the original motion.

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yeah, David. Just a minute.

MR. BENTON: I'm going to clarify the question.

DR. BROMLEY: All right. Go ahead.

MR. BENTON: I made a motion that included accepting Max's recommendations to delete these languages in 3 and 4 only. That was the motion that was tabled at noon.

We brought that table back before us. We've amended it to include other deletions and changes as we have just gone through for the past 45 minutes or so. That then -- those were amendments to my original motion, which was simply to accept Max's changes on items number 3 and 4.

So now what you have in front of you is a motion of 3, deleting 3. We made a modification, an
amendment, to my motion with regard to item 4, and then a whole series of other things. That's the motion before you, Tony.

DR. BROMLEY: Okay. May we assume that everyone is clear? Tony, is that -- you feel okay now?

DR. CHATWIN: Yeah. Thank you.

DR. BROMLEY: The question. All in favor say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

DR. BROMLEY: Okay. David, is your hand up?

MR. BENTON: Surprise, surprise, Mr. Chairman. Given the action that we just took, there is one minor cleanup item that needs to occur. It is on page 11, line 25, and I'm doing this only -- I could have done it previously, but it would have just gotten everybody all confused. But now that we've done that, the changes we made in the text above that line 25, we need to strike the parens nonfederal, because it's not exactly correct. The language should just read: In the case of both existing and new sites, nominations
will require.

DR. BROMLEY: Right. I believe that's --

MR. BENTON: That's my motion, Mr. Chairman.

DR. BROMLEY: -- perfectly sensible.

MR. PETERSON: Second.

DR. BROMLEY: It's been seconded. Max, did you second it?

MR. PETERSON: Yes sir.

DR. BROMLEY: Is everybody clear where we are?

Page 12, line 25. I'm sorry, page 11. Thank you.

Page 11, line 25. We're just getting rid of the parens, nonfederal. Is that okay?

Ready for the question? All in favor say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

DR. BROMLEY: Okay. Where are we? David?

MR. BENTON: Mr. Chairman.

DR. BROMLEY: And Wally.

MR. BENTON: I defer to Wally, Mr. Chairman.

I'm talking too much.

DR. BROMLEY: Oh, no, not at all.
DR. PEREYRA: In terms of cleaning up something on page 3 this morning, number 2 on page 3. It's line 27. We eliminated "ecosystems and." That's a highlighted item for inclusion in the glossary.

DR. BROMLEY: Yeah.

DR. PEREYRA: If you go back to the appendix, it's got the glossary. That needs to be changed so that it's consistent.

DR. BROMLEY: That's correct. Wonderful.

DR. PEREYRA: You need to strike "ecosystems and" from that.

MR. PETERSON: And make it marine habitat.

DR. PEREYRA: Marine habitats, and do the same thing down in the next line, line 30, and then strike everything that starts with "an ecosystem comprises,"

that entire sentence. I believe that makes it consistent with --

DR. BROMLEY: Max, do you second this or what? How do we -- what are we doing? Is this a motion, Wally?

MR. PETERSON: I'm going to agree with this, but let me suggest that I think we need to give the
chair and the secretary authority to make technical and
conforming changes that don't change any substance,
because that's a requirement. So I think if we do
that, you can go through and Lauren can clean it up,
and it wouldn't -- we would say this does not make any
substantial changes, but there's places where something
ought to be plural or something where it's not a
complete sentence. There are some of those things in
there. And we ought to give you license to approve
those changes without coming back to the committee.

DR. BROMLEY: I will do this. I will pledge
to compile a list of those changes that we make.

MR. PETERSON: And just give it to us for
information?

DR. BROMLEY: Give it to you so you will know,
so we are exposed in that regard.

MR. PETERSON: But what I would do is simply
second Wally's motion with an amendment that says and
other changes in the document that are necessary to
correct typographical, grammatical and other changes
necessary to make the document read well, and not
substantial changes.
DR. BROMLEY: And would you like to add that the chair will make available to the full FAC a list of the changes that have been made?

MR. PETERSON: Yes sir.

DR. BROMLEY: I'd like to do that.

MR. PETERSON: That would be great.

DR. PEREYRA: I accept that.

MR. PETERSON: Okay. Thank you.

DR. BROMLEY: Has it been seconded?

MR. PETERSON: I seconded it, yes.

DR. BROMLEY: Yeah. All right. Discussion?

Yes, Kay.

MS. WILLIAMS: I have a question. The highlighted green where it refers to add Zales' P here, what does that mean?

MS. WENZEL: I was putting in changes and I didn't get to finish, so.

MS. WILLIAMS: Oh, okay. All right. I'm sorry.

MS. WENZEL: So, it's just what we discussed this morning.

MS. WILLIAMS: Thank you.
MR. PETERSON: That's notes to the editor.

MR. BENTON: Question.

DR. BROMLEY: Yes?

MR. BENTON: No, I'm calling for the question, Mr. Chairman.

DR. BROMLEY: Yeah. Are we ready for the question on this? All in favor say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

DR. BROMLEY: All right. David, is your hand up?

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yes sir.

MR. BENTON: Even though we gave you the authority to make technical changes, I have another cleanup bit that I would propose.

DR. BROMLEY: Okay.

MR. BENTON: Page 11, line 38. Given the change that we made with regard to access and Wally's provisions slightly earlier, I would propose the following, Mr. Chairman. On item number 3, line 38,
page 11, where it says "Describe the current site status," I would add in, "and the purpose of the nomination." I would insert that right there and then continue on. That's the only change. And if I have a second, I'll speak to it.

MR. ZALES: Second.

MR. BENTON: Mr. Chairman, the reason for that is that we, in the previous action, we identified that there should be a purpose or concerns identified. I'm just trying to make that clear here, that the nomination document needs to have that discussion, and that's what I'm doing.

DR. BROMLEY: Okay. Bonnie?

DR. McCAY: Mr. Chairman, it seems to me that that is already done in number 1 on line 28 of that section. It says explain why the site should be part of the national system. So that's why I would think that would be redundant and very well covered by number 1.

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yes, David.

MR. BENTON: The reason I'm doing that, and
I'm more than open to dropping this amendment if we put the word "purpose" somewhere else, but I want -- I think it needs to be very clear that we need to have a clear and succinct statement of the purpose of the nomination.

MR. PETERSON: I think you can put that up under 1, just add the word "purpose" there somewhere.

DR. BROMLEY: Yeah. Would you accept that, David? Up in 1. Explain why the site should be part -- explain why the site -- the purpose in there? The purposes to be served.

MR. BENTON: Mr. Chairman?

DR. BROMLEY: Yeah?

MR. BENTON: I will drop my, with the concurrence of my second, I will drop my proposed amendment and make a different one.

DR. BROMLEY: Yeah.

MR. BENTON: Okay.

DR. BROMLEY: Okay.

MR. BENTON: Does my second -- I it's Bob that seconded it, or was it you?

MR. ZALES: Let me hear your different one and
I'll decide.

(Laughter.)

MR. BENTON: All right. Here's my different one. My different one is on line 28, I would amend the second sentence to read:

Describe the site, the purpose of the nomination, and its contributions.

DR. BROMLEY: I'm sorry. Not the purpose of the nomination, David, the purpose for including the site in an MPA.

MR. BENTON: The purpose of the site, yes.

DR. BROMLEY: What purposes shall be served by this site, I think. Sorry, but -- right?

MR. BENTON: No, you're right.

MS. WENZEL: Can you read it one more time?

MR. BENTON: He had better words than I did.

MR. PETERSON: The purposes to be served.

DR. BROMLEY: The purpose to be served by --

MR. ZAES: Could I offer something? Terry was doing this, and I'll lay this out to David and see if he can do it. Instead of playing with number 3 and number 1, simply add "describe the purpose" in front of
"explain."

MR. BENTON: "And describe the purpose and explain."

MR. ZALES: I like that. Describe the purpose and explain. You're making the motion. I'll second it. Then I'll drop my -- I'll say it's okay.

MR. BENTON: Mr. Chairman, I drop everything I ever did before that's still on the table, and I'll take his words as a motion.

DR. BROMLEY: "Describe the purpose and explain why the site should be part of the national system."

MR. BENTON: Yes.

DR. BROMLEY: Very good, Bob. Is that okay?

DR. McCAY: Mm-hmm.

DR. BROMLEY: Tony?

DR. CHATWIN: It's okay.

DR. BROMLEY: Barbara, your hand was up.

MS. STEVENSON: I had no problem with your original suggestion. My problem now is the purpose -- there could be two different purposes for the site. It could be the purpose that the site was designated for.
And maybe the purpose is commercial fishing, or maybe it's habitat protection.

But there's also a reason that it's being nominated to be added to the system. And I think it's important for people to understand both what the designated purpose of the site was and is and what function it will serve in the national system, which could be two different things.

So it needs to be clear that we want to know what their original purpose for the site was, you know, why was the site originally designated or why are you suggesting a site if it's a new site? And why you think it should be part of the national system. And I don't have the exact correct words.

DR. BROMLEY: I've got Tony and then Tundi.

DR. CHATWIN: Along these lines, I'd say describe the purpose of the site and explain why it should be.

MS. STEVENSON: Excellent.

DR. BROMLEY: Describe the purpose of the site. Barbara, does that address your issue?

MS. STEVENSON: That's fine. And why it
should be. That solves my problem.

DR. BROMLEY: And explain why, why it should be part of the national system. Is that it, Barbara, Tony?

MS. STEVENSON: That's fine.

DR. CHATWIN: And I just have a question on the process. It's independent of this.

DR. BROMLEY: Yeah.

DR. CHATWIN: I think we seem to be dealing with details here that don't affect the substance, and we still have some big issues to discuss. And I would just encourage us all to move on to those big issues.

DR. BROMLEY: Thank you.

DR. CHATWIN: Thank you.

DR. BROMLEY: Tundi?

DR. AGARDY: Pass.

DR. BROMLEY: All right. Are you ready for the question on this change? All in favor say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

DR. BROMLEY: All right. It's ten till three.
We have the need, I gather, for some way to capture on the screen I guess all the changes that we've made. Is that correct? People probably would like to see them. But we do not have time to go back now and start recrafting all of those changes once you see them.

We have got to vote. We have got to declare where we stand, and I want us to do it. And I want us to do it by three o'clock or so. Gil?

MR. RADONSKI: Before I'm prepared to vote, I would like to hear from Charlie Wahle on the work that we have done and the number of sites that he has under the list of managed areas and tell us what he thinks of what we've done and how it pertains to that list.

DR. BROMLEY: I'm sorry, what?

MR. RADONSKI: We've essentially finished this document, right? And you want to vote on it.

DR. BROMLEY: That's correct.

MR. RADONSKI: Is that correct?

DR. BROMLEY: I believe so.

MR. RADONSKI: And I would like some comments from Charlie on how this thing that we have crafted would interact with the number of sites that he has
identified, some what, 1,500, Charlie, or 2,000, and how that's going to play out.

DR. BROMLEY: Are you sure this doesn't put an unfair burden on a federal employee could --

MR. RADONSKI: Could be.

DR. BROMLEY: Huh?

MR. RADONSKI: It could.

DR. BROMLEY: I would wonder about this on procedural grounds, Gil, with all due respect.

David?

MR. BENTON: Mr. Chairman, I would be concerned about putting anybody in that position on a recommendation from this group. I mean, it might put him in a very uncomfortable spot. I don't know. I know having served in state and federal agencies, sometimes that spot can get a little bit warm. And I would not want to put somebody in that situation.

DR. BROMLEY: I don't want to do it either. I've got David, okay. And then I've got Dolly. Let me make sure I have a list here complete. Rod? Okay. Then Max. And Wally. Let's see. Dolly, Rod, Max, Wally and Mike. You each have a minute.
MR. BENTON: You had me first.

DR. BROMLEY: Yes. You first, David.

MR. BENTON: Thank you.

DR. BROMLEY: You're always first in my eyes.

MR. BENTON: There's -- and I'm very mindful of the timeline that you laid out.

DR. BROMLEY: You're not going to propose new wording are you?

MR. BENTON: There is an issue that was not addressed that floated up around this table several times, and I have signaled that I had an amendment, and that is, what happens to the nominations and who approves them? And it's very simple, Mr. Chairman, if you want me to do it. Otherwise, I can just shut up.

DR. BROMLEY: Well, don't give me that choice, I caution you.

(Laughter.)

DR. BROMLEY: Well, do it, David, please.

MR. BENTON: All right, Mr. Chairman.

DR. BROMLEY: Just in a friendly way. Where do you want to look?

MR. BENTON: Page 13, Mr. Chairman, line 45.
DR. BROMLEY:  Page 11?
MR. BENTON:  No, 13.
DR. BROMLEY:  Thirteen.
MR. BENTON:  Line 45.
DR. BROMLEY:  Line 45.
MR. BENTON:  It would be new number 1.
DR. BROMLEY:  It would be what?
MR. BENTON:  A new number 1.
DR. BROMLEY:  A new number 1?
MR. BENTON:  A new number 1.
DR. BROMLEY:  In addition to our list?
MR. BENTON:  Yes.
DR. BROMLEY:  Yeah.
MR. BENTON:  And it would be very simple. And if you'll recall, this is at the national level. The national entity charged with coordinating the system, blah, blah, blah, would -- and the new number one would be: Accept or reject nominations from the regional body to the national system, period. That would make very clear where that decision lies.
MR. LAPOINTE:  Second.
DR. CRUICKSHANK:  State that again, would you?
MR. BENTON: Okay.

DR. CHATWIN: Where are we?


DR. BROMLEY: We're on page 13, line 45 I guess is where some new language wants to be put in.

MR. PETERSON: In all fairness, David, I don't think the person that's put in charge of this process will necessarily have that authority. It might take the --

MR. BENTON: A secretary?

MR. PETERSON: It make take a secretary of the department. It might take the president in some cases. It might take an Indian tribe. So the entity that receives these nominations should have a responsibility for advising the people on the actions taken, but you can't put them in a position of having to approve or reject them, because they may not have that authority.

MR. BENTON: Mr. Chairman, I think I'm going to withdraw my motion because it's going to spin you into a lot of discussion. I was trying to make it clear we have a national system. At the national level. Somebody has to accept the nomination and put
it in the system.

MR. PETERSON: I agree with that. Somebody would accept and see that action is taken on the proposal, but they couldn't be required to accept or reject it, because that may be way beyond their authority.

DR. BROMLEY: Okay. Where are we? Are you going to withdraw it, David?

MR. BENTON: Do you want me to?

MR. PETERSON: I think you should. I think you should, David.

MR. BENTON: I will withdraw it, Mr. Chairman.

DR. BROMLEY: I have no opinion, but I would defer to Max Peterson.

MR. BENTON: I’m fine, Mr. Chairman. I withdraw the --

DR. BROMLEY: Okay. Thank you. Very gracious of you. Okay. What’s the sense of the group?

MR. LAPOINTE: There's not much sense left.

(Laughter.)

DR. BROMLEY: I noticed that early yesterday, George, but I couldn't really say it. Okay. Let's
have just a few minutes here, brief kind of thing.
What's the sense of the group? Tundi, Wally, Bob.

DR. PEREYRA: Mr. Chairman --

DR. BROMLEY: I'm sorry.

DR. PEREYRA: Go ahead, Tundi.

DR. AGARDY: How dare you go in front of me?

DR. PEREYRA: You were first.

(Laughter.)

DR. BROMLEY: Tundi, Wally and --

DR. GARZA: You had a list before that.

DR. BROMLEY: Yeah, but I thought the list was to speak on David's thing which has been withdrawn.

Okay. I have a queue here. I have Dolly, Rod, Max, Wally, Mike. Now Tundi.

DR. GARZA: Okay. I was trying to get in there because we were going for the three o'clock vote. If we did have a list of narrow issues, and under that 2, 3 and 4 are mine, which can easily be dealt with, I believe. The first one was on replacing local ecological knowledge, traditional ecological knowledge, experienced-based knowledge with customary and local knowledge.
I have the pages and the lines if you want them, but I don't think that's necessary. I can give those to Lauren.

DR. BROMLEY: Yep.

DR. GARZA: That would also require adding local knowledge as a definition, removing local ecological knowledge, traditional ecological knowledge and traditional knowledge from the definition, so that's a piece of cake I think.

The second one, my issue was on stewardship. And the commitment is in there, but I think that line 28, all we need to do is change the word "it" to "stewardship," because it just isn't clear to me. So just stewardship requires commitment.

MR. LAPOINTE: What page?

DR. GARZA: Page 14, line 28.

DR. BROMLEY: Page 14, line 28. It also appears on line 32. It appears on page 15, line 20, 22, 26; and page 17, line 28. So we've got commitment in there a number of times. But Dolly is talking about page 14, line 28.

DR. GARZA: Right. So stewardship requires a
commitment. So that just makes it more clear.

DR. BROMLEY: Are people okay with that? We can do these by acclamation if we can. Is that okay?

VOICES: Yes.

DR. GARZA: Okay. Then page 16, line 20 on the sentence ending "power sharing," I would put in parentheses "(e.g. co-management)."

MR. PETERSON: I cannot accept that, because states are not allowed to accept co-management of fish and wildlife resources by their constitutions.

DR. GARZA: Alaska does co-manage.

MR. PETERSON: Well, okay, maybe so.

DR. GARZA: So, it's an example. It's an example.

MR. PETERSON: Well, for example, when I looked into this for the International Association of Fish and Wildlife Agencies, there was only one or two states that have that authority. In other states, the fish and wildlife is held in trust for the people, and the statutory authority that's there cannot be -- you can't delegate co-management to somebody else, because they ultimately have the authority.
So I think co-management opens up a whole can of worms that we have not even discussed. I'm willing to look at co-management in the future, but it's simply -- at least 48 states out of the 50 it would be a problem, I think. I don't know about Maine, George. Maybe you want to talk about Maine.

DR. BROMLEY: Wally and George.

DR. PEREYRA: Well, in the North Pacific, we definitely have co-management. I mean, it's part of the process under --

DR. BROMLEY: But narrow it down to what we mean by co-management. You probably call the council process co-management.

DR. PEREYRA: No. No, this is a situation where the federal government and the State of Alaska jointly manage the resource and the federal government has certain authorities that only the federal government can have, and then the state is given sort of in-season management authority. So that's kind of a co-managed --

MR. PETERSON: That's a specific authority that's in the Alaska Lands Act of 1980. And that's a
specific authority that applies there.

DR. BROMLEY: Okay. What are small issues are getting complicated, and I'm worried. Dolly, could you back off of co-management, or can we say in parens, as an example, where permitted by law, co-management? I mean, can we finesse this and move on? Because this is not a small issue. This is a big issue.

Terry?

MR. O'HALLORAN: I agree. This is not a small issue to me. I like the co-management, and maybe Hawaii is one of those states, but Hawaii co-manages the Blackwell National Marine Sanctuary with the federal government, so, I think this is an important issue.

DR. BROMLEY: It's a big issue, because to some people, co-management means the users and the government agency are interacting -- are doing it jointly, not states and feds. It is users and states. So this is a big mess. It's a big deal.

George? I'm sorry. Bonnie, and then George.

MR. LAPOINTE: In the State of Maine, we have in-statute co-management of the lobster fishery and the
urchin fishery, and we do that in a manner that does not usurp our constitutional authority to manage fish and wildlife. And, I mean, it certainly takes some tinkering with language at the statutory level, but I am comfortable with this kind of change.

Again, if I think about our use of existing authorities throughout the document, I would use both your statement and Max's that it occurs six times in the document. And so if we have the authority to do co-management in Maine or Alaska, that's good. And if they don't in Arkansas -- that's a bad example because they haven't had marine environments for about 300 million years, but you know what I mean. If they don't have the authority, they don't have the existing authority, the issue is over.

DR. BROMLEY: All right. Where are we? Bonnie, and then we've got to stop this.

DR. McCAY: I agree. I think it would be good to include co-management because it certainly is an important where it does exist, it's extremely important, as has been shown here.

But I would suggest that we just add, and
again, it may be redundant, but it may help: This will depend on the cultural and legal context of the MPA. Just to underscore Max's point that it is not always allowed, or some forms of it may not be allowed.

DR. BROMLEY: Does that do any harm to put that in like that? Bob?

MR. ZALES: Besides being blind, I'm going deaf, too, but I missed the stuff about customary and local knowledge somehow. I missed whatever changes were going there.

DR. BROMLEY: We're asking the committee to grant us the authority to make the substitution. We had a special ad hoc subcommittee address this, and I think we didn't get it all integrated into the document and Dolly is asking them to go through the document and use this language.

MR. ZALES: You're using customary and local or you're replacing that with something else, is my point.

DR. BROMLEY: Dolly?

DR. GARZA: Mr. Chair, we are replacing where we have local ecological knowledge, traditional
ecological knowledge, experienced-based knowledge,
traditional knowledge, all with customary and local
knowledge.

MR. ZALES: Okay. I'm good with that.

DR. GARZA: Okay. So we're just trying to be
concise.

DR. BROMLEY: Okay. We're back on co-
management.

MR. PETERSON: I'm sensitive to the idea that
there's all kinds of power sharing out there, but co-
management means equal. If you look up the word, if
we're going to put in here as co-management without a
definition it goes to the dictionary.

MR. LAPOINTE: And you won't find it in the
dictionary.

MR. PETERSON: "Co" means equal in the
dictionary. Anyway, the point is that there's all
kinds of power sharing that can go on and should go on,
but co-management is one little idea of that. So I'm
okay with the word power sharing, but when you say,
e.g., co-management in isolation, that sort of
indicates that the only power sharing we're talking
about is co-management, and I don't think that's true.

We can -- there are federal statutes that permit and encourage states and federal government to enter into compacts and all kinds of things. But when you talk about a private entity that's interested in these areas, I know of no authority to co-manage with individuals per se.

DR. BROMLEY: Okay.

MR. PETERSON: So anyway, I think it's -- I would be willing to take this up in the future and work with it and put in a definition of what we mean and so on. But I think trying to insert it at this time is just not going to work.

DR. BROMLEY: Dolly, would you be open to --

DR. GARZA: But it was. We did have it in before. I'm not sure when it was taken out, but co-management was in before. So I'm not trying to do any 11th minute switch here. I just did not earlier notice that it was taken out.

DR. BROMLEY: David?

MR. BENTON: Try something here, Mr. Chairman.
Listening to the discussion and trying to find somewhat of a middle ground that might be acceptable. I'm not sure it will. And Dolly, I want to see the thumbs up or down over there.

Mr. Chairman, I'm not going to make this as a motion but I'm going to float it out as an idea and see what happens first I think. I would think that we could change the sentence so it would read: There must be accommodations made for varying the degree of power sharing, including cooperative management or other institutional arrangements.

I did not use the word co-management. I used cooperative managed and I used other institutional arrangements, which would then provide the opportunity for exploring all those varying kinds of legal or other kinds of instruments for getting at what you're trying to get at. I don't if that gets you halfway there or not, Dolly. I'm sort of looking at you.

MR. PETERSON: I think that's a very good --

MR. BENTON: Before I make a motion.

DR. BROMLEY: Dolly, what do you think? She's having a hard time agreeing with you, Benton. She'd
kind of like to, but, you know, it's hard. Mel?

MR. MOON: I would be favor of having the co-
management specifically listed. Co-management needs to
be specifically listed because it is an activity I know
in the State of Washington that we are engaged in.
It's a promotion of cooperation and that's the result.
But the title is co-management. So I would strongly
be in favor in keeping it.

I appreciate the language that was being
proposed by Bonnie to perhaps categorize it, you know,
or condition it that it's different from place to
place, but it's a very important issue to us.

DR. BROMLEY: All right. I have two more
speakers and then we're going to have to cut bait on
this one. We have Mike Nussman and Tony, and then
that's it.

MR. NUSSMAN: Mr. Chairman, I'm not speaking
towards co-management. I'm speaking towards in the
agenda we set out today, we had major issues, of which
I had a couple, that remain on there. And at this
point we're down to minor or narrow issues. Excuse me,
I didn't mean to use the word "minor."
At any rate, and I know you're pushing for a vote, but let me just say on my behalf that I intend to, before I vote for anything or before I vote positively for anything, I intend to discuss the issues I wanted to discuss. Thank you.

DR. BROMLEY: Okay. Good. Tony?

DR. CHATWIN: Thank you, Mr. Chairman. I was just going to suggest that we specify like co-management in Alaska, as an example, or co-management in the State of Washington, so you don't have this broad term that can be interpreted applying everywhere but that it's more as an example.

DR. BROMLEY: Mel?

MR. MOON: I'd like to propose some language in that statement. If we could put it in parentheses with the e.g. and say co-management or other institutional arrangements as appropriate and just end it at that. Because it will be different from everyplace.

MR. BENTON: I'd second that if that's a motion.

DR. BROMLEY: It's close to your original idea
I think, David. Use the word cooperative and other institutional arrangements. Okay? Dolly, is that all right? Thumbs up. Is everybody okay on this? Mike?

DR. CRUICKSHANK: I'm getting a little confused, Mr. Chairman, because I think you're confusing me with Mike Benton there or he with me. Are we on these narrow issues or are we still on this?

DR. BROMLEY: I'd like to get this one done, and then we're going to have to -- I had no idea it would take this long.

DR. CRUICKSHANK: My company wants to be on the broader issues, the major issues.

DR. BROMLEY: I know.

DR. CRUICKSHANK: I'll leave it until then.

DR. BROMLEY: All right. Dolly, are we okay? Are people clear on this language? All right. All in favor of this substitution, say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

VOICE: No.

DR. BROMLEY: Okay. All right. The major issues that we had on our list were funding. People
kept saying we have not given enough attention to
funding. And we did a search and we list funding in
four different places. I'm asking people who expressed
apprehension about the fact that we had ignored funding
to accept the idea that on page 9, line 8, page 10,
line 19, page 12, line 28, page 13, line 46, we mention
funding. If you don't believe me, look at it. If it's
not adequate, then I want a simple way to fix it, and
we're going to keep moving.

DR. FUJITA: Fourteen, line 2.

DR. BROMLEY: Also -- did I miss one, Rod?

DR. FUJITA: Page 14, line 2, we speak to
sustainable funding.

DR. BROMLEY: Okay. Tundi, is your hand up?

DR. AGARDY: Yes, my hand was up.

DR. BROMLEY: Okay.

DR. AGARDY: And I wanted to help out a little
in that I think that several of the big issues that are
still remaining could be lumped. The funding, the
incentives, and I know that I had a narrower issue is
mention the need to talk more about the benefits of the
system.
And I'm not going to -- that's not going to prevent me from being able to vote at any time, but I think that -- I understand that there are many places that funding is mentioned, but I don't think we give a very strong case for the value added of a national system right now. And I think this could be very easily fixed by at least one sentence to be added in page 13, line 46 or 47, which would say -- I don't know if you want the proposal.

DR. BROMLEY: Yeah, give us the sense of it.

DR. AGARDY: Okay. There are a couple of sentences here in the first bullet item page 13, line 46, Provide additional funding for entities managing MPAs. And I would suggest that we say provide additional funding and other incentives for entities managing MPAs. And I would then also say that we could expand this list to include not just matching funds or special allocations, and I would actually take out the "to offset the incremental costs," because I think if you're merely offsetting incremental costs of being in the system, you're not providing any kind of financial incentive.
So I would erase the "to offset," and I would say including training programs for managers, exchange programs for managers. I don't want to introduce a whole bunch of new language. But I'm trying to get at the idea that we could talk about other kinds of incentives in that section without spending a lot of time on this.

I don't know if John has -- has John brought up the incentive idea originally. I also think that we should mention, if it's possible, and I defer to Max and other people who have more experience with the federal entities, but the idea of looking to the private sector for an MPA trust fund.

DR. BROMLEY: Okay. I have a fervent request, and that is that all sides, all of us start to make a list of the things that we acknowledge have been inadequately addressed in this document and recommend that in the next incarnation of this body that they be given immediate and careful attention.

And I understand, Tundi, the importance of funding, incentives, all of this stuff, but we're now after three o'clock and we seriously underestimate how
long it will take us to work our way through what seems very simple, obvious stuff. And it's got to stop. And so everybody's going to have to pull back on their wish list, and we're going to have to build a wish list that goes on the last page of this report that says, gosh, we wish we had had more time and more wisdom to address this and this and this and this and this.

And I guess Mike has declared he wants to talk about some big issues. Everybody wants to talk about some big issues, some small issues, and we've got to finally decide when are we going to make a list and when are we going to approve this thing and get on with life, okay? I'm sorry.

So, Mike, Tundi, I'm sorry, but, you know, we are running out of time. And it's time for all of us to take our wishes and put them over on a piece of paper and let's see what they look like.

MR. PETERSON: Mr. Chairman, I think I agree with your exhortation. I would like -- Mike had a major issue he talked about yesterday. I'd like for us to listen to that now.

DR. BROMLEY: I would. I would. And there
must be other -- we've got a list. I want to hear what Mike's major issues are.

MR. PETERSON: We might be able to resolve his.

DR. BROMLEY: We might.

MR. PETERSON: So I'd suggest we listen to Mike.

DR. BROMLEY: But we've got to get doing it. Mike, I give you the floor. And Barbara next.

MR. NUSSMAN: Mr. Chairman, as some may know, I and many in the recreational community are not terribly enthralled with an idea of a nation system of MPAs. It's not something that's just near and dear and you know, really close to our hearts. So in going ahead and signing off on a document like this, we look for what's in there for us, as I think most folks do. One thing that's in here that I think is very, very important to us is the idea of evaluation, monitoring and adaptive management, if I could say, in the sense that not only do we establish a system, probably our worst fear is we establish a system and then have no money to go do any of the evaluation, the
monitoring, the adaptive management that we would like to see have happen. We don't get better at it.

And so with that said, and if I were to sign off to a document like this, I need a statement that says before we forward and start establishing new systems, new sites, we need to have a reasonable expectation that we're going to get some money to go out and do what needs to be done.

What I'm not prepared to do is to support a document that says we're going to, you know, establish new sites and then maybe one day sometime soon if we're all lucky, Congress will appropriate a dollar or two to make them actually, to be able to go in and look at them and see if they're getting anything done.

The proposal or the discussion yesterday by the New England Council, while in one sense I thought it was very interesting, also scared the hell out of me, because here where no area has received more attention than New England when it comes to looking at fisheries, yet they've got all these closed areas they've never gone back and really evaluated their effectiveness or in fact done any sort of updating on
what, you know, sort of, even looked strategically at
what the future should be if they wanted to close
sites, change sites, et cetera.

Anyway, you get my point. At lunch, I don't
want to include anyone else with this particular
language, I may have Rod help me. It's his writing, so
I'm going to try and read it here. We came up with a
sentence and I won't suggest exactly where it would be,
but the language would read:

Additions of MPAs to the national system should be
contingent upon a reasonable expectation of
funding to accomplish the goals and objectives
of the MPAs, including enforcement,
evaluation, monitoring, and adaptive
management.

DR. BROMLEY: Second, second. Pardon, Tony?
What did you say?

DR. CHATWIN: Point of clarification. Mike,
you mentioned in your preamble to the language, you
mentioned new sites and now you say "sites." So I just
want to know what you're talking about.

MR. NUSSMAN: Well, I would certainly like to
have the entire program funded, I think our conversation at lunch was more focused on new sites. I believe that's right. But I want to look to others that were there to see if they nod their head with me.

MR. PETERSON: Yeah. We weren't trying to get rid of existing sites.

DR. CHATWIN: No, I didn't say. I just want to be clear. It's not the action of adding existing sites to the national system, it's adding new sites?

MR. NUSSMAN: That's correct. I think that's what the conversation was all about.

DR. BROMLEY: Mike, if this language were adopted in the document, how far would this get you towards --

MR. NUSSMAN: Mr. Chairman, I don't have great needs at this point. I want to talk about harm. I think that's an issue that I think is important, but I would like to see this language being added to the --

DR. BROMLEY: I appreciate you coming in with this with you. So if we can get this language in, does that put you at ease?

MR. NUSSMAN: This language with this issue
puts me at ease. As I said, I'd like to speak to harm.

DR. BROMLEY: Is there anybody that could not
live with this language?

DR. MURRAY: Can we see it, Mr. Chairman?

MS. WENZEL: Do you want to read just the end
of it to me?

DR. BROMLEY: Additions of new MPAs to the
national system should be contingent upon a reasonable
expectation of funding --

MR. NUSSMAN: -- to accomplish the goals and
objectives of the MPA.

DR. BROMLEY: Is that it, Mike? That's it.

Additions of new MPAs to the national system should be
contingent upon a reasonable expectation of
funding to accomplish the goals and objectives
of the MPA, including enforcement, evaluation,
monitoring and adaptive management.

Jim?

DR. RAY: I just want to say I completely
agree with the recommendation. I think it's a very
important recommendation for the future that new MPAs
should be added and have adequate funding. Without it,
they can't succeed.

DR. BROMLEY: That's right. And we do say that, but this is a better -- this is good. George?

MR. LAPOINTE: And its location? Have we discussed that? It strikes me it's a general principle. On page 9.

DR. BROMLEY: Rod, do you have?

DR. FUJITA: Yeah. I didn't consider page 9. What I was thinking that it would go on page 12, line 34, just in front of "in addition to." So it would be the first sentence under Adding New Sites.

DR. BROMLEY: The first sentence under Adding New Sites. It opens that paragraph, Rod. Mike, is that?

MR. NUSSMAN: I want it to be prominent. But I think putting number one under adding new sites probably does that.

MR. PETERSON: Mr. Chairman, if Mike would move the adoption of this, I would second it.

MR. NUSSMAN: I will do that, Mr. Chairman.

DR. BROMLEY: Seconded, okay. Bob Zales?

MR. ZALES: My question I guess would be to
Mike and I guess under the word "evaluation" that funding would be to help establish the baseline that you're going to evaluate from for any new site to?

DR. BROMLEY: It's implicit there. We don't want to --

DR. HIXON: I didn't hear that question.

MR. ZALES: Evaluation would include the initial evaluation of a baseline to further evaluate over time to see if it's meeting its goals and objectives? Is that where you're going from?

MR. NUSSMAN: It's clearly our purpose. We want enough money to do it right.

DR. BROMLEY: How are we doing here? Is that okay, Mike?

MR. NUSSMAN: That's fine.

DR. BROMLEY: Does this help? Is this a net gain? Okay. It helps? Are you ready to -- a question on this?

MR. RADONSKI: Yeah, I have a question.

DR. BROMLEY: Okay, Gil.

MR. RADONSKI: Just for clarification, we're talking about new sites. Tell me what the old sites
are. What's included with that? I don't know.

(Laughter.)

MR. O'HALLORAN: I'm sorry. It was George's
gesture next to you that was --

MR. RADONSKI: Nothing surprises me.

DR. BROMLEY: I think we've used the language"existing," haven't we?

MR. RADONSKI: Which are the existing ones?

VOICES: There are none.

DR. BROMLEY: Here's an answer Charlie can
give. Yeah, George?

MR. URAVITCH: There's no way to tell, Gil, at
this point. I mean, we have a marine managed area
inventory. We have a certain set of information about
those sites, but until we go through the criteria and
set up the official criteria and set that, we're not
going to be able to tell you.

MR. RADONSKI: That's exactly what I was
asking before all the discussion and my comments just
got -- we're back there. That's fine.

MR. URAVITCH: Right. No, that's where we are
now.
MR. RADONSKI: I'm getting clear now. Thank you.

DR. BROMLEY: Max?

MR. PETERSON: I think we should just say additions to the national system, because those are not now additions to this. They're not now part of the national system.

DR. BROMLEY: Mike, additions to the national system? Tony?

DR. CHATWIN: Going back to the comment I made a little bit earlier, this is very important that we're clear on this. I have an expectation that a subset of the marine managed areas are going to become part of this national marine -- system of marine protected areas. My understanding is that when we talk about new sites that have to be nominated, that have to go through selection process, those are sites that don't exist today. They are not part of the marine managed area inventory.

What I fear is that this confusion about what this language means, I fear there's an interpretation of this language that it means we will not add existing
sites that exist already, that are part of this marine managed area inventory, to a national system without extra funding for the sites. And I think that we need to really clarify that.

MR. NUSSMAN: My intent in seeking this was not to go to -- not to leave -- to exclude sites -- not to include the marine managed area sites, but was to include any sites that were not on that list. If we go further, we need to ensure that adequate funding is there to add yet undesignated MPAs or MMAs to the national system.

DR. CHATWIN: That's my intent. I'm comfortable with that.

MR. NUSSMAN: Is that okay, Tony?

DR. CHATWIN: That's fine.

DR. PEREYRA: Mr. Chairman, point of clarification/

DR. BROMLEY: Yes, Wally.

DR. PEREYRA: How would we deal with existing MMAs that are not at the level where they would be considered MPAs under the criteria we have, but that through some sort of change in the objectives or
activities of that MMA and the way it's regulated that in fact they become MPAs? They would be considered new MPAs?

DR. BROMLEY: It's a new MPA, I believe.

DR. PEREYRA: Okay.

DR. BROMLEY: Tony? Is that okay, Tony? Are we still all right? Barbara, and then Gil.

MS. STEVENSON: The problem -- I understand why Tony is concerned about applying this to all the old ones, but if you don't do that, you'll end up with a system where the current ones will have no funding and the new ones will have funding. And if you assume that the current ones actually were designated first for a reason, they're the ones that probably need the funding the most.

So I have concern for it not applying to everything.

DR. BROMLEY: Yeah, Tony?

DR. CHATWIN: The way I was thinking about it is that existing sites that may have funding allocated to them currently would require additional funding just to become part of the system, even though they might
meet the criteria with their existing level of funding. So adding them to the site would not add a burden -- adding them to the system would not add a burden to the system, because they meet the criteria already. They exist already.

Now a new site could potentially add to the burden, and so that's why I made the distinction.

MR. NUSSMAN: Mr. Chairman, I would tend to agree with Tony's interpretation there. I would think if it met the criteria and we said, yes it is in, then we have determined that the funding was adequate to accomplish the goals of the system.

Now obviously I wouldn't support putting things in that didn't have the funding through hook or crook, whichever method were to come, either new funding or old funding, to accomplish those goals. But it seems to me we've addressed that other places in the document.

So what I'm trying to highlight here is any sites that are not yet considered, we don't want to add them and then try and find funding for them. We want to make sure the funding is up front and then as we add
them we have the dollars available to do the work.

DR. BROMLEY: Is that okay with people? I have Gil, I have Bob Zales, and I have Max.

MR. RADONSKI: Again, just for my personal edification -- got that, George?

MR. LAPOINTE: I'm writing it down.

MR. RADONSKI: Okay. I'm teaching George new words as we go along.

MR. LAPOINTE: And I'm grateful.

DR. BROMLEY: Sedimentation, you said?

MR. RADONSKI: The baseline here will be the list that Charlie currently has. New sites will be only those that are not on what Charlie has currently. Is that what you are saying, Mike?

DR. BROMLEY: Joe is going to answer this.

MR. URAVITCH: We're still in the process of collecting state information. Fisheries is clarifying their final list based on the MMA criteria. So I guess one way to approach it would be to put a date in by which, you know, it was designated by whatever the legal authority would happen to be. In a way, you'd sort of grandfather those. Because, I mean, fisheries
councils are changing things on a routine basis, so somewhere you'd want to decide where you're going to draw a line, at least in terms of your recommendation, what's new, what's not new.

DR. PEREYRA: Okay. The only thing I'm concerned about is where the money is going to come to take those sites that are currently on the MMA list or whatever list we're calling it and getting it up to the specs that would qualify under the national system. That's my only concern. That's going to take a ton of money.

DR. BROMLEY: Okay. I've got Bob Zales --

DR. PEREYRA: Especially under the parameters that are listed for monitoring, et cetera.

DR. BROMLEY: Okay. I have Bob Zales, I have Max, and I have Wally, and then I'd like to see if we can't do something.

MR. ZALES: My thoughts are kind of like what Joe mentioned and I guess other councils use this. I know the Gov Council uses what they call a control date. Generally it's a useless figure, but it's a date that is like set up as of today, anything forward of
today is what would be required. If you got a new site that's in there, then it would be funded. Anything up till today is going to be under its own deal.

So I don't know if you want to establish them, because once this all is done, once we finish up and this goes to the two secretaries to deal with, I don't know if this is going to be something that's going to be considered for implementation tomorrow or a year from now or ten years from now.

And so the longer you wait, the more new things are going to come into play that would then fall behind it. So we may want to recommend whether it's a day today or six months in the future or whenever. But I'm like Joe. I think maybe we should recommend a date certain as to when this would kick in.

DR. BROMLEY: Okay. Max then Wally.

MR. PETERSON: Mr. Chairman, the heading of this section is adding new sites. There are no sites in the national system today. We propose a screen to decide what existing sites become a part of the new system. So we're talking about additions of MPAs to the national system. It's not new, old or medium.
It's additions to the national system.

DR. BROMLEY: Correct. Thank you. Okay.

Wally and Mike.

MR. PETERSON: And I think if we just struck
the word "new MPA" and say additions to the national
system should be continued upon. Because I think to
leave the existing MPAs kind of floundering out there
that may not have funding would not be a good idea.
But when you add something to the new system, there's
nothing a part of a national system that I know of
today. There is no such thing as a national system,
right?

So I'm trying to help everybody understand
we're talking about funding.

DR. BROMLEY: Does that help? How do you feel
about that?

MR. PETERSON: Does that work?

DR. BROMLEY: Does that work?

MR. PETERSON: This is a national system.

MR. RADONSKI: That works for me. That's
where I thought we were going initially.

MR. PETERSON: Yeah. Additions to the
national system.

MR. RADONSKI: But does it clear it for Mike? Because it's his motion.

DR. BROMLEY: Steven? Well, wait a minute. I'm sorry. I have Wally and I have Mike.

DR. PEREYRA: Gil echoed my sense of reality on funding.

DR. BROMLEY: Mike?

DR. CRUICKSHANK: My question there was that there are a number of MPAs now existing which are cast in concrete I understand, I assume anyway. And so if they don't meet the funding requirements, are they going to be eliminated and become -- what do they become?

MR. PETERSON: They're not a part of the national system.

DR. BROMLEY: Okay. Steve?

DR. MURRAY: Yeah. I need a little clarification here. So there is no national system at the moment. You're screening sites that have come through an MMA and ultimately through an MPA filter. When that's done, and if in fact a national system is
created by the secretaries, those sites that you have indicated that qualify, are they enfranchised as the national system as it gets created?

Or, we have a national system with nothing in it, at which point in time we need to add sites to it, including those that you have identified and any new sites that become recognized?

If that's the case, then every site is a new site, including those that will pass through your filters that will qualify. So I think we have a significant problem here that unless we have clarification about how the national system is formed, if it's formed and it's empty, then everything is new, right?

If it's formed and made up of sites that qualify, then we are really talking about what I think Mike's intent is, is that if we go out now and find some new places that want to go through this process, then for every one of those new places, we need to have some expectation, should have some expectation of funding.

So, I think that's the dilemma, and I think we
Joe, what is your understanding of how this national system is formed? Is it loaded when it's formed, or is it empty?

MR. URAVITCH: Our thinking so far has been that sites already existing on the MMA inventory would go through the MMA criteria, or MPA criteria to being developed as part of this framework process and would be the start of the national system. In effect, they would be treated differently than a new site that does not yet exist. That's the thinking that we've had all along, but you obviously are raising an important question here.

DR. MURRAY: So perhaps we need simply a clause that would say additions of new sites other than those that pass through your filter to the national system. I think we then capture Mike's intent, do we not?

MR. NUSSMAN: Yes you do.

DR. MURRAY: So we need some wording that looks something like that. We need to basically say that, you need a clause that would be an insert there.
I don't have the words at the moment. But additions of new MPA sites other than those that currently exist to the national system, and we can probably go from there and fix that.

DR. BROMLEY: Okay. I have Dave and then I have Bonnie.

MR. BENTON: Thank you, Mr. Chairman. Mr. Chairman, listening to this discussion, it struck me that maybe by parking this where it's parked is really the problem. And what struck me is that perhaps this is really one of the guiding principles that should just be up in the very front.

I'll float this out and see what kind of body action there is around here before I make it a motion, okay? The way I would do it is I would change the language to read: Additions to the national system, then continue on with the language that you have there, and I'd put it as a new guiding principle at the very beginning.

And that way -- with one other change. I'm sorry, Mr. Chairman. Where it says the objectives of the MPA. I would say of the MPA or the national
system, and then let it go.

And then it's a principle, and it's an expectation, and you get around all the nuances of whether they're in, they're out, all that other stuff.

MS. WILLIAMS: I would second that.

DR. BROMLEY: Thank you. Mike Nussman.

MR. NUSSMAN: So tell me, what page? Give me a page where you're -- general principles.

MR. BENTON: Mr. Chairman, if you go to page 9. And you go to the section that's entitled General Principles. Are you there? And I would just add this language, as I just proposed it as a new guiding principle. Choose your number. It could be number 7, it could be number -- I don't care where it goes.

MR. NUSSMAN: Mr. Chairman, that placement would also satisfy me.

DR. BROMLEY: Rod, you were kind of part of this.

DR. FUJITA: Yeah. Dave's right. It's the placement that's the problem.

DR. BROMLEY: So now let's make it number 7. Is that okay?
MR. BENTON: I'll make a motion, Mr. Chairman.

DR. BROMLEY: Yeah. You do.

MR. BENTON: Mr. Chairman, could I have the language back up on the screen?

MS. WENZEL: Yeah. Just a second.

DR. BROMLEY: Is that a substitute motion?

MR. BENTON: Yeah. I'll make this as a substitute motion as soon as the language comes up to where I can see it. Okay. Mr. Chairman, I would move that we include as new number 7 on page 9 under General Principles, the language:

Additions to the national system -- with the language that's there. I can't read it all from here. I'm sorry, Mr. Chairman.

DR. BROMLEY: Should be contingent upon a reasonable expectation of funding to accomplish the goals and objectives of the MPA or the national system.

MR. BENTON: There we go. Thank you, Mr. Chairman.

DR. BROMLEY: Including the enforcement, evaluation, monitoring and adaptive management.

MR. BENTON: That would be my motion, Mr.
Chairman.

MR. LAPOINTE: Second.

MR. URAVITCH: I just don't see how that clarifies the distinction between existing and new. Because now it just says MPAs going into the system. Somewhere you need that concept that essentially preexisting sites by date X go through a slightly modified process.

DR. BROMLEY: If you add a second sentence.

MR. BENTON: Mr. Chairman, I got a second on this, correct?

DR. BROMLEY: Yes.

MR. BENTON: Okay. Mr. Chairman, I don't think that you need to necessarily do that if the issue is you have existing sites or existing potential candidate sites, and if they have funding, then I would say with the terms "reasonable expectation of funding," that's been met. It's the issue of those that don't, including existing sites that do not, that become an issue, okay?

That would be my interpretation of that language.
DR. BROMLEY: Okay. Where are we? I have Dave, I have Bonnie, I have Mike, I have George and Eric.

DR. McCAY: Joe, on page 11, the second paragraph, does that adequately deal with it where we talk about the MMAs with identifiable deficiencies of that whole section? There we seem to have set up the process and we more explicitly talk about the fact that we have existing sites that are currently categorized as MMAs. I'm just wondering if this problem -- if it's already handled in that section.

It may be clarified if perhaps if on line 25 where we have now in the case of both existing and new sites nomination will require, we say something like in the case of both existing MMA sites that meet criteria for MPAs and new sites, we might be able to use language like that.

But I don't know, Joe, if you've looked at that section and thought about it light of this very real problem.

MR. URAVITCH: I haven't. But what I'm thinking for example, is Michigan's underwater
preserves program, which has a very limited funding, zero funding. So, I mean, are they off the table? Or are we going to wait for the state legislature to appropriate money? And I think you'll find that around the country.

      DR. BROMLEY: Okay. I have Mike then George.

      DR. CRUICKSHANK: Thank you. I think MPAs which are called MPAs right now in the publications and everything else that don't meet that criteria, what happens to them? What are you going to do with them?

      MR. URAVITCH: Well, people -- I mean, that's a terminology question. We're not going to change what people call things. I mean, they might over time if we set some kind of national standards and things change over time. But, you know, people can call people things in MPA because they want to call it MPA. We have no authority to change that.

      DR. BROMLEY: Okay. I have George and I have Eric and I have Kay.

      MR. LAPOINTE: I think this is a great addition, and here is why. We are making recommendations to the two secretaries, and one of the
recommendations was that moving forward and doing good work in the marine environment takes new investment. That's consistent with the Ocean Policy Commission Report, and we should state that. The OMB may tell us to suck eggs, but that doesn't mean we shouldn't make the recommendation.

And if in Michigan they have a site with zero funding and they're doing it and that's sufficient funding for the work they're doing, it fits this criteria. But if there's other sites for which we have insufficient funding, we should be able to say you need enough to do the job. And so I think this is a great addition to our principles.

DR. BROMLEY: Okay. I have two more and then we're going to seek resolution here. Eric.

MR. GILMAN: I also want to express support for the current version of the text, and the basis is that the intent is that it would apply to both new and proposed new sites, given the paragraph that Bonnie identified on page 11 for existing sites in the marine managed area list that don't have sufficient funding to meet their goals, that they could be still adopted into
the system contingent upon meeting some sort of
schedule for meeting their deficiencies and that new
sites to the system would have to have sufficient
funding to show that they are able to meet their
scopes.

DR. BROMLEY: Okay. Kay?

MS. WILLIAMS: I support what Eric said. I do
not understand why we would want an MPA in our national
system that meets the criteria but doesn't have the
proper funding. All this does is give us -- it
gives us a reason to go to the Hill and say this is
another reason this program needs funding. It doesn't
have adequate funding, not even for the ones that are
existing today. They meet the criteria. They're
important to us. Let's fund them.

DR. BROMLEY: Good. Okay. Let me remind us
where we started here. We started with Mike Nussman
making -- attempting to address a deal breaker, and I'd
like to ask Mike how he now feels about it, and if he
feels okay about it, then I'd like to have the group --
Mike?

MR. NUSSMAN: Mr. Chairman, I feel very good.
I feel perfect.

DR. BROMLEY: You feel all right? All right.
And how do others feel? Dolly?

DR. GARZA: So, just on a point of clarification, does that include the new language in there as well as what Bonnie had suggested for page 11?

DR. BROMLEY: It depends on how strongly Bonnie feels about it.

DR. McCAY: I don't feel very strongly. I think page 11 pretty much satisfies the problem as it is. But I really was looking for some input from staff about these other ones dealing with the --

DR. BROMLEY: Okay.

DR. McCAY: I didn't really make a motion there.

DR. BROMLEY: Okay. Are we prepared to vote on this?

MR. PETERSON: Question, Mr. Chairman.

DR. BROMLEY: The question has been called for. We have addressed a major issue. I believe many people are happy with it. All in favor of the changes that you see on the screen say aye.
287

1 (Chorus of ayes.)

2 DR. BROMLEY: Opposed?

3 (No response.)

4 DR. BROMLEY: Thank you. Mike, do you want --

5 MR. NUSSMAN: I'll go to the next one, Mr. Chairman. And this hopefully -- well, I'm not sure what it requires. But it has to do with the issue of harm. And I'm not sure -- I didn't raise this issue, but I did think about it when someone else raised it, and so I'll speak to it, at least from my perspective.

6 The Executive Order, as I recall, and I don't have it right in front of me --

7 DR. BROMLEY: I do.

8 MR. NUSSMAN: But it refers to not causing harm.

9 DR. BROMLEY: Section 5 of the Executive Order.

10 MR. NUSSMAN: Could you read that for me, Mr. Chairman?

11 DR. BROMLEY: Yeah. I'll read all of Section 5. It is Section 5 of the Executive Order, and it says:
Agency Responsibilities. Each federal agency whose actions affect the natural or cultural resources that are protected by an MPA shall identify such actions. To the extent permitted by law and to the maximum extent practicable, each federal agency in taking such actions shall avoid harm to the natural and cultural resources that are protected by an MPA. In implementing this section, each federal agency shall refer to the MPAs identified under Section 4 subparagraph (d) of this order.

MR. NUSSMAN: Very good. That provision, as I recall, and I'm doing this from recollection and from a conversation I had with Joe last evening, resulted in the Department of Commerce attorneys being somewhat nervous and others being somewhat nervous in the creation of marine managed areas. That's my recollection, whether it's correct or not.

So let me first ask Joe to speak to that issue. My concern is that as we go forward with our recommendation, it in no way be used to send a message
that at least this individual won't -- doesn't want to
go catch a bluefish in a marine managed area if in fact
it's currently allowed there or would be allowed there.

Joe, would you help me with that?

MR. URAVITCH: I'd be happy to do that. The
nervousness upon the part of the counsel was basically
related to since this is an Executive Order, how do you
promulgate regulations when that's supposed to be
regulations flowing from a law? So what we've heard so
far, not in official opinions, is it's quasi-
regulatory, whatever that means.

We have agreed to follow a regulatory type
process in terms of defining this, going through a
Federal Register notice, et cetera. But still, it's
guidelines essentially to federal agencies on how they
will behave. In terms of what does this mean, this is
really -- we have an interagency working group trying
to define this across the federal agencies, which will
be part of what goes into the Federal Register, but its
intent was never to say you can't harm the hair on a
dogfish because it's an MPA.

You have to -- as far as we're concerned, at
least at this point, an MPA is established to undertake
a specific set of goals and objectives, and those are
defined by the specific MPA, and that's what agencies
would have to ensure that they follow

MR. NUSSMAN: Joe, I appreciate that
definition and I would feel even more appreciative had
this interagency task force that's been set about to
define or determine what this means after two years
have actually answered that question. So that is where
my nervousness springs from, and I'd like some
clarification. But with that, I'll leave it and hear
from others. Thanks.

DR. BROMLEY: Thank you, Mike. David?

MR. BENTON: Mr. Chairman, seeing as how I was
one of the people that raised this initially, and I
recall the discussions that Mike is referring to, and I
have many of the same concerns, but I also recognize
that we have not got the time or the ability at this
meeting to deal with this harm issue other than to
recognize we have not dealt with it, that we are
recommending a national system with objectives and
goals to deal with threats and problems, but we haven't
defined exactly one of the key terms that's used in the Executive Order.

I think this may be one of those items that goes into your premier list of acknowledgement that it has not, and that there are ramifications and implications that have not been explored or discussed. I don't know if that satisfies Mike's concern. I'm equally uncomfortable about the issue of harm, but I'm also cognizant of where we're at.

MR. NUSSMAN: Mr. Chairman, as long as it was addressed in a way that Joe has explained it to me and said it hadn't been addressed or we had not spoken to it, the agencies haven't spoken to it, and thus it is not spoken to, I would be comfortable with that.

DR. BROMLEY: All right. Would you work with Joe and Dave Benson to get us a sentence or two to that effect that you could live with as an unresolved issue? Would that be acceptable to everybody if we hear from this group on that? David?

MR. BENTON: Mr. Chairman, it may be something that you put in that ending, concluding section.

DR. BROMLEY: Yes, that's right. That was my
idea that in the conclusion section of this document we
are going to make a list of these things. I don't want
to say that -- I'm going to say it, but I don't want to
say that the approval of this thing is contingent of
it, but these are -- we have support from our group, but
these are issues that we have not addressed that we
feel are important and that they must be addressed in
the future.

And we're not accepting it under protest.

We're just accepting it but understanding that this
stuff has not yet been addressed.

Tony and Barbara.

DR. CHATWIN: I can support that course of
action. I would say that in that section, we should
look a little bit broader than just the issue of harm.

I personally don't --

DR. BROMLEY: Of what?

DR. CHATWIN: The issue of harm.

DR. BROMLEY: Harm? Oh yeah. You'll have a
list.

DR. CHATWIN: I personally don't think that
it's in the charge of this committee to define harm. I
think it's more akin with the legal review that we have recommended going forward, because it has legal implications. But I also would say if you have any section where you're talking about unaddressed issues in the Executive Order, there are a number of other issues here that we have not addressed that I would like to be included.

DR. BROMLEY: Wonderful. Wonderful. We're making the list. And let me ask you, Tony, it would not preclude you from supporting the document if in this list of unresolved issues we simply mentioned harm and then went forward only to learn that it wasn't within our writ to address it or something else. Is that right? Is that okay?

DR. CHATWIN: That is correct.

DR. BROMLEY: Yeah.

DR. CHATWIN: And I have a question, Mr. Chairman.

DR. BROMLEY: Okay. Sure.

DR. CHATWIN: When are we going to get to the -- I'm happy to do that after --

DR. BROMLEY: We're trying to work our way
through it. I'm open to nominations, and I gave Mike sort of the floor here because it's very clear that he has strong feelings about some things. But that's what we're doing. We're building a list, I think, of these unresolved issues.

Who's helping us with her list now? Poor Lauren. She's doing five things at once. Tony?

DR. CHATWIN: Well, I'd just take the opportunity to add an issue to that section.

DR. BROMLEY: To this unresolved -- wonderful.

DR. CHATWIN: Unresolved, which is, we have not discussed -- but it's central here in a number of items. We have not discussed prohibition of consumptive uses, although it's clearly stated in the document as one of the things that in the section that pertains to this factor, we have not discussed that.

And I would just like to, you know, I think it actually could go hand-in-hand with the harm discussion. So I would just like to put a placeholder in there or an acknowledgement that we have not addressed that issue.

DR. BROMLEY: Okay.
DR. CHATWIN: And for the benefit of people around the table, I'm referring to Section 4, item 2, and Section 4, item 3. We also have not addressed fully the section in item 4, which is the assessment of threats and gaps and that sort of thing.

DR. BROMLEY: I'd like a list.

MR. NUSSMAN: Mr. Chairman, just listening to the statement that we've not discussed prohibitions on consumptive use, is that --

DR. CHATWIN: That's the language in here.

MR. NUSSMAN: I'm not sure I agree with that. I think we have discussed that at least to some extent regarding the whole, at least I've felt I have discussed it from talking about multiple uses of these areas and the different language we've had back and forth today. I think we have discussed it. So I'm not sure it would be accurate to say we've not discussed it. Thank you.

DR. BROMLEY: Wally?

DR. PEREYRA: Mr. Chairman, I think the one aspect of this we probably have not discussed, and that is the whole concept of the minimum area to where
consumptive uses would be prohibited. I think that's part of this particular section.

DR. BROMLEY: Okay. Tony, is that a friendly kind of addition to your concern?

DR. CHATWIN: Just kind of a brief --

DR. BROMLEY: Let's just sort of do our list. Let's not argue them. Let's just see what our list looks like. I'm sorry, Tony. I didn't mean to cut you off. Kind of a yes or no. Would you be comfortable with the slight elaborators offered by Wally?

DR. CHATWIN: Yeah. The reason why I didn't go to the detail is because the issue of prohibition of consumptive uses is mentioned in two items. And rather than go into the details of what aspects of that, I was just saying that's something that we haven't -- and I'm happy to find language that more accurately reflects we haven't come to a resolution on that. We haven't --

have recommendations made on that.

DR. BROMLEY: That's great.

DR. CHATWIN: That's fine.

DR. BROMLEY: Okay.

MR. PETERSON: Mr. Chairman?
DR. BROMLEY: I had Tundi and then Max and then Mike.

MR. PETERSON: Okay.

MS. STEVENSON: What happened to me?

DR. BROMLEY: Pardon me?

MS. STEVENSON: This is the third time you skipped over me that I was on a list and you disappeared me, so. At some point I would like to speak.

DR. BROMLEY: Yeah, please. Go right ahead.

I'm sorry.

MS. STEVENSON: I have one for the list, and I wanted to -- I'm very uncomfortable with what Tony said. I don't have a problem including that we have not discussed any particular area or minimum size of area or anything like that. That's in the Executive Order and we haven't discussed it, fine. That goes on the list.

But to say that this document does not contemplate prohibiting any kind of consumptive use -- you haven't read the document. I mean, to me the potential that that is what we're saying might happen
is clear throughout the document. So I'm very concerned in saying that we haven't discussed the prohibition of consumptive use, and at the appropriate time, I have something to add to the list.

DR. BROMLEY: Go ahead, Barbara. Add it now.

MS. STEVENSON: Add it now?

DR. BROMLEY: Yeah. Let's just get it out.

MS. STEVENSON: Okay. This goes back to the issue that we were talking about a little while ago, which was who approves. And I guess I didn't read that section clearly enough when I read the document, but it is really strange that you go through and we say, you know, the controlling entity will do this, that and the other, and we never say that that will be approved.

So I suggest we add, and I have some sample language, but I'm not wedded to it, to the conclusion section of the list of things that we haven't done or the list of things that someone else has to do, which is the appropriate entity to approve inclusion in the national system must be clearly designated.

DR. BROMLEY: Others have expressed a similar concern. Is that a shared sense that we add this to
the list? Okay. All right. Thanks, Barbara.

    MS. STEVENSON: Yep.

    DR. BROMLEY: Who else now? Sorry about the list. I have Max and Tundi.

    MR. PETERSON: I'm concerned about where we're going here, because the Executive Order assigns to the Department of Commerce and Interior in consultation with the Department of Defense, the Department of State, Department of Transportation, EPA and all these people a responsibility for these eight things that we're talking about now. And I don't think it's beholden upon us to try to address those eight things, because somebody else has been told to do that. We might look at what they do and then decide whether we want to express an opinion on it.

    MR. RADONSKI: That's not to say that we shouldn't advise them, too. We're involved in those eight things.

    MR. PETERSON: It doesn't say, if you look at what we're required to do, it gives us a specific mandate that has to do with the establishment of the national system. It doesn't say we're supposed to go
back and take these eight items that are here and that we're supposed to say, well, we haven't discussed in detail those eight items, so we've got to list them all.

I think that would be a -- the committee doesn't -- nothing prevents the committee from doing that at some time in the future, but I don't see anything to be served by just saying we didn't deal with these eight items.

So, harm is definitely one that's been discussed several times since we started here. I think we need to leave that, and I don't have any problem with the appropriate entity approve. We've discussed that. But I think going through this and picking out some of these eight items is a loser from a process point of view.

DR. BROMLEY: Thank you, Max. I would like to say that we've sort of shifted over into a wish list. We started this process I believe as addressing the dealbreakers. That is, what must be discussed and what must be put on this list that would, if it shows up on that list, would bring us more votes. And now we're
sort of I think off in a little bit of a wish list sort
of thing. And, oh, well, you know, we didn't address
this, and we haven't yet addressed that.

I'd like to get back sometime after four
o'clock now, to dealbreakers. I want to know what are
the things that will bring votes to the table,
acceptance of our report? Tundi?

DR. AGARDY: Well, this isn't a dealbreaker,
but having been involved with the drafting of the
document that led to the Executive Order, I can say
that the minimum area number 3 clause in the Executive
Order is a historic artifact that arose at a time when
people were talking about the 20 percent rule.

I don't believe that we should go there. And
I agree with Max that we are not obligated to look at
all of these things. So what I do think we have to
revisit in the next iteration of the FAC is a serous
and learned discussion about financing and about
incentives. Because we have to articulate that much
more. And that's probably going to need a subcommittee
or something.

DR. BROMLEY: And I think everybody agrees.
DR. AGARDY: So I would like to put that on the list, please.

DR. BROMLEY: Thank you. That is exactly the deal. You haven't put it that way, Tundi, but you could have put it to us as a dealbreaker, but you didn't, right?

DR. AGARDY: Well, you know where I'm --

DR. BROMLEY: But, you know, I mean, some people present it to us as dealbreakers and some people present it as wonderful ideas.

(Laughter.)


DR. CRUICKSHANK: Thank you, Mr. Chairman. I'd like to address the mineral resource issues.

DR. BROMLEY: That's right.

DR. CRUICKSHANK: And one of the issues is that energy and minerals are part of natural resources of this country and the environment. So far, we have not excluded energy and mineral areas from any kind of action as MPAs. Now almost probably half, at least 50
percent of the EEZ is at present under lease or under consideration for lease for energy and minerals. And this is true also of the islands and possessions of the country. And we either have to specifically state in the definition that we are excluding these things, or we must then look at them.

We did request from Interior and Commerce very early in this progress some response as to whether -- what they thought about it. And we haven't had a response. And so I would be happy to put this on till next time if we can do that with the proper wording. Or if we don't, I have a potential -- I have some wording that might do it temporarily anyway.

DR. BROMLEY: I would accept your first gracious offer if I could put it on the list of stuff that we have not addressed.

DR. CRUICKSHANK: Yes.

DR. BROMLEY: And I would be very happy to have language from you about how that might be worded in our document.

DR. CRUICKSHANK: Okay.

DR. BROMLEY: This was really clear to us as
an Executive Committee when your intervention came in, it was in a sense quite a prescriptive statement, and that introduced a level of commitment to mineral resources that we had not really discussed. So this is a classic issue that we have not paid attention to. We must in the future. And if you could give us some language that would justify why this belongs on that list of stuff to include on that list, I'd be very happy.

DR. CRUICKSHANK: Okay. Now does that go beyond the material I already sent to the committee?

DR. BROMLEY: That replaces the material you sent to the committee because the material you sent to the committee said you can't, you know, you can't -- what was it? Something like MPAs can't be precluded from extracting oil and gas or something as I recall, which I found a little bit worthy of debate.

DR. CRUICKSHANK: I didn't hear that response, actually.

DR. BROMLEY: Well, it was something like that. And it may be where we end up, but we haven't really talked about it. Do you see what I'm saying?
DR. CRUICKSHANK: Yes. Yes, I understand.

DR. BROMLEY: Please give us good reasons why it is important for us to go forward with the next time.

DR. CRUICKSHANK: Okay.

DR. BROMLEY: Is that okay?

DR. CRUICKSHANK: That's okay. I'll do that.

What -- do you have a timeline on that?

DR. BROMLEY: Well, you've got about ten minutes, Mike. Okay. I have Mel and then David.

MR. MOON: Mr. Chairman, at the meeting that we had in Washington, D.C. we had an item on the list that dealt with a question of how Indian tribes would be participants in Indian processes.

And I realize that we've done a lot of good work in terms of including the name of tribes in reference to state and federal participation in different aspects of the plan, but we haven't described what system that we would utilize as tribes to ensure that they had received the protection and support so that their treaty rights were not diminished or abrogated under any process that takes place here.
So under the harm section, I would propose that we move to, at the next round, develop a process to support and acknowledge treaty rights so that they will not be diminished or abrogated or affected in the MPA development process.

DR. BROMLEY: Wonderful. I'd like to ask you to do it as a separate thing from harm, because the harm speaks to federal agencies doing harm.

MR. MOON: Okay.

DR. BROMLEY: And this is bigger and more important than that, Mel.

MR. MOON: Put it in a separate piece.

DR. BROMLEY: Could you give us a little bit of language to that effect, please?

MR. MOON: I can do that.

DR. BROMLEY: And you have eight minutes.

MR. MOON: I can do that.

DR. BROMLEY: David?

MR. BENTON: Mr. Chairman, I conferred with Mr. Nussman. I did not have a chance to confer with Joe. I have language on the Section 5 harm issue that you could put in the conclusion section.
DR. BROMLEY: In the conclusion section?

MR. BENTON: I can read it here and we could try and deal with it, or I can just give it to you.

DR. BROMLEY: I'd like to hear it, but I don't want to deal with it. Let's hear it.

(Laughter.)

MR. BENTON: It's pretty straightforward, Mr. Chairman. It would be under the conclusion section.

There would just be a paragraph that reads:

Section 5 of Executive Order 13158 sets out agency responsibilities including requirements that federal agencies shall avoid harm to natural and cultural resources that are protected by an MPA. The committee has not addressed the provisions of Section 5 and is making no recommendation on this matter. There is concern that this is a fundamental provision that requires future attention.

End of sentence, or end of paragraph.

DR. BROMLEY: That's not bad, David. I'll be darned.

MR. BENTON: So would I.
DR. BROMLEY: I think that's not bad. Pardon me?

MS. WENZEL: Just an editorial comment. I think that language is probably going to be relevant, like this hasn't been discussed and it's an important issue to several things that people raised. So I was just going to say that it might be worth having people feed language and then we can try to craft it so that we have that general umbrella language up front and then some more specific language --

DR. BROMLEY: That's a preamble, David. That's nice language for a preamble. That's what we were kind of looking for, and then we've got these things under it.

MR. BENTON: The only thing I would say to that, Mr. Chairman, if I could respond is that you correctly I believe sort of admonished us not to come up with a wish list, and I would be concerned, and I will leave it to your editorial discretion, you and Lauren and others, how you deal with this, but I'd be very concerned if you lost the notion that Section 5 in particular is a very fundamental provision and it has
wide-ranging implications, more so than some of the items that are under Sections 4 or 3.

So, I will leave that with you, and I can give you this language. If you don't want to take a vote on it, that's fine with me. I don't care.

DR. BROMLEY: Yeah. No, I like the sense there, David, both as the preamble of it and the specifics. And rest assured, all of these things -- I mean, you wouldn't object I hope to us saying that all of these issues are important. Is that okay?

MR. BENTON: It's a fundamental issue for Nussman, it was a fundamental issue for myself.

DR. BROMLEY: That's fair. But I would imagine other deals on here -- Mel might believe that what he proposed is a fundamental issue as well. So all I'm asking is permission to label all of these as fundamental issues. Do you mind? Okay.

MR. BENTON: It's okay with me.

DR. BROMLEY: And my argument is, look, if they weren't fundamental, they wouldn't be on this list. Where are we? Wally, was your hand up?

DR. PEREYRA: Mr. Chairman, I had an ancillary
issue, but you're dealing with just fundamentals this
time?

DR. BROMLEY: I would hope so.

DR. PEREYRA: Okay. Well, when you get around
to it, I had an issue that I wanted to present.

DR. BROMLEY: Okay. Where are we? Are there
other dealbreakers hanging over us? I'm going to call
them dealbreakers. This is not a wish list. I'm
calling these dealbreakers, all right? Harm,
prohibition of consumptive uses, the appropriate entity
to approve designation, financing and incentives,
energy and minerals, develop a process to acknowledge
treaty rights.

In other words, it is my hope that the
inclusion of these and a slight elaboration goes a long
way towards allowing everybody around this table to
say, I can live with this document. That's what I'm
working on here.

Is your hand up, David?

MR. BENTON: Yeah, Mr. Chairman. Just -- and
I'm not trying to wordsmith and I'm going to leave this
to you -- but harm, the way it's worded, I think the
way you need to do that in Section 5 including a
definition of avoid harm.

DR. BROMLEY: Thanks. That's right, Lauren.

Section 5 of the Executive Order.

MR. BENTON: Including a definition of avoid
harm.

DR. BROMLEY: Yeah. That whole package of
discussion there. Barbara?

MS. STEVENSON: I thought there was extensive
discussion that we didn't need to include the
prohibition of consumptive uses. And Tundi said that
it was an artifact and that we didn't need to address
all of the different issues that were in the document,
which is where I thought we were. So I'm surprised to
see it still on the list.

DR. BROMLEY: Okay. Tundi, what do you think?

DR. AGARDY: I was only referring to the
minimum size. And just so you know, historically, that
was originally cast as a 20 percent no take, which we
were not happy with, most of us. And, Wally, just for
the record, you should know that I published a paper on
this which got me into a lot of conflict with my
conservation colleagues.

DR. BROMLEY: I've read it.

DR. AGARDY: Anyway. So, I was only speaking to the minimum area question, which I think is something that most people think should probably not pertain as a general rule to MPA planning.

DR. BROMLEY: Okay. Barbara?

MS. STEVENSON: So which part haven't we discussed? I mean, this is a general question. I'll ask -- it was Tony's list.

DR. CHATWIN: If I might say something here, Mr. Chairman?

DR. BROMLEY: Yeah, yeah.

DR. CHATWIN: I didn't bring up the minimum area. That was brought up by Wally. But I'm just -- here is my concern. This is not a dealbreaker. My concern is that for the next FAC, they'll look at this list and say, hey, these are the issues that we're going to work on, okay?

And there are issues that we haven't worked on, which in my -- I mean, when I made the statement, I made the statement that in the discussion of harm, you
know, this is one of the things that may be sort of part of that discussion.

But my concern is that I felt that there's a need to put a placeholder there to ensure that that is in the range of subjects that we might look at in the next iteration of this FAC. And if that's not the case, if we're going to go back to this document, I'm happy to say, hey, we'll go back to this and we can then decide on what to discuss.

DR. BROMLEY: Okay. Barbara?

MS. STEVENSON: So does that mean it's off this list? That list.

DR. BROMLEY: I think we should leave it off.

MS. STEVENSON: Not the -- it's obviously in the Executive Order.

MR. GILMAN: Just to speak to that, I mean, in the Executive Order, it --

DR. BROMLEY: No, I'm sorry, Eric. I just meant I have you on the list. I think they're still going at it. Excuse me.

MS. STEVENSON: I just want to know. Either -- I need to know what part we haven't discussed. And
Tony said it wasn't the minimum area. So what other part haven't we discussed and how have I misread the document? Or, if we're going back to this, then it should not be on that list. As long as it's not on that list, then I don't need to know what it is.

DR. CHATWIN: Maybe guidance from the MPA Center at this point and what their expectation is that will guide the work of the committee, the next iteration of the committee, would be helpful. Because if it is the Executive Order, I'm happy to have it withdrawn.

If we're going to be shaped, our focus -- I say our, but if the next iteration of the FAC is going to focus on this section of our recommendations to seek guidance on what to talk about, then I want it in.

MR. URAVITCH: Okay. I mean, obviously this is going to be a discussion we're going to have tomorrow. And the charge that's finally going to come to the new committee will have to come from the departments.

So, you know, we're obviously going to take these under advisement, but we can't guarantee. But
everything we're doing comes under the rubric of the Executive Order. So, you know, these are part of those. I think they'd be raised. If they're included in the document, they become part of the formal recommendations of this committee that go to the two departments. I can't guarantee what our leadership is going to say are the specific charges to the next committee, so.

MS. WENZEL: But just to add to that, it doesn't mean that the next charge would necessarily be limited to this list at all.

MR. URAVITCH: Correct.


MR. GILMAN: I guess I'm a little bit confused about the list that we're adding at the end of our document in that if you look at the Executive Order under the section about the national system, there's a large number of items that our committee hasn't dealt with. And I thought that this prioritizing which ones the committee should deal with next, it was our next order of affairs. And this list overlaps quite a bit
with what's in the Executive Order but isn't comprehensive. And so that maybe these things could be relegated to what we're going to do tomorrow. But this speaks specifically to the item on prohibition of consumptive uses.

The way it's worded in the Executive Order is -- doesn't specifically speak to that. It says minimum area where consumptive uses would be prohibited. It presumes that there would be areas where consumptive uses are prohibited in some MPAs. It's more an issue of what sort of ecological criteria justify what specific size needs to be zoned in the MPA.

DR. BROMLEY: Okay. Charlie, I'm going to put you up in the queue. Then I go to Zales and Bonnie. So, Charlie, clarifying or whatever? Please. Go ahead.

DR. WAHLE: Okay. Thank you. Just briefly, I wanted to clarify a little bit about these issues that are all part of Section 4(a). These are in effect -- and Tundi is right, there's a lot of artifact in here -- but these are the analytical steps that we collectively will need to go through in order to
determine ultimately what makes an effective national system and where the priorities are for improving sites, adding sites, what have you. This is the real meat of the problem here.

Clearly, we haven't gotten there yet, and we didn't really think we would. The first piece was to develop this conceptual approach. We I believe will be looking for input on how to do some of these and even some of the real content as well. But we've always thought of this as basically step two. But it's certainly, in my mind at least, these topics are clearly on our agenda.

DR. BROMLEY: Thanks, Charlie. Okay. I have Bob Zales, Bonnie and Tundi.

MR. ZALES: My concern, and I don't know if it goes under unresolved issues. I would kind of like it to I guess, or if it just goes under the future thing. But it's my concern about as we get from the federal jurisdiction into state and local jurisdictions and what I would consider probably one of the most important things is where you have issues with runoff, you have issues like nutrients running down the
Mississippi River creating these large dead zones in the Gulf of Mexico, things that need to be addressed that are going to have to be probably -- they have to be addressed in my mind, but in all reality probably will never be because they involve development. And it seems to be everybody out here is afraid to say let's go look at a developer and figure out how somebody that's paying millions of dollars for a piece of property to make them do something if they're going to build on that piece of property to protect the resources. And I think those are critical to many life stages of fish plus various habitats, and it's an issue that needs to be addressed in my mind.

DR. BROMLEY: Good. Okay. Tundi?

DR. AGARDY: I think we need -- this is not to do with the document itself, but I think as long as we have the committee convened here, I think we have to come to an understanding about whether in fact it is our charge to go through all of these eight things that are listed in the Executive Order, or whether it's our charge to envision the national system and talk about the best means for getting to that system.
And the reason I bring this up is because this -- the Executive Order is about, academically speaking, it's about, you know, six or seven years out of date now. The things that went into the Executive Order were state of the art ideas at the time. Many of them are no longer state of the art ideas. Many of them are very highly controversial.

I think that, you know, we were asked specifically, we were charged specifically with considering these questions. However, I think it would be within our remit to be able to say some of the things that are listed in the Executive Order are not appropriate ways to assess whether a protected area should be in the system, or --

In other words, I would hope that we're not bound by this quite outdated document as to how we're going to make recommendations to create a system. Because if we are, we might as well set our clocks back in our heads back to a time when all of this thinking was relatively new, and many of these things were not yet tried and tested.

So --
DR. BROMLEY: Would you mind if we just remain silent on them? I mean, we are just here -- this list is things that our members felt were important dealbreakers, potential dealbreakers, awkward things. That's what we're going to fix. I would prefer to remain silent on those things about which I cannot speak.

David?

MR. BENTON: Mr. Chairman, I'm ready to vote on the document.

DR. BROMLEY: Well, I'm not going to just accept that without a fight.

(Laughter.)

DR. BROMLEY: So, I have Wally and I have Barbara. How impertinent of you, David.

(Laughter.)

DR. PEREYRA: He got my attention. Mr. Chairman, yesterday during the excellent presentations --

DR. BROMLEY: Is this your auxiliary point?

DR. PEREYRA: This is --

DR. BROMLEY: Ancillary?
DR. PEREYRA: Yes. This sort of an auxiliary

nature.

DR. BROMLEY: Yeah, yeah. Good.

DR. PEREYRA: Yesterday during the exit

presentations that were provided, particularly the

presentation on the situation in New England, not to
downplay the presentation in the Gulf, but this
ancillary issue was very pointedly brought to our
attention during the discussion.

That has to do with the redistribution of
effort when MPAs are established, and the unintended
consequences of that. And I've been thinking about it.

It's not something that we ever really brought up
within the document, and I think it could be helpful to
put it in. And I had some wording which is quite
general and I hope will be acceptable that could go in
on page 4. And if you would allow me, I would like to
just read.

DR. BROMLEY: I'd first, Wally, before we go
there, I'd like you tell us why it has not already been
captured on page 12, points 1 and 3. I'm open to new
language, but I want --

DR. BROMLEY: Yeah. Page 12. You're talking about unintended consequences, which I suppose means the impacts on an industry that is forced to modify its fishing behavior. And I guess could you --

DR. PEREYRA: Well --

DR. BROMLEY: Yeah?

DR. PEREYRA: My --

DR. BROMLEY: That's kind of my hurdle.

DR. PEREYRA: My interest in this was raised when I looked at item (e) on page 4, line 11. And there it talks about -- we're talking about the objectives and when they're accomplished, these are some items that need to be taken into consideration.

And one of them here, (e), is to minimize to the extent possible adverse social and economic impacts on citizens and interest groups.

DR. BROMLEY: That's correct.

DR. PEREYRA: That's fine. That's good. But also I think there is a need to minimize the extent possible the adverse impacts to the marine environment and its resources from the redistribution of effort and
DR. BROMLEY: I see.

DR. PEREYRA: I think that that's an important concept that needs to be --

DR. BROMLEY: I didn't understand.

DR. PEREYRA: -- at least recognized --

DR. BROMLEY: Yeah, right.

DR. PEREYRA: -- based particularly on what I saw.

DR. BROMLEY: The concentration of effort some other place?

DR. PEREYRA: Yeah. Where these are right on the borders, that could create some problems.

DR. BROMLEY: I see that. Okay. Do you have some language?

DR. PEREYRA: I have specific language.

DR. BROMLEY: Let's hear it.

DR. PEREYRA: And it's very -- it's --

DR. BROMLEY: Where does it go?

DR. PEREYRA: It would be item (f) and it would go at line 13 on page 4. And it would read as follows:
Minimize to the extent possible adverse impacts to the marine environment and its resources from the redistribution of fishing effort and other uses.

And the reason I put "other uses" in there is because there may be MPAs set up for non-consumptive activities such as snorkeling or something, and there may be a reserve or something that wanted to be set aside and all activities eliminated from the areas, and then these folks that were going in there all of a sudden they redistribute themselves somewheres else or along the edge, just so that it's highlighted.

DR. BROMLEY: Yeah. Effort is a fishy word, but I could also understand that there could be redirection of other uses away from an MPA which are not effort things but are other stuff. So, could you let go of the word "effort" and -- fishing effort or something. But, you see, there could be concentration of recreation that's not fishing but divers.

MR. PETERSON: Activities is a better word.

DR. BROMLEY: Minimize to the extent possible adverse impacts to the marine environment and its
resources. Is "resources" necessary?

DR. PEREYRA: Well, I was thinking marine environment. In one case, I was thinking of the scallop situation where --

DR. BROMLEY: Yeah, I know. Yeah.

DR. PEREYRA: -- where you've got more dredging occurring as a result of it, and that's an impact to the substrate, so.

DR. BROMLEY: All right. That's fine. And its resources from the redistribution of activities --

MS. WENZEL: Fishing effort.

DR. BROMLEY: Redistribution -- is that word all right? Redistribution? I see what you mean. It's the redirection.

DR. PEREYRA: Right.

MR. PETERSON: Is that a motion?

DR. PEREYRA: That's a motion.

DR. BROMLEY: It could be.

MR. PETERSON: I'll second.

DR. BROMLEY: All right. So we have a motion that's been seconded which seeks to minimize to the extent possible adverse impacts to the marine
environment and its resources from the redistribution of activities.

What about "displacement of?"

MS. WENZEL: There might be a concentration of activities in an area that attracted recreational use, for example.

MR. PETERSON: I think redistribution is better.

DR. BROMLEY: Redistribution is okay?

DR. PEREYRA: Yeah.

DR. BROMLEY: Bob Zales?

MR. ZALES: I was going to say redistribution in my mind is okay because that's what's happening. If you've had these activities somewhere and all of a sudden they're moved out, you redistributed whatever was going on in there.

DR. BROMLEY: Okay. Spatial and temporal redistribution?

DR. PEREYRA: That's fine.

DR. BROMLEY: Spatial I think and temporal is a nice -- is that okay, Wally?

DR. PEREYRA: Excellent. I like that.
DR. BROMLEY: Spatial and temporal redistribution of activities? That deals with seasonal closures and redirection of effort or whatever. Eric?

MR. GILMAN: That's fine. And maybe add replacement after the word --

DR. BROMLEY: Speak into the mike, please, Eric.

MR. GILMAN: Sorry. And add "and replacement" after the word "redistribution." And I can explain that an example is when a U.S. fleet was prohibited from fishing in waters in the high seas, the effort was replaced by foreign fleets that had fewer restrictions on measures to reduce bycatch of certain protected species. So, in other words, actually an adverse effect on those protected resources as a result of closing that U.S. fishing.

DR. BROMLEY: It sounds like a little bit of a special case, Eric, but maybe -- I don't want to --

MR. GILMAN: It's just one example that --

DR. BROMLEY: And if we have to clarify what we mean by replacement. No?

DR. PEREYRA: I don't like replacement.
DR. BROMLEY: You don't like it?

DR. PEREYRA: No.

DR. BROMLEY: I think, Eric, you're receiving an unfriendly reception.

MR. GILMAN: Is there a reason why it's not?

DR. BROMLEY: Well, I'll let others speak.

MR. PETERSON: I would suggest that redistribution takes care of replacement. It's just adding words, just making it too wordy. And, you know, I want to get back to where we were initially with this document.

Even though probably attorneys and the two secretaries who I'm sure are very learned people are going to be reading this, at some point stakeholders and people off the street are going to be reading this, and it needs to be as simple and less wordy as possible I think.

MR. GILMAN: I'm comfortable with changing the wording. Is there a problem with the concept?

DR. BROMLEY: Well, yeah, there's a problem with the concept. I think people aren't quite sure what replacement means, and then we have to elaborate.
And I guess I'm asking you whether you can't get 99 percent or 94 percent of where we need to be without the word "replacement," Eric. That's what I'm asking.

MR. GILMAN: That's fine.

DR. BROMLEY: Is that okay? You're a very gracious man, Eric.

MR. GILMAN: Thank you.

DR. BROMLEY: Don't take it to the bank, but it's a compliment nonetheless.

MR. O'HALLORAN: Mr. Chairman, call for the question.

DR. BROMLEY: Pardon me?

MR. O'HALLORAN: Call for the question.

DR. BROMLEY: I want to make sure everybody's happy.

MR. BENTON: You're being awfully accommodating now that it's past three o'clock.

(Laughter.)

DR. BROMLEY: It's obvious you don't understand my strategy yet then. Hammer and then waiver, and hammer and dither and hammer and dither so
that everybody knows by God we've got pressure but we're also not going to railroad anybody. I don't want anybody to feel railroaded. So I'm just going to take a deep breath, okay, and I want everybody to just think about what you've done.

(Laughter.)

DR. HIXON: Would it help if we held hands?

DR. BROMLEY: I'm sorry, what?

DR. HIXON: Would it help if we held hands?

DR. BROMLEY: How are we doing -- I want to know how we're doing with our list. Lauren, could you back to our list? Are we okay with the dealbreakers? Are we close to having --

DR. AGARDY: We have a motion on the floor.

MR. BENTON: We could just vote on this, Mr. Chairman.

MS. STEVENSON: And then I have something else still on the list. I'm still on the list, remember.

DR. BROMLEY: Yeah, okay. Let's vote on this. Come on. All in favor say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?
DR. BROMLEY: All right. I thought you meant vote on the report, David.

Yes, Barbara?

MS. STEVENSON: Okay. Going back to my issue on -- I still can't pronounce that word -- prohibition of use. We have an Executive Order and the Executive Order tells a lot of people to do something, but we also have a charge. And what is our charge say?

If our charge doesn't specifically say we have to address these things, then I think that all of the ones that are specifically in the Executive Order where it tells like 17 agencies to deal with it, that we should let them deal with it and maybe comment on whatever they deal, whatever they come up with. But we shouldn't presume, unless the charge tells us to, to do the work for these other agencies.

And I don't have our charge with me.

MR. PETERSON: Mr. Chairman?

DR. BROMLEY: Yes, Max?

MR. PETERSON: I move the adoption of the report with the delay of these items until tomorrow.
morning till we can give attention to items that are hanging, because we're beginning to develop a laundry list of items, and I think that we need a little time to think about those overnight. But I would move the adoption of the main report and delay this until tomorrow, delay this laundry list. Because this is really a recommendation to the future FAC, things we didn't worry about. And you've got that on your list for tomorrow.

DR. BROMLEY: Yeah, but it was also conditions for some people to approve the report, which is why I felt that it was important for us to work on.

MR. PETERSON: Well, if there's anybody that considers this a dealbreaker to handle it this way, then I'd let them speak against the motion. But I'd go ahead and make the motion.

DR. MURRAY: Second the motion, Mr. Chairman.

DR. BROMLEY: It's been moved. Has it been seconded?

DR. MURRAY: I've just seconded it.

DR. BROMLEY: We vote on the report. Could you clarify for me, Max, what you mean by "take these
up in the morning?"

MR. PETERSON: Well, we've got a place where we talk about the future FAC, and I think in that we need to say that there are certain things that were unresolved by this FAC and need attention by the new FAC. And some of these items belong there, and some of them may not. But we can debate that tomorrow when we've got -- we're fresh and got some more time.

But there's some people that are going to leave after tonight, and I'd rather give them a chance to vote if we could.

DR. BROMLEY: Correct.

MR. PETERSON: So we have the maximum vote of the committee.

DR. BROMLEY: Okay.

MR. PETERSON: So I'm trying not to squelch anybody or not trying to push anybody off. I'm just trying to get us to move to what you wanted to do at three o'clock. I think if we did it now, we'd all feel better. And then we can hold hands and sing kumbaya.

DR. BROMLEY: That's fair enough, Max. And it's been seconded, spoken to. Barbara, then Wally.
Barbara?

MS. STEVENSON: Obviously it should be clear to everybody that I have a problem with being on the list for tomorrow for possible inclusion, something that I don't understand for prohibition of consumptive uses, which may or may not be a dealbreaker with me, depending on what it is. I don't know what it is, so I don't know whether it's a dealbreaker or not.

DR. BROMLEY: Tony?

DR. CHATWIN: Mr. Chairman, I've been clear from -- I did not mean to cause all this heartburn to my honorable friend from Maine, and I would say take it out if -- take it off the list. It's not a dealbreaker for me.

DR. BROMLEY: It was your intervention. Do you pull it back?

DR. CHATWIN: Pardon?

DR. BROMLEY: You'll take it back off? It was yours.

DR. CHATWIN: Yeah. And I'm not speaking to the motion, but I would rather -- well, now I am speaking to the motion.
(Laughter.)

DR. CHATWIN: I would rather have spoken to that whole thing and just, you know, not have the pending issue. And if that's the impediment, let's take it off.

DR. BROMLEY: Such a deal. Wally?

DR. PEREYRA: Mr. Chairman, although I'm absolutely ecstatic and encouraged by the progress we've made and where we are now as to where we were when we first arrived here yesterday, I'm not comfortable taking a vote at this present time, although I fully appreciate the need for those that are going to leave to be able to express their support for the document in its present form.

The reason why I'm not comfortable is because I think that the longer we go on, the better the document becomes, and there may be something that comes up tomorrow that improves the document even more from what it is right now.

And as an alternative, I was going to suggest that maybe those that have to leave would be given an opportunity for a minute or two to express their
support or whatever for the document as to where we've brought it at the present time.

MR. PETERSON: You can't vote, though, Wally.

DR. PEREYRA: Pardon?

MR. PETERSON: You can't vote if you aren't here.

DR. PEREYRA: No. They could express their opinion.

DR. BROMLEY: You know, can I think about that for a minute, Wally?

DR. PEREYRA: Yes.

DR. BROMLEY: Bob Zales?

MR. ZALES: And this kind of goes along with what Wally is saying, and I want to be sure that I'm not trying to offend anybody with what I'm fixing to say. But I've never been one to be bashful about saying what's on my mind.

But I'm consistently, and not just with this panel, but with just about any panel I've ever served on, I'm consistently bothered with when you're sent information on where a meeting is going to be, when it's going to start, when it's going to end, that on
the last day generally more than half the people end up leaving before it ever goes.

   And I don't understand how when you know way ahead of time what a meeting is going to consist of, what the time limit is going to be and where you're going to be, that you don't make plans to stay there for that. And if those people are not here when this vote comes, they had an opportunity. they had the knowledge. They had advance notice. They knew what was going to be.

   So to cut discussion and debate short based on the fact that some people may be leaving in my mind is wrong. But that's just me.

DR. BROMLEY:  Okay. Dolly?

DR. GARZA:  Thank you, Mr. Chair. I haven't seen anything new added to this list, and so I think I agree with Max. I'm ready to call for the question on the report.

DR. BROMLEY:  Right. I am, too. Mike Nussman?

MR. NUSSMAN:  Mr. Chairman, I hesitate to say this. Might we stand at adjournment for five minutes
and think about this in groups and then come back and be ready to move?

DR. BROMLEY: I'll grant that. We adjourn.

Recess, not adjourn. We recess for five minutes.

(A brief recess was taken.)

DR. BROMLEY: Are we back? Okay. We have a motion before us to vote on the report. Are you ready to do that? Okay? All in favor of the report say aye.

(Chorus of ayes.)

DR. BROMLEY: Opposed?

(No response.)

DR. BROMLEY: I want to hug each one of you.

(Applause and laughter.)

DR. BROMLEY: I'd like to hug each one of you, but don't worry, the feeling passed.

(Laughter.)

DR. BROMLEY: I'm very impressed. You guys, you folks are marvelous. Thank you. There was a lot of bending, and that's what we need. No breaking, just bending. And I'm very happy, and you should be, too. You have done fantastic.

We have in the morning then, according to I
guess the motion, Max, is that we come back in the morning and we visit those issues, right? That was part of the motion.

MR. PETERSON: Right.

DR. BROMLEY: We do have to write an executive summary. And so I'd like to have you look at tomorrow morning -- oh, let me say -- just a minute, Bob, please. The reception tonight has been moved back a half an hour, so we have a bit more time. I'm not going to keep you here, but -- you deserve to go home.

But the deal has been moved back a half an hour. The van will leave at a quarter till six from the lobby, so it will give you a little more time to put your feet up and whatever you'd like to do. There will be a van going. We have some cars. So, again, people with cars can collect people.

The panel discussion out there will be at 6:30 rather than six. So the whole thing has been moved back a half an hour, so we have a bit more time. Is that right, Lauren? Okay. So, we'll have a little break.
In the morning, Dana are you here? I think Dana indicated, yeah, one person signed up for tomorrow morning public comment, or no persons?

DANA: We don't have anybody yet.

DR. BROMLEY: Okay. Well, we call to order at eight in the morning. We have a public comment period. It's supposed to start at ten past eight. And then we had from nine until 10:30 to finalize the document and review. We had a break at 10:30. We have at 10:45 a discussion of the next FAC charge.

So, in a sense, if the public comment period turns out by morning to be empty, then we will have some time. We can revisit those issues. But I do believe we want to start work on the executive summary, all right? This cannot be something we do after this. None of us wants the responsibility of writing an executive summary. We want to do it right in this room.

And we have some placeholders I think. I've asked Lauren to sort of give us -- is that right, Lauren? We're not going to do it tonight, but sort of placeholders of things that we believe should show up
in the executive summary.

So, I think that's -- Wally?

DR. PEREYRA: Mr. Chairman, I like statistics, numbers. I think they sometimes tell things.

Yesterday when we had our initial go around as to where people were, I kept score. And the score at that time was 12 yes, 8 no, and 3 I couldn't figure out. Some people have left. And so we've gone from that to now we have a score of 21 to zero, which I just think is incredible.

DR. BROMLEY: Thanks, Wally.

DR. PEREYRA: So my hat's off to you.

DR. BROMLEY: Yeah. A cynic would say, well, if you got that kind of support, you didn't say anything. But I don't believe that that is the case here. I think we have said a lot, and I'm very happy.

Other comments? Dolly?

DR. GARZA: Wally, could you add one more to that? I was outside of the room. But I also have to beg one more request. I ran up to get my coat when we were going to go down to the fish market, so I'm not in this gorgeous picture. I wonder if we could do one
more?

DR. BROMLEY: Yeah. I noticed that. I saw you. But now we're missing George Lapointe, so, will everybody be here in the morning? George will be back.

Dolly, are you the only one that didn't make it in the picture? I think you are. Seriously, what do you want to do? Boy, did we have -- can you believe what we're talking about now? Rod?

DR. FUJITA: No, this does not speak to the issue of the picture. I have a question about tomorrow.

DR. BROMLEY: Okay.

DR. FUJITA: I just -- I find it difficult to believe that we can craft an executive summary, you know, as a group, because we took three hours to craft one sentence. So, I'm looking for alternatives. I hate to put this burden on anybody, but if some group of people would be willing to take a first crack at least at some language for an executive summary, that would help me tremendously.

DR. BROMLEY: Okay. Let me ask this. Is it
true that an executive summary might be a verbatim cut and paste from the document, introducing no new language? Is that fair?

DR. FUJITA: That's what it is.

DR. BROMLEY: All right. Then the issue is what gets in and what does not get in, right? Those are the issues that have to be addressed. So that's why I said, I asked Lauren to present, to work on a list. I said, don't tell anybody we have it because they'll get cranky if they think we've written it before the report's been approved. But you know how things go.

So, Lauren does have a list of placeholders. One option in the morning would be to open with a list of placeholders. And what we have is a discussion about what goes on the list and what doesn't, and then of those things you agree go on the list, it's a simple matter of cutting and pasting.

Michael?

DR. CRUICKSHANK: Thank you, Mr. Chairman. I was thinking that the recommendations should be solidly listed in the report itself at the very end. Right now
they're scattered throughout the document and they're also oftentimes discussion on this --

    DR. BROMLEY: Thank you. I'd like to ask a question. The question I have for you is, is not the whole report a set of recommendations? To what extent is there anything in the report that is not a recommendation? I ask this not to be cute, Mike, but in a sense, what are we going to present? A summary of what is there?

    Tundi?

    DR. AGARDY: I think the entire report is advice and recommendations, but I think the reason Mike asks it is because all of us recognize that decisionmakers don't read reports that are more than a page and a half long.

    So I think we can answer -- satisfy people like Mike by making sure that the executive summary really captures all of our key recommendations, and that's easy to do, because --

    DR. BROMLEY: Okay. So people are confident that out of this 25 pages single-spaced, we can extract key recommendations. Is that correct?
DR. AGARDY: Mm-hmm. I think so.

DR. BROMLEY: Terry?

MR. O'HALLORAN: I'd like to suggest that it might be helpful if we could get a new copy of what our report looks like with all the changes that we've made so that tomorrow morning we are working from our actual report.

DR. BROMLEY: Lauren, what is our?

MS. WENZEL: Yeah, we can do that.

DR. BROMLEY: We can do this.

MR. O'HALLORAN: Can we? I mean, is that doable?

DR. BROMLEY: Will we be able to reproduce it also, Lauren?

MS. WENZEL: Yes.

DR. BROMLEY: Okay. That we will have. With all the changes identified, Lauren?

MS. WENZEL: Do you want the changes identified or do you just want a clean copy?

DR. BROMLEY: Can't we just have a clean copy, Terry?

MR. O'HALLORAN: A clean copy.
DR. BROMLEY: Okay. Bob and then David.

MR. ZALES: That was my question, what Terry just asked, and I was going to see if Lauren, for those of us that have laptops in here with us, if she could e-mail us a copy of it so we can just play with it here rather than a hard copy.

MS. WENZEL: Yeah. We can do that. It's going to take me a little while to clean it up.

MR. ZALES: Okay. But whenever, I mean, because you'll have to clean it up to make a hard copy with anyway. But when you do, if could just e-mail a copy, that would work for me.

DR. BROMLEY: That cuts down, because the hotels --

MR. ZALES: Save a leaf on a tree.

DR. BROMLEY: Hotels make a lot of money off of Xeroxing. David Benton?

MR. BENTON: I think this is all fine, Mr. Chairman, everything that you're discussing right now. The concern that flashed through my mind, and I just waited to raise it for you as chair, is having the document sit out there overnight and people come back
with nitpicking changes to the main document that we approved.

DR. BROMLEY: We're not going to do that.

MR. BENTON: Well, one way to assure that that occurs -- that that does not occur, Mr. Chairman, is to reconsider our vote and vote down the reconsideration which means that any change then would require a three-quarters or two-thirds vote to change the document.

DR. BROMLEY: You sound like Bill Frist.

MR. BENTON: I've been there, and I've had to do that.

DR. BROMLEY: I appreciate the friendly nature of your intervention, but I don't want to pre-judge my esteemed colleagues that they would stoop to asking to reconsider what we just approved. I trust them not to do that.

(Laughter.)

MR. BENTON: Buyers' remorse always happens about 12:30.

MR. O'HALLORAN: By that time you're usually stuck with it. Your deposit has already been cashed.

DR. BROMLEY: Let's ask them. Ask your
question. Lauren came to me with a question, so let's ask.

MS. WENZEL: The only issue that I think is not completely nailed down are these unresolved issues that we talked about putting in the conclusion. And I have language from Mel and from Dave Benton. And we have a few other bullets. And we talked about, you know, crafting a paragraph or a few paragraphs out of that, and that's the only piece that people haven't seen.

DR. BROMLEY: Mark and then Barbara.

DR. HIXON: I suggest just a separate page that has provisional wording to that, because that's something we haven't finished yet, and have that be severed from the document for now.

DR. BROMLEY: Is that okay with everybody? Barbara, your hand was -- Barbara and then Steve.

MS. STEVENSON: It's not on this suggestion.

DR. BROMLEY: Okay. Well, remind me. Steve?

DR. MURRAY: Yeah. I would just encourage that whatever that last piece is that it be short and brief. In other words, this doesn't need to be a
lengthy dialogue about each of those issues. It needs simply to identify the issues I think. Because otherwise, we'll be dealing with the lengthy dialogues about each of those issues.

DR. BROMLEY: These are just almost a little bit more than placeholders aren't they? Mike Nussman.

MR. NUSSMAN: Mr. Chairman, I would agree with Steve. I think that is -- we make it as short as we can and get by with it. But I also would make it part of the document even if it's an appendix or something that's --

DR. BROMLEY: It's clear that it is something we have sort of already approved, right?

MR. NUSSMAN: Right.

DR. BROMLEY: Is that right?

DR. MURRAY: That's fine.

DR. BROMLEY: Is that okay? So now back to the executive summary. Oh, Barbara, yeah, go ahead.

MS. STEVENSON: Yeah, on the executive summary. I have been thinking about this and looking through here, and I do understand the need to only have a page and a half or so, and I do not see it as an easy
task, because, I mean, you do the objectives, and
that's a whole page. And we all have things that we
think are critical in here.

I have no solution, but I just -- I do believe
somebody needs to work on it before the whole group
works on it, or it is going to take us quite some time.
And maybe you could assign a group, which I do not
want to be on.

(Laughter.)

MS. STEVENSON: To make that clear, to work on
it in the morning and start the meeting slightly later
or something like that.

DR. BROMLEY: What about -- let me ask a
strategic question. If we put an executive summary on
it, we invite important people not to read the whole
report. Is there any sense that we not put an
executive summary on it to force important people to
read the whole thing?

MR. PETERSON: Mr. Chairman, I agree with you,
and there is a problem with doing an executive summary
because normally when you do an executive summary, you
do repeat all the recommendations, and thing has got
recommendations scattered all through it.

I would prefer that we do something called an overview of the document.

DR. BROMLEY: A narrative, not a bulleted thing, but a narrative?

MR. PETERSON: Just a narrative overview of the document, that this sort of --

DR. BROMLEY: And this would be a page long?

MR. PETERSON: A page or a page and a half long that just provides an overview of the document that just says, you know, the FAC committee held a series of meetings over two years and produced a report and say the report addresses, you know, this and this and something else.

And we don't try to repeat verbatim what's in the report. Because then you invite people not to read the report.

DR. BROMLEY: Yeah.

MR. PETERSON: But I think you can do an overview that's a different animal than an executive summary that could be a page and a half. And then you're not stuck with repeating all the recommendations
and so on.

And I think that would get us over the hump, because I don't see us ever getting an executive summary done tomorrow.

DR. BROMLEY: Do you know anybody who could write that, Max?

MR. PETERSON: I think you and Lauren could. (Laughter.)

DR. BROMLEY: I sort of had you in my crosshairs.

MR. PETERSON: Well, I'd be glad to stay and work with you and Lauren and maybe my friend Mark here to the right or Bonnie or whoever. Three or four people ought to do it.

DR. BROMLEY: Are there political implications of who gets to write this paragraph?

MR. PETERSON: I wouldn't think so.

DR. BROMLEY: Well, you're maybe the wrong guy to ask. Are there political implications of who this anointed group is going to be? I want to know it beforehand. Mark?

DR. HIXON: Well, I didn't want to answer your
question.

DR. BROMLEY: I know.

DR. HIXON: But to answer your question, I think it would be a neutral enough statement that there are no political ramifications. But I support what Max just proposed, essentially because this is a quite short document. In fact, it's about the length of a typical executive summary for a long document. I support Max's proposal.

DR. BROMLEY: Okay. How would you like to proceed? And then we'll stop. Tundi?

DR. AGARDY: I'd like to volunteer to work with whoever is -- I want to anoint myself.

(Laughter.)

DR. BROMLEY: Good. I'd like to have Mike Nussman join you. Would you do that, Michael?

MR. NUSSMAN: I'd love to, yes sir.

DR. BROMLEY: Anybody else want to join them?

(No response.)

DR. BROMLEY: Would the two of you --

(Laughter.)

MR. NUSSMAN: Mr. Chairman, there's absolutely
no way I can let Max Peterson go to this reception and us sit here and do that, so I would anoint Max to say, because in fact it was his idea.

DR. BROMLEY: That's right. You know, I was just about to ask him to chair this group. But I do not want it to be a replacement for going out there tonight and celebrating, all right? If you guys can't write a page, a page and a half sometime before eight in the morning, then you're beneath contempt.

(Laughter.)

MR. NUSSMAN: Mr. Chairman, let me assure you, we can write a page and a half. We may spend three more days debating it, but we can write a page and a half.

DR. BROMLEY: No. You know, go party tonight. But meet over breakfast or something. Does everybody else trust these three?

MR. O'HALLORAN: Assuming we will have a chance to look at it after they write it.

DR. BROMLEY: Yeah, yeah. Max?

MR. PETERSON: If you make me the chair, I'll take the chair's prerogative to call it -- are you here
in the morning, Mike?

MR. NUSSMAN: I can do it early.

MR. PETERSON: Let's do a 7:00 a.m. meeting in the morning, and we'll have it ready by the time you convene.

DR. BROMLEY: Isn't that wonderful? Okay.

MR. PETERSON: And that allows us to party tonight.

DR. BROMLEY: Yeah. Not too late, Max. Gil?

MR. RADONSKI: We were so busy celebrating and patting ourselves on the back, I would like to extend my thanks to Lauren for her extremely hard work.

(Applause.)

MR. RADONSKI: And I don't know if we're going to get a standing ovation for the rest, but Joe and Charlie and Dana and Bunnie and everybody else that stuck with this whole process made it happen.

(Applause.)

DR. BROMLEY: Heidi.

(Applause.)

DR. BROMLEY: Thank you, Gil. That was -- some of us have no idea how hard all of those people
worked. That's very good. Yes, Joe?

MR. URAVITCH: I was going to save it till tomorrow, but since everybody's saying how wonderful everybody else is, I will just throw in my words on behalf of the staff of the MPA Center, and I think from both departments. The incredible work you all have done over the past two years and our appreciation for the willingness to work out the really tough issues together and to move this whole thing forward.

We had a lot of trepidation I think two years ago and continually probably throughout the two-year process.

DR. BROMLEY: It's not over yet.

MR. URAVITCH: Yes, I realize that. But I just wanted on behalf of all of us to thank you for the work you've done, and especially your chair, Dan Bromley, and the vice chair.

(Appause.)

DR. BROMLEY: Shall we go boogie? All right. Can we recess?


DR. BROMLEY: Logistics.
MS. WENZEL: Well, I think everyone knows, Dan said that the shuttle, the dreaded shuttle, will be in the lobby at 5:45. We'll also have names of cab companies and no one will get stuck.

And I also wanted to mention for those who are going on the field trip that the cost of lunch is going to be $10, so if you could bring that down with you tomorrow, that would be great. And if anyone's plans change about the field trip, please let me know.

Thanks.

DR. BROMLEY: Thanks to all of you.

(Whereupon, at 5:07 p.m., the conference recessed until 8:00 a.m. on May 19, 2005.)

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