

MARINE PROTECTED AREAS FEDERAL ADVISORY COMMITTEE

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MAUI, HAWAII

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MAUI, HAWAII WED., SEPTEMBER 22, 2004 8:06 A.M.

--oOo--

CHAIRPERSON BROMLEY: We have -- I think we will call ourselves to order here. Lauren's going to make a few announcements and then I have one observation/statement to make and then we're on our way.

Lauren.

MS. WENZEL: Good morning, everybody. I just wanted to let you folks know that we're going to pass around in a little while a sheet with information about the field trips and the amount of money people owe. So once you get that, if you can just get money to Bunny, that would be great.

And we're also asking folks if they can give money also for the reception, five dollars per person, not including our speakers, so we're not making them pay.

And I also just wanted to let folks know that we've switched the rooms again today, so Subcommittee 1 will be meeting in the Malakini Room, which is right out here. Subcommittee 2 will be meeting at the back of the ballroom. And Subcommittee 3 will be meeting in the Wailea Terrace Room across the hall.

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That's it.

CHAIRPERSON BROMLEY: That's it? Okay. If you look at the program today, we have basically subcommittees almost all day long. We have a working lunch today. The Ad Hoc Cultural Workgroup's going to meet. The rest of you, if you -- those of you who are remaining in your subcommittees not on that work group, if you want to work, that's fine.

At 1:30, we have provisional reports from the subcommittees. It would be wonderful if some of the unsettled things, the things that are in progress, could be finalized for us, sort of -- think of this as an opportunity for a first reading.

And then at 3:30, we have a panel on Fisheries Management Councils, and Dave Benton will run that.

Before we go, I have a challenge to the three subcommittees and it grows out of the session yesterday that we -- that we had on culture. I just sense that we are still paying only lip service to the issues that we heard yesterday and that we listen to these kind of conversations and stories and we say, Yes, but we're going to go on with our MPA discussion.

From a very, if I may, ethnocentric kind of

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American commercial mentality, and I'd like to charge each of the three subcommittees with thinking very hard and honestly about culture and what you heard yesterday about the ocean and what it means for people.

And the question I have for you is that: To what extent is this MPA business driven by problems that are inherent in our own commercialization of nature? And are we really, as we think about MPAs and we think about Government laying down rules on top of people who use the oceans, are we really being sensitive to the kinds of issues that we find here in the islands in which extraction from the oceans in a sense is not driven by market penetration into -- in the social structures but, in a sense, is sort of part of that culture?

And as we talk in our bureaucratic kind of way about how to fix what's wrong with the oceans, I challenge each of the subcommittees to come back to us at sometime before we leave here and give us a brief but honest assessment of why exactly we cannot come to grips with this deep culture issue that we heard about yesterday, and how could a top-down governmental sort of MPA program honestly merge with the kinds of

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stories we heard yesterday about culture and effort and the role of fish and ocean in people's lives?

And it may sound like I'm lecturing you on the culture and what have you, and I am in a sense, because I'm not convinced that we have yet honestly come to grips with the two different worlds of resource extraction that we -- that we have in this country and I'd like to hear the subcommittees. If they want to tell me I'm all wet, that's fine, too, but I want to hear from each of the subcommittees seriously some reflection on what they think about how we're going to do an MPA program in light of the kind of cultural issues that we heard yesterday because I think we have not yet faced up to the hard truth.

And if you want to think ahead a little bit, we heard William talk about a fluorescence of native interests, of indigenous rights, and so on, and this will cause some problems in the future if we're not conscious of that interest that traditional cultures have, that indigenous people have, and the way they use nature. And if we don't craft an MPA program in light of those interests and rights, we're going to have a difficult time.

So I'd like each subcommittee sometime today

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to think a little bit about that and report back to us on what they make of it.

Am I making myself clear? Yes, Katherine.

MS. EWEL: To what extent can we or may we also think about the landscape issues that were brought up yesterday and the ahupua'a concept and so forth?

CHAIRPERSON BROMLEY: Well, yeah. I -- by "landscape," you mean upstream from the oceans. I think we are remiss if we don't pay attention to that.

I don't quite know how to deal with it. I mean, Jim Ray is right. The hypoxia issue is an agricultural runoff issue from 22 states in the Midwest, and so I -- with that in mind, if -- if an MPA is threatened by that, then we have to talk about it. I mean, if the ecosystem in the oceans, even though it's under someone else's jurisdiction, it must be talked about.

We must address it.

Am I -- is that okay?

MS. EWEL: Yes.

CHAIRPERSON BROMLEY: I don't think we can just wash our hands of it and say, Well, that happens on land; that's not us. We work on the ocean. You cannot separate the two.

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George?

MR. LAPOINTE: I think we -- everybody's comments are well-taken. I think we have to pay attention to what we think should be in the system and the factors that the system needs to take into account and then -- and giving directions so that when the individual MPAs are considered, they can then take those things into account. You're not going to fix all the problems. And if we make the MPA issue or if we, you know -- for the Gulf of Mexico, if we try to impact on land use on the upper Missouri in Montana and South Dakota, we'll end up being everything, but I think our resultant product will be nothing. And so we have to maintain some focus, I think, and just highlight those issues that should be considered in terms of putting a national system together and then the components of a national system and not try to fix those issues specifically. Otherwise, I mean, we'll -- we'll never finish.

CHAIRPERSON BROMLEY: Yeah. If I may -- and Bob's on the queue -- but let me just say you're right. But I think, to a certain extent, we are still thinking about our charge in terms of stuff that is ocean-focused, that we take out of the ocean, and that

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maybe in the process of taking stuff out, we damage the ocean habitat and we need to recognize, as Katherine said, as others -- and as you implied -- that what's there in the ocean is also a function of what takes place on the surrounding landscape.

So I'm not sure I'd say we say so much that we've said nothing, but we must address the fact that what happens on land, whether it's in the estuarian environment, the literal zone, or clear up at the head of the Missouri, has profound impacts on ocean habitats.

MR. LAPOINTE: And I understand that and I think -- again, I'm going to urge some caution. We need to recognize ecosystem functions and that we're a component of that, as we all search for this holy grail of ecosystem management, that we're one component of that and we have to recognize that, but my concern is that we expand so much that we do lose our focus.

CHAIRPERSON BROMLEY: Well, yeah. Bob?

MR. ZALES: Well, a couple things now. One, for the thing you talked about, about taking the MPAs being designed and taking from them, I don't view an MPA totally as that. I view the MPA as also

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protecting what goes into that ocean. And that's my concern, along with some others, and I don't think our charge is to where we can handle the problems upstream or anything like that. But it may be that this committee could, at a minimum, make a very strong statement as to whatever we design with an MPA, the impacts of that design and criteria for this, how they're going to be adversely affected if the other things are not taken care of.

Years ago in dealing with the state of Florida with speckled trout at a meeting that I was part of, the commercial fishermen made a statement and it stuck with me forever and a day. The statement was, "Fish don't grow in concrete." And the purpose of that statement was that -- it was the development that was the problem with speckled trout. Regardless of what you did for speckled trout to help them out, as long as you had concrete around the shores, those fish were going to have problems.

And, you know, I heard yesterday -- and I hear this all the time -- and fishermen do take the brunt of the problems in the ocean -- and it's my opinion that it's not us; it's development that has created a large part, if not most, of the problems,

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with fisheries, and we're an easy target and so that's why we're jumped on. The developers have a lot of money, they have a lot of attorneys. They can prevent things. So those things are critical in saving what we're trying to save, too, so --

CHAIRPERSON BROMLEY: Okay.

MS. EWEL: Dan, let me just say -- I'm over here -- Kathy --

CHAIRPERSON BROMLEY: Oh, yes.

MS. EWEL: -- in making that point, I think at the very least we don't want to give a mid-level bureaucrat the excuse to do nothing. Because there's a line drawn between marine and terrestrial -- at the very least.

CHAIRPERSON BROMLEY: Good. Bonnie. Was your hand up?

VICE CHAIRPERSON McCAY: I pass.

CHAIRPERSON BROMLEY: You'll pass. Dolly?

DR. GARZA: Thank you, Mr. Chair. I think we're jumping around between two different topics and I wanted to get back to the culture, and I fully support your recommendation. It's -- as we heard yesterday and as we will hear tomorrow and as we will hear in Washington, D.C., for coastal communities fish

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is culture; it's as simple as that. You don't have culture unless you have access and the ability to use resources and many American Indian and Native American tribes are struggling with self-identity, with cultural -- the ability to continue their culture through the next few decades. And part of that requirement is that they have access and use of resources.

And I didn't get the impression yesterday that there was any negativity against it, more an issue of just not thinking about it before or not understanding it. And so I don't think it will be a difficult task to include in it, and I don't think that there would be much opposition to it.

CHAIRPERSON BROMLEY: Okay. I have Bob and then I have Max and Rodney and Tundi.

MR. BENDICK: I think both issues, the cultural issue and the relationship to uplands, speak to the need for us to create a framework within which local people and agencies can make proposals that fit their place and fit the characteristics of their place rather than having a sort of bureaucratic bunch of cubbyholes which these things have to be stuck into. And in both cases -- I mean, there are some cases

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where a marine protected area, you can't possibly think of it working without dealing with some upland issues. There's some not. And I think we can figure out a way to make all this fit together.

CHAIRPERSON BROMLEY: Good. Thank you. Max.

MR. PETERSON: Mr. Chairman, I have a little bit of concern about your -- I'm not sure what you mean when you say "culture." Are you talking about all the cultures that make up the United States, or are you talking about just native and indigenous? We're a land of many cultures. My ancestors came to the United States in the late 1600s in New England and there are many fishing villages in New England that are definitely culture-related fishing villages.

I think the take-home message I would say is that we know from experience around the world, unless local people support something, it's not likely to be successful. So if those local people are indigenous people or native people or New England fishermen, whoever they are, we have to think about all the cultures. I'm a little concerned that we've translated culture into just native and indigenous. And I think that would be a mistake.

There's a huge problem right here in Hawaii

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of how to deal with native Hawaiians versus others, because the presumption in the U.S. Constitution is the minute you become a citizen, you have all the rights of citizenship and we don't have any hierarchy of citizenship. So we're dealing with a very difficult question.

So the take-home message I think to me is -- and I agree with Dolly -- unless the local people, or whoever they be -- and there may be a mixture of indigenous and others -- unless they support what we're doing and unless we're sensitive to ceremonies and so on, may not be successful.

So, anyway, I'm just trying to make culture a little broader than the way I thought it was going.

CHAIRPERSON BROMLEY: Yeah. Yeah.

MR. PETERSON: Second, on this upstream thing, I think we have -- I'm not sure when you say we ought to address it -- I don't know this committee has to address it. I think when an MPA is established, or a system's established, let's say if in the Gulf of Mexico we want to create some MPAs for various reasons and the Mississippi River and its tributaries are providing some real problem to those, then the managers of that MPA are going to have to figure out

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ways to address that. I don't see how this advisory committee addresses it because the threat today may not be the threat tomorrow. It may be a threat we don't even know about today that includes some stuff that's brought in from ships from overseas in ballast water.

So, anyway, I'm just suggesting we be aware, as Kathleen has suggested. I'm not sure how we say we can address it, though.

CHAIRPERSON BROMLEY: May I -- for those of you on the queue, if I may, let me respond. I'd like to respond to both of the things that Max has said.

MR. PETERSON: Okay.

CHAIRPERSON BROMLEY: Let me respond to the second one. If we describe and define a management structure for an MPA and then forget to talk about the fact that that place is being destroyed by agricultural runoff, and then wash our hands of it and say, well, it's up to the manager to fix this problem, we may in a sense put the management entity in a very difficult spot because, in a sense, what seems to me we must alert people to is the fact that that MPA cannot and does not exist in isolation from the larger ecosystem of which it -- at this moment, it's the

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downhill recipient of a lot of stuff. Okay?

MR. PETERSON: Sure.

CHAIRPERSON BROMLEY: So I'm a little loathe to sort of say, well, that's a management problem. I think we must fold it into our understanding of what that ocean ecosystem is and how it is buffeted by this stuff.

MR. PETERSON: Well, I --

CHAIRPERSON BROMLEY: That's what I mean by addressing it.

MR. PETERSON: I agree with that.

CHAIRPERSON BROMLEY: Okay.

MR. PETERSON: I'm just suggesting I don't know how this advisory committee --

CHAIRPERSON BROMLEY: Okay.

MR. PETERSON: -- addresses that except to point out that there are going to be upstream threats to --

CHAIRPERSON BROMLEY: Yeah.

MR. PETERSON: Okay?

CHAIRPERSON BROMLEY: Let me respond to the culture thing because I sensed early on, maybe in our earlier meeting, that -- that culture was being seen in terms of indigenous, and I argued, No, I mean, the

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crab guys on Chesapeake Bay, that's culture, too.

So, you know, I've been sort of pushing that idea that, yeah, culture pervades, as we heard yesterday. That's -- culture is the meaning we attribute to words and to the signals in our life. So we all have a little bit of it.

MR. PETERSON: Okay.

CHAIRPERSON BROMLEY: We -- it tends to be the only culture we see is the other guy's because we don't see our own. That's not the issue, I think, Max.

The issue is that first peoples, first nations have in a sense a different legal standing in this country than you and I do; all right? So we cannot finesse that.

And so it goes beyond culture. It goes to stuff like treaties and treaty rights and the need to recognize that this stuff that's easy for us to say, oh, that's a different culture, you know, it's more than that. It is a legal standing in this country.

MR. PETERSON: Okay. That's pretty mixed, though.

CHAIRPERSON BROMLEY: Well, --

MR. PETERSON: Don't broad brush that.

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CHAIRPERSON BROMLEY: I'll broad brush it enough to say that there are times when their interests will trump what we --

MR. PETERSON: I agree.

CHAIRPERSON BROMLEY: -- as the colonizing and oppressive folks want to do. They can trump us.

MR. PETERSON: I agree.

CHAIRPERSON BROMLEY: And if we don't recognize that -- yeah, I think it comes back to in our world, Max, we have use and users and the whole way we've been talking, there is use and users and then there's management and managers. And you know what? We put those in two different boxes. There are users out there and then, oh, the managers, well, that's NMFS, it's Fisheries Management Council. That's what we tend to think of as managers. And management is something that the bureaucracy does to users. I suggest this.

And, in a sense, what we heard yesterday and what we know if we stop to think about it is that in many of these places, the users are the managers. They manage it themselves. And if we sit around and think about MPAs as something that the bureaucracy and the dominant political structure is going to impose on

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users, we are going to butt up against legal trumpable treaty kinds of issues. And I think we've ignored that.

Okay. Enough of my lecturing. Rodney, Tundi, Michael, Gil, Jim, Wally. We have a lot of time today, so I can see I've created a real storm. Jim, Wally, Barbara. Wow, I didn't mean to -- actually, I did mean to. I'm very happy. I meant to create a fight here.

DR. FUJITA: Thank you, Mr. Chairman. I think it's a very useful discussion.

CHAIRPERSON BROMLEY: Rodney.

DR. FUJITA: And I think it behooves us to take what we heard yesterday seriously. But I think that the bottom-up approach that's been advocated by a couple of the subcommittees, the power and the beauty of that approach is that it provides a way for, you know, for us to merge this kind of top-down approach with bottom-up approaches and it's a way to respect culture in that we're not talking about managers and users in the Stewardship and Effectiveness Subcommittee; we're talking about effectors, we're talking about co-management, where it's appropriate.

And the whole theory of the bottom-up

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approach, I think, is about respecting those local traditions, whatever they may be, whether it's Maine lobstermen or crabbers in the Chesapeake or West Coast crab fishermen or traditional Hawaiian cultures.

And I think the idea here is to bow before the great wind of tradition. You know, it's -- it's not to impose a management structure based on our Western ideal of governance. It is to understand the governance systems that were in place before that were unraveled in places like Indonesia and the Philippines and here in Hawaii and restore that kuliani that William Aila was talking about, the pervasive ethic of stewardship that used to make MPAs and other such things kind of moot.

And -- but there are also traditional forms of MPAs. There's lots of attributes that MPAs share with those traditional marine tenureship systems and land tenureship systems and things like ahupua'a that look like integrated coastal zone management. There's limited access, there's traditional fishing regulations, there's restraints on harvesting, and there's a lot of sharing of fish and the carving up of the ocean governance space and the -- a way to address the tragically common that's so pervasive in our

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culture.

So I think that's where all these words are getting at, you know. The whole idea of the Stewardship and Effectiveness Subcommittee is to promote that sort of respect and consultation, de-consultation, and the blurring of the lines between managers and users, and that's why we're trying to introduce some new language like effectors.

CHAIRPERSON BROMLEY: That's wonderful. All I ask is that just each subcommittee give that kind of thought and that language like that appear in Subcommittee 2. And if you don't want to, that's fine. But I'm asking you to think about it.

Tundi.

DR. AGARDY: Thank you, Mr. Chairman. I'm going to see if I can get away with saying three things quickly. The first is that I think it's really valuable to have this group discussion, and I hope we maximize the time that we spend as a full committee having this kind of dialogue because I think it's really helpful.

Secondly, I think that -- I fear that we are inadvertently perpetuating a very dangerous myth and I think we're, as I say, inadvertently -- because I

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don't think any of us believe this and I don't think any of us mean to make statements to this effect, but there seems to be a kind of suggestion that MPAs are for nature and open access is for humans. And we see that there is a tension between conservation and use versus, you know, unregulated use or sustainable use, for that matter. And I think that MPAs -- that is a very dangerous and false dichotomy, that MPAs actually are for humans- full stock. It's not about preserving nature; it's about preserving nature to the extent that that benefits humans.

And the idea that we somehow from the top impose MPAs so that we can keep people away from nature or restrict their access I think is a dangerous thing, and I think we all recognize the extent to which the oceans are a global commons and they are common property of the United States and all of its citizens. And where there is dangerous kind of destructive use going on, we need to regulate that for the common good.

And that's something that MPAs can help us do. But I fear that when we cast MPAs as a nature-benefitting thing and not as a human-benefitting thing, then we leave ourselves open to

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misinterpretation.

Third, I just want to say that there are a couple of MPA benefits that are very rarely talked about that I think are actually more important than some of the conservation benefits that people usually talk about when they talk about MPAs, one of those being empowerment and actually recognizing traditional and even non-traditional sustainable uses of the marine environment and empowering people to continue those uses.

And the other one, which relates to the idea of, you know, how far can we extend our kind of influence when we look at impacts coming from afar, to what extent can marine protected areas deal with land-based sources of pollution?

One important benefit of MPAs is that it signals the value of a place and it helps to build political will to protect that place in whatever means that place needs to be protected.

So if, for instance, there was an MPA designated in the anoxic zone of the Gulf of Mexico for some reason, that it was an important place culturally or biologically, that designation could actually start to build the political will to do

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something about the problem of land-based sources of pollution in the Mississippi drainage. And I think that's an important benefit that we really need to stress and capitalize on.

CHAIRPERSON BROMLEY: Yeah. That's good. Right.

Michael?

DR. CRUICKSHANK: Yes. Thank you, Mr. Chairman. I'd just like to support something that Lelei said yesterday about the fact that we are living in a global ocean surrounded by over 200 countries and that we shouldn't forget that these other people have been working on MPAs or similar issues for a long time. We are kind of Johnny-come-lately. We should be looking very closely at what other countries are doing and, whatever we do, make sure that it's compatible with the general international idea of what is needed for an MPA.

I think we really -- I don't know much about what other countries are doing, but it seems to me there are a lot of them that have been working for quite a long time. Specifically, there's something like 24 or 25 separate countries all connected very closely by the ocean itself. But even in Europe,

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where there's island issues all over the place and conditions of living by the coast and living off the sea in Norway and Scandinavia, got to be careful. International issues are important. Whatever we do should be compatible with others around the world.

CHAIRPERSON BROMLEY: Yeah. Good.

DR. CRUICKSHANK: Thank you.

CHAIRPERSON BROMLEY: Gil.

MR. RADONSKI: I'll pass.

CHAIRPERSON BROMLEY: Jim Ray.

DR. RAY: I think a few of the comments made in the last couple of minutes are very good and right on. I just want to back up a step, though. You know, part of the role that we're playing here as a committee is to try to help provide some guidance and define where we go in the future with MPAs. And I think one of the most important things that we're doing is trying to discuss what some of the criteria should be for why you would create an MPA, for -- especially as we go forward to the future.

The bottom line is, is that man was pretty lousy at managing themselves and so the first question is, you know, you shouldn't make an MPA unless there's a very good justifiable reason for doing so -- an area

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needs extra management, extra protection.

And I think the other important thing that comes out of this is we talk about the criteria as to whether or not we need to have an MPA in the area, and this came up yesterday, is that a lot of the concerns about local culture, indigenous people, and other issues like that are partially taken care of if it's a bottoms-up type process. If you don't have inclusion and take into consideration all of the local concerns, needs of people, cultures, etc., at the bottom end, then you've got a problem. You can't do it from the top and you can't do it from Washington. And it has to be -- have an awful lot of input of the public and everybody affected. And so -- and I think we're already having that discussion in this group, the importance of that. But I hate to see us going down the road of starting off by defining it by making exceptions. I think the process needs to be inclusive to cover all of these important issues.

CHAIRPERSON BROMLEY: Wally.

DR. PEREYRA: Thank you, Mr. Chairman. Following along Jim's comments, it seems to me that the bottom line in all of this is -- really boils down to removals- removals of fish from the ocean, putting

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habitat issues aside for the moment, and how these removals can be controlled so that we can have sustainable removals, both in quantity and also in quality, and the quality issues are sometimes very important. Certain recreational cultures, the quality of the fish is probably more important than the total amount that's removed. And certainly in indigenous cultures, there's certainly those issues.

But unless we look at that first, I think we fall into a trap if we -- when we start to talk about some of the cultural aspects that we might associate with MPAs.

There are certainly indigenous cultures where excess removals, even in historic times, have led to some pretty significant impacts both to the resources and to the indigenous populations themselves, and now in modern day, you know, we all have access to very much improved fishing gears, technology that goes along with fishing and so forth, so the actual amount of fishing power that can be put forward can be very substantial.

And this has to I think be taken into consideration whenever we do address this issue of how we incorporate cultural considerations into the

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establishment of MPAs or any management measure.

That having been said, the Pacific Northwest I know in particular because of living in the Pacific Northwest, this issue finally was adjudicated in the courts -- we had the infamous Boldt decision, which recognized the special interests that Native American cultures had to access to the fish. And that ultimately resulted in some sort of a co-management.

And I don't know if that's how some of these issues will end up in the final cut or not, but there are special rights that need to be recognized, and I think sometimes those of us on the other side are less willing maybe to take them into consideration. So some of your comments I think are right on. I do think we have to address this, but I'm not so sure that within the legal mandate that we have, that we're able to do total justice, but certainly making our report explicit in terms of the importance of dealing with those issues I think is important to us.

CHAIRPERSON BROMLEY: Barbara.

MS. STEVENSON: The culture issue is twofold and one is the legal responsibilities. But the other is recognizing that there can be conflicting cultures on the same MPA and, coming from New England, there

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are four significant cultures in the fishing industry of which I am none. And if you don't recognize that they have different, very different basic beliefs and basic ways of doing things, you'll never get anywhere.

And we have a Culture Committee that's meeting today and tomorrow and having presentations at the next meeting. So while we are very conscious of the culture issue, I'm not sure that this is the time for the committees to come to their final view of what to do on culture.

On the issue of upstream impacts, yes, that's why we very strongly support the effecting language. But also there are things that this committee could and rightly should do in the sense of developing a national system of MPAs. For instance, it could make a statement to say that there are areas that, at the present, do not make sense to designate MPAs because the upstream impacts are so significant the MPA cannot work. You could use the hypoxia as an example that you hope goes away but is a current example, which gives a very strong message and yet does not tie our hands saying that we aren't doing our job. We're saying part of our job in developing a national system is recognizing that there are places that because of

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other things, MPAs work at the moment.

CHAIRPERSON BROMLEY: Thank you. Dave.

MR. BENTON: Thank you, Mr. Chairman. Just a couple of small points. With regard to the cultural issue, I have one thing -- and you touched on it and I just wanted to emphasize it again. I don't think that it is going to be very useful for us to get bogged down in the cultural issue if we confuse that and lose track of the fact that indigenous peoples around the coast have different legal standings and many of them have very explicit legal rights.

And in our subcommittee, at least, we're trying to put together some concepts for a framework that incorporate them within the management framework given their specific legal responsibilities, rights, and obligations that we have. And we need to just keep that distinction.

There are cultural issues that are very important. There are also very important and very explicit legal ramifications and legal mandates that have to also be dealt with.

CHAIRPERSON BROMLEY: Yeah.

MR. BENTON: The only other thing I want to point out is that when we're talking about effects

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that go beyond the boundaries of a specific MPA and we're thinking about developing a national system, I want to go back to maybe something that Max Peterson every once in a while keeps reminding us and that's keep a little bit of dose of reality here.

We weighed off into trying to pull everything in under the guise of MPAs and the effects of the ecosystem by factors outside that MPA. At some point, we are going to run into a buzz-saw. We will make ourselves irrelevant.

I think we have a big task in front of us and these things are interesting to talk about, they're important issues, but I think we've got enough on our plate without trying to solve the problems in the Mississippi watershed, for example.

CHAIRPERSON BROMLEY: Good. Okay. Bob Zales.

MR. ZALES: Just a couple of things that -- one is on the culture thing, and I agree with a lot of the stuff that's been said here, most everything, and to get into some of what Max was talking about, in the Panhandle of Florida and in lower Alabama, fishing -- essentially, all the tourism places that were just recently pretty well devastated because of a hurricane

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were initially -- they had turned into tourism places because of fishing. Fishing has been there since the early 1800s and it's not by the traditional Native American Indians in these places; it's just people like us and it's families who are many generations removed who established these things.

In Orange Beach, Alabama, the Walkers established fishing in Orange Beach, Alabama. That's what's made Orange Beach, Alabama today is fishing. So those things need to be considered.

The other thing is the example I used earlier with speckled trout, I want to throw this out. In the Gulf of Mexico, near where I live, there is a place called Madison Swanson area. It's a 10 x 10 square mile area that was established to protect the spawning aggregation of gag grouper. The closest point to land for this place is 50 miles. This area is in two- to 300 feet of water.

When gag grouper spawn, once fertilized eggs start life, they move into in-shore waters in the grassbeds. They spend the next year to two years of their life on the beach in grassbeds. Without those grassbeds, no matter how many of them spawn and survive, they're not gonna make it.

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And so that's where the upland stuff makes a key play here. I mean, this is a great thing that they've done with this area. We've supported it wholeheartedly to do this. But without the combination of protecting those grassbeds, it's a useless effort. So that needs to be considered.

CHAIRPERSON BROMLEY: That's a good example. Okay. I think George is our final and then Lelei.

MR. LAPOINTE: Thank you, Mr. Chairman, and thank you for bringing up the issue because it raises something that I thought about yesterday and I hope before the end of the meeting we can have some time as a committee to discuss those things we haven't been including in our subcommittee deliberations.

CHAIRPERSON BROMLEY: Yeah.

MR. LAPOINTE: We had some discussions -- I had a discussion over beers, actually before you sat at our table, with Tony about the issue of incentives and so I think it would do us all well to step back before we leave this meeting and we concentrate a lot on what we've done, but to spend a little time on what we haven't done to fill in those holes.

And so I think this is a good first step in that, and I hope we spend some more time on it.

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CHAIRPERSON BROMLEY: Thank you. Lelei.

MR. PEAU: Thank you, Mr. Chair. I think it would be really fascinating just to hear deliberation on the cultural issue, for many reasons. And I think I heard some of the speakers have touched on the issue of opportunities respecting consultations.

One of the difficult things living in the Islands and being part of the U.S. family is that oftentimes frameworks and policies, regulations are made without considerations on how that will apply to our daily lives. You know, we all agree that one size doesn't fit all. But there are really great opportunities with the work of the Commission to include some of the things that have not been considered before.

And, again, I do not want to touch upon Chief Aitaoto's presentation tomorrow. But you will hear on his presentations and most of the Pacific Island culture are a living culture but they're all -- a lot of these are not captured in any written documentations. But there's a great interest by communities because of the work that's going on here.

When we get the MMA inventory, one of the things that I was asked by some of the people at the local level

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was that, well, we do not want to disclose our -- you know, what's so significant, for many years they have thresher and it's only been known through word of mouth. But I assured them this is an opportunity to promote and to again educate our U.S. counterparts in terms of our existence and what we are and how we can offer.

So I agree that I think we need to recognize those values and I think if there's interest in the local community to become part of the network, again, I think we're missing the opportunity.

The other example I'd like to make -- and some of the folks sitting around the table and also in the audience -- is aware that in American Samoa back in the late '80s, we were struck by a hurricane which resulted in about ten fishing vessels that landed on our shores. It took us about ten, eleven plus years to get those vessels removed. All it takes was the U.S. Coral Reef Task Force. Okay? We went knocking on doors and talked to almost every federal agency that we deal with and their immediate response is it's not within their mandate. Again, there was no willing for federal agencies to collectively look at that issue. But it takes U.S. Coral Reef Task Force,

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similar to what we are here today. And, again, those opportunities has done a lot of wonders.

But to be an Islander and promoting that U.S. flag in the Pacific Islands, it takes a lot. It takes a lot of endurance.

As I said, last week I was in Tahiti and the French Government launched their first U.S. Coral Reef Task Force and they pledged \$10 million to go into developing the framework. Again, it stood up in -- you know, as part of the U.S. families, we do have U.S. Coral Reef Task Force that we can offer. Again, we were not interested in the financial side of things. What we were interested is sharing of information, and that's what I'd like to make sure that the MPA framework is flexible enough to capture those opportunities empowering the local communities because there's a lot of wealth of information that can be shared with our committee here.

Thank you.

CHAIRPERSON BROMLEY: Okay. I repeat my opening sentence. I would like each of the subcommittees to think and report back to us about some of the legal and bureaucratic issues that we're dealing with here and let us not overlook those

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things. They are fundamental.

Enough said. Okay. You're on your own. You know where you're going to go, I guess. Lauren, you've told people. And -- actually, you manage your own breaks. Lunch will be laid on what time, Lauren?

Lauren, lunch will be laid on at --

(Pause.)

Well, it doesn't say. Twelve thirty it says here for lunch. Okay. So, basically, you're on your own until 1:30.

(Subcommittees meet and working lunch until 2:04 p.m.)

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AFTERNOON SESSION

--oOo--

CHAIRPERSON BROMLEY: Let's get ready to get ready.

(Pause.)

We should get started here as soon as we can, please. Okay. The -- couple of little modifications in the schedule. It's now just after 2:00. We have a panel that starts at 3:30. So then we had a break at 3:15 which we're going to suspend or cancel. If you need to get coffee or tea or whatever, just do so when you can.

We will stop five minutes early so the panel can get set up. So, in a sense, by the time we get started here and stop a few minutes early -- each of the three groups will have 20 to 25 minutes to make the presentation.

I'd like to sort of look ahead -- while people are still coming in -- look ahead to tomorrow because, again, tomorrow we have less subcommittee time but we do have from 11:10 in the morning until about three o'clock for panel. And at three o'clock tomorrow, the full committee receives subcommittee reports for an hour and a half. So, again, we'll have

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kind of a 30-minute slot. It would be very good today when you three subcommittees report if you can use that time as you wish, again to perhaps respond to what you heard yesterday, to lay out perhaps a few specific things that you now feel comfortable with and ready to move forward on. I'll leave that up to you.

You will have this time. It's sort of listed on the schedule as, you know, sort of your provisional reports. You'll notice "provisional" is missing from tomorrow's session, so perhaps some things will move from the category of provisional into quasi-final.

So we've always started with Subcommittee 1 but, if another subcommittee would like to go first and if Mark prefers to wait, that's fine, too. Who's ready to go? Lelei? Subcommittee 2? Mark? What -- you want to go?

DR. HIXON: Doesn't matter to me.

CHAIRPERSON BROMLEY: Well, somebody go.

DR. HIXON: Fine.

CHAIRPERSON BROMLEY: All right.  
Subcommittee 1.

DR. HIXON: Does anyone know how the projector works?

(Pause.)

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DR. HIXON: Well, while we're waiting for the projector to begin, I'm pleased to say that we've managed to dig through I think all the comments that we've received and address all them within the document, not simply saying, oh, yeah, they missed that or whatever. So we very carefully examined every single comment we've received and modified the document with the intent of addressing these comments. We'll see if we've been successful.

What's in red here are basically track changes. Some of this is boilerplate, but let's get to the substantial stuff.

First paragraph, "The vision is to have an effective and comprehensive national system of marine protected areas and MPA networks that meets multiple conservation and management objectives." No one objected to that.

We've modified the second bullet, "Is based on input from the public, including stakeholders, and the use of the best available information from natural science, social science, and cultural knowledge."

Next bullet, "Recognizes both on-site and off-site influences; i.e., freshwater, terrestrial, and atmospheric."

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New bullet, "Recognizes opportunities for regional and international cooperation compatible with international commitments of the United States."

And last bullet, unchanged, is "Integrated with existing ocean management framework in the United States."

The goals of the national system, the only change here is we've included "restoring" as well as "conserving marine biodiversity." Otherwise, there were no comments on this particular section.

Under the "Components" section, we're now talking about specific types of MPAs that are possible. We changed "ecologically important species" to "ecologically significant species," acknowledging that all species can be considered important.

We've eliminated the word "by-catch" and replaced that with "species taken incidentally by commercial and/or recreational fisheries." This is with input from the representatives from the fishing community on our subcommittee.

And a recommendation, for the last bullet here -- again, this is "MPAs manage to conserve cultural resource, use, and access," which was a specific recommendation made yesterday.

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There were no further comments on this section.

Most of the comments had to do with this last paragraph, which has changed substantially. It now reads, "MPAs may qualify as part of the national system on the basis of adequate information regarding need, design, and implementation, including consideration of the following factors, where relevant: First, rigorous assessment of the need for and benefits of an MPA based on natural science, social science, and/or cultural knowledge; second, broad and representative stakeholder input; third, social and cultural values; next, ecological and biological consequences; next, economic advantages and disadvantages, including both market and non-market values; next, estimated costs of effective implementation, monitoring, and enforcement; next, national interests, including national security issues; next, alternative means of achieving MPA goals; next, clearly articulated goals and measurable objectives to address identified needs; and, finally, a specific plan for monitoring and evaluation, including natural science, social science, and cultural knowledge to allow subsequent adjustment of

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MPAs and MPA networks in an adaptive management framework."

We have completely eliminated any discussion of marine managed areas from this document.

Adaptive management, we're going to get an explicit definition from Subcommittee 2, so we've erased our previous tentative definition of that. Other changes in definitions, we've received a definition of "cultural resource" from the Ad Hoc Subcommittee on Cultural Resources. That new definition or that definition is "any ethnographic resource or submerged historical or submerged cultural feature, including archaeological sites, historic structures, shipwrecks, artifacts in the marine environment. Ethnographic resources include natural resources and sites with tribal or traditional cultural meaning, value, and use."

Again, we changed "important" to "significant." And under "ecologically significant species," the wording is "species that have substantial roles and impacts in their ecological communities."

There was much discussion about "lasting" yesterday, and we completely -- we spent a lot of time

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on that. We've provided now a verbal definition of "lasting" that links in with the table, which we still believe is extremely important.

Under "lasting," we have "enduring long enough to enhance the conservation, protection, or sustainability of natural or cultural marine resources. As detailed in Table 1, the minimum duration of lasting protection ranges from ten years to indefinite, depending on the type and purpose of MPA. An indefinite duration of protection means that the intent at the time of designation is permanent protection. The distinction between 'indefinite' and 'permanent' acknowledges that MPA designation and level of protection may change for various reasons, including natural disasters that may destroy or alter resources or change in societal values."

Under "Linkages," we included terrestrial, freshwater, and atmospheric. Linkages with marine systems as well as linkages between marine systems having to do with larval dispersal and movement of organisms.

"Network" is defined as an ecological phenomenon rather than a management phenomenon.

So the table for "Lasting" is going to be

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changed in a number of ways. We didn't get quite this -- we haven't completed this yet.

We have elaborated on the rationale for minimum durations of protection as follows: For natural heritage MPAs that are designed to protect living natural resources, there are two categories of rationale for why a ten-year minimal period is an essential threshold. First, the procedural rationale, that there's time required for public and stakeholder involvement, regulatory processes, and at least five years of scientific and other monitoring and analysis, including independent review and an adaptive management framework.

There's also scientific reasons for at least a ten-year period, and that is the biological reasons having to do with the response rate of species, populations, and other ecological entities and their associated features being determined by the generation time of focal or index species.

The Ad Hoc Subcommittee on Cultural Resources is suggesting that we use "indefinite" under cultural heritage MPAs for tribal and indigenous cultural resources and there's a rationale that's coming. We don't have it yet.

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They also are suggesting, and our subcommittee's not yet heard why, to merge all cultural heritage MPAs into one category and I assume that will be forthcoming from that subcommittee.

And that's it. That's as far as we've gotten thus far.

So, again, one issue that came up repeatedly yesterday is the idea of marine managed areas versus MPAs, what's the difference, what's the filter all about, and all of that, and we've just let go of MMAs entirely. We're talking only about marine protected areas. So all that discussion is now just eliminated from the document.

MR. RADONSKI: I noticed you said that Subcommittee 2 is going to give an explicit definition of "adaptive management." I wouldn't go so far as to say that it will be explicit, but you will get a definition.

DR. HIXON: Okay. Fine. Thank you. I don't think I stuck the word "explicit" in here, but anyway --

CHAIRPERSON BROMLEY: Mark, are you ready now to receive the actions like this or do you need the wrap-up --

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DR. HIXON: All I need is a pencil and paper and I'm ready to receive comment.

CHAIRPERSON BROMLEY: Okay. Well, then George and Tony.

MR. LAPOINTE: Well, mine is just an addition. When we had the separation of archaeological non-tribal non-indigenous with tribal cultural, I have the definition. We didn't have time to type it in yet. And the rationale for combining the two is that there are archaeological resources that are tribal as well, and so we wanted to combine the two, just to let you know that I was given that information. We just didn't have time to include it.

CHAIRPERSON BROMLEY: Good. Tommy?

DR. CHATWIN: Thank you, Mr. Chairman. Thank you, Mark. It's just a point of clarification. Where it used to say "new MPAs" and then have a series of bullets --

DR. HIXON: Yes?

DR. CHATWIN: -- there is a line that talks about biological consequences -- ecological and biological consequences, and I just -- I'm not -- what does -- what was the rationale behind that?

DR. HIXON: So, Tony, you're asking the

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question why was this bullet added?

DR. CHATWIN: Yeah. Specifically, what was meant by "consequences"?

DR. HIXON: Well, an outcome that -- from the establishment of the MPA that affects ecological or biological entities or processes. This was, I believe, in response to one of Rod Fujita's comments yesterday that besides social, economic, and cultural issues, there's the issue of effects of the MPA on ecological and biological entities.

MR. LAPOINTE: If I may add, we had a colloquy about having costs and benefits in there and then advantages and disadvantages and we were having problems wrestling with those, and so that's why we ended up with "consequences."

CHAIRPERSON BROMLEY: Yeah. I was going to offer some help there. But not now. But I'll come -- I'd like to come back to that phrase.

Okay. David. Oh, Tony -- I got Tony. David.

MR. BENTON: Mark, just so I can understand a couple of terms, one that you have right there is you dropped out the use of the "evaluation of social and economic costs and benefits" and substituted "economic

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advantages and disadvantages."

DR. HIXON: Yes.

MR. BENTON: Which does two things, it seems like. One is it drops out the sort of --

CHAIRPERSON BROMLEY: Can you hear in the back? Try into your microphone, Dave.

MR. BENTON: All right. One of these days I'll figure this stuff out.

You've dropped out the term "social and economic costs and benefits" and substituted in the language we see there, which does two things. One is it gets rid of the notion of costs and benefits, and I don't understand the distinction between "costs and benefits," "advantages and disadvantages," what your intent is.

DR. HIXON: Yes.

MR. BENTON: The second is you drop out the term "social" so you're only looking at "economic." Why did you make those changes? What was the rationale? What's the difference?

DR. HIXON: Sure. Okay. So two parts here.

One is in comments that we've received from other members regarding costs and benefits is the idea that once costs and benefits are brought into play

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explicitly, we're talking about trying to quantify things and come up with a cost benefit ratio. And there are some analyses where that will be appropriate. However, they're a subset of the broader issue of advantages and disadvantages from an economic perspective. So this is meant to be more inclusive than trying to focus on quantified costs and benefits, number one.

The social issue is simply based on another comment we received, to separate social and economic issues into different bullets. Therefore, we have social and cultural values as a separate bullet, ecological and biological consequences as a separate bullet, and then economic types of analyses as a third bullet.

MR. BENTON: Under -- Mr. Chairman, if I can follow up? Under that explanation then for social, would you envision that there would be an analysis that looks at the social advantages and disadvantages of social costs and benefits under that bullet that you have cultural values?

DR. HIXON: Sure. Sure.

MR. BENTON: Because that doesn't say that to me. But maybe that -- if that's what you mean, you

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might want to think about that. Okay?

DR. HIXON: Okay.

MR. BENTON: The other question I've got is you mentioned that you dropped the discussion of MMA, and you were scrolling through pretty quick, so I didn't see, but I assume you still have -- all the definitional terms are in for MPA and this is intended to continue to be a filter to judge between MMAs and MPAs because of the definitional issues; is that correct or not? As --

DR. HIXON: What we're trying to do is step out of the Federal Government's activities per se and go back to our original charge of a vision and goals of a national system of marine protected areas.

Part of that involves taking the Executive Order definition of MPA and giving it tangible meaning, and a tangible meaning to us means taking that definition and identifying what we mean by the word "area," what we mean by the word "marine," "reserved," "lasting," "protection," and "cultural resources." And that's all we've done.

MR. BENTON: Okay. Mr. Chairman, if I can follow up just briefly?

CHAIRPERSON BROMLEY: Sure.

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MR. BENTON: The reason I'm asking the question is one of the things that we're talking about over in our subcommittee is the use of the product that comes out of Subcommittee 1. And one of the values we saw was using that product as the beginning and maybe the end product, maybe the product, for the criteria that would be used to judge whether a particular candidate site or area would qualify into the national system.

That gets into the issue of whether this list of MMAs qualifies or not or things that aren't even on that list. Your intention then would still be that this would fit as the kinds of criteria you would make those judgments against, is that -- if I understand you right.

DR. HIXON: If our definition -- if this becomes the FAC's definition of marine protected area, with all these -- with each of these keywords so explicitly defined, and the Federal Government adopts that, then, yes, it will begin the filter.

MR. BENTON: Okay.

DR. HIXON: But what we're doing now is just stepping out of the whole MMA inventory and all the other procedural quagmire that we found ourselves in

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earlier.

CHAIRPERSON BROMLEY: Okay. Bonnie.

VICE CHAIRPERSON McCAY: First, good job. You've done a great job in incorporating a lot of the concerns we've all had to your revisions.

I do have a concern about two things. One is going back to what Dave had mentioned, the social and cultural values and the biological and ecological consequences.

DR. HIXON: Yes.

VICE CHAIRPERSON McCAY: And I think those should be more explicitly paralleled, at least.

DR. HIXON: Okay.

VICE CHAIRPERSON McCAY: And I would recommend for both of them you say "values and consequences" because we're talking about not only the consequences, which would be the outcomes of having done something, but the reasons why you're doing them.

DR. HIXON: Perfect.

VICE CHAIRPERSON McCAY: So for both of those, I would recommend "values and consequences."

DR. HIXON: Okay.

CHAIRPERSON BROMLEY: Okay. Thank you.

VICE CHAIRPERSON McCAY: Second --

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CHAIRPERSON BROMLEY: Oh --

VICE CHAIRPERSON McCAY: I'm sorry, Dan.

CHAIRPERSON BROMLEY: No. Go ahead.

VICE CHAIRPERSON McCAY: The second question has to do with this notion of cultural knowledge.

DR. HIXON: Yes.

VICE CHAIRPERSON McCAY: And I think I know where you're coming from with that, but it makes me a bit uncomfortable. First of all, all knowledge is cultural. And so it doesn't really mean very much. You're using it, however, in other contexts to distinguish it from social science generated knowledge and natural science generated knowledge, and I understand that.

Perhaps what is -- and it may be justified. I am afraid it would call for some definition because there already are standard ways of talking about that encompassing traditional knowledge --

DR. HIXON: Okay.

VICE CHAIRPERSON McCAY: -- and local knowledge and/or experience-based knowledge. And so I think we could come up with some kind -- if you want to continue using the short-term cultural knowledge, we can do that, but we should develop some explanation

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of what is encompassed with that.

DR. HIXON: I would like to hear just a replacement for "cultural knowledge" and then not have to define it.

VICE CHAIRPERSON McCAY: Yeah.

DR. HIXON: So if you've got something for us, do you have it right now?

VICE CHAIRPERSON McCAY: I would use -- Dolly probably has an idea about this, too -- I would suggest "traditional and local knowledge" --

DR. HIXON: Okay.

VICE CHAIRPERSON McCAY: -- as a substitute for it.

CHAIRPERSON BROMLEY: Go ahead, Dolly.

DR. GARZA: Mr. Chair, if we follow the definition that we used for "cultural resources," that actually referred to tribal and traditional, so we have a separation of tribal being the indigenous --

DR. HIXON: Okay.

DR. GARZA: -- body of knowledge, but the traditional being the sort of community-based -- the lobster fishermen, the bayou shrimpers, the whoever, that that is a separate valuable body of knowledge. So sort of traditional and tribal.

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CHAIRPERSON BROMLEY: Is that okay, Bonnie?

VICE CHAIRPERSON McCAY: It's almost okay except that the traditional knowledge does not capture the importance of the knowledge, let's say, of a person who fishes for a living and has gained knowledge from experience but not necessarily from -- through the generations. And that knowledge is important, too. And that's why a term like "local knowledge" is sometimes used or "experience-based knowledge."

DR. HIXON: Okay. We will grapple with that, but I suspect we may end up using "cultural knowledge" and defining it as a combination of tribal, traditional, and local knowledge.

CHAIRPERSON BROMLEY: Okay. Barbara?

MS. STEVENSON: On the section where you replaced "by-catch" with "by-catch," --

CHAIRPERSON BROMLEY: "By-catch" with "incidental" catch.

DR. HIXON: This right here, Barbara: "Species taken incidentally by commercial and/or recreational fisheries."

MS. STEVENSON: Yeah, okay. While I think that you did a great job of incorporating a number of

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things, there are a couple of places where the change in words don't actually mean anything different.

DR. HIXON: Okay.

MS. STEVENSON: And what I don't understand in this section, and I was repeating on "by-catch" earlier because that is a word that has a very loaded meaning, was why does species taken as by-catch were separate from any other species that were of interest.

And then in reading -- which I had to do pretty quickly, which isn't your fault -- reading the thing up there, still the -- for instance, where is -- if you're trying to make sure there are enough reef fish for diving, because you say "commercially and recreationally important," but that, at least to me, implies fishing. You want to preserve the reefs. That's in there. But it seems to me like by separating out the commercially and recreationally and separating out the by-catch, you in fact leave big gaps whereas you could have something that included, you know, all of the marine resources that might be of interest to be protected.

Do you see what I'm getting at? Or have I missed something big in here?

DR. HIXON: Well, all I can add right now is

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what this list of open bullets in the document was intended to be fairly inclusive of all the different types of specific resources, including in the first four, five of these living resources. So there's, again, you know, species at risk and endangered and whatnot in the first bullet, then sort of species of concern in the second bullet, then these ecologically significant species in the next bullet, and then, based on input from various sources, this whole idea of by-catch species, essentially.

MS. STEVENSON: Okay.

DR. HIXON: So it's just another category of living marine resource that may be an object of protection. You will recall also that the overarching here is "Components may include but are not limited to MPAs that protect these different entities."

MS. STEVENSON: Okay. I understand.

DR. HIXON: Okay.

MS. STEVENSON: But I don't understand why reef fish that people look at are not listed and fish that are caught incidentally as a specific item are listed. I'm not arguing that there aren't instances where that -- you might want to do that. But you

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might -- you want to cover all kinds of situations that might include living resources, and so in this, because you are so specific on that, there are other things that just -- it looks like they -- obviously, they don't fit.

And I understand that you're saying they're not limited to. But if you go to the detail to say, Well, by-catch species or whatever you -- "instantly caught," which is the same thing, not quite but --

DR. HIXON: Okay.

MS. STEVENSON: -- is included, it just doesn't make any sense to me.

CHAIRPERSON BROMLEY: Can I ask that Mark make a good-faith effort to respond to it and keep after him, Barbara, and let's move on.

MS. STEVENSON: Yeah.

CHAIRPERSON BROMLEY: You've registered your point. It's a good point. Mark --

DR. HIXON: Yes. I'll just seek alternative language.

CHAIRPERSON BROMLEY: Yeah.

DR. HIXON: If there's some ideas, that would be very helpful.

CHAIRPERSON BROMLEY: Good. Okay. I've got

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Gil, I'd like to get my oar in the water for a minute, and Tony and then Rod.

So Gil.

MR. RADONSKI: Yeah. I would like to go back to the comments that Bonnie was making about experience-based knowledge and traditional, and I would like to revert back to the well-articulated remarks by Max this morning about the broad cultural aspect. And I think the broad cultural aspect has to be built into that and -- because I think if we use the term "broad cultural aspects," we do allow for anecdotal information and everybody has been -- a lot of people have spoken to the fact that we have to accommodate anecdotal information.

So -- and I thought Max's points on broad cultural aspects was very well done.

DR. HIXON: Okay. Max is part of our subcommittee and approved all these changes. So if there are other ideas --

CHAIRPERSON BROMLEY: Good.

DR. HIXON: -- ideas from Max, I'll be happy to hear them.

CHAIRPERSON BROMLEY: Could I offer one little observation, Mark? Could you go to the

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economics of the benefits, gains, advantages, whatever it is.

DR. HIXON: Sure.

CHAIRPERSON BROMLEY: And let me wear my economist hat for a minute.

DR. HIXON: We don't have any economists in our subcommittee.

CHAIRPERSON BROMLEY: Yeah. Where is it? Oh, I see it -- near the bottom. Okay.

DR. HIXON: Economic advantages and disadvantages, including both market and non-market values.

CHAIRPERSON BROMLEY: Yeah. Advantages and disadvantages -- I mean, that's a static. In one sense, what I want to call your attention to is that the rich are economically advantaged over the poor. That is a static snapshot at the moment. What we're talking about here is changes. So I think advantages/disadvantages is probably not the right word, and I ask whether you want to consider "gains and losses" or something like that. Okay?

Because what we're talking about is the change that might occur because of a designation -- who gains, who loses. It moves it into a dynamic

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thing rather than a static.

DR. HIXON: Good.

CHAIRPERSON BROMLEY: Now, market/non-market is also kind of loaded. There are economic implications that are not monetized, there is no monetary value. And then within this category called "monetary values," there are market value things and non-market value things. That's what the whole contingent valuation stuff is all about; okay?

So, in one sense, I think what you want to capture here is that -- the monetary and non-monetary economic implications. I'm asking you: Is that what you're interested in, Subcommittee 1? Because --

DR. HIXON: Yes.

CHAIRPERSON BROMLEY: -- a fishing community that is decimated or that something happens where many, many people are put out of work, that's an economic implication even though we don't try to put a monetary value on it; it has profound economic implications. Unemployment -- 5,000 people out of work or 10,000 recreationists coming here now. That's an economic thing, but it's not growth market or not necessarily monetized.

So that's what I'd like to see, and I'll be

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glad to work with you on some language.

MR. LAPOINTE: Our apologies --

DR. HIXON: Thank you, Mr. Chairman.

MR. LAPOINTE: -- for stepping on the toes of your expertise.

CHAIRPERSON BROMLEY: I'm sorry. What?

MR. LAPOINTE: I said our apologies for stepping on the toes of your --

CHAIRPERSON BROMLEY: No, no.

MR. LAPOINTE: -- expertise.

CHAIRPERSON BROMLEY: No. No. My toes are real big. I don't know how you missed them.

Michael. Wait -- I have Tony and Rod and then I'll come to Michael.

DR. CHATWIN: Thank you, Mr. Chairman. Mark, I've been thinking more about my first comment regarding that section of the MPAs and I think one thing that's missing there is tying the MPAs -- consideration of whether you added a site to the system -- what's missing is tying it to meeting the goals, so an assessment of the contribution of a site towards the system's goals.

DR. HIXON: Okay. Let's see -- okay. I think I've got your point.

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CHAIRPERSON BROMLEY: Good. Thank you. Rod.  
And then I have Michael and then Max.

DR. FUJITA: Thank you, Mr. Chairman. I just want to support what Barbara said. I think she's making a very important point, and the reason I think it's important is because all the categories, the species that you list there -- at risk, of concern, significant, by-catch or incidentally caught, commercial, recreational -- all those categories imply some knowledge of the status. And there's a whole bunch of species that we know nothing about and there's also a bunch of species that we know something about that don't fall into those categories. So certainly I think everybody would agree that protection ought to be extended to species that we don't know anything about and species that don't fall into one of those categories.

DR. HIXON: Thank you. I believe that this issue really dropped out of our -- the subcommittee's interpretation of "not limited to" versus the reader's interpretation. And we will address that.

CHAIRPERSON BROMLEY: Great. Okay. We're about out of time for the group and I have Michael and then Max.

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DR. CRUICKSHANK: It was my understanding that the idea of using "advantages and disadvantages" was that if you're going to use the global terms "costs and benefits," you have quantitative costs, which would be a number, and qualitative costs, which would be a lot or a little, and totally qualitative, which were good or bad. But who's to make that decision? It's totally subjective. That was why we - - I thought we used terms like "advantages" and "disadvantages."

CHAIRPERSON BROMLEY: Okay. Max.

MR. PETERSON: Since I was referred to my comments this morning about culture, our subcommittee really punted on that, this special subcommittee, so we did not see that definition and did not have a chance to discuss it.

I'm not really convinced that the definition they gave us is broad enough because it seems to refer to only tribal, traditional, and local. This country is full of different cultures, as you pointed out this morning, and I'm not convinced that we can so easily compartmentalize that into tribal and traditional and local. It seems to me we've got to come up with a definition of "culture" that recognizes that there are

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thousands of cultures in this country, including some fairly new cultures that came over as the boat people and so on who have a right for their concerns to be addressed as new citizens.

So I think even though we punted to the other committee, I think we need to look at little bit more at our definition of "cultural resources" and maybe Bonnie and Dolly and others would be glad to help us, but I'm not satisfied that it's broad enough right now.

CHAIRPERSON BROMLEY: Okay. Good. Gil?

MR. RADONSKI: Isn't NMFS -- they have looked at National Standard 8 that talks about community-based things and there were some definitions in the Federal Register proposed for community that really deal with this broad aspect.

Does that -- anybody -- does that tickle anybody's --

CHAIRPERSON BROMLEY: Bonnie can probably answer this.

VICE CHAIRPERSON McCAY: I don't know if I can answer it but -- except to say that that is fairly specialized.

MR. RADONSKI: Yes.

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VICE CHAIRPERSON McCAY: Just looking at fishing community and I don't think that what we're talking about would be served particularly well by that because we're talking about a lot more than that.

MR. RADONSKI: Yeah. I realize we are, but I think it speaks to what Max is talking about, you know, expanding our definition to include these things.

VICE CHAIRPERSON McCAY: It doesn't address culture. It's just looking at community.

CHAIRPERSON BROMLEY: Okay. Max, I think your point is good that Subcommittee 1 and the culture lump group need to talk again. Yes.

DR. GARZA: If I can quickly, Mr. Chair, it was the intent of that definition that traditional would include all other communities, and so we had tribal there as one set, traditional as the other set, being the Maine lobstermen, the Gulf shrimpers, the whoever, that they would fall into that set. And so it was trying to be as inclusive as we could using as few words as possible.

So it was not our intent to be exclusive.

CHAIRPERSON BROMLEY: Let me say that if people don't read it as inclusive -- as as inclusive

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as the writers thought it was, then we still need to work on it. We want to get unanimity. We want to get full FAC sort of approval of language. And so if there is still some ambiguity at the cost of a couple of more words in there, we might fix it and so I would urge, again, another meeting between Subcommittee 1 and the workgroup.

Any other comments, reactions to -- yes, David.

MR. BENTON: Thank you, Mr. Chairman. Just one more question. In considering the term "lasting," did you all discuss anything to do with the concept of an MPA being de-listed as an MPA?

DR. HIXON: Yes. That's a consideration. It's in the table. It's been in the table since the beginning.

MR. BENTON: Okay.

DR. HIXON: It's in there.

MR. BENTON: Right. I didn't see anywhere -- I mean, you have right now they're ten years or they're indefinite, "indefinite" meaning permanent, and is there -- have you given any definition around a process for how that consideration might take place?

DR. HIXON: The intent under the definition

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of "lasting" is to provide a minimum duration of time under which an entity exists before it can be qualified as being a candidate MPA. So the intent there is a minimum duration. If it's protected for a length of time less than that, then it's not -- it doesn't fit the criteria of possibly being an MPA. The idea of de-listing an MPA is a separate issue entirely. So, no, it's not under the definition of "lasting" per se.

CHAIRPERSON BROMLEY: Okay. Should we -- this is not to be resolved now, but should we in our recommendations have some language about de-listing when an MPA has fulfilled its purposes and the evidence would now seem to suggest that it can go off the roster? I believe endangered species go off the roster when they have reached a level of recovery. So I don't want an answer to that now, but I think it's something that must be addressed in here, that when the goals and objectives of something have been met, then what?

Okay?

Subcommittee 2, are you ready?

MS. STEVENSON: One more -- I'm having a flash here, not remembering what it was. But -- oh, I

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know. In the timetable, the ten years, one of my questions was: Was that presumed to be the minimum time that you would not do any adaptive management, however we define it, before ten years?

DR. HIXON: And the answer to that, Barbara, is absolutely not. Adaptive management would take place within that time period.

MS. STEVENSON: Okay. Well, that's -- at least to me -- it might be clear here when we get to study the language, but it wasn't clear before, so that's very important that we know that that's --

DR. HIXON: Yeah. And we did make a note of that. Thanks.

MS. STEVENSON: Sorry.

CHAIRPERSON BROMLEY: Okay. Lelei, go ahead.

MR. PEAU: Subcommittee 2 revisited the report that was presented yesterday to carefully address comments that was presented by the full committee as well as the members of Subcommittee 2, but we also did spend some time on the organization of the plan, the format, and also the definitions.

We -- Subcommittee 2 is proud to report that we certainly did make progress on three definitions, and I'll yield to Barbara to elaborate on the

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definitions.

MS. STEVENSON: Okay. We have, I believe, it's three slides of consensus definitions, and I have some comments on some of them, but --

Effectiveness -- we ended up coming back very close to the original one, which is "the degree to which management actions are achieving the goals and objectives of our marine protected area."

The definition of "stakeholders" has not changed since yesterday, which is "Individuals, group of individuals, organizations, or political entities interested in and/or affected by the outcome of MPA decisions. Stakeholders also may be individuals, groups, or other entities that are likely to have an effect on the outcome of MPA decisions."

You remember from our discussion yesterday that we also strongly suggest you not use this word. And in our longer description, we also have definitions of "interested," "affected," and "effecting" parties, which are not included on the slides today.

Then we define "goal" as "A broad statement of what the MPA is ultimately trying to achieve" and "objective" as "A specific statement of what must be

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accomplished to obtain a related goal, and it should be in some degree measurable."

Okay. Then we have two definitions that are under discussion for "stewardship." One is "A commitment to careful and responsible management of individual MPAs and the national system of MPAs to ensure the goals and objectives are being achieved for the benefit of present and future generations." The second one is "The commitment to making decisions, performing activities, taking actions, fulfilling responsibilities and/or agreements associated with being a proactive caretaker or custodian. A stewardship responsibility implies that the duties will be executed in an ethical, socially acceptable, and legal manner. In the context of a national system of MPAs, stewardship is the commitment of interested, affected, and effecting parties to act responsibly and proactively to ensure that the goals and objectives of individual MPAs and the national system of MPAs are being achieved."

We have not, obviously, finished this as we're still talking about two definitions.

The definitions under discussion is "adaptive management," unless they discussed it while we were in

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the Cultural. We actually have not had this discussion yet, but there are two different definitions that have come to the forefront from a variety of sources. One is "A system of management practices based on clearly-identified outcomes, monitoring to determine if management actions are meeting outcomes and, if not, facilitating management changes that will best ensure that outcomes are met or to reevaluate outcomes."

This is similar to -- I consulted with a number of people that used the word yesterday and this is similar to their meaning. I gather that there is a scientific meaning that is closer to the second one, which is "Adaptive management uses management measures designed to prevent damage when information is incomplete, to reduce uncertainty through careful design and monitoring, and to result in course corrections when needed."

Obviously, we still have to discuss the differences in these definitions and come up with a recommendation.

The last definition under discussion is "co-management," which is "A partnership in which government and stakeholders share the authority and

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responsibility for making decisions about management of the resources." It takes many forms and involves a high degree of stakeholder participation.

That's it.

MR. PEAU: As I was saying earlier, that we do spend a lot of time to organize our report so that it will flow well with the other groups. We did come out with that preamble statement, you know, in which we are trying to identify guiding principles that should be incorporated into every MPA or MPA process without creating an overly prescriptive inflexible uniform process.

We've given up our reporting to those four categories on the pre-assessment, planning, implementation, evaluation, and adaptations.

We also identified four cost-cutting themes throughout those four categories -- roles and responsibilities, communication and education. We did spend a lot of time discussing and debating whether we want to separate communication and education in two separate categories, but we were able to consensually agree that this could be intertwined, interlinked, and have wording that will still have the distinction between the two words, "communication" and

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"education." Stakeholder involvement, we felt it was significant throughout all four topics. And then the fourth cost-cutting theme is research.

Rod will report on the progress by our group in terms of what we -- well, first what we heard from the Chair this morning and then followed by comments that were solicited from the full committee. Rod.

DR. FUJITA: Thank you, Lelei. Subcommittee 2 had a very substantive discussion about the comments received from the full committee. We considered the Chairman's, Dan Bromley's, suggestion for an addition to the effectiveness definition but determined that those elements of effectiveness that he had proposed, which included identifying the appropriate governmental entity, level of jurisdiction, measurable goals and objectives, mapping, the management actions to outcomes, all those things have been incorporated into the text that you're going to see later, and so we thought it would be better to stick with the simpler and shorter definition that we had originally.

We also considered the dialogue that we had this morning about cultural context and making sure that we were being sensitive to that and, as I said this morning, I think Subcommittee 2 has all along

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been very aware of cultural context and the approach that we're suggesting is designed explicitly to acknowledge, respect, incorporate local traditions, knowledge, and really try to reenforce and resurrect governance systems where they exist and where there's interest in resurrecting those and, where there are not, to try to create communities that would instill -- would be cultures of stewardship.

Let's see. We discussed -- was that a comment from the -- oh, yeah -- individuals from a multitude of cultures may initiate pre-assessment. By that, we mean the very start of the MPA requires some kind of a process, whether it's a single person, a group, or an agency, and the process involves identifying a need, whether it's a problem, a threat, or a desire to maintain an area that's fairly pristine against an emerging threat.

We also had a good discussion about incorporating traditional ecological knowledge -- this was another comment by the full committee, and that has been incorporated into the text.

And about compliance, I forgot what the specific comment was there. Let's see -- well, can somebody help me remember what the comment was that we

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were addressing there?

DR. CHATWIN: It's the same one in terms of incorporating culture in places in our discussions where we already were incorporating.

DR. FUJITA: Oh, okay, so -- yeah, Tony reminds me this is just an offshoot of the broader discussion that we had this morning about incorporating culture and, again, it comes up when we talk about compliance that you'll see in the outline that we're going to present next.

Let's see -- okay. We also had some comments about adaptive management. As you've seen, we are still working on a definition and have yet to have a full discussion about that, although we have some draft language that we're considering.

We had a comment about whether goals are measurable or whether objectives are measurable, are both measurable, and we determined that, based on the ICN definition of goals and objectives and other input, that goals may or may not be measurable, but they are broad; they're broader than an objective may be. Objectives are more specific and clear and measurable.

We had a very useful comment this morning

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about incorporating some mechanisms for insuring that MPAs are financially sustainable, and our discussion included the idea that we don't want full financing to be an obstacle or a threshold for establishing an MPA because, in many cases, you may have some seed money but no assurance of long-term funding yet there's still a desire to move forward optimistically, assuming that some resources can be secured or some use fees can be implemented or some way can be found to sustain the effort over time. So we've adopted the language that you see there in our outline under one of the categories, I think under "Implementation."

"Traditional ecological knowledge" has been incorporated in a variety of places. And we also addressed this idea of land-sea interaction, how far upstream should the jurisdiction extend, but we have a lot yet to talk about that. And that topic is still - - we have not fully addressed that comment from the full committee.

CHAIRPERSON BROMLEY: If we're going to have time for comment, we should move it along here.

DR. FUJITA: Right. I didn't realize this was so long. Let's see -- we had comments about -- that we ought to examine other systems that are out

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there as models. I'm not sure that we actually addressed that in our subcommittee yet. We are looking at the sentence that said "literature on stewardship" and ICN documents to support some of our recommendations.

Tony?

DR. CHATWIN: If I could just help you with this slide. We had comments from the committee that we thought about and we thought it would be most appropriate to return to the committee for consideration of the whole committee.

DR. FUJITA: Okay.

DR. CHATWIN: And that's what this slide's about. So it just -- should I just wrap it up?

DR. FUJITA: Yeah. Let's just wrap it up.

DR. CHATWIN: Okay. And so there are -- the questions about, you know, nomination of sites and how to do that and also, you know, incentives for sites to be nominated for the system, we felt that we -- this is an issue that needs to be discussed and might not be the best place -- the Subcommittee 2 might not be the best place to have that discussion, so we're bringing it back to the full committee and we should address that at some point, what is the best strategy

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to discuss that.

And the same -- there was a comment regarding whether this helps us move towards ecosystem-based management and, to be honest, we don't really know what this refers to and, again -- so we're referring it back to the full committee for clarification and then to see if we should -- neither one should be addressed in this --

CHAIRPERSON BROMLEY: And we would ask on behalf of the full committee that you write down exactly what your concern is and submit it to us so we'll all know.

Okay? And distribute it to us. Okay?

DR. CHATWIN: I didn't understand.

CHAIRPERSON BROMLEY: I'm assuming that some of us around the table might have missed the concern that you still have. So if you could present it to us at some time --

MR. PEAU: Well, let me --

CHAIRPERSON BROMLEY: -- in written form, what kind of things you need clarity on, we'll be happy to consider it.

MR. PEAU: Well, this is for the comments that we solicited from the discussion yesterday --

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CHAIRPERSON BROMLEY: Yeah.

MR. PEAU: -- and we felt after our deliberation today that perhaps it was more appropriate if we discuss it in the group as a whole.

CHAIRPERSON BROMLEY: Okay. All right.

MR. PEAU: Thanks.

Before the slide, there was a point on the nomination system. One of the things that we spent some time on that -- this morning was -- within the pre-assessment stage or phase of our report, what was really important was to identify or come out with a communication protocol, a process who to call if a group or interest or effective or stakeholder want to protect an area. So we have come up with a communication protocol that will help facilitate that process.

Let's go to the last -- so in terms of the next steps, again, we have one more day here -- we still have some definitions that we feel that we need to finalize before we adjourn. We had to work on evaluation and adaptation section, the issue on upland -- upstream in connection -- we recognized the significance of having the land-sea connection. We felt that there's some vital discussion there that we

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need to address. And we also need to finalize our report and, before we adjourn, we hope that we can devise our individual assignment of tasks so we can continue on with whatever's left over from our meeting here.

And hopefully that will develop our work plan for the remaining -- until, you know, February '05.

CHAIRPERSON BROMLEY: Thank you. Good. Thank you. We have two or three minutes, at most, for reactions. Gil and then George.

MR. RADONSKI: I would just like to clarify one of the comments Barbara made. Our subcommittee did not strongly recommend that we do not use the term "stakeholder."

MS. STEVENSON: We did so.

MR. RADONSKI: We did not strongly recommend that. It's right here.

CHAIRPERSON BROMLEY: Okay.

MR. RADONSKI: We recommend --

CHAIRPERSON BROMLEY: We'll keep subcommittee struggles within subcommittees here.

MR. RADONSKI: Well, it's --

CHAIRPERSON BROMLEY: It's okay.

MR. RADONSKI: It's a personal editorial

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comment on her part and it wasn't part of the committee deliberation.

CHAIRPERSON BROMLEY: Fair enough. George.

MR. LAPOINTE: I have a process -- a comment and then a specific comment. Not being a member of Subcommittee 2, it's hard to draft -- to look at their work product in a substantive way until we have something to grip. So I just encourage a written document to go to other committee members well in advance of February. Otherwise, we won't be able to get it when it's due.

And then the specific comment is if you go back to the slide on co-management, there is -- in the State of Maine, we have found through our Attorney General's Office that we cannot share or delegate the authority inherent in what, you know, Marine Resources does, but we can in fact share through co-management the responsibility. I think that's an important distinction.

MR. PEAU: Well, there are -- Mr. Chair, if I could comment quickly on that one.

CHAIRPERSON BROMLEY: Quickly, yes.

MR. PEAU: There are existing models where there are co-management between federal and local

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government that I am aware of and currently working with it.

CHAIRPERSON BROMLEY: Okay. Dan Suman and then Jim Ray.

DR. SUMAN: Just a minor comment regarding your definition of "adaptive management." I think one of them, anyway, focused on when information is absent. But I didn't seem to see a focus on the issue of changing conditions and circumstances. There may be plenty of information, but the environmental or social conditions may change.

CHAIRPERSON BROMLEY: Good.

DR. SUMAN: Requiring change in management.

CHAIRPERSON BROMLEY: Good. Okay. Jim.

DR. RAY: I just wanted to comment back on a remark that Rod made with regard to the financial side of things. I think in any of the MPAs in the future, you know, where you have very clearly defined objectives, which will include monitoring assessment, enforcement, all of those cost money. And if you can't -- if you do not have proper funding for the MPAs, then you're doomed to not carry out the objectives of that MPA. And so I think it's really important that if an area is worthy of putting under

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MPA management, that up front that adequate money be available so that they can carry out its mandate so it's not doomed to failure before it starts. And that's based on many years of looking at some of the protected areas we have now where we have virtually no enforcement, there is no money for it, and even some of the other mandates for education and other things can't be carried out because the programs are underfunded.

So I think it's something -- it would be good, you know, as we work toward an end product on this, we have some more discussion amongst the committee on it because I think it's a very important issue.

CHAIRPERSON BROMLEY: Good. Thank you. Bob, you get the last word.

MR. ZALES: My comment was under, which they had under for the full committee to discuss, about what is the incentive to get on the MPA list? And I may be wrong here, but it's not my understanding that the guidelines and whatnot that this committee is going to be charged with creating is to give any great big prize to be on an MPA list. It's to be able to set an established set of guidelines to identify the

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various MPAs across the country to see what they do, how they do, how they're performing, and if they're doing what's intended to do, if they're doing too much of what they're intended to do, or if they're not doing enough so that you can then create new ones according to those set of guidelines.

And so it's not really a thing for an incentive. It's just to say whether you are or are not an MPA. I may be wrong. I don't know. That's just my opinion.

CHAIRPERSON BROMLEY: Good. Steve, I thought Bob had the last word. You get the last word, Steve -- really the last word.

DR. MURRAY: And it will be quick.

CHAIRPERSON BROMLEY: Okay.

DR. MURRAY: Working with Subcommittee 1, I think we've become very aware of some of the definitions that we've been working with, and both our own discussions about the need, as well as hearing from the group of you the need to incorporate citations and references to back up some of the kinds of definitions we've come up with. And I challenge Subcommittee 2 to take the same perspective, because some of these terms are well-defined in the

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literature, and I would hesitate to say that it would be appropriate to go make up your own definition. We ought to rely on those that are out there and cite the sources appropriately.

CHAIRPERSON BROMLEY: Yeah. Great. Okay. Thank you. All right. We'd better move to Group 3.

MR. MOON: Subcommittee 3, we had two separate meetings. Our first meeting dealt with the review of the documents that we had submitted and, you know, quite surprisingly -- and not in a bad way -- it was kind of interesting to see that there are some discussions that have taken place in Group Number 2 that we are having in Group Number 3.

But one of the first parts that we dealt with in terms of the issues that were brought up were in regards to the treaty rights question versus the culture issue, and we had a pretty lengthy discussion about the need for clarification by the committee in an informal way so that we can make a clear distinction between the two.

And so the process of having a panel and providing some more detail in terms of a report back to the committee was an important element we thought that we needed to continue on, so that will be a

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discussion -- a paper that will be available prior to the February meeting.

The general classification that we have as a part of that was generally three-fold. One was treaty tribes with off-reservation fishing and hunting rights. The second one was the federal-recognized tribes that did not necessarily have off-reservation rights per se but had harvest that was associated with their tribal functions. And third were groups that had no federal recognition but still had community and had activities associated with fishing and marine uses.

In a review of the documents that we had submitted, we had decided that we would refer the Ocean Commission report as a document to be used internally by the other two subcommittees as they chose and that we would deem that as final.

The other two reports that we had in regards to intergovernmental coordination on the creation and the existing reports and the existing MPAs and the attributes to which made them successful, we had quite a bit of dialogue on. And our report looked at two principal areas, the Channel Islands and the Florida Keys marine protected areas for examples of successful

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attributes.

And we did not receive a great deal of response, although we realize that, to some extent, they have been a product of getting the information out later than earlier, so that was probably a reason for that.

But in having the discussion about where we would go with the development of our next steps, we had taken the nomination process and the bottom-up process to another level and we had some pretty good discussion on idea generations about how we would be able to take that to another step. So we developed a draft, we shared it this morning in regards to that topic item. We had a discussion with the ex-officials to get some responses from them as well. And, essentially, took the nomination process a little further and tried to identify some of the benefits and the reasons why somebody would want to have a listing of their own area with regional participation done.

So I'm going to turn it over to Bob, who's going to walk us through this report that we have.

CHAIRPERSON BROMLEY: Okay. You have about 15 minutes -- five, ten, 15 or so, both to receive comments and to make your presentation, so go ahead.

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MR. BENDICK: Well, we'll do our best.

CHAIRPERSON BROMLEY: In light of that, huh?

MR. BENDICK: Okay. The objective that we outlined -- obviously the Intergovernmental Coordination Committee -- was to create a national system of MPAs but to accomplish it in a way that maximizes intergovernmental coordination in the planning and management of it.

The proposal that we have outlined is really built on the reports of the other subcommittees -- of all the subcommittees, including our own. I see a typo here. Subcommittee 1 has proposed the vision and components of the national system, and we accept that however it comes out.

Subcommittee 2 has really looked at performance criteria for how such a system in the field might operate, and we basically accept that as well and picked up some of the specific recommendations of their proposal.

And then our Subcommittee 3 gathered information about cultural sites, findings of the Oceans Commission, regional coordination, what happens on the ground in a couple of test cases, and the experience of some of the members, and we tried to

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make that be the foundation for a proposal.

And the proposal goes something like this -- trying to weave together, again to maximize intergovernmental coordination, weave together the recommendations of all the committees, subcommittees to date.

First, to create some sort of -- create or recognize some sort of interstate entity at the national level that would establish guidelines and policies for creation of a national system, really carry on from where this Commission leaves off, create or utilizing existing regional entities to assist in the implementation of those guidelines -- and there are all sorts of options for regional entities -- and to work with Congress to provide money to fuel this process.

At the regional level, these regional entities would represent federal agencies, tribes, states, and they would implement a process to identify existing or new MPAs in conformance with those national guidelines. The regional entity would facilitate coordination among MPAs and, in some cases, across international boundaries and would, importantly, review proposals from sites for

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recognition of new or existing MPAs.

We've suggested that a process for nomination might work something like this: that agencies -- state, federal, tribal -- or even the public would nominate new or existing sites for inclusion in such a national system. They might be natural heritage sites, cultural sites, marine resource sites, all eligible.

That the regional entities would evaluate those nominations in context and with an understanding of what's happening in the region and make recommendations to the national entity for acceptance.

There is sort of a precursor here that there would be no reduction of protection for existing sites, something that was mentioned this morning.

What would the components of the nomination look like? It would be that as a nomination from a group of agencies or others -- tribes, etc. -- at the site level. It would identify the resources to be protected in conformance with national guidelines. It would identify the threats to those resources, the goals for overcoming those threats. Where do you want to be in the future? And the strategies to address the threats and to achieve the goals.

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Include a plan of action, including the role and contribution of each participant organization presenting the proposal. It would explain links to other things that are already going on and a plan of monitoring and adaptive management.

Acceptance of the nomination; that is, after review by the regional entity and ultimate acceptance by the national entity, whatever that might be, would be contingent upon a memorandum of agreement that really spelled out among all the participants and the regional entity the roles and responsibilities each of them would play in implementation of the plan.

It would put in place long-term funding to make this work and that is an important issue. And it would require a commitment to internal and external monitoring and adaptive management. Is it working when it's in place?

Bob talked about incentives. Are we in the business of incentives? I can tell this might be a lively conversation. But there are incentives for nomination -- money, recognition, the kind of thing that Tundi referred to this morning, added potential protection from outside impacts, enhanced sharing of training and information among organizations, among

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other MPAs, other people part of the coalition. And there's probably a much longer list of incentives. We talked about this with the ex-officio members this morning.

There is a need for money to make this thing work, for agency operation, intergovernmental coordination. We all know that MPAs don't work without money. The Oceans Commission has proposed an oceans trust fund and that's a potential source of money to fuel such a system.

For the benefits of this approach, they meet national and regional goals. They really reflect a bottom-up process tied to national goals. They create a standardized planning framework, a way of thinking about these problems that accepts both the variation among people and some scientific consistency. They could work with or without organizational change, with the proposals of the Oceans Commission or without them.

They recognize existing sites, and there are lots of issues about how existing sites factor into -- carry forward into a future system, and that could be expanded incrementally depending on resources. You wouldn't have to do it all at once. And that's it.

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And we recognize, of course, that this is purely a strawman, lots of things wrong with it, but it is an effort to bring together the things that people have been talking about into some sort of operational system that -- I shouldn't say enforces -- encourages intergovernmental cooperation to actually make this stuff work.

So I turn it back to you, Mel.

MR. MOON: That's pretty much it and we're ready for questions.

CHAIRPERSON BROMLEY: Nice. Thank you. Okay. Bob Zales, Max.

MR. ZALES: Yeah, and this question may not be for the subcommittee but it may be more for Charlie -- and I may have misunderstood something here -- but in the concept of the MPA center and your organization under the Government and the establishment of MPAs and whatnot, in other words, would it be, say, that the Gulf of Mexico Fishery Management Council all of a sudden may decide that an area off of Panama City, Florida, they would like to see as an MPA? Meets all the guidelines, everything is there that's established here. Would they then come to you and you take care of funding everything that's gonna be required to

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maintain and study and do all the work that's going to be required, or is that gonna be something that the council is gonna do on their local area?

I mean, how is that gonna work? Because that's where I'm coming from on this, is where that money is gonna be -- the local people that they want their own MPA so they're gonna have to seek the funding and whatnot, or is it because we meet that criteria, the big prize is we get all that from you and we're able to take care of that MPA?

DR. WAHLE: The answer is giving --

MR. ZALES: Well, that's what I need to know because, I mean, my concept is that these guidelines are out there. And if the Council decides that one group -- it may be the State of Florida, whoever -- but if the Council on the local level decides they want to do this, do they have to do -- in meeting these guidelines, obviously, I would think they would have to create some kind of criteria, whatever, to do everything that needs to be done for this MPA -- enforcement, advertisement, everything that needs to be done to protect it -- analysis, everything that needs to be done.

Or do they come to you and you take care of

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it?

DR. WAHLE: The short answer, Charlie?

CHAIRPERSON BROMLEY: That's good. Thank you.

MR. BENDICK: You know, I could say a little bit about what we envisioned was that it would be a combination of things. There wouldn't be a free ride. You'd get -- you know, the organizations submitting a proposal would explain how it would be funded and it might be input from many sources, but there would be a financial incentive to facilitate the process in the final management. That's what we talked about in the committee.

CHAIRPERSON BROMLEY: Say more than yes?

DR. WAHLE: Sure. I'd be happy to. I'll try to keep it short, though. We don't have that kind of money at all. But the original vision was -- on the minimalist scale -- was develop a plan which is implemented and paid for by existing MPA programs and authorities.

What seems to be evolving -- and it makes a lot of sense -- is to think more broadly about how one might actually turn that into reality, and that -- we're talking about orders of magnitude more money

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than we have at the moment or are likely to ever get.

So that's a very serious issue to think about. But I would like to add, though, that the framework that you all have laid out here is very similar to what we were thinking. So it's consistent with our overall approach. It's just a matter of how one makes the details work.

CHAIRPERSON BROMLEY: Good. Thank you. Max.

MR. PETERSON: Mr. Chairman, I'd like to give the Executive Committee a job. All three of the subcommittees are struggling with this whole process in how do you look at an area and determine whether it qualifies and then some nomination procedure to determine whether it actually becomes an MPA.

It seems to me that ought to be up front in our document, probably in a preamble, because it applies to all three of the subcommittees and I think it doesn't work very well to try to embed it in one of the subcommittee reports. So I discussed this with Mark and at least we think the Executive Committee would be great to do that in defining the process for evaluating areas, both existing and new areas, to determine, number one, whether they qualify and, number two, some process of nomination, including some

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agreement with the managing entity that they're willing for it to be an MPA because just because it qualifies and gets nominated doesn't mean it necessarily becomes an MPA.

Then, second, I'm very much in sympathy with Bob Bendick and his idea of funding, but the idea that there's somehow going to be a trust fund that's set up for full funding for these areas is a dream I had several years ago. But the last time the Congress set up a trust fund was the Wallop Breaux Fund of 1950. There's not been a trust fund except the Highway Trust Fund, which is financed by gasoline taxes, set up during that 50 some years since then.

So I think in the real world, if you make it conditioned upon guaranteed full funding, there won't be a first MPA ever established because federal agencies can't guarantee full funding. They'll put in there subject to annual appropriations. States can't guarantee it. All they can say is it's subject to appropriation.

So I know you know that, Bob, that somehow making it conditioned upon full funding will mean it won't ever be an MPA. So somebody's got to be some realists. Okay?

CHAIRPERSON BROMLEY: Okay. Lelei.

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MR. PEAU: Just quickly. On your nomination process, if a locale or a jurisdiction meets all the criteria, is there a chance that jurisdiction could go directly to the national and do away with the regional?

MR. BENDICK: David, do you want to comment on that one?

CHAIRPERSON BROMLEY: Not more than one minute worth. We've got to cut this off. That's a great question, but we don't need to deal with it right now.

MR. BENTON: I think the answer's what you just said, Mr. Chairman. We've talked about various ways that might occur. The flip side of that coin is if an area meets the criteria, does it automatically become an MPA? And there's been a lot of discussion about there are jurisdictions that would not want that to occur. So you've got to -- there's deep -- there's work that needs to be done on that.

Secondarily, Mr. Chairman, if I might just briefly, in response to Max, the reality factor was very much prevalent in our discussions. The Oceans Trust was just mentioned because it's a concept that's out there. Everybody recognizes there's no new money.

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There may be the possibility in the future to secure new money, but we don't know that. And so you have to -- we're thinking about it both ways trying to come up with a strawman proposal that is not contingent on that sort of bigger dream that the Ocean Commission had. So your point's very well-taken, Max.

CHAIRPERSON BROMLEY: Okay. Let me wrap this up and then we'll turn to our program. I always want to call your attention to what happens tomorrow, and at three o'clock tomorrow, we have an hour and a half in which the full committee's going to receive subcommittee reports.

At 11 o'clock tomorrow, 11:10, actually -- but we can fudge ten minutes -- you will notice that there's a four-hour slot for subcommittees to meet. Okay? Now, since November of '03 when we met in San Mateo, the subcommittees have been working hard, usually wisely, diligently, and -- and now, in a sense, we are at a point where the goods have got to be delivered and they've got to be delivered tomorrow.

And the goods I think we expect tomorrow are three kinds -- very clear recommendations, very clear closure on those things that the three subcommittees believe they have reached closure on. I want to know

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where you are with respect to what you think about those things over which you have firm beliefs. What are they? Tell us what they are.

Secondly, I want to know what it is you still need to work on so that by the time we meet in February, you can bring to us clarity on the stuff that you're still working on.

And the third category is what Max sort of suggested. The Executive Committee is very happy to take up filling in the gaps, but we want to know exactly what those gaps are and we want guidance from the three subcommittees about what they have thought about it and what their particular piece is to those gaps, and then we will tackle it.

But the Executive Committee's not going to go away and start tackling the nomination process when the three subcommittees themselves are still working their way through.

Your job now as a subcommittee is to sell the rest of us on what you think you believe about what you've been doing. So your task changes a little bit from wordsmithing and clarity about getting exactly what it is you're struggling with in as good a shape as you can get it, and now you're going to have to

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sell it to the full room. And that's a different, I think, mode of operation and I'm asking you tomorrow at 11 o'clock, when you sit down to meet, I hope that you have these three things firmly in mind: What can you wrap up and put off to one side, what do you still want to come and tell us you're struggling with, and what is it that you believe you're unable to deal with because it entails other groups? I'd love to see clarity on those three things. Okay?

And to repeat what I said yesterday, the February meeting will be very different from this one.

Each subcommittee will have perhaps a half a day to present to all of us their stuff and we don't want any new stuff introduced in February, for the most part. We want stuff that has been worked on here and so on.

So that's my request -- that we bring closure to this and -- and the February meeting is a time -- we need to leave the February meeting with clarity and coherence about what it is we believe and then we will revisit it in May and -- and be ready to send it off.

Okay?

Okay. We now have a wonderful opportunity to hear from four Fishery Management Councils. Let's take a 30-second break.

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(Whereupon, the above-entitled matter went off the record at 3:31 p.m. and resumed at 3:41 p.m.)

CHAIRPERSON BROMLEY: Okay. We're ready to start our 3:30 program. Please, to your seats.

(Pause.)

Okay. How are we doing? Have we got all of the mahalos and alohas done up front here? Okay, David. It's yours.

MR. BENTON: Okay. Thank you, Mr. Chairman.

I will be very brief. We have a panel this afternoon of four of the Regional Fishery Management Councils -- the Western Pacific, which covers this region; the Pacific, which covers Oregon, California, Washington; North Pacific, which covers my state of Alaska; and the Caribbean Council, which covers the Caribbean and includes international agreements.

I -- in talking with the councils, Mr. Chairman, unless there's an objection, Dave suggested that we order the presentation a little differently than it's presented here, and we would have the Western Pacific go first, the Caribbean second, and then the Pacific, and then the North Pacific, in that order.

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So if it's okay, I think that -- that it might be best for the presentations to occur -- and I'll give you -- we've got about what? -- about an hour and a half, not quite -- and I'll give you about 15 minutes each and then we'll open it up for questions after the -- all the presentations are made.

So if committee members could sort of hold their questions until all the presentations are done, I think that will facilitate our time.

CHAIRPERSON BROMLEY: Would you allow questions of clarification at the time?

MR. BENTON: I would encourage -- encourage people to --

CHAIRPERSON BROMLEY: Wait.

MR. BENTON: -- to wait.

CHAIRPERSON BROMLEY: Okay.

MR. BENTON: If they could. Because I think it will make it go through a lot quicker.

CHAIRPERSON BROMLEY: Right.

MR. BENTON: So with that, Mr. Chairman, we have Roy Morioka, the Chair of the Western Pacific Fishery Management Council. Roy.

MR. MORIOKA: Thank you, Dave, and Council members. Aloha kalkoa and mahalo for this opportunity

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to share the Western Pacific Regional Fishery Management Council's view of the council process and MPAs as a tool in the development of MPAs.

Our region represents approximately 48 percent of the U.S. EEZ. Included are the territory of American Samoa, the Commonwealth of Northern Mariana Islands, the territory of Guam, the State of Hawaii, and the Pacific Insular areas, and those include Wake Island, Johnson, Palmyra, Howland & Baker, and Jarvis.

We manage an extremely broad number of project management unit species, including opah, which are moonfish, and monchong. Some of you may have had that for lunch today, which are the pomfrets. And, similarly, a broad range of tropical ecosystems.

Additionally, the largest and third largest canneries in the world operate in our region.

You've heard this before, but we truly are culturally and ecologically distinct from Continental United States. They are on old continental shelves. We're culturally and ecologically distinct in each island area.

Additionally, we experience cultural diversity within each island area. For example, the

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CNMI has embraced the distinct cultural heritage from their Chamorro and Carolinian ancestors.

The U.S. territory of American Samoa shares their cultural heritage with neighboring State of Independent Samoa. Hawaii, the melting pot of the Pacific, has required the melding of many Asian, European, and American cultures with the host Hawaiian culture.

In our region, it is about food and many of our island communities do not play with their food; in other words, what we Westerners may perceive to be

recreational fishing is in actuality subsistence fishing.

The island way is focused on community involvement. In our region, ensuring community buy-in is a cornerstone to the successful development of FMPs and ultimate compliance.

Our communities share a common sense application of learned and observed biology handed down from generation to generation with experiential updates. This slide focuses on the study of gonads of surgeon fish and the seasonality of certain species with open and closed seasons.

To ensure successful management and compliance, community buy-in is essential as local and

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state -- excuse me -- local, state, and federal enforcement resources are minimal. An example of this is recently, State of Hawaii has had to reduce its Division of Conservation and Resource Enforcement Officer Corps by 12. As you all know, the U.S. Coast Guard's expanded role in Homeland Security has further strained its already scarce resource base of ships, planes, and staff from fishery management duties.

We truly believe that the all-inclusive council process is a key as we bring together and engage all those affected to foster consensus building. This iterative process may be time-consuming but essential in the development of an effective management regime.

Our Council believes that cooperation and collaboration between constituents and agencies is essential, that having a suite of management dues to consider, including MPAs, are critical to this consensus-building process. For example, our Council's coral reef ecosystem management plan, fishery management plan, incorporated MPAs as a management measure within the region. The three at the top have been disapproved by Executive Orders during President Clinton's last days and subsequently

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these Northwestern Hawaiian Island Marines -- excuse me -- the Northwestern Hawaiian Island Marine Sanctuary process will determine the final management regimes for these island areas.

Relationships are the key element of the island way. Trust is essential. Islands are small. And unless we move off an island, we must learn to coexist. So it is necessary that we focus on cooperation and fairness to all concerned.

Although sometimes criticized, our Council does its very best to focus on the issues and work towards developing a consensus solution.

Our Council believes and embraces the MSA process as it engages affected user groups, utilizes the best available science, facilitates transparent and inclusive decisionmaking, and assures dissemination and debate of a smorgasbord of solutions. It also ensures resource management that is ongoing, flexible, and adaptive.

An example of those areas within our fisheries reflect Hawaii. Along the Northwestern Hawaiian Islands, we have a 50-mile corridor around each island and a hundred-mile corridor between each island to protect marine mammals and sea birds.

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On the main Hawaiian Islands, which is this lower group here, we have a 50-mile -- nautical-mile closure to avoid gear conflict between longliners and trollers. And during wintertime, that northern perimeter is brought in to 25 miles, and this is all through discussion and -- between user groups.

In Guam, similarly, longline fishing is prohibited in an area 50 nautical miles around Guam and its offshore banks to avoid gear conflict between longline and troll fishers. Here's an example of true consensus-building and community involvement as many options are shared, discussed, debated, and massaged by the many user groups over many, many months.

During the American Samoa Council meeting, the final recommendation was a consensus recommendation to the Council that included some SSC, council-supported alternatives, while incorporating unique Islander considerations that were supported by the -- that were supported by the industrial fishers.

Not perfect for one fisher group, but acceptable to all.

Isn't this the essence and value of consensus-building?

Here again, we have a work in progress in the

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Northern Mariana Islands, considering neighboring island groups -- the group to the south is Guam. And the consideration between fisher groups, communities, and the basis for discussion and eventual development of a consensus FMP amendment that will fit -- that -- and will be supported by all associated user groups.

Our take-home messages: We truly believe in the council process and it is transparent and inclusive; that fishery management must be adaptive and that MPAs are another set of tools available to fishery managers.

In our region, it's all about communities and food. Please remember that most Pacific Island communities do not play with their food. It's all about fulfilling community responsibilities and having food on the table. Mahalo and mueloha.

Thank you.

MR. BENTON: Thank you, Roy.

(Applause.)

Okay. Next, we would have Eugenio Pineiro-Soler for the Caribbean Council. I hope I got that right.

MR. PINEIRO-SOLER: Yes, you did. Thank you, Dave, and Mr. Chairman, and good afternoon to

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everybody. The Caribbean Fishery Management Council is one of eight regional councils created by the Magnuson-Stevens Act --

UNIDENTIFIED SPEAKER: Can't hear.

MR. PINEIRO-SOLER: Okay. Hear me now? Okay. The Caribbean Fishery Management Council is one of eight regional councils created by the Magnuson-Stevens Act of 1978. We are located south of Florida and north of Central and South America. We share boundaries with five different nations. Those are the Dominican Republic, Venezuela, the British Virgin Islands, the Netherlands, and France.

The Caribbean Fishery Management Council is the only council where there are no states represented. Therefore, there is no contract or commission. Hence, the Council serves as a forum for local or federal governments to discuss, develop, and implement management strategies for the marine resources -- fish and habitat.

The CFMC is the institution where decisions are made in the presence and with participation of the stakeholders. This is a very important element in the process of establishing MPAs.

Our main responsibility is to prepare

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management plans for the EEZ off Puerto Rico and the U.S. Virgin Islands, which include St. Thomas, St. John, and St. Croix.

We also interact to promote compatible regulations with Caribbean nations. We encourage other nations to establish their marine reserves by exchanging information, participation, international meetings, and working with other institutions to develop management plans for effective marine research in the Caribbean region.

There are 33 -- 38 countries in the greater Caribbean.

The CFMC has been working on the strategies to protect habitat since the 1970s. During the last several years, a management plan to identify the essential fish habitat was developed and is in the process of implementation. This plan has recommendations for the adoption of mitigating management measures to protect EFH, including establishing of marine reserves to conserve coral reefs and associate habitats of fishes and species, both vertebrates and invertebrates.

The CFMC's Coral Reef Management Plan created the Red-Hind Bass Marine Conservation District. We

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call it the MCD -- off St. Thomas. The objective of the MCD is to protect spawning aggregations of red-hind grouper and other species of the snapper grouper in the coral reef. This reserve was developed with the participation of fishers, the tourist industry representatives, local government agencies, NGOs, and the general public. This is one of the first marine reserves established in the U.S. EEZ.

So far, the MCD could be called a success story. The indications are that the red-hind is increasing in numbers and mean size and many scientists are working on surveys and scientific studies that will enlarge the database on marine reserves and the species therein which help the managers and the decision-making process of establishing marine reserves in the area and the monitoring of these ecosystems of larger sections of the larger ecosystems in the Caribbean area.

Several concepts have been developed or proposed to designate areas that are in need of protection, among them marine reserves, no-take zones, and marine protected areas, and others.

The following table summarizes some of these established in the U.S. Caribbean. You have the

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marine protected area and marine reserve, the no-take marine reserve, the marine life conservation districts, and the marine conservation district, which we got the idea from Hawaii, and the habitat areas of particular concerns, and National Marine Park.

Recently, however, scientists consider marine reserves as another tool for fishery management, not the ultimate problem solver for all fishing issues, as some might think.

Effectiveness of marine reserves varies and it is strongly linked to the underlying assumptions and objectives for setting up a marine reserve.

In the U.S. Caribbean, the CFMC has used the marine reserves to protect spawning aggregations of snapper and grouper species, seasonally or year-round in the Exclusive Economic Zone.

The U.S. Virgin Island local government and the Department of Interior have implemented marine parks in the U.S. Virgin Islands. They are St. John's National Park by the Department of Interior and, in St. Croix, the East End Marine Park by the U.S. Virgin Islands.

Puerto Rico has also several marine reserves for the protection of coral reefs, other types of

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habitats, and fishery resources.

In conclusion, the Caribbean Fishery Management Council endorses the use of marine reserves in conjunction with classical management measures and aggressively seeks the development of better strategies for scientific monitoring of these reserves, and the improvement of the decision-making process to determine how, when, and where to establish marine reserves. The scientific studies for marine reserves shall include aspects of oceanography, biology, and the socio-economy of the areas considered for the marine reserves.

Among the top issues for discussion, we have the following: We need to have a "base to top approach" rather than "from the top down" strategy for MPAs.

MPAs should be scientifically designated, not by political or capricious decisions.

We also need to establish no-take zones in a region to multiple-use MPAs to protect fishery resources.

Outreach and education programs are imperative for the effective creation and management of MPAs.

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We cannot overemphasize the importance of enforcement in the management of the MPAs.

And without adequate funds for marine reserves, it's almost impossible to monitor and manage those areas.

Thank you very much.

(Applause.)

MR. BENTON: Next up is Dan Waldeck for the Pacific Council.

MR. WALDECK: Dave, thanks. Mr. Chairman, Committee Members, I'm Dan Waldeck. I'm MPA staff at Pacific Fishery Management Council, and thank you all for the invitation to come here and talk to you.

I apologize in advance. I don't have a lot of pretty pictures -- I'm sorry about that -- a lot of words and I tell stories with words and the story I want to tell you today is a little bit about the Pacific Council, who we are, the fisheries we operate, fisheries we manage -- we don't operate fisheries -- some of the efforts we've been engaged with on the West Coast in terms of marine reserves and MPA science.

Up front, marine reserves are something that we're actively engaged in right now. We use that

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phrase a lot more than we use MPAs. MPAs, as you guys are struggling with, is a pretty amorphous definition.

Marine reserves is something that folks are actively working on right now in the West Coast and they've sort of become the "phrase du jour" for the Pacific Council, and it's where -- it's where we put our money when we talk about MPAs.

"Marine reserves" as defined by the Council -- are no-take areas that are closed for a long period of time. So, again, back to the story -- who the Pacific Council is, some of the efforts we're engaged with with other agencies on the West Coast, and then, finally, a brief overview of SSC "white paper" that you all got a copy of, and that was recently done, that sets some guidelines for how the SSC envisions marine reserve proposals being developed and reviewed by the Council.

Pacific Council is an open public forum dedicated to the conservation and management of West Coast marine fish stocks, habitat, and fisheries in a sustainable manner while equitably balancing a multitude of related human needs.

Staff put that mission statement together a couple years ago, and the Council still hasn't adopted

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it. They thought it had too many words in it. But I still use it because I like it, so -- and it does have a picture, so there you go.

The Pacific Council has 14 voting and five ex-officio members. The voting members are fishery managers from the state agencies of California, Oregon, Washington, and Idaho. We manage Pacific salmon fisheries in the Pacific Ocean. Idaho has a say in those and so they have two seats on the Pacific Council.

National Fishery Service also is a voting member. Treaty Indian tribes, a discussion you all have had today on Boldt decision and treaty Indian tribes in Pacific Northwest, they have a voting member on the Council. There are also eight private citizens. Current makeup of those -- six of those individuals are recreational interests and two of those are commercial interests. The ex-officio members -- Pacific States Marine Fisheries Commission, U.S. Fish and Wildlife, Alaska Department of Fish and Game, Department of State, and the Coast Guard.

Fisheries managed by the Council -- we manage salmon fisheries, groundfish fisheries, coastal pelagic species, which are sardine, mackerel, squid,

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and HMS -- tunas, billfish, sharks, and those sorts of species.

The Council is also involved in habitat issues and marine reserves, again, which is the focus of this presentation today.

I don't have any nice maps that show this, but just the numbers, the sheer numbers -- the numbers demonstrate sort of the sheer scale of some of the closed areas the Council has put in place recently.

Since 2002, the Council has used spatial closures to protect overfished groundfish. The cowcod conservation area in California covers about 4300 square miles. Rockfish conservation areas, which have been in place, again since 2002, approximately 20,000 miles closed to groundfish trawl and about 36,000 square miles closed to non-trawl and recreational groundfish fisheries.

Those closures have created some dramatic economic impacts in our fisheries. They've been very controversial, very difficult decisions for the Council but, through our community regional council-based process, the decisions were made and the hope is, is that they will provide relief to the overfished species and we will see rebuilding along trajectories

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that our Scientific and Statistical Committee approved for the Council.

A brief mention of management authorities and jurisdiction. The Magnuson-Stevens Act, which is what the Regional Councils operate under, that's our mandate -- rebuild and we maintain sustainable fisheries within an ecosystem context -- whereas the National Marine Sanctuaries Act is more place-based. It talks about designation and management of nationally significant marine ecosystems and cultural resources.

And of particular interest to the regional councils and to folks thinking about MPAs and marine reserves is that in the sanctuary context, the Sanctuaries Act gives regional fishery management councils the opportunity to draft regulations governing all types of fishing in the federal waters of a national sanctuary, not just fisheries covered by an FMP.

But the recommendations made by the regional councils have to fulfill the purposes and policies of the Sanctuaries Act and also the goals and objectives of that particular sanctuary.

And now moving on to some of the projects

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that the Council's been working on on the West Coast.

The West Coast -- or the MPA Demonstration Project was something we put together in 2003. It was a cooperative effort between the National MPA Center and National Marine Fishery Service, largely folks based out of the Santa Cruz, California National Fishery Service Lab and the National MPA Science Center in that area.

The purpose of the project is to facilitate collaborative efforts related to MPAs and fishery management on the West Coast. Funding for this project was made possible, in part, by the support of you all and specific Committee members who saw that the Council was looking for ways to become more engaged in West Coast MPA activities and -- I know that's my five-minute bell and I hope I can rush through these things.

CHAIRPERSON BROMLEY: You're good.

MR. WALDECK: Okay. So, again, appreciate the funding for this thing and it's really helped us engage at a higher level on the West Coast.

Over-arching objective of the demonstration project is to provide for cooperative, comprehensive consideration of MPAs on the West Coast.

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Objectives -- specific objectives -- dealing, engaging with, coordinating with the West Coast National Marine Sanctuaries, inviting them to our meetings, going to their meetings, talking to them, working with them; integration of MPA science into Council fisheries management; and also, more recently, California's Marine Life Protection Act. They've come up with some unique ways to fund implementation and to plan for implementation of the Marine Life Protection Act and the Council's engaged in that effort as well.

Some more background on the demonstration project -- the funding runs 2003 through December 2004. Again, it's allowed us to broaden our participation on the West Coast. West Coast MPA matters are included at each Council meeting. Unfortunately, though, if we don't get secure funds for the future -- well, I guess that's not the message here yet. We'll get to that point. We'll get to the PBS special thing here in a minute.

But right now, we'd like to get funding so that we can continue treating marine protected areas as a program level just like our FMPs.

More activities with the demonstration project: National Marine Sanctuaries. We're working

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with the Channel Islands National Marine Sanctuaries, the Central California Sanctuaries, and the Olympic Coast National Marine Sanctuaries. Channel Islands right now is in the process of implementing or planning for implementation of marine reserves in federal waters of Channel Islands. The three Central California sanctuaries are going through a joint management plan review process and we're working with them as they sort of develop proposals that could have fishery implications within their sanctuaries, and we're coordinating with them to ensure that the Council has a say in how those proposals are developed and so that they understand what the Council needs are and we understand what their needs are.

And then the Olympic Coast Sanctuary in Washington is beginning the process of their plan review and we're engaging with them at their initial stages.

Science and policy -- MPA science and policy.

The Council is engaged in several initiatives at this level here. We've got the SSC "white paper," which I'll speak to in a little bit. There's also the NOAA Science Integration Project that's being led up by Charlie Wahle's group in Santa Cruz and also the

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National Fisheries Conservation Center had a consensus conference in June of this year. Council was involved in planning for that. If you want more information on the NFCC initiative, the website is there. I can give that to you later.

Future plans. Through the remainder of the timeline, we'll continue to work on these -- on the initiatives I've already talked about -- the SSC "white paper," coordinating with the MPA Science Institute and Santa Cruz Lab, also continuing coordination with the National Marine Sanctuaries on the West Coast to ensure the Council is included in the Sanctuaries Management Plan Review process. Again, to us, being at the table, working with these folks, talking to them on the phone, e-mail exchanges, going to their meetings, them coming to our meetings, is a -- it's principally important to them understanding what our needs are and for them actually to effectively do the work that they need to do. And I think that's the message that -- take-home message for you all as you think about this national system of MPAs, is how do you engage the regional fishery management councils in this process?

This morning, I heard you guys struggling

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with this -- the discussion of how do you -- how do you both get bureaucrats talking to stakeholders. Regional councils do that right now, and I would highlight for you that we are a very good forum for that and opportunity and a strength that you all should exploit.

Again, the PBS message: Beyond 2004, continued Council activities related to MPAs is contingent on dedicated secure funding.

And the SSC "white paper," briefly. Who is the SSC? Scientists from the tribes, state and federal agencies, and academic institutions. The SSC provides multi-disciplinary peer review for the Council of information that comes to the Council for decision-making. The SSC ensures it is the best available science and the Council decisions are informed by the best available science. They work by consensus. They review stock assessments, assessment methods, biological, economic, and social impact information, and they meet in conjunction with each Council meeting. They meet Mondays and Tuesdays and review the scientific and technical information that the Council will be using through the bulk of their decision-making as the week goes on.

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The SSC in their "white paper" cites commonly-referred-to marine reserve benefits. Marine reserves can provide or address -- they can provide insurance policies against environmental variability and uncertainty. Marine reserves can also provide fishery benefits, it's been claimed, provide ecosystem benefits, including habitat protection, address social issues, and also provide opportunities to advance scientific knowledge.

The purpose of the "white paper" as described by the SSC describes the rationale and scientific basis for claims regarding marine reserve benefits, discuss implications of reserves for fishery management, and establish SSC guidelines and standards for technical content of reserve proposals within the Council's area of jurisdiction.

And I'll leave this one up here and talk through it very slowly because I think it's an important piece of work the SSC actually put together.

They -- they put those five benefits of marine reserves in that first column -- pluses and minuses represent the SSC's conclusion on whether or not you would actually see a demonstrable benefit from a marine reserve to achieve that objective, and then

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some of the relevant issues that the SSC thought -- thought were important in achieving or maybe not achieving the objectives.

In terms of the insurance value, the reducing uncertainty in fishery management, the SSC finds that there is some positives to that -- that marine reserves can provide a complete age structure which provides persistence in populations. And something that was discussed in public comment yesterday and that I know is important to Dr. Hixon is this -- the large females and their fecundity and the persistence value of keeping large females in a fish population. The SSC agrees with that in terms of reducing uncertainty in fisheries management.

When you get down to providing fishery benefits and yield, the SSC was a little less certain that the theoretical models, empirical studies -- they didn't really find that sufficiently compelling to give that a solid plus.

And also they note that yield is not necessarily the same as benefits. Closing an area might produce more fish, but does that actually produce fishery benefits? And that's a reminder to folks that when they put a marine reserve proposal

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together, if you're going to claim fishery benefits, you've set a pretty high bar for yourself in terms of proving that fishery benefits are going to occur because a lot of other things affect how a fishery -- how a fishery benefits from an action -- social and economic, effort displacement -- a whole range of different issues.

Ecosystem benefits. The SSC thought that there were positives that could come from this, assuming the effects of effort displacement were effectively managed; that is, vessels that operated within the marine reserve, once that marine reserve is closed and those vessels are moved out of the area, that effort displacement could have dramatic and negative effects outside the marine reserve and those could affect ecosystems. And so they thought that you need to -- to effectively manage that effort displacement.

Social issues -- for example, allocation. The SSC finds positives there and they discuss non-scientific criteria for evaluating and -- evaluating achievement of objectives.

Research opportunities -- again, the expectations and conclusions are commensurate with

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technical merits. They think that if you -- if you base your marine reserve on the scientific method, that generally you will get what you expect out of it.

Essential elements for a marine reserve proposal. And this, again, are some -- I think some key things for you all to think about when you're putting together your national MPA guidelines or national MPA recommendations:

Specify the management objective. MPAs, you know -- if all you have is a hammer, everything looks like a nail, and that's a concern that I think the regional councils have when they see marine reserve proposals and marine protected areas being talked about, is that oftentimes it forgets traditional fisheries management, and I think that's unfortunate and the councils, by their engagement in the process, are trying to change that to more of a dialogue between what are the needs of a fishery and what are the needs of a protected area or a marine reserve.

Describe the management context and the affected environment.

Identify the problem, the role of reserves in addressing the problem.

Define what status quo is. And I think

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that's an important consideration: What is your baseline? Changing baselines is something that folks are trying to define right now, and defining status quo as you move into a marine reserve proposal is very important. What are you trying to -- what are you trying to achieve when you say you want to return something to a natural state? What does that natural state mean? And so that's just a reminder that I think you need to be careful in establishing these baselines and defining status quo.

Defining a reasonable range of alternatives is also important. It's not just saying closing an area to close it. You -- it's setting up a reasonable range of alternatives that have varying sizes of closures so you can -- you can evaluate the different benefits from those different closure sizes.

And, again, analyze those alternatives -- biological, socio-economic, ecological effects, monitoring, enforcement requirements, those sorts of things.

And document the public process -- very important.

Conclusions, recommendations from the SSC: Again, the management objective is the starting point.

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The various federal mandates, you have to comply with the Magnuson-Stevens Act, the National Marine Sanctuaries Act, NEPA, and then all those federal mandates.

Distinguish between science questions and policy questions -- very important. Up front, make those distinctions. State what your assumptions are.

So, again, science is very different than policy, and the people that put these proposals together need to understand that and to articulate what their assumptions are and what they're trying to achieve.

Recognize uncertainty, strengths, and weaknesses of all the management alternatives.

And, finally, coordinate with the Regional Fishery Management Council.

Again, didn't have any pretty pictures, and I stole this from -- it's a good reminder, actually -- the -- Managing Our Nation's Fisheries is having a second conference in March of this year in Washington, D.C. It's being hosted by the Regional Fishery Management Councils, by NOAA, by the Fishery -- the State Fishery Commissions, and just wanted to sort of -- one, I wanted to just borrow their slide and have a pretty picture at the end, but also just to remind you

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that there are other meetings going on and -- and an offer for you all to engage with those other meetings, attend them, listen to them.

One of the things that I was thinking about as I was -- and I'll wrap up, Dave, here pretty soon -- one final statement here -- as I was listening to you guys struggle through what your discussions were this morning and the dialogue you were trying to think about how you -- how you engage that dialogue with all these different people, bureaucrats and the stakeholders, and I think what gets lost when a piece of paper, when a large document comes out, is that people don't see the heart and the soul that went into the creation of that document. A lot of bright minds sit around a room and come up with some great ideas and write them down, but people don't really understand the blood, the sweat, and the tears that went into coming up with those recommendations and conclusions.

Council management's the same way. People throw darts at us when they're unhappy with what happens through Council management process, but they haven't sat through the process the Council went through, the deliberations, the blood, sweat, and

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tears.

I looked at the Ocean Commission report and I kind of think the same way. I think there's a lot of bright minds got together and put together some good recommendations, but is there a heart, is there a soul, is there -- and I'm just -- that's just a reminder to you all to find a way to communicate the blood, the sweat, and the tears you put into this work, into your final documents.

That's it.

MR. BENTON: Thank you, Dan.

(Applause.)

Stephanie.

MS. MADSEN: Good afternoon. I guess I have the pleasure of being the final one, so my job is to talk and yours is to listen. So if you get done first, let me know.

My name is Stephanie Madsen and I am the Chair of the -- current Chair of the North Pacific Fishery Management Council.

And I'm here today to provide our perspective on MPAs for fisheries off of Alaska. And, as you can see, Alaska's pretty big.

Today, the objectives of this presentation is

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to provide you an overview of what we consider a precautionary approach that we have in the North Pacific, to illustrate that many of the MPAs that have been implemented in the North Pacific have been implemented to achieve specific objectives, such as conservation and vulnerable species and habitats. And we also wanted to update you on additional MPAs that we're currently considering and provide some of our thoughts for the use of MPAs for research conservation.

I would like to note that you have a paper in front of you that has been drafted by our Deputy Director, Dave Witherell, who is with us today, and I think it will be a very valuable resource and provides much more detail on our current MPAs and some of the history behind them than I can provide to you this afternoon.

Just a little bit of background on Alaska fisheries. It's pretty big. We represent over 50 percent of the total U.S. production in the United States. We believe it's sustainable. We've had catches of approximately four billion pounds per year over the last 30 years. We have no groundfish stocks that are overfished or subject to overfishing.

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We believe strongly in ecosystem-based approach to management. Our fisheries are managed to minimize effects of benthic habitat, marine mammals, seabirds, and non-target species.

This list is what we believe are elements of our -- why we have a successful management program in Alaska. We also believe that this list actually provides a -- all of this factors into the development of MPAs and the decision-making process that goes into that.

When we compared this list to the National Research Academy's list of elements for a successful, sustainable program, we graded quite high and we actually met all of their criteria.

An overview of the MPAs for the North Pacific. We have over 20 named MPAs, some with multiple sites. They've been developed using the bottom-up approach that we believe is a cost-effective way to achieve specified and oftentimes multiple objectives.

We have MPAs that are fishery-specific or gear-type specific. An example is there's over 104,000 nautical metric miles that are closed to bottom trawling.

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We believe that -- and it's demonstrated in the paper -- that many of the MPAs appear to have been successful in meeting their objectives. We have reevaluated some of them and adjusted them as new information is available.

And, as I mentioned earlier, we have some that are under consideration.

We have five types. We've chosen to categorize them this way, although in the paper we have also used the MPA Center's classification criteria. We -- and I'm going to show you some maps, but there is the way that we have set it out, and I won't read it to you, but ecosystem MPAs, science research MPAs, habitat conservation MPAs, vulnerable stock MPAs, and cultural resources MPAs.

Here's a snapshot of our ecosystem marine protected areas, and I know that this is a very busy slide -- and I'll leave it up there for a little bit -- but what we -- what you see here is the Sitka Pinnacles Marine Reserve down there in Southeast Alaska is a -- it's closed to all fishing except salmon trolling. Walrus Island Protection Zones have been there for a some time. All the rest out -- the Aleutian Chain in the Gulf of Alaska are related to

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Steller sea lions and a lot of them are gear-specific, species-specific, and some are seasonal.

Currently, we have two research -- scientific research marine protected areas -- one off of Kodiak in the Chiniak Gully Research Area, and one out in the Aleutian Chain near Cape Sarichef. Both of these research areas have been set aside to find out about localized depletion that may or may not be caused by fisheries.

Another busy slide -- these are our habitat conservation marine protected areas, some of which have been around for some time. Our first closure around Kodiak Island for the trawl -- protection of trawl -- crab habitat from trawling was back in 1987.

Additionally, we had many closure areas that go back to 1939 and a lot of them during the foreign fishing days, some of which were carried forward.

I think that the success of our enforcement and compliance has to do a lot with our close relationship with the State of Alaska. The State of Alaska actually recommended some of the closure areas because they manage the scallop fisheries. And so we do have a close cooperation -- they mirror our regulations in state waters often and, when requested,

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the federal regulations mirror the state regulations in our federal waters.

This is the vulnerable stocks marine protected areas and, as you can see, it encompasses large areas. Again, some of these are seasonal, they're species-specific, and some of them have been around for some time.

The last category here is cultural resources marine protected areas, and we have three. We have up in Cook Inlet, we have an area that is closed to subsistence fishing and is eligible for charter and sportfishing. In southeast Alaska, we have an area that is closed to charter fishing and commercial fishing and only allowed as a subsistence area.

And then, of course, we have crab subsistence areas up north.

Additionally, we are looking at MPAs within our examination of essential fish habitat and potential mitigation measures as part of that document.

We actually looked at and have an Alternative 6 in there that is a no-take marine reserve. We are considering it, but I have to tell you that, looking at the preliminary analysis, it's unlikely that will

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be adopted.

Additional bottom-trawl closures in the Bering Sea and Gulf of Alaska are to protect EFH.

I think the one that we are looking at that is quite unique is out in the Aleutian Islands to protect hard coral. We're looking at an approach that closes all areas and only leaves a certain area open, and we call that the open area approach, which is a little unique. Usually, you think about closing off areas, but we are actually going to designate the open areas and all the other areas will be, by default, closed. That is under examination in our EFH.

Additionally, we are looking at habitat areas of particular concern. We've identified seamounts and hard corals is our first priority and have called for proposals. We have set up a HAPC proposal process within our EFH document, so we will be calling for proposals on habitat areas of particular concern every five years if the Secretary approves our ultimate final document.

We are poised to take final action on these mitigation measures or MPAs which we are calling mitigation measures in February of 2005.

I wanted to go back to the no-take marine

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reserves because I know that's a hot topic, and it was originally proposed by the Ocean Conservancy, requested NMFS to look at that. The Council concurred. We concurred with their recommendation that you look at 20 percent of the shelf and slope as an alternative to conserve EFH. You can see the green boxes. Representatives of NMFS chose the boxes particularly to represent all habitat types.

The analysis -- you know, theoretically, it could preserve or increase biodiversity. But what we found is -- in the analysis -- is that we would cause a shift in where the fishing occurred and that the shift would -- would be offsetting any habitat conservation in the closed areas.

We have a typo there, but it would have had a big impact on the small vessels, particularly to adjacent fishery-dependent communities, and it would have cost the fishermen up to 237 million per year if the catch couldn't be caught outside those closed areas.

I mentioned the current HAPC proposals and I thought I'd just put this slide up there to show you the areas that are under consideration for different mitigation measures. We have a variety of mitigation

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measures in each HAPC proposal, so it's hard for me to determine today what the Council will do. It could be as no bottom contact gear. It could be all gear. There's a variety of mitigation measures that we're thinking about.

And, again, the focus is seamounts and hard coral.

Now on to some general comments on MPAs. We strongly believe that MPAs should be developed within the existing management authorities to address specific goals. As I sat through some of your conversations this morning, it dawned on me that the Regional Fisheries Management Councils have been in existence since 1975. That's almost 30 years of experience in dealing with terminology, what you mean, the process. We've gotten pretty good at it. I think that we are one of the only jurisdictions that actually have to sit in a room and face the constituents and vote yes or no. So the people that are affected by our decisions actually know what your statements are and how you voted.

Not only that, do they know how you voted, but oftentimes you have to go home and live with them.

I lived 18 years out in Dutch Harbor in Alaska and

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it's a small town. And when I came back, I wasn't on the Council then, but I spent eight years on the advisory panel. And even though my decision was only a recommendation to the Council, I got a lot of opinion about what they thought my comments meant or what my vote meant. And so even on the advisory panel and the SSC, you're accountable to the people that you're affecting, and I think that's pretty unique and I think it's critical for the buy-in and the success of any marine protected area.

We do not believe that MPAs should be used as a surrogate for controls to fishing effort and over-fishing. There are better tools available and we use most of them in the North Pacific. Although no-take marine reserves may theoretically increase biodiversity, we in Alaska feel that we need more -- more information before we move forward on that.

Just in summary, I think that I have demonstrated to you today that we are actively pursuing marine protected areas and have pretty much from the inception of the Regional Management Council in Alaska.

The areas that have been closed to trawling to protect habitat from potential harm -- this is

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always very impressive -- in total area, it equates to the land area encompassed by the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, and Virginia combined.

The North Pacific Council continues to use the scientific-based stakeholder process to consider additional MPAs and reevaluate the existing ones to improve them.

We strongly believe -- and I think I can speak for all the Council members -- councils around the country -- but the council system has all the attributes necessary for developing a functional national MPA system. We believe that our MPA decisions are based on strong scientific foundation, they are developed through an open, transparent, and very public process, and we have all the agencies and stakeholders at one table.

Thank you.

(Applause.)

MR. BENTON: Thank you, Stephanie. I guess I open this up to see if there's any questions. A number of folks around this table interact with councils in one way or another -- fishery management

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councils -- and I for one thought it was important before we go -- to see if there's any questions -- I thought it was important for our group to hear at least from some of them because it is one of the major programs that NOAA has that actually in the field on a daily basis is doing MPA work other -- other than the Marine Sanctuary Program.

And combined, they probably account for more than I would guess 80 percent or more of the MPAs that are the kinds of definitions that we're looking at around the coast, and I think we need to -- I know there's a lot of criticism and potential change on the horizon for the council process -- we don't know where that's going to go -- but there's some real lessons there and it's a major program that, by and large, we haven't really talked about. The kinds of discussions that we've had are really oriented more around sanctuaries and that kind of program, so I thought it would be useful for us to at least hear the perspectives from the councils.

As Stephanie said -- and I personally have had about nine years of it. I've been sitting on the council 14 more working around the councils -- those people -- both the agency folks and the private

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citizens, whether they come from the commercial fishing industry, the recreational groups, environmental groups -- in the case of our council -- or even academics, those folks have to vote in a public forum and they have to look at people that they're going to affect. They have to look them in the eye and they have to be responsible for that decision when they leave that room.

And I think that's something that we should be thinking about when we're looking at how a national system should operate because that kind of interaction and responsibility and obligation I think plays a real important role in developing a successful management system. I think it's -- the kinds of things we've heard from the Pacific Region about how things go on in the Islands fits right in with those kinds of considerations that I know that we've had those kinds of meetings around the table.

So, with that, I'll see if there's any questions. Okay. I'll start over with Gil. Keep your hands up for a second. I want to mark them down.

Go ahead, Gil.

MR. RADONSKI: A question for Stephanie. Would you elaborate on your parting statement about

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the councils in their entirety, all eight had the wherewithal for creating a national MPA system? Did I hear that correctly? You know, if I didn't, please correct me. It was your final statement.

MS. MADSEN: Well, you might be getting me caught up in the words, but I think the intent was that we believe that we are in place. We believe that you should utilize our system. Now, we're not -- we are very regional. I mean, you heard four different presentations this morning. You're going to hear more. We are different and we realize that, and I think that is our strength, quite honestly. We can recognize the differences in the region, the difference in the fisheries, and the difference in the culture and the community needs.

I think what may -- may be helpful for us is understanding better what you mean by a national system and what the purpose of a national system is because we believe that if you inventory -- and I know that it's been done -- you do have a national system.

I mean, I'm not sure that we understand what that national system is because I'm not clear and, quite honestly, I haven't followed your activities --

MR. RADONSKI: We don't understand either.

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Don't feel bad.

MS. MADSEN: But I guess my final message was I believe that the councils believe that we can be the system that achieves your goals of a process in MPA development.

MR. RADONSKI: Well, I don't disagree with you. I was a member of the Mid-Atlantic Council and I've had some experience with it and I agree with the comments that Dave made in wrapping up the session, but I was just interested in elaboration of your last statement.

Thank you.

MR. BENTON: Okay. I've got -- in order right now, I've got Rod, Bob Zales, Tony, Wally, and Ray, so -- Rod -- and Mark. Missed you there, Mark.

DR. FUJITA: Thanks, Dave. Yeah. Just to build on Gil's comment. I think that the Regional Fishery Management Councils really do have a lot of capacity to deal with this bottom-up approach that we've been advocating in this body. I wonder, though, whether the regional council system has this functionality that we've also identified that's important for a national system, which is to look for and fill gaps by initiating MPA initiatives where

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there are gaps. Not to say that it is a central command and control authority, but I think there does have to be some kind of centralized gap filling and identification function.

My other question, though, has to do with no-take reserves and the analysis that the North Pacific Council went through. The -- I think it was Dan Waldeck who mentioned that ecological baselines are an important thing to -- to measure and consider, and one of the unique benefits of marine reserves that I don't think can be done by any other conventional management measures is to establish a reference area to look for an ecological baseline against which to measure the effects of fishing.

So I'm wondering whether the North Pacific Council kind of considered that in your analysis, and you also mentioned that one of the reasons that it might not be adopted, the no-take reserve alternative might not be adopted, is because of displacement effects. And one of the things I've been very impressed with in the Pacific Council and with the North Pacific, frankly, is that the councils have been integrating capacity management with MPA establishment in part, and maybe in large part, to manage the

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displacement effects.

So if it's possible to do that with all the other kinds of MPAs that you're developing, why is it not possible to manage the displacement effects through capacity management with respect to no-take reserves and, of course, you're looking at a 20 percent no-take alternative to look for ecological baselines, and to look for -- to establish reference areas to examine scientifically the impacts of fishing, you don't really need 20 percent; you just need to have chunks of the various kinds of habitat that fishing is taking place.

MS. MADSEN: I guess, Mr. Chairman, since you mentioned the North Pacific, I'll start. But certainly I think this goes to all the councils.

I guess the first question is filling the gaps. And I guess in the North Pacific, we have several ways that a proposal comes to us. One is through our scientists that have identified a concern on the stock; for example, we are looking at splitting out our total allowable catch for Pacific cod between the Bering Sea and Aleutian Islands. That was recommended by our scientists, our stock assessment authors, our plan team, our SSC, and we're moving

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forward. So that's one way.

We also, when we call for proposals, and so anybody, including an agency, could establish and recommend a proposal that we could consider and take up and deliberate and move forward. So if in fact you wanted to identify the gaps, it's possible that that proposal could come before the Council and it would go through our normal process because that's how, you know, we get the information. That's how we engage in changing our management structure, is through obviously a crisis, I guess, probably a lawsuit, science, and stakeholder.

DR. FUJITA: I understand. That's a very good process for gap-filling at the regional level. What I was referring to is if we're going to develop a national system that has some coherence, in terms of connectivity and all the things that we discussed in Subcommittee 1, I just think that a regionally structured management system or advisory system does not have that particular attribute.

MS. MADSEN: I guess I would go back and need clarification on what is the purpose of having a national system and then how do we help you achieve that purpose, and I think that the regional councils

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can help you do that.

As far as no-take reserves, I think, you know, a lot of our fish are mobile and we have salmon savings areas that we close down and we actually get more salmon once we move that fishery out of there. They don't stay in the same place. And it's difficult, except for those long-lived, very loyal to that location species, to actually ensure that you have maintained that biodiversity and bring back that stock.

MR. BENTON: Dan or Roy or any of you, do you guys want to respond to any of these questions? Dan? I'll let you go, then Roy.

MR. WALDECK: First, to the fill-the-gaps kind of thing in terms of having an over-arching bureaucracy, I would agree that bureaucracy that helps sort of lay out what the process, what the foundation would be, would be an important thing to have for coherence and cohesiveness.

But I do think, as you heard and as we've been fairly emphatic about, is that each region has very different and unique needs, and I think that that bureaucratic process has to respect that regional need.

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And I would totally agree with Stephanie that the regional council is the right forum to communicate those upper-level needs to the regions and to find out what the regional needs are and communicate those back to the mother ship, as it were.

MR. BENTON: Roy.

MR. MORIOKA: Those would be my comments also and basically what it is is that one size does not fit all, and you all, in the discussions that I've been hearing, are wrestling with that. And we've lived with that as we try to adjust to a national standard and make it fit within our region and each region agonizes over trying to make a square peg fit in a round hole.

Thank you.

MR. BENTON: Eugenio, did you want to respond?

MR. PINEIRO-SOLER: Yes. I say that every region is very different. We are --

UNIDENTIFIED SPEAKER: Sorry. We can't hear you.

MR. PINEIRO-SOLER: Yes. I have to -- all of the regions are very different. The council -- we have to deal with the individual regions differently.

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MR. BENTON: Okay. I've got Bob Zales and I've got Tony. Bob.

MR. ZALES: Yeah. I want to thank all of you all for being here and most everybody on this panel knows that from day one when we first met, I've encouraged this kind of interaction, I guess, between the councils and this panel so that we could get a picture of that because I agree with everything that David said and some others on how the councils regionally know best their region. They have the people that's there.

I also want to compliment Alaska for adding females to their council. We have five women on our council, and I think they add a nice perspective to it. It's a little bit of a different thing. It's not at all a man's world anymore.

But the question I've got to all of you, I guess, and because of the regional differences is two questions. Number one is: How do you all notify people of your MPAs where you can and can't go and what you can and can't do? In other words, if I go to each one of your regions and I pull a little boat in and put a trailer down, how would I know where I can do what I want to do?

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And then the other question is: What do you do about enforcement? How do you enforce these areas?

MR. BENTON: I want to start maybe and see if Dan or Roy, either one of you want to respond? Okay, Roy.

MR. MORIOKA: I'll take the issue of enforcement. And our Council has embraced the process of -- if it's something that is not enforceable, then we really take a long and hard look. Community buy-in is at first level, Bob, if you will. And as you probably heard, we have a bottom fish area closure within the State of Hawaii, and much of that exists in federal waters. But enforcement was an issue. And to get that kind of buy-in, how do you go and police open ocean?

What we did was we engaged the fishermen and had them be part of that process and say -- and understand what all was needed and why it was needed, and they finally came to a point where the consensus was, Hey, we'll turn in our brother if we have to if he's fishing illegally, and that's where the baseline, if you will, of enforcement kind of evolved in this one particular fishery.

Other areas, we relied upon electronic

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surveillance, VMS if you will, to ensure compliance. So we look at a myriad of processes, but try to find a baseline solution that will fit that particular need.

And we've even explored -- and I guess they do this in Alaska -- where they're using electronic means to understand what kind of fish are coming on board.

And that's kind of a snapshot of the kind of analyses that we do.

MR. BENTON: Dan.

MR. WALDECK: Yeah, and I guess the glib answer would be: Don't you all read the Federal Register? It's all in there.

But the real answer is -- the real answer is, Bob, is that we do -- we work very hard on outreach. We have one individual on staff who does nothing but outreach for the Council. Our newsletter is something we've worked very hard on and we're very proud of -- improved that much over the last several years with this new outreach coordinator.

Working with local communities, working with Oregon Sea Grant, California Sea Grant, Washington Sea Grant, on making sure that those port folks know what the Council's doing and inform their local folks.

On the enforcement level, again, the feds are

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the ones that enforce the laws, but self-policing is very important and that's something that the Council works with the local communities on.

MS. MADSEN: Well, I would just add on the enforcement, most of the fishing vessels, over 125 and often between 60 and 125 in our fisheries have observers, which is another enforcement. They do -- obviously, they do scientific and biological work, but they also record locations.

Additionally, we also have a very extensive VMS system and, from all indications, I see that -- more of that coming.

Now, to address the recreational or the, you know, Joe Blow who's kind of steaming along, they wouldn't be impacted by many of our closures because most of it is commercial fisheries, although all of those except the private vessel owner has to have a license. All of our charter operators are licensed and so there would be that information as well as all of the information that the rest of the councils do as far as outreach goes.

MR. BENTON: Go ahead.

MR. PINEIRO-SOLER: Yes. Even though we are smaller, much smaller than Alaska and the other

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regions, the enforcement issue is proportional to the participation that the stakeholders or the fishers have in the creations of an MPA or a marine reserve. So the more the participation, the fishermen are going to protect even more and they're going to be -- be part of the enforcement team.

MR. BENTON: Okay. I've got Tony next. Then I've got Wally, Ray, Mark. Tony.

DR. CHATWIN: Thank you. First of all, I'd like to thank all four presenters. I thought it was very interesting and it really shows that fisheries management does have a place-based component which has a lot of overlap with what we discuss here.

Some of the -- a number of you mentioned this question of what are the goals of a national system, and we haven't defined -- we haven't come to consensus on that yet, but the Executive Order states three major ones -- natural heritage protection, cultural heritage protection, and sustainable production. And this is a comment. The question will come later. And I think that the fisheries management is definitely very linked to the sustainable production side of this discussion.

I have two questions and they're directed to

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Dan. One is for further clarification, and it was regarding the composition of the council in that you mentioned that there are members from Idaho on the Fisheries Management Council, and I find this very interesting. I'd like to understand better how that comes to be.

MR. WALDECK: Yeah, and it's a -- well, first, again, the short answer is is that because there are Idaho river systems that feed into Pacific Northwest ocean salmon fisheries, Idaho, through the wisdom of Congress, was given two seats of a state delegate -- state designee and then also an at-large member who's voting from the public, basically.

A neat little anecdote about the Idaho delegation: Right now, one of the things that Pacific Council's grappling with is we have a very abundant sardine resource off the West Coast and we've had recent expansion -- thank you -- expansion of sardine fisheries up into Oregon and Washington, and that has sort of set off some new allocation battles.

California sees themselves as the traditional fishery, Monterey Cannery Row, sort of, you know, sardine fishery, whereas Oregon and Washington sees a booming resource off their coast and they'd like to be

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able to -- to catch the sardine that's available to them, and we do set a very conservative ecosystem-based harvest guideline for sardines.

A couple years ago, we set in place an allocation formula. California was arguing one way and the Pacific Northwest was arguing another way. Idaho agreed with Oregon and Washington and they decided where the sardines went.

So they do provide an interesting voice on the Council sometimes.

DR. CHATWIN: Yeah. That is very interesting. And -- okay. Thank you very much.

And my second question is regarding a slide you put up there that talks about the -- managing the authorities between the National Marine Fishery Service and the -- and sanctuaries. And it stated that the sanctuaries give the opportunity to National Marine Fishery Service to develop a management plan for all the fisheries within the sanctuary, not just those for which FMPs occur.

And so my question is: That sounds good, but what happens if National Marine Fishery does not take up that opportunity?

MR. WALDECK: And that's something that --

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it's a good question and something that we're still struggling with as we -- as we engage with Channel Islands in their work in federal waters and also with the work that the folks at Cordell Bank and the Gulf of the Farallons are doing and Monterey Bay National Marine Sanctuary is also doing.

We don't know yet. We have not yet received a formal proposal from the sanctuaries for regulations and so I think we would do our best to fulfill our -- what -- the opportunity given to us by the National Marine Sanctuaries Act. If we did not do that, then I believe the Secretary of Commerce would take a look at the needs, the regional needs, and see how best to fill that gap.

But speaking from the regional council perspective, I think there is -- we see the opportunity there and we would -- we would take that opportunity.

DR. CHATWIN: Okay. Thank you.

MR. BENTON: Going over to the other side of the table for a while, Wally and then Ray.

DR. PEREYRA: Thank you, Dave. Thank you very much for your presentations. I, like a number of us around the table here, have a warm spot in the

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heart, I guess you could say, for the council process as a number of us have participated in it as members.

And with that in mind, I would like to thank Stephanie for bringing up the point about MPAs not being necessarily good surrogates for effective fisheries management in other areas, effort to control -- controls on removals and so forth.

With that in mind, Dan, I had a question. In the Pacific Council, the MPA that's just been put in place, the rockfish conservation MPA -- I forget the term that you had for it there -- in your mind, if there had been effective monitoring of the fishery itself as regards to by-catch and discards, and there had been some sort of effective controls on removals in the fishery going back in time and effective controls on effort, do you think it would have been necessary to put in place the extensive marine reserve that you presently have?

MR. WALDECK: That's a very complex question.

DR. PEREYRA: Yeah. I know. I apologize.

MR. WALDECK: And I think -- and I think that the answer is -- is equally complex, that the status of the overfished groundfish species off the West Coast is a nut that I don't know if we'll ever crack.

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Was it the fact that we didn't have full observers on those boats for decades and a full accounting of what was actually going into the holds and going over the side? Is it that we had some poor oceanographic regimes going on affecting the survivability and the reproductive rates and the productivity of those species? Was it that, you know, we had capacity that, you know, grew exponentially with the Magnuson-Stevens Act and moving from a foreign fishery to a domestic fishery?

I don't have answers to all of those questions. But I can say that currently we are doing everything we can to monitor those fisheries. We have observer programs now. We have VMS programs that are starting up. We have better science. We have -- we were dealing with the science on a three-year basis using borrowed research time from the Alaska Fishery Science Center to monitor those groundfish stocks. Now we have dedicated funding for West Coast groundfish research that goes through the Northwest Fishery Science Center. We have vessel time. We have research plans. But we have -- we're in a better position to understand stocks, we're in a better position to monitor the fleet, and I think as we move

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forward if the stocks cooperate and the ocean cooperates, we will find resurgence and growth in those fisheries.

MR. BENTON: Ray.

DR. RAY: Thank you for your presentations because I learned a lot that I didn't know about fishery management councils, and it sounds like, you know, you've got quite an elaborate process, a lot of thought goes into the management decisions you make.

One of the things we've been struggling in some of our discussions here is, again, over the importance of effectiveness in -- measurement of effectiveness in monitoring of programs. And I was just wondering, you know, now that you've been doing this for quite a few years, is what's your own evaluation as to the effectiveness? You know, there's still the perception that we continue to have fisheries that tend to be overfished, you know. Examples like Wally -- the question Wally just asked, there's a lot of other examples. And based on your experience, are -- with the system you've put in place, are you more into a proactive mode now and a preventative mode, or are we still behind the curve in our timing and we're chasing the problems after we

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find out we've got a problem? What would be your assessment of where we are right now?

MR. BENTON: Stephanie?

MS. MADSEN: Well, for the North Pacific, I would say we're proactive. We just finished what we call -- very complicated name, let's see if I can remember -- the Programmatic Environmental Supplemental Environmental Impact Assessment. The name is as complicated as the document. The document was over 7,000 pages. And that document sets out our goals and objectives for what we see the next ten years. We reevaluated our objectives and our goals and all of our FMPs and we set out what we're calling bookends, where do we want to try and go?

So I think that the North Pacific, having gone through that exercise, and it was an exercise, would benefit from being proactive and being able to see where we want to end up in ten years and try to schedule that in to our workload in addition to the things that we have to do on an annual basis or as crises come up or, God forbid, any more lawsuits. I think the North Pacific is -- has that vision and I think that -- I think that all the councils have that vision and I think that the other document -- Dan

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mentioned our conference that we're scheduling next March. That's going to be primarily focused on Magnuson-Stevens and the Ocean Commission recommendations as we look forward to reauthorization of the guiding law that we follow. But I think it would be helpful, very helpful for all of you, to look at the proceedings from our last conference.

We had a conference last November in Washington, D.C. and it was the first ever conference that all eight regional councils and NOAA Fisheries sponsored. It is very comprehensive about what the councils are doing. The title was Past, Present, and Future, and it is comprehensive on the eight regional councils, and I really do think it may help frame some of your discussions here today about what we're doing and how we're doing it.

But I think in the North Pacific, we may have been behind the curve in some instances, but I am very confident that we're ahead of the curve for the future.

MR. BENTON: Roy.

MR. MORIOKA: Thank you, Dave. We, too, are in proactive mode and our cry in the woods has finally been heard. We share research with the Pacific Region

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with regard to science and regional support. We finally have been recognized as a significant region and we have our own Pacific Island Regional Office. Its director is here, Mr. Bill Robinson -- Bill, stand and be recognized. We have our own Pacific Island Science Center that can address those science issues specific to our region.

As you saw on the slide, we have 45 percent of the EEZ within the United States, and we did not have a science center or a regional office focused on us, so we were, you know, running under a handicapped situation.

Coming on board, we recently had two strategic planning meetings -- what a novel idea -- a strategic planning meeting between the council, the science center, and the regional office to make sure that all our arrows were pointing in the right direction, that we weren't spinning our wheels in fighting each other with the use of scarce resources.

So, yes, and I'll let you know, we are correct, we see the light at the end of the tunnel and it isn't a train coming at us.

Thank you.

MR. BENTON: Did you want to touch on it

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briefly, Dan?

MR. WALDECK: Yeah.

MR. BENTON: We're going to move along here.

MR. WALDECK: Briefly. I would -- I would offer that we are proactive but we are still reactive in some ways. And it's keenly, closely tied to the elephant in the room, funding. We had adequate funding for salmon management for a long, long time but, as I mentioned, our groundfish fishery was the red-haired stepchild and did not receive much funding. Now we're getting adequate funding.

I mentioned the sardine fishery. It's a struggle to get NOAA Fisheries to pay attention to sardine research and, through the Council and through our constituents, we have been knocking on doors and we've been expanding West Coast research on Pacific sardine. And so, in some ways, we are still reacting to the needs of the day, but in many ways we're being proactive and trying to plan for the future.

MR. BENTON: Okay. I'm going to try and move us along fairly quickly because we're getting close to the end of the day. I've got Steve next and then I'm going back over to the other side of the table, Mark and Bonnie.

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Steve.

DR. MURRAY: Tony pointed out that there -- according to the Executive Order, we're looking at three types of marine protected areas -- those that have a natural heritage, that include protection of living, natural resources, in some cases non-living natural resources, sustainable production MPAs, and those that are designated for cultural heritage.

And I'm wondering how well you think that the councils are poised to initiate or entertain or comment on or evaluate proposals that are designated specifically for natural heritage or cultural resources or some of these other purposes to meet these other goals?

I know this was an issue in the Channel Islands process, Dan, so I'll throw that at your hands first.

MR. WALDECK: Yeah, and my -- because I know we're short on time -- my brief response would be that, you know, folks know there's a shipwreck and they want to close an area around a shipwreck to some sort of -- they want to close that area. If you brought the proposal to the Council, the Council in our constituent process could tell you what the --

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what the fishery effects of that closure might be and the Council could inform that aspect of your proposal, and I think that's the principal role for the councils.

DR. MURRAY: One more quick right onto this then and this question is for Stephanie. In the paper that was handed out that Dave Witherell was the author of, Table 2 has an inventory and classification of MPAs for fisheries in federal waters off of Alaska. One of the columns has to do with permanence of protection, and I notice that the two terms that are used to describe each of these MPAs, one is "temporary" and the other is "conditional," and I'm wondering how you see "conditional" and what the triggers are for conditional or temporary.

MS. MADSEN: Well, I would -- Dave's going to stand up so, if I'm wrong, he'll give me a high sign.

MR. BENTON: I'll tell you what. I'm going to do a little executive thing. Can you take that up with Dave off to the side? The reason I'm asking that is because we've got --

DR. MURRAY: Go ahead.

MR. BENTON: -- four or five more people and Dan wants me to try and wrap this up in the next five

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minutes.

DR. MURRAY: All right.

MS. MADSEN: Just for the record, though, I could have answered it.

MR. BENTON: She used to always do that to me when I was on the Council, too. Go back over here. Mark and then we've got Bonnie and Terry and, finally, last up will be Charlie.

DR. HIXON: Thank you all for your informative presentations. My question's for Dan Waldeck. Dan, would you please elaborate and give some background on your statement "Beyond 2004, continued council activities related to MPAs is contingent on dedicated secure funding"? Specifically, where does the funding come from through 2004? Why is that funding disappearing? You know, what's actually going on here?

MR. WALDECK: Mark, Mr. Chairman, it's a very good question. The Pacific Council, like all the regional councils, are a line item in the NOAA Fisheries' budget every year. And that line item, as many folks will tell you, is generally insufficient just to cover the basic program areas of the FMPs that we have and the different needs that we have.

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MPAs are not a program area for the Pacific Council. Don McIsaac, my Executive Director, my boss, was insightful and proactive and he engaged in discussions with Charlie Wahle and with Churchill Grimes on, you know, are there -- are there sources of funds out there that would help the Council become more engaged in West Coast MPA activities? And Don was successful in receiving short-term funding for that initiative. But it is that -- short-term funding for one year. And it's uncertain if either we do not receive the adequate funds through the appropriations process or if Don is unavailable to find soft money somehow, we would scale back that program activity.

MR. BENTON: Bonnie.

VICE CHAIRPERSON McCAY: Well, just very quickly, I know that you're all very much involved in communication outreach, stakeholders, and that's really a hallmark of the -- of your programs. And are there any -- is there any advice you can give to us as we try to give advice to -- to others who are trying to -- working with an essentially participatory bottom-up approach? How do you identify the interested and affected and affecting stakeholders? How do you reach out? Is there something we can learn

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from your experiences?

MR. BENTON: Short.

MS. MADSEN: Well, for Alaska, it would mean very expensive airfares. We think you have to take it to the people and you have to go to their communities.

We meet in several of our smaller communities in Alaska. We go to Kodiak and Alaskan Sitka for meetings and we try to schedule our agendas so that the issues that are important to those communities appear on those agendas when we're there, and I think that you need to go to the people.

MR. BENTON: Roy.

MR. MORIOKA: We try to accomplish the same thing, by holding our council meetings within the various regions within our area, and that way we engage the public.

MR. BENTON: Eugenio.

MR. PINEIRO-SOLER: It's very important to go to the people and not only go to the people but to keep track of who those people are and be constantly with them and know what they feel.

MR. WALDECK: And I would -- I would add just to -- I would totally concur with, you know, go to where the folks are, but I would also say that contact

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council staff. You know, give me a call, give me an e-mail. Let me know what issues you guys are interested, what you're working on. I've been, as I noted in my presentation, putting MPA issues on every council agenda and there is an opportunity to inform the council and our constituents on what your activities are.

MR. BENTON: Terry.

MR. O'HALLORAN: Thank you. I learned a lot by your presentations, and I want to thank you for that. One of the -- one of the definitions of "stakeholders" that we have is "interested, affected, and affecting parties," and one of the discussions that we've been having regarding "affecting parties," and essentially this could be land-based activities that have an impact on an MPA, and over the years you've established MPAs of which many are probably protecting critical habitats, and land-based activities have an impact, sometimes negative impacts, on those. How have you dealt with those land-based activities or have you -- have you dealt with that and, if so, can you give us an example of how that's worked?

MR. BENTON: Dan?

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MR. WALDECK: Since no one put their hand up, and I -- and I -- because I don't track habitat issues specifically, I won't give you a -- I'll give you a qualified answer. But habitat issues are on every agenda for the council. Generally, that involves reviewing salmon-related FIRC sorts of renewal processes and consultation processes, and so the council writes many, many letters related to FIRC consultations and trying to address upland salmon impacts.

Other than that, though, upland habitat impacts for other fisheries is not something that we really delve into.

MS. MADSEN: Mr. Chairman, I would just add one more thing, and I think that is the representation of the councils. Our council has three state representatives, and I think that state representative is the centerpiece for all the resource or all the land-based. They have, you know, Department of Natural Resources, they have their Coastal Zone Management Program, and so I think it really is in the representation and that state representative on the board that carries a lot of that information to us and, likewise, takes it back to them.

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MR. BENTON: Okay. I've got Charlie and then Lelei is going to have the last final word. Charlie?

CHAIRPERSON BROMLEY: No. I am.

MR. BENTON: Well, before I turn it over to you, Mr. Chairman, of course.

DR. WAHLE: Thank you. Well, in the interest of time, I won't ask a bunch of questions. I have many to ask you, but I'll catch you later. But I do want to thank you very much for coming and sharing your thoughts with us and beginning to engage in this process.

As you've heard, we have three goals, one of which is sustainable production, and we envision a series of regional processes to get people's input on what those priorities would be. We hope very much that we can work directly with the councils to make that happen. So thanks again for coming and I'm sure we'll be talking again soon.

MR. PEAU: Real brief. Roy, on your -- one of your take-home messages is on success of your consultation, public participation through consensus.

I'm just curious if -- is there any evaluation done on this to determine effectiveness and also how -- you know, what areas that you can improve? As Bonnie

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alluded to earlier, that one of our tasks is to look at effectiveness of stewardship and education and so forth.

MR. MORIOKA: What we learned is communication and outreach and the scoping process -- by keeping the subject matter before the constituents and in the public's eye and in their face, you know, it's an iterative process. So if you don't catch them the first time, you catch them the second and you keep gaining.

The American Samoa Amendment took a year, Lelei, of dialogue, and you know how that process works in American Samoa. You contact the village, the fishers, and then it has to go up the hierarchy within that village and then you get the chief starting to talk and it was that way.

So engaging and throwing resources out there, understanding cultures, understanding processes within those cultures has helped us immensely in being effective. And you've got to start from the bottom -- the fishermen and then who they --

MR. PEAU: I appreciate that. I'm aware, but I was curious if there's any formal evaluation done in that process?

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MR. MORIOKA: The proof I guess is in the pudding, you know, in the outcome. As the amendment -- as it's embraced, if it's -- if it's something that all -- no one walks away totally happy; all right? But it is something that they all can walk away a little bit happy, and I guess that's the proof in the pudding and that's the evaluation process.

The ultimate evaluation is for NOAA, big NOAA, to provide regulations that complement that decision that was made. Thank you.

MR. BENTON: Okay. Mr. Chairman, I think that's it for this session.

CHAIRPERSON BROMLEY: Good.

MR. BENTON: And it's back to you.

CHAIRPERSON BROMLEY: Thank you. I have just a few comments. I very much appreciate this. As Bob Zales said, a number of us have been very interested in hearing from the councils and we do have a standing invitation to the other four councils to join us at a future meeting in February, the ones that are not here, so, David, thank you for chairing this and it was very informative.

Let me just say about tomorrow. We've -- all of you deserve wonderful accolades for sitting through

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two days. We have one more to go, and I feel like a pep talk is in order. Tomorrow will be a very different day in many respects, and so I hope that we will come back tomorrow energized, ready to pull this off.

I realize that I cut Group 3 a bit short in their time. And so during the reporting periods tomorrow, we are going to reverse the order. Group 3 goes first, then Group 2, Group 1 goes last. Maybe we can make up for some of the crunch that Group 3 has always experienced by going last.

And I would like to ask that at noon tomorrow, if you look at the agenda, we have our lunch at 12:30 but, at noon tomorrow, I would like the Executive Committee; that is, the chairs and the second in command of the three subcommittees -- Bonnie and myself, and Charlie and Lauren -- I'd like to meet with you at 12 o'clock. So as you think about the work that you're going to do tomorrow, you -- the three subcommittee chairs, if you can figure out how to delegate some of that so that you can be away from your subcommittee for half an hour, I think we can really benefit by having a little strategy session at noon.

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So that's the only modification in the schedule. We start at eight o'clock tomorrow. We probably -- Lauren will have some announcements to make about tomorrow afternoon. We'll take care of that tomorrow morning.

So thank you all for a very good day. Oh, yeah. Let's give a round of applause to the panel. Thank you.

(Applause.)

(The above-entitled matter was adjourned at  
5:15 p.m.)

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