

UNITED STATES of AMERICA
NATIONAL OCEANIC and ATMOSPHERIC ADMINISTRATION

* * * * *

MARINE PROTECTED AREAS
FEDERAL ADVISORY COMMITTEE

SECOND MEETING, Day 1 of 3

* * * * *

MONDAY, NOVEMBER 17, 2003

* * * * *

SAN MATEO, CALIFORNIA

The Committee convened at 8:30 a.m. in the Bay Bridge Conference Room, B and C, at the San Mateo Marriott San Francisco Airport Hotel, 1717 South Amphlett Boulevard, San Mateo, California.

Committee Members Present:

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

Ex-Office Members Present:

Ms. Mary Glackin
Commander Karen Kohanowich
Ms. Patricia Morrison
Ms. Jacqueline Schafer

Also Present:

Ms. Marjorie Ernst

Dr. Church Grimes, NOAA

Dr. James Kendall

Mr. Tim Keeney, Deputy Assistant Secretary for
Oceans and Atmosphere, NOAA

Dr. Rebecca Lent, Deputy Assistant Administrator
for Regulatory Programs, NOAA Fisheries

Mr. David Smith, Deputy Assistant Secretary, Fish
and Wildlife and Parks

Ms. Lisa Wooninck, NOAA Fisheries

From the National MPA Center:

Ms. Ginger Hinchcliff, Director, Training & Technical
Assistance Institute

Mr. Joseph A. Uravitch, AICP, Director

Dr. Charles Wahle, Director, MPA Science Institute

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

I-N-D-E-X

Call to Order and Opening Remarks	5
Introduction of Members	6
Election of Chair and Vice Chair	19
.....Motion	
.....	19
Results of Voting	
.....	47, 61
Speaker Tim Keeney, NOAA	62
Speaker Joe Uravitch, MPA Center	78
Speaker David Smith on the Park Service	136
Speaker David Smith on the Fish and Wildlife Service	167
Speaker Rebecca Lent, NOAA Fisheries	203
Robert's Rules of Order Motion	239
.....Vote	
.....	252
Motion on a Parliamentarian	252
.....Vote	
.....	256
Agenda Motion	257
.....Vote	
.....	263
Discussion on the Charter	263
Discussion on the Subcommittees	265
.....Motion	
.....	295
Substitute Motion	
.....	326, 331
.....Vote	
.....	350
.....Motion	
.....	353

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Recess for the Day361

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

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

2 (8:30 o'clock a.m.)

3 MS. ERNST: The meeting of the Marine Protected
4 Areas Federal Advisory Committee is now convened.

5 I'm Marjorie Ernst from the National Marine
6 Protected Areas Center NOAA. I'm serving in the role as
7 Designated Federal Official, otherwise known as Executive
8 Secretary to this Committee.

9 To my left is Joe Uravitch, the Director of the
10 MPA Center. And I think he's just walked in.

11 MR. [SPEAKER]: Betty, could you go to a
12 microphone, please?

13 MS. ERNST: Thanks. Okay. Could everyone hear
14 what I just said?

15 Okay. We are using mics and we are recording this
16 meeting. And so when you do speak into the mic initially, to
17 help the court reporter, let him know who's speaking.

18 And I will say that on behalf of NOAA and the
19 Department of the Interior we'd like to welcome members of the
20 Committee and the audience to this meeting.

21 I'll wait for the Chair to review the entire
22 agenda for us, but at this point we'll now go to the portion of
23 our agenda where we're installing the remaining members of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Committee.

2 This refers to those members that were either
3 appointed but unable to attend the first meeting, or who attended
4 the first meeting but were not yet appointed. And I think you
5 know who you are.

6 We wanted to give you particularly the opportunity
7 to introduce yourselves and briefly describe the nature of your
8 involvement and interest with MPA. And if those of you who were
9 installed in the first meeting could state your name and
10 affiliation as we go around the "U". We'll begin to the right
11 with Dr. Agary.

12 DR. AGARY: Does it go on automatically? Yeah.
13 Can you hear me? Yeah, good.

14 Tundi Agary, with Sound Seas in Washington, D.C.

15 MR. BENDICK: I'm Bob Bendick, Southeast Director
16 of the Nature Conservancy.

17 MR. BENTON: I'm Dave Benton, and I'm probably the
18 first one that wasn't at the meeting. Do you want us just to
19 give a little brief statement of who we are?

20 MS. ERNST: Yes, please do.

21 MR. BENTON: Okay. I'm from Alaska. I went there
22 in 1976, I believe it was for six months and lived there six
23 months at a time for -- ever since, it seemed like. I worked for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Alaska Department of Fish and Game for about 14 years. I was in
2 the -- what we call the Commissioner's Office SC, the Director's
3 Office, a political appointee there under four governors, and led
4 the state's international and national fisheries programs and
5 have a fair amount of experience in negotiating international
6 treaties and working with national legislation like Magnuson-
7 Stevens Act, ESA, that kind of thing.

8 I also served on the North Pacific Council. And a
9 couple of -- at least some of us served on the North Pacific
10 Council together. And during that period of time I think we,
11 although we never called them MPAs, we established a series of
12 closed areas and management area -- or managed areas that totaled
13 about 150,- -- a little less than 150,000 square miles. And I'm
14 pretty proud of that record. I think it's done a lot for our
15 fishery resources. And we did it in a way that allowed for a
16 continued vibrant, healthy, commercial and recreational fishery
17 and did it in a way that allowed for the continuation of
18 subsistence fisheries, because that's very important in our part
19 of the world.

20 Anyway, that's sort of who I am, where I come
21 from. I retired from Fish and Game about three years ago. I
22 served on the Council as Chair. Just completed that in August.
23 And I'm right now working on restoring a lighthouse 17 miles

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 offshore from Juneau, Alaska.

2 DR. BROMLEY: I'm Dan Bromley from the University
3 of Wisconsin.

4 DR. CHATWIN: I'm Anthony Chatwin. I was present
5 at the last meeting, but not instated as a Committee member. I
6 am now. I'm very glad to be so. And I'm a biological
7 oceanographer by training. And I've been working in the NGO
8 sector, Conservation NGO sector, for the past six years. And
9 initially up in New England where I was very involved in
10 fisheries management and conservation planning. And now I work
11 for the Nature Conservancy in the Caribbean, based in the Virgin
12 Islands, where I'm a marine conservation planner. And I'm a
13 native of Brazil.

14 And wherever I have worked I have had experience
15 with Marine Protected Areas. And I'm a great believer that they
16 should be science-based. But equally important is that they
17 should be designed and implemented with all stakeholder
18 involvement.

19 And I look forward to working towards that here
20 with you. And I think that we have a tremendous opportunity in
21 this Committee. And I look forward to exploring that with you.
22 Thank you.

23 DR. CRUICKSHANK: I'm Michael Cruickshank. I am a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 mining engineer and oceanographer. And for the last 40 years
2 working with marine minerals technology development and now a
3 consultant. Thank you.

4 MS. DINKINS: Good morning. I'm Carol Dinkins.
5 I'm a lawyer with Vinson and Elkins, which is a Houston-based,
6 but international law firm. And I have offices both in Houston
7 and in Washington. I have spent my whole career there except for
8 the first two years out of law school when I was the principal
9 associate with the Texas Law Institute of Coastal and Marine
10 Resources. And so I have had a long interest in marine issues.

11 The only other time when I was not in this law
12 firm was when I was in the government. I was at the Justice
13 Department as Deputy Attorney General and before that as
14 Assistant Attorney General for lands and natural resources. We
15 represented the government in defending and in prosecuting public
16 lands, environmental and natural resources cases.

17 I've also chaired several gubernatorial and one
18 presidential task force. I chaired one to represent the state in
19 negotiating preliminary approval of the Texas Coastal Zone
20 Management Program. And, of course, that negotiation was with
21 NOAA.

22 I served as well on the Policy Committee of the
23 Galveston Bay National Estuary Program. And I served as a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Commissioner at Texas Parks and Wildlife where we regulated
2 hunting and fishing and wildlife management areas as well as
3 state parks. I currently chair the Board of Governors of the
4 Nature Conservancy.

5 I have a house. My weekend home is on Galveston
6 Bay in Texas. And I love to Fish and sometimes I even catch
7 some.

8 DR. FUJITA: Good morning. I'm Rod Fujita. I'm a
9 marine ecologist with Environmental Defense.

10 DR. GARZA: Dolly Garza, Professor of School of
11 Fisheries and Ocean Science in Ketchikan, Alaska.

12 MR. GILMAN: I'm Eric Gilman. I'm one of the
13 group that were instated at the last meeting. And the Asian-
14 Pacific representative for an NGO called the Blue Ocean
15 Institute. My current focus is working collaboratively with
16 fishery management authorities and industry to identify and
17 mainstream the use of best practice mitigation methods to
18 minimize incidents of mortality of seabirds and sea turtles and
19 commercial long-line fisheries.

20 I'm also assisting the National Marine Sanctuary
21 System with a process to establish a proposed Northwestern
22 Hawaiian Island sanctuary. I'm responsible for working with
23 stakeholders to identify alternative management regimes for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 commercial and recreational project fisheries in the Northwestern
2 Hawaiian Islands.

3 I recently completed a term on the Sanctuary
4 Advisory Council of the Hawaiian Islands Humpback Whale National
5 Marine Sanctuary. Before I moved to Hawaii four years ago, I
6 worked for the Commonwealth of the Northern Mariana Islands
7 Government. One of my responsibilities was to coordinate the
8 establishment of the savanna-protected area on the island of
9 Rota.

10 That sort of summarizes my experience with
11 Protected Areas. One of my interests in serving on the Marine
12 Protected Area Federal Advisory Committee is to work towards
13 increased U.S. Government support for establishing and
14 effectively managing international transboundary Marine Protected
15 Areas, that is, adjoining protected areas of shared ecosystems
16 that involve a degree of cooperation across more and more
17 boundaries between countries.

18 Transboundary MPAs can be located and designed to
19 help conserve migratory wildlife such as sea birds, sea turtles,
20 marine mammals, and pelagic fish. This adjusted focus for the
21 Committee implements one of the Committee's overarching mandates
22 to provide advice for development of a national system for
23 protected areas. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. GLACKIN: Mary Glackin from NOAA. I'm the ex
2 officio Member from the Department of Commerce.

3 DR. HIXON: Good morning. I'm Mark Hixon. I'm a
4 Professor of Marine Biology at Oregon State University.

5 MS. SCHAFER: Good morning. I'm an ex officio
6 member, Jacqueline Schafer, from the U.S. Agency for
7 International Development. I'm a Deputy Assistant Administrator.
8 Part of our portfolio in my bureau is the promotion of
9 integrated coastal management and affected Marine Protected Area
10 Management and including the transboundary issue that was just
11 referred to.

12 Until last year I was the Director of the Arizona
13 Department of Environmental Quality. And prior to that I was the
14 Director of the California Department of Fish and Game under
15 Governor Wilson in California where I reestablished the marine
16 region with a dedicated law enforcement cadre for enforcement of
17 the California statutes protecting living marine resources.

18 CMDR. KOHANOWICH: Good morning. I'm Commander
19 Karen Kohanowich. I represented the ex officio member, the
20 Deputy Assistant Secretary of the Navy, for environment.

21 DR. McCAY: Good morning. Bonnie McCay is my
22 name. I am one of those who was here the last time but was not
23 yet installed, and so I'm happy to join you. And I'm a native

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Californian so I'm particularly pleased to be here on this
2 auspicious day in California political history.

3 (Laughter.)

4 DR. McCAY: I'm by training an anthropologist, an
5 ecological anthropologist. And I've done research amongst
6 fishing communities, coastal fishing communities, in
7 Newfoundland, Nova Scotia, New England, and New Jersey, all the
8 new places. And I've been a member of the Scientific and
9 Statistical Committee of the Mid-Atlantic Fishery Management
10 Council since 1979. I've served on various National Research
11 Council committees concerned with marine conservation issues and
12 fisheries, the Pacific Salmon Committee, the Ecosystem Management
13 Committee, the IFQ Committee. And I've served on the Ocean
14 Studies Board during the time that the Marine Protected Areas NRC
15 study was done.

16 I have not myself worked specifically on Marine
17 Protected Areas, as my general position on them is similar to my
18 position on IFQs, that they are very, very important parts of the
19 tool kit, as it were, for effective marine management.

20 I'm particularly interested in the linkages
21 between place-based human communities and the ecosystems around
22 them and the role of protection, various degrees of protection,
23 in helping communities exercise stewardship.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I'm a Professor at Rutgers University. I have
2 been involved in looking -- I should back up a little bit. I
3 have been involved in thinking about Marine Protected Areas and
4 particularly social science issues related to Marine Protected
5 Areas. I have helped to review and been involved in the workshop
6 leading to the Center's strategy for social science research in
7 Marine Protected Areas. And I'm second author in a paper that
8 will soon be published in the *Journal of Fisheries* concerning
9 this. Thank you.

10 MR. MOON: My name is Mel Moon. I'm the Director
11 of Natural Resources for the Quileute Indian Tribe in La Push,
12 Washington.

13 MR. URAVITCH: I'm Joe Uravitch. I'm the Director
14 of the National Marine Protected Area Center.

15 MS. MORRISON: I'm Patty Morrison, the Principal
16 Deputy Assistant Secretary for Lands and Minerals Management in
17 the Department of Interior. I help oversee, with my Assistant
18 Secretary, the Minerals Management Service; OSM, Office of
19 Service Mining; and BOM, Bureau of Land Management.

20 And I'm serving as the ex officio Member for the
21 Department of Interior.

22 DR. MURRAY: Good morning. I'm Steve Murray. I'm
23 a Professor of Biology and Marine Ecology at California State

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 University, Fullerton.

2 MR. NUSSMAN: Good morning. I'm Mike Nussman with
3 the American Sport Fishing Association.

4 DR. OGDEN: Good Morning. My name is John Ogden.
5 I'm Director of the Florida Institute of Oceanography and
6 Professor of Biology at the University of South Florida.

7 DR. O'HALLORAN: Good morning, aloha. I'm Terry
8 O'Halloran. I'm a tourism business consultant from Hawaii.

9 MR. PEAU: Good morning. My name is Lelei Peau.
10 I'm the Deputy Director for American Samoa Department of
11 Commerce. And I'm currently the Chairman of the All-Island
12 Committee to the U.S. Coral Reef Task Force.

13 MR. PEREYRA: Good Morning. I'm Wally Pereyra.
14 I'm Chairman of the Arctic Storm Group. I have a couple of
15 fishing vessels that operate up in the pollock fishery in the
16 Bering Sea. We're out of Seattle, Washington. And I'm coming
17 here, the Chairman elect, to the National Fisheries Institute,
18 which is a seafood industry advocacy group in Washington, D.C.

19 MR. PETERSON: I'm Max Peterson. I was appointed
20 last time, but I didn't attend. I noticed I'm the only one that
21 has an asterisk by their name. And I wonder if that meant
22 temporary or some other nefarious thing, but it's really a
23 temporary address. I flunked retirement again and I'm now the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Interim Executive Director of the Wonders of Wildlife Museum and
2 Aquarium in Springfield, Missouri.

3 I was, as most of you know, the former Chief of
4 the Forest Service, had the privilege of working with Carol
5 Dinkins and Jacqueline Schafer and a lot of people are here. I
6 don't know a whole lot about Marine Protected Areas, so I have an
7 open mind.

8 MR. RADONSKI: Good morning. Gil Radonski, mostly
9 retired.

10 DR. RAY: I'm Jim Ray, a biological engineer, to
11 provide background. I'm the Manager of Environmental Ecology and
12 Response for Shell Global Solutions U.S., based in Houston,
13 Texas.

14 DR. SUMAN: Good morning. Daniel Suman, Professor
15 of Marine Affairs and Policy at the University of Miami in Miami,
16 Florida.

17 CAPT. THOMPSON: Good Morning. I'm Ted Thompson,
18 Executive Vice President of the International Council of Cruise
19 Lines. Our interest in Marine Protected Area System is fairly
20 obvious because we make a living on the cleanliness of the
21 oceans, and the seas, and the animals therein. Our passengers
22 don't want to go to areas that are not clean and pristine.

23 Unfortunately, I was not present at the last

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 meeting. I was in London wrapped around the axle with
2 International Maritime Security. But it's a pleasure to be here
3 today. I retired as a Captain after 31 years in the Coast Guard.

4 The majority of my career was spent in Marine Safety Security
5 and Environmental Protection.

6 MR. ZALES: Good morning. Bob Zales, II, Chairman
7 of the National Association of Charter Boat Operators.

8 MS. HINCHCLIFF: Good Morning. Ginger Hinchcliff.
9 I'm with the National MPA Center and specifically the Director
10 of the Training and Technical Institute located down in
11 Charleston, South Carolina.

12 DR. WAHLE: Good morning. I'm Charlie Wahle with
13 the National MPA Center. I'm the Director of the MPA Science
14 Institute in Santa Cruz, California.

15 MS. ERNST: I'd also like to acknowledge Dr. John
16 Halsey. If you would let everyone know that you're in the
17 audience, we'd like to recognize John. He was nominated in
18 September to replace Ernesto Diaz who was unable to serve on the
19 Committee. And he's undergoing the clearance process. And I'm
20 sure the Committee will welcome the cultural resource expertise
21 that he'll be bringing to you.

22 And I wanted to account for several other people
23 to let you know whether they are coming or why they are not able

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to make it. George Lapointe will be arriving on Tuesday. And
2 Bob Moran had a last-minute scheduling conflict. Congress
3 decided to take up the energy bill today which forced him to stay
4 back in Washington, D.C. And Barbara Stevenson and Kay Williams
5 had previous, long-standing conflicts and were unable to attend.

6 MS. ERNST: Now we move on to the next agenda item
7 and that is the election. We must now conduct an election for a
8 Chair and a Vice Chair.

9 You have in your briefing book a copy of the
10 voting protocol that was distributed to you earlier by email,
11 along with copies of CVs and interest statements for the
12 candidates.

13 Those four individuals responded to the call made
14 in the June meeting declared their interest in running and
15 providing supporting materials in advance of this meeting giving
16 you the opportunity for a reflection before your vote.

17 We also developed a voting protocol in advance of
18 the meeting so that you could maximize the time you have here
19 hearing from the candidates and asking them any questions before
20 you vote.

21 You may wish to formally adopt that protocol
22 before we proceed. So I will open the floor to the Committee to
23 address that, should you wish, before we move on to the voting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 protocol.

2 MR. PETERSON: I move the adoption of the
3 protocol.

4 MR. PEREYRA: I'll second that.

5 MS. ERNST: It's been moved and seconded that the
6 Committee adopt the voting protocol that you have.

7 Is there any discussion? Mark?

8 DR. HIXON: I have a little concern about the
9 amount of time available for asking questions of the candidates.

10 I believe when the Agenda Committee met to adopt this protocol
11 the understanding was that we'd have some kind of teleconference
12 or something to hear from the candidates and to be able to
13 question them in a little more detail. And that apparently
14 didn't come to pass. So now we have 10 minutes to question, for
15 questions for the Chair, and five minutes, I believe, for the
16 Vice Chair. And that seems like a very small amount of time for
17 something this important.

18 MS. ERNST: Do you have any other views?

19 Dr. Ogden?

20 DR. OGDEN: Well, I sort of take a contrary
21 position to that in the sense that it's been known for quite a
22 long time who the candidates are for these offices, and their
23 email addresses have been available to anyone who may have been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 sitting at the end of the phone. And I, for one, have taken
2 advantage of calling people. And so I think it really behooves
3 this Committee to move very quickly, as we really decided as a
4 group last time, to install a chair and get going.

5 DR. GARZA: Marjorie?

6 MS. ERNST: Yes, Dolly.

7 DR. GARZA: Thank you. Yeah, if we run over, then
8 we run over. But the intent of the Agenda Committee was that we
9 have a lot of things to do. And the last meeting we felt like we
10 didn't do anything. So if we can get by some of the more
11 administrative-type stuff then we can get on to the work that we
12 should be doing as this Committee. Thank you.

13 MS. ERNST: Dr. Pereyra?

14 MR. PEREYRA: Yes. Thank you very much.

15 I support Mark and his comments. I think that
16 this is a very important decision we're going to be making and it
17 will, I think, set the basis for our ongoing success in moving
18 the Committee along towards finalizing a report of
19 recommendations.

20 So I think we need to take, you know, certainly
21 not the whole morning but as much time as is necessary to
22 reasonably feel comfortable when we vote that we're voting for
23 the person we feel can do the job for us.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. ERNST: So we can amend the motion by revising
2 the protocol and adding time where you could see whether you had
3 sufficient time to answer your questions in the 10 minutes that
4 was allotted?

5 MR. PETERSON: Madam Chairman, as a maker of the
6 motion I would assume that you would be lenient in allowing time
7 as needed. The protocol merely sets forth how the voting will
8 occur. It doesn't set strong time deadlines. That's in the
9 agenda. I think that's under your control.

10 So I would agree that more time is needed and you
11 should allow it to be taken to talk to the candidates. Thank
12 you. And I don't believe that needs to -- I don't think the
13 motion needs to be amended to do that.

14 MS. ERNST: Okay. If there isn't any further
15 discussion, we will put this question to the vote.

16 All those in favor of the motion that this
17 Committee approved the protocol and take more time for questions,
18 should that be needed after the candidates have given the
19 statements, say "aye."

20 [MEMBERS]: Aye.

21 MS. ERNST: Those opposed?

22 (No audible response.)

23 MS. ERNST: So the motion carries. And we will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 now embark on the voting protocol. We have also determined that
2 we will draw the names to determine the random order in which the
3 three candidates for the Chair position will be providing a
4 statement to the group. And so I will ask Joe Uravitch to do the
5 honors.

6 We'd like to ask that Bob Zales be the first of
7 the three candidates to provide a statement to the group. So if
8 you would go ahead, Bob.

9 MR. ZALES: Okay. Thank you. That's a first for
10 me. Generally, because of my size and my last name, I'm
11 generally last with this. So I'll continue with this.

12 My name is Bob Zales, the II. I'm from Panama
13 City, Florida. My family has been in the charter fishing and
14 commercial fishing business since 1966, '67. I'm now 50. I
15 started fishing in this business when I was 12. I obtained my
16 first Coast Guard license at 19 and have been actively involved
17 in the fishery management arena, I guess, since '85, '86,
18 primarily because of problems experienced with King Mackerel in
19 the Gulf of Mexico.

20 Over that period of time I've become more actively
21 involved. I've served on many advisory panels for the Gulf of
22 Mexico Fishery Management Council, for the State of Florida, for
23 the National Marine Fishery Service. I was Chairman of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Refish Advisory Panel in the Gulf of Mexico for several years for
2 the Coastal Pelagic Advisory Panel. I was Chairman of it for
3 many years.

4 I got involved with an organization which I'm now
5 Chair of, the National Association of Charter Boat Operators,
6 which has over 3700 members across the country, from Alaska to
7 Maine, including the Gulf of Mexico. And this is an organization
8 that represents owners and operators of for-hire vessels.

9 My interest in serving on this Committee from a
10 Marine Protected Areas' viewpoint is that I view this, as many
11 people do, as just another tool in the fishery management arena.

12 Although we hear a lot about a lot of problems
13 with fishery management in this country, in the past several
14 months, our view in the Gulf of Mexico is that we've had many
15 successes. I think that we're on our way to a lot more
16 successes. The process is a slow-moving process, I guess, as is
17 with most government agencies. But I think involvement by the
18 public and by the constituents and the NGOs and pretty much
19 everybody is what makes these systems work much better. And I
20 look forward to the opportunity of working on this panel to make
21 it do the same thing.

22 I feel that from what I've read and from what I
23 hear periodically that there are some that would like to see this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 system fail. And I'm a big advocate of the system because I
2 believe that it's a necessary thing to more properly manage our
3 fisheries, our oceans, and our environment.

4 And I would very much like to be involved as a
5 leader of this organization to send that message and to work and
6 to kind of bring all this diversity together in a congealed form
7 that we can move forward in a timely and proper fashion to work
8 on helping to design the MPA process. Thank you.

9 MS. ERNST: Thank you.

10 We'll determine the second person. Okay. Would
11 Dr. Dan Bromley give his three-minute address?

12 DR. BROMLEY: My name is Dan Bromley. I'm a
13 Natural Resource Economist from the University of Wisconsin. My
14 undergraduate degree was in ecology, forestry and range
15 management, wildlife management. I wrote a Ph.D. dissertation a
16 few years ago on the ocean fishery. I served on three National
17 Academy of Sciences committees. One on coal mining, which has
18 very little to do with oceans. One on the CDQ program in Alaska,
19 the Committee Development Quota Program. And one on the stellar
20 sea lion, just recently completed its work.

21 I was Chair of a Natural Resource -- no, I'm sorry
22 -- National Research Council Committee studying common property
23 issues in the developing world. I was on the Ocean Studies Board

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 for three years. I served as Chair of my academic department two
2 times, elected by a group about this size. One term was five
3 years, the next term was four. I can tell you being a department
4 chair is a exciting experience, a bunch of -- oh, let me not go
5 on.

6 I was on the Board of Directors of our University
7 Bookstore at the University of Wisconsin for eight years, a
8 business operation that does 12 to \$15 million worth of business
9 a year. So I have some economic business management experience
10 beyond what you might think an academic ordinarily does.

11 I was on the Board of Directors of the Economics
12 Institute in Boulder, Colorado for eight years. This is an
13 organization that brings students from the developing countries
14 to Boulder and gives them training in statistics, mathematics,
15 economics, to prepare them to enter graduate programs in the
16 United States.

17 I was President of our University Club in Madison,
18 which is another business organization. It does a couple million
19 dollars worth of business a year. So I do have some business
20 involvement, management of budgetary stuff. I've been on a
21 number of other committees. I won't bore you with that.

22 I'm an economist and I think that requires some
23 explanation, because I understand that economists often have a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 sense of self-righteousness about the way decisions ought to be
2 made.

3 My view of my own discipline is that economics is
4 useful to help us ask the right questions, to frame issues. And
5 I don't look to my discipline to provide answers. I look to it
6 to help us see if we're framing the question in the right way.
7 So that's my sense of what this is. I taught a course called,
8 "Economics of Public Decisionmaking."

9 I teach a course now to undergraduates, entitled,
10 "The Environment and the Global Economy," trying to help them
11 understand how economic trends worldwide affect environmental
12 issues.

13 And I teach a course called "Institutional
14 Economics," which is basically the legal foundations of the
15 market. So that's the way I look at these things.

16 I think our task here, and I think the task of the
17 Chair, is I would view my role to help us structure a committee,
18 subcommittee, working-group process, to delegate to those of
19 smaller groups tasks that are clearly articulated that give them
20 tangible mileposts of what it is that they should do, that they
21 would then report back to this Committee as a whole.

22 I think as a group we're probably too large to do
23 very much of that, which is the reason why I think these federal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 advisory committees have subcommittees and craft positions. The
2 Committee of the whole has to listen to what our subcommittees
3 do. We have to craft positions that are consistent with our
4 charter. And I think the most important thing is to keep all of
5 us interacting on a business-like yet civil and friendly basis.

6 As I said in one of my early postings, we have
7 strong positions about MPAs. Anybody who's thought about them
8 cannot fail to have prior commitments about whether they're good
9 or bad. And I welcome those differences.

10 The issue is not to suppress them but to figure
11 out ways to express those differences constructively and keep us
12 talking to one another and, I guess, keep the trains running on
13 time, in the sense of sticking to an agenda.

14 So that's my statement. Thank you.

15 MS. ERNST: Thank you, Dr. Bromley.

16 David Benton.

17 MR. BENTON: I was hoping we're going to win
18 something from this lottery. I'll be brief.

19 I watched the email traffic about this Committee
20 for quite some time before deciding to go ahead and put my name
21 into the ring, so to speak. And I think that Dan hit on what the
22 role -- in my view what the role of the Chair is, very well. And
23 a Chair for an organization like this, despite having that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 person's own particular viewpoint, the real role of the chair is
2 to try and set those aside and make the organization work.

3 And my experience has been that that can be real
4 frustrating if you're sitting in the chair seat.

5 I chaired the North Pacific Council for three
6 years on some pretty contentious issues. My job before that was
7 sitting on the Council being an advocate. And the switch from
8 advocate to facilitator was an interesting one, but I think in
9 this instance it's going to be real important.

10 And it's really the job of the Chair in a
11 fledgling organization to help build a sense of working together
12 and to help the organization build a structure, like Dan pointed
13 out, that has some durability.

14 My sense is the MPA program is here to stay. Our
15 job is to help it be the best program it can be. Part of that
16 means building that institutional infrastructure, especially this
17 first year, so that it can really function well. So I thought
18 about that, and that's sort of why I threw my name in.

19 I had a recent experience of putting together a
20 large body like this and making it work. We have an organization
21 in Alaska called the North Pacific Research Board. It's got 20
22 members. It's got an endowment of 20 some odd million dollars,
23 or something like that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And what it does is it actually puts together
2 science plan reviews, solicits and then reviews proposals, and
3 then gives out money. And when you're giving out money that
4 really gets to be interesting. And trying to keep that
5 organization focused and intact was quite a chore. But I was the
6 first chair on that. We set up an infrastructure that's going to
7 last, I hope, for decades, and it worked pretty well.

8 So I was looking around, and I thought I'd put my
9 name in mostly because I think, from a procedural and sort of a
10 process standpoint, I could help. And that's really why I did
11 that. And I hope that however this turns out, we're all going to
12 be able to work together. Bob or Dan would be excellent
13 candidates. If you want to use me, that's fine. The main thing
14 is to get this going, and try and make this organization
15 function, and do its job well.

16 MS. ERNST: Thanks, Mr. Benton.

17 Now we open the floor for 10 minutes of questions
18 for any of the three candidates. Rod?

19 DR. FUJITA: Thank you, Marjorie, and thank you
20 all three for your presentations. I'd like to ask all three
21 candidates to elaborate a little on their experience or expertise
22 in structuring processes to achieve consensus or near consensus,
23 and expertise in resolving conflicts in an organization such as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 this?

2 MS. ERNST: Why don't we go in the order that you
3 presented?

4 MR. ZALES: Same order?

5 MS. ERNST: Bob.

6 MR. ZALES: Well, from my experience in dealing
7 especially with the two advisory panels on the Gulf of Mexico,
8 one with refish and one with the coastal pelagics, on both of
9 those panels we had commercial fishermen, recreational fishermen,
10 some environmental interest.

11 And as chair -- and this any organization that
12 I've chaired -- it is our view that that position as chair is
13 trying to allow everybody equal say on the subject, in a timely
14 fashion, but allow everybody's opinion to be heard and to talk
15 about the issues, to try to come and create a consensus. And I
16 think that on both of those panels that I was very successful in
17 doing that.

18 On the position that I serve as chairman of the
19 National Association of Charter Boat Operators there's a
20 tremendous difference in charter boat philosophy and attitude
21 between Destin and Panama City, Florida, which is 40 miles apart.

22 And when you try to bring charter boat operators
23 from Alaska to the northeast to the Gulf of Mexico on common

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 goals and common issues, I can tell you it's a very difficult
2 task. I've served as chair of that organization since 1998. And
3 I have, I think, helped bring a lot of that industry together to
4 speak as one voice, especially on issues that involve everybody
5 in a consensus.

6 And I think that in this arena that the position
7 as chair will be much the same as to allow people to debate
8 across all issues to try to get all the issues on the floor and
9 try to bring everybody together. I think it's obvious that in
10 any kind of arena like this nobody gets everything they want.
11 Everybody has to give and take. And that's what makes the system
12 work, especially with input from the public and from the
13 Committee as a whole, to work for the benefit of the nation as a
14 whole.

15 MS. ERNST: Dr. Bromley, if you'd like to respond
16 to that question?

17 DR. BROMLEY: Yeah, I will with a general
18 statement and then a practical example, as Bob mentioned. My
19 sense is in the years that I've been involved in a variety of
20 things that are contentious, and I can tell you that academics
21 will always find something to fight about. And every academic
22 department is split down the middle on some issue. So it's not
23 that I haven't had experience with that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 But my sense is that the secret to coming forward
2 is to be able to talk, to give reasons for one's position, to
3 have people not challenge one's position, but challenge the
4 reasons by which they arrive at that position.

5 And so I see it as a deliberative process of
6 asking for and giving of reasons why is it exactly that you feel
7 this way. And this is, I think, a very constructive way to get
8 people to move away from their conclusion and back up and say,
9 'All right. What are the premises, the assumptions by which I
10 arrive at this conclusion that I feel so strongly about?'

11 Let me give just a very brief example. I chaired
12 an external review of an economics department at a university
13 that I will not name. And this university economics department
14 had been split for 25 to 30 years, right down the middle. And
15 they fought all the time. There were two factions. Every
16 assistant professor that would show up on the job was courted by
17 these two factions. I mean, it was an unbelievable thing. And
18 the university was on the verge of putting this department into
19 receivership, by which that the way we do this in academics is we
20 bring in an outsider and say, "Okay. Now we got some adult
21 supervision here. You folks are going to stop fighting."

22 And one of the things I discovered was that all of
23 their decision rules were simple majority. And I said to them --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I was chair of this review panel -- I said to them, "Has it ever
2 occurred to you your decision rule is preordained to lead to
3 factionalism and fighting because everything is a simple majority
4 vote?"

5 I said, "Have you ever thought about having a
6 supermajority voting, i.e. 60 percent, 75 percent?"

7 And their response was, "Oh, no. If we had that
8 kind of a voting rule we would never do anything."

9 And my answer was, "No, if you had that kind of
10 voting rule it would force you to sit down and talk about your
11 positions and compromise until you could get 75 percent on any
12 particular issue."

13 And so that was basically our position, the team's
14 position. And last word I got from them was that they sort of
15 saw the wisdom in that. They adopted different kinds of voting
16 rules for different kinds of issues. And peace has settled over
17 this academic department for the first time in a number of years.

18 So I don't say that to show how brilliant I am but
19 to show how the structure of an organization can influence how
20 decisions are made, how positions are staked out. And I think
21 part of the task we have before us is to figure out how we can
22 keep talking through these issues, if they are contentious, not
23 that every one will be, but that the decision rules that one

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 adopts for going forward can have an important feedback effect on
2 how people think about their firmly-held beliefs.

3 MS. ERNST: David Benton?

4 MR. BENTON: Yeah. I think it was Rod that asked
5 that question. There's two pieces to that question. One was:
6 How do you get people to work together? And the other one is:
7 How do you put together institutional arrangements? I'm going to
8 start with that second one first.

9 And I mentioned the North Pacific Research Board
10 just a bit ago. And I want to elaborate maybe a little bit on
11 that. The North Pacific Research Board was created by federal
12 legislation and had a board designated in statute. And that was
13 it. And so we had 20 -- I think it was 22 people show up one day
14 and look at each other and say, "Okay. Now what are we doing?
15 We've got this money. There's a lot of expectation. There is
16 huge expectations out there in the research community. What are
17 we going to do?"

18 And it was just about like this. I mean, a large
19 group of people sitting around and first deciding how they were
20 going to choose a chair. What we wound up doing was choosing an
21 interim chair in that instance and settled down and started
22 working at it.

23 And in the end, and in pretty quick order, by the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 end of our first meeting, we had a research committee, a research
2 planning committee, put together. We had a finance committee put
3 together. We had an *ad hoc* group that was going to put together
4 our first RFP.

5 And we had a process in place to develop an
6 advisory committee, because the public wanted to be included, but
7 nobody had decided how that would occur. So we created -- in the
8 end we created a public advisory committee. And we also created
9 an outside peer review process. And we did all that within three
10 meetings. We had all those committees up and running. And that
11 organization now is moving right along.

12 I think that's real similar to what we've got
13 facing us, the challenges that we have here. The first part of
14 the question about how do you get folks to work together, or how
15 to bring widely differing views to a table and get them to focus
16 on issues and frame them in a way the decisionmakers can make
17 sense out of it and use it. That, I think, we've all had a lot
18 of experience in that.

19 My experience has been pretty far-ranging. It
20 started many, many years ago working with Native Alaska
21 communities out in Western Alaska to try and bring about, I think
22 it was on the order of about 75 communities, up and down the
23 western coast, to a common set of positions on how to deal with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the effects of offshore oil and gas development on subsistence
2 resources, and how they would then interact with the oil
3 industry. That was actually a very interesting process because
4 they were in competition with each other. And in the end we got
5 everybody in the room and we basically used a consensus approach
6 on that.

7 I served on the Pacific Salmon Commission at the
8 time when the United States and Canada were going through what
9 was called the Salmon wars. Maybe some of you were around and
10 remember those. And if you read in the paper about the Canadians
11 sort of borrowing one of our Alaska State ferries and having it
12 chained into the harbor of Prince Rupert, well, I'm the guy that
13 was responsible for that. I'm not using that as an example of
14 how to achieve consensus.

15 (Laughter.)

16 MR. BENTON: Obviously, that one was pretty
17 intense. But that gives you a sense of the level of animosity
18 that was going on between the two countries and between all the
19 interests between those two countries.

20 Subsequent to that we, the negotiators, sat down,
21 framed -- and this was an idea that came out of an evening little
22 chat between myself and the lead Canadian negotiator -- we framed
23 what we called, "stakeholder process," where we actually forced

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the fishermen from both Canada and Alaska to go through and sit
2 face to face in a room and negotiate, amongst themselves, the
3 arrangement between the two countries.

4 And interestingly enough they reached a deal. And
5 we fostered it along. They reached a deal. The Canadian side,
6 though, the province, British Columbia, had an election in the
7 middle of that. And they sort of torpedoed it, sort of sent it
8 off on a sidetrack, but we then brought it back. And actually
9 that is the basis for a 10-year deal between Canada and United
10 States.

11 At our North Pacific Council Meetings, it's a
12 laundry list that's a mile-long in terms of getting committees
13 together of interests that don't talk to each other and just make
14 them work together and come up with a recommendation to our
15 council when I was serving on that council.

16 So I think, you know, there's any number of tools.
17 I think a lot of us have had those kinds of experiences. I
18 think in this instance it's a little less contentious than, say,
19 stealing a ferry boat. So hopefully we won't have those kinds of
20 battles. But we do have a lot of differing opinions and we do
21 need to have some structure in how we get those opinions shaped
22 and brought to us.

23 MS. ERNST: We've exhausted the 10 minutes that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 had allotted to questions for the candidates. Well, I guess to
2 go in order, I think I'll ask Dr. Cruickshank to go ahead.

3 DR. CRUICKSHANK: Thank you.

4 I think that's a question that Mr. Benton has
5 actually answered, but I'd like to address it to Mr. Zales and
6 Dr. Bromley. And it is the natural resources as listed in the
7 Executive Order. Basically it's a cacophony between living
8 resources and nonliving resources. And I'd like to ask the
9 candidates how do they view the importance of the nonliving
10 resources vis-a-vis the living resources as in developing the
11 conservation aspects of the MPAs?

12 MS. ERNST: Can our candidates give as brief an
13 answer to that as possible?

14 MR. ZALES: I view them as equal players. It's in
15 my mind that all of it has got to come together for everything to
16 work. And an MPA in my mind, just to give you my philosophy on
17 MPA, can be anything from as simple as a beach that has buoys
18 cordoned off, a swimming area that prevents boating, to the most
19 severe form, which people call -- don't take my word for it -- is
20 no activity.

21 And also goes from the land all the way to water,
22 because the resource MPA is working, if you're going to use them
23 as a tool to manage fisheries. If you don't have habitat and you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 don't have the resources, you won't have fisheries. They all
2 have to work together. They all have to be protected. And you
3 have to look at what's been done over the years in the various
4 arenas that have created what I would call MPAs. Some people
5 have other names for them. But to see where that is, to see what
6 we have already, and to go forward and see what the needs are
7 that we're going to need in the future, and bring it all together
8 to make it all work as a cohesive unit.

9 MS. ERNST: Dr. Bromley, do you have a response?

10 DR. BROMLEY: Very briefly, I guess. The
11 question, Michael, was living versus nonliving resources; is that
12 right?

13 DR. CRUICKSHANK: Yes.

14 DR. BROMLEY: I guess if one takes an ecosystem
15 perspective even, you know, nonliving things are not divorced
16 from and separate from the ecosystem in which we find them. And
17 so I think if one takes a chemical or a physics perspective on
18 stuff everything out there is somehow connected with something
19 else. And so, as Bob said, they're all part of the package.

20 Living resources often capture more of our
21 attention because some of them are charismatic, and some of them
22 we make a living off of, and some nonliving things we make a
23 living off of. But in a sense if one is interested in thinking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 about Marine Protected Areas in the broader context of what it is
2 we're trying to do with the oceans, how we see the purpose of the
3 oceans, then nonliving resources are an integral part of that
4 mix.

5 MS. ERNST: Dr. Pereyra, I think you're next.

6 DR. PEREYRA: Yes. My question to all three
7 candidates is fairly specific. I think it's accepted that the
8 working oars in this process are going to be the subcommittees.

9 And I think the candidates have talked very aptly
10 in ways in which we as a body would reach consensus and moving
11 the process forward. But, in fact, the subcommittees is where
12 the work is going to be done.

13 Now recently I received, I think it was, an email
14 communication from the Senator that, in fact, we would have these
15 subcommittees. But the subcommittees would not have any funds
16 assigned to them and the subcommittees would not be able to have
17 any meetings.

18 So my question to the three candidates is: How
19 would you envision the process, through the subcommittees, moving
20 forward and getting anything done with those kinds of constraints
21 put on our operations?

22 MS. ERNST: Bob Zales, quickly.

23 MR. ZALES: I would envision a couple of ways.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Number one, is we obviously have the capability to email and
2 communicate in that fashion. We have teleconferencing. I would
3 also suggest, much as like some councils do, that in a meeting
4 and forum such as this, that you allow a day for committees to
5 get together prior to the meeting so that it's all done in one
6 time. And then those reports are then passed on to the Committee
7 as a whole the following day, something along that order.

8 MS. ERNST: Dr. Bromley. And then David Benton
9 after him.

10 DR. BROMLEY: I think Bob has answered it
11 admirably. I think that's the right way to do it.

12 MR. BENTON: I guess I'd have to agree with that.
13 If there is not the resources then we are going to have to make
14 sure that it dovetails with these meetings and we're going to
15 have to use the internet, obviously.

16 But the only other thing I would say is if that's
17 the case, then I think we would also want to -- and I know this
18 group here can't lobby and do that kind of thing, so I know I'm
19 treading in little bits of dangerous territory, having been
20 cautioned all the time. But I would try and figure out if there
21 is a way to acquire additional funding one way or another to help
22 over time make this organization functional.

23 If we don't have the finances to do our job, we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 not going to do a very good job, are we? So I think we need to
2 think about that. That really means working with the parent
3 agencies to see what opportunities might be there. That would be
4 the only thing else that I would throw into the next. But that's
5 sort of longer-term strategy.

6 MS. ERNST: Just bear in mind we also have to do
7 the Vice Chair vote after this. But we'll hopefully get our
8 questions wound down quickly, if we can.

9 And you had a question, Captain Thompson?

10 CAPT. THOMPSON: Thank you. This is primarily to
11 Dr. Bromley, but would like the input of the others on it also.

12 Sir, you said that a simple answer as to relegate
13 science tasks to so-called scientific-working groups as called
14 for in our charter. And I asked you this in an email, but I'd
15 like you explain a little bit more your position with regards to
16 science facts. There's been a lot of scientific research done.

17 And from what you said you obviously don't ignore
18 facts and research. How does scientific fact and how does
19 science working groups fit into this? Add it to our discussion
20 like you did, elaborate a little bit on your response.

21 DR. BROMLEY: If I understand the question I think
22 what I was referring to in that email back in June or July was
23 that I think it would be a mistake for us to imagine that there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 is a single body of scientific facts, knowledge, that everyone
2 will find compelling and that everyone will find definitive and
3 decisive. And that science and that whole process of generating
4 knowledge is a continual process of revisiting issues,
5 regenerating hypotheses, relooking at the evidence.

6 Maybe my comment was driven by the experience on
7 the Stellar Sea Lion Committee in which we struggled for two
8 years to try to figure out why stellar sea lions are declining in
9 the Gulf of Alaska. And there are number of competing
10 hypotheses. And all of my scientific colleagues, I was the only
11 economist on this committee, all of them threw up their hands and
12 said, "We really have no idea."

13 So that's all I was implying. I don't remember
14 the exact language that you used. But I think my point at that
15 time was for us, as a committee of interested people,
16 knowledgeable about MPAs, we cannot expect to sit back and have a
17 science or a few scientists appear before us, pronounce on what
18 they think are the facts and the truth, and say, "Okay, the
19 matter settled," because they will never be able to give us the
20 kind of definitive, decisive answer that many of us would like to
21 have about whether MPAs work here, or will work, or have worked,
22 or have not worked.

23 Am I responding to your question?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CAPT. THOMPSON: Yes. Yes, thank you.

2 MS. ERNST: We have been able to question the
3 candidates for 20 minutes. That will never be an adequate amount
4 of time. But you've had a sufficient opportunity to ask some
5 very good questions, then I'd like us to move to the voting
6 process itself. The charter says that the chairperson will be
7 elected from the membership by a majority vote of the members
8 present at the Committee meeting.

9 And I'd like to get some help from Lauren Wenzel
10 from the Center. And there are 25 of you here that are going to
11 vote. And we're going to distribute a written ballot for you to
12 take a few moments to address.

13 So if you would just put an X by your choice for
14 the Chair position for this Committee. Take a minute or so to do
15 that. Then we'll just collect the ballots.

16 (Members voting and votes counted.)

17 MS. ERNST: And we have a result of the vote. And
18 Dr. Dan Bromley has received the majority vote on the Committee
19 and thus has been elected Chairperson.

20 (Applause.)

21 MS. ERNST: And now we'll move to the position of
22 Vice Chair.

23 MR. RADONSKI: Should the Chair take over the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 meeting at this point?

2 MS. ERNST: He's welcome to do that, or we can
3 proceed.

4 MR. RADONSKI: Why did we elect him?

5 CHAIRMAN BROMLEY: I don't wish to appear
6 overeager, but I'm wondering what I'm supposed to do now.

7 MS. ERNST: Well, there's an empty seat up here
8 for you to come into.

9 MS. ERNST: Mr. Chairman, you're welcome to carry
10 on the process for electing the Vice Chair.

11 CHAIRMAN BROMLEY: I think my fears are matched by
12 your relief that you're out of the hot seat. Is that right?
13 You've been waiting for this day for a long time.

14 MS. ERNST: It's been a long four and a half
15 months. We're glad you're here.

16 CHAIRMAN BROMLEY: You're happy to have someone
17 else take the stuff now. Thank you.

18 Let me say that Arnold in Sacramento and Dan
19 Bromley in San Mateo, and that's where the similarities are going
20 to end, I hope.

21 I would like to say, by way of acceptance, that my
22 philosophy has always been we take our job very seriously, we
23 don't take ourselves too seriously. That's my secret to success.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 If any of you ever think that I'm taking myself
2 too seriously, I hope you will whack me and let me know. Okay?

3 So, Maggie, I'm going to rely on you as my expert
4 at what we do next. But I guess the issue now is the election of
5 Vice Chair; is that right?

6 MS. ERNST: That's correct.

7 CHAIRMAN BROMLEY: Where we have how many
8 nominees? I'm sorry.

9 MS. ERNST: We have two nominees for that
10 position.

11 CHAIRMAN BROMLEY: Yeah. All right.

12 MS. ERNST: Bonnie McCay and Bob Zales.

13 CHAIRMAN BROMLEY: Right. And do you wish you
14 proceed, as we did before, drawing names to see who will speak
15 first? Do you have names prepared for that?

16 MS. ERNST: We do.

17 CHAIRMAN BROMLEY: You do. Why don't you draw
18 one?

19 MS. ERNST: Okay. For the order of statements.

20 Okay. Would Bonnie McCay be the first?

21 DR. McCAY: Thank you.

22 Well, I think the position of Vice Chair is to
23 support the Chair in providing some leadership for the Committee.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And I'm willing to serve in that capacity. As I wrote earlier,
2 I generally supported what Dan had said. I have to say I support
3 very much what the others had said, too. I think that it must
4 have been a very, very close election, because I certainly had
5 trouble making a decision.

6 But I think this is an opportunity to go beyond
7 the usual formula waiting for a "scientific group" to give us
8 some received wisdom. And I think that we do have the
9 opportunity to structure our work to get representative and truly
10 vigorous debate about these issues. These are issues that
11 matter. And that we should be able to say something meaningful
12 to those to whom we are accountable, the Secretaries of Interior
13 and Commerce, and ultimately the American public.

14 So I think we have an amazing opportunity here.
15 In particular, I hope that we can use this to break through what
16 may seem to some as an impasse of where we have positions on
17 different sides, very strong positions, you know, for MPAs and
18 the 20 percent kind of figure on some marine conservationists and
19 the, you know, no-way-José position of some people on the various
20 commercial interest groups.

21 And one of the things of the secret to success in
22 this kind of complex negotiation and consensus building is to
23 separate interest from positions, is to help people be able to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 talk through, as Dan Bromley said, the reasons behind your
2 positions. And it's where we get into these reasons, into what
3 people's actual concerns are that we can make a breakthrough. So
4 I'm very interested in doing whatever I can to help facilitate
5 this.

6 Academically I'm quite professionally concerned
7 with the emergence of institutions for managing the commons. And
8 I think this is a very, very important opportunity. I have
9 served in many different leadership roles for professional
10 associations, not only in anthropology, my own profession, but
11 also in interdisciplinary group, such as the International
12 Association for the Study of Common Property.

13 And I'm also involved with the AAAS and other
14 organizations in similar things. And I'm professionally
15 interested in this challenge of multiple-stakeholder consensus
16 building about really complex and important issues.

17 Thank you.

18 CHAIRMAN BROMLEY: Good. Bob?

19 MR. ZALES: In the interest of time, pretty much
20 everything I've said already, which would apply to the same
21 thing, would be to serve at the Chair's pleasure and to be able
22 to work when the Chair wasn't available. So I'll just say any
23 more questions, I'll be glad to answer them.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Thank you.

2 According to the protocol we now have five minutes
3 of opportunity for questions of the two candidates, Bob and
4 Bonnie.

5 Yes, Michael?

6 DR. CRUICKSHANK: The United Nations have the
7 means of making decisions by consensus. What are your
8 candidates' views on this as a process?

9 CHAIRMAN BROMLEY: Do you want to answer that in
10 the order you spoke, or the first one? Bob?

11 MR. ZALES: I believe consensus can be used in
12 many situations. In a forum such as this, as diverse as this
13 panel seems to be, consensus especially on critical issues may be
14 about the only way that we're going to be able to come to a
15 single conclusion on something.

16 It's kind of like the Chairman now spoke to
17 earlier when you may play with some type of supermajority on
18 issues. But I think that that would depend on the issue as to
19 how contentious the issue may be as to where you want to go on
20 it. I'm not sure that we need to be on such a rigid format that
21 every issue would have to be done by a clear majority or a clear
22 supermajority.

23 In my mind, from a constituent and a member of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 public, if a panel such as this can come to a conclusion by
2 consensus to me that would seem to send a much more pronounced
3 message as to where the panel lies in a particular issue.

4 CHAIRMAN BROMLEY: Bonnie?

5 DR. McCAY: Yes. I'm not prepared now to say that
6 there's a rigid decision rule that would be appropriate and/or
7 that consensus what -- consensus can be different things. One
8 could be that you insist upon 100 percent agreement and bye. And
9 I don't think that that's necessary for something like this. But
10 hopefully we would over time and -- well, we don't have much time
11 -- but develop enough knowledge about each other and trust and
12 shared commitment to the process that we would be able to make
13 some agreements even where we disagree.

14 CHAIRMAN BROMLEY: Yes, Gilbert?

15 MR. RADONSKI: The question is aimed at Ms. Ernst.
16 Does our FACA Charter say anything about voting procedures, a
17 majority consensus? Are we under any guidance from FACA?

18 MS. ERNST: No, you're not.

19 MR. RADONSKI: Okay.

20 CHAIRMAN BROMLEY: Yes, Jim.

21 DR. RAY: Jim Ray. At the previous meeting there
22 was quite a bit of discussion around selecting the protocol we
23 will have, as far as procedures, to go up through an order or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 otherwise. And I think you need to reflect back to that before
2 we come back to get to this discussion as a simple majority,
3 two-thirds vote, supermajorities. Let's go over our business
4 after this discussion that we need to know that.

5 CHAIRMAN BROMLEY: Good. Are there other
6 questions?

7 MR. PETERSON: Yeah. Oh, yes. Max.

8 CHAIRMAN BROMLEY: Max Peterson.

9 MR. PETERSON: Dr. McCay, both you and Dr. Bromley
10 have very distinguished academic records. Tell me something that
11 you have done in the nonacademic world.

12 DR. McCAY: Nonacademic world. Well, I've gotten
13 a group of clammers in New Jersey to work together with the
14 state. And that was probably my major accomplishment. If you
15 know New Jersey clammers, you would appreciate that. But I have
16 done work like that, working with different groups, particularly
17 in the fishing industry, where there's tremendous factionalism,
18 even within the industry, and helping them work together with the
19 scientific community and the university and the state. And
20 that's the major kind of thing that I've done of this kind.

21 MR. PETERSON: Thank you.

22 CHAIRMAN BROMLEY: Are there other questions?

23 DR. OGDEN: I have one.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Yes, John.

2 DR. OGDEN: I'd like to ask Bob a question. Bob,
3 you gave an admirable statement of your qualifications and it was
4 suitably broad, taking into account the role of the Committee.

5 However, as we all know from serving on these
6 committees, there's a perception and the reality of what is
7 commonly called "conflict of interest." And how do you, as one
8 who is associated so strongly with the fishing side view this
9 situation? And how might you overcome it? I'm not suggesting,
10 of course, that there is a conflict of interest, but it's always
11 about perceptions.

12 MR. ZALES: And I would agree, perception is
13 critical in just about every aspect of the arena that I've played
14 in of fishery management on up into the Organization of Charter
15 Boat Operators.

16 Conflict of interest has definitely been an issue
17 that's been discussed. I believe that my experience and that my
18 record basically speak for themselves when it comes to conflict
19 of interest. I've been involved in many things where conflict of
20 interest would be perceived from my part on supporting or not
21 supporting an issue as what may benefit my business or may not.

22 One example of this is clearly a situation in the
23 Gulf of Mexico as of last Thursday became effective, which is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 called a Charter Boat Permit Moratorium. I received personally a
2 lot of criticism for supporting that issue because many people
3 believe, me included, that you should have the right to enter and
4 leave business as you're successful or not successful in that
5 business. And when you limit the number of participants in there
6 you tend to change the makeup of that industry.

7 While realizing that in the state of the world
8 that we're in today that we're dealing with limited resources, it
9 made sense to support and advocate going to a limited entry-type
10 system, to restrict those interests, not for financial gain, but
11 strictly so that the resource could benefit in the process of
12 trying to limit effort in the resource by an industry that was
13 expanding and rapidly still is expanding in state waters today.

14 So I think that my record speaks for itself, that
15 I can support and advocate doing work with a process such as this
16 that may appear to some to be contrary to the benefit of people
17 in my industry.

18 CHAIRMAN BROMLEY: Okay. We are about five
19 minutes beyond deadline, but I'm happy to entertain a few more
20 questions. This is very important, and I think we should do
21 this, if Maggie will let me. So until, you know, we'll -- Tundi,
22 did you have a question?

23 DR. AGARY: I do. I have a question for both

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 candidates. And actually it might have been a more appropriate
2 question for the Chair. But I'm wondering if you can just very
3 briefly indicate how you see yourself working with the Chair were
4 you to be elected.

5 Do you see -- obviously, and the protocol is clear
6 about the -- or the Charter, I should say, is clear about the
7 Vice Chair sitting in for the Chair. And there's the obvious
8 role of kind of substitution and being there to lead the
9 Committee if the Chair is not available.

10 But beyond that do you see yourself working
11 together with the Chair to kind of do visioning and figure out
12 what the mandate is and help actually lead the Committee, or do
13 you see it as much more mechanical kind of position?

14 CHAIRMAN BROMLEY: Do you have a quick answer, Bob
15 and Bonnie, please? Do you want me to answer that?

16 MR. ZALES: I was going to say --

17 DR. McCAY: Well, I suspect Bob and I would both
18 say the same thing, that we see this is as much more than a
19 mechanical thing. And I was willing to run for this -- I was
20 willing to -- I was, you know, considering running for the
21 Chair's position. But I simply don't have the time to do that,
22 to give it everything. But I would be willing to give some of my
23 time to help out in this role. Yeah.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. ZALES: And I'm very much the same. It's a
2 combination of both factors. I think that it's to assist the
3 Chair in discussion on the vision of where the panel needs to be
4 headed. And also to assist in the mechanical operations of it.

5 Also, in a sense, not really as a secretary, but
6 the Chair is busy, do discussions. Vice Chair looks around to
7 see who needs to talk, who doesn't need to talk, and things like
8 this. So it's a combination of both.

9 CHAIRMAN BROMLEY: Okay. Other questions?

10 Are you ready to have the ballot now; is it okay?

11 All right.

12 (Members voting.)

13 CHAIRMAN BROMLEY: While they're counting the
14 ballots I'd like to ask -- a minute ago Max Peterson referred to
15 me as "Dr. Bromley." And he referred to Bonnie as "Dr. McCay."
16 And I'd like to say that Max Peterson has a career that is orders
17 of magnitude more distinguished than mine. I won't speak for
18 Bonnie's career. Hers is quite distinguished.

19 But one of the things I think would help us
20 communicate, Max, is if you would call me Dan. As I said to Bob
21 last time, my friends call me Dan. And they sometimes call me
22 other things. But I'd really like to dispense with the "Dr."
23 stuff; is that okay?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. PETERSON: Okay, Bob, not all Ph.D.s feel that
2 way.

3 CHAIRMAN BROMLEY: What? I didn't hear that.
4 What?

5 MR. PETERSON: Dan, not all Ph.D.s feel that way.

6 CHAIRMAN BROMLEY: I see. Yes, I know that. And
7 I do. And I think Bonnie does. She'll speak for herself.
8 That's part of the communication process, isn't it? Breaking
9 down unintended, subconscious sort of hierarchies, right? I
10 mean, it never occurred to me to call you "Mr. Peterson," right?
11 Maybe it did. "The esteemed Mr. Peterson."

12 MR. PETERSON: That would be better.

13 CHAIRMAN BROMLEY: Yeah, right.

14 CAPT. THOMPSON: So if I could say --

15 MR. RADONSKI: Esquire.

16 CAPT. THOMPSON: If I could say something, too.
17 It says "Thomas." I go by Ted. If you call "Tom" or "Thomas," I
18 won't know who you're talking to. I go by Ted. I haven't been a
19 captain for nine years now.

20 CHAIRMAN BROMLEY: And we don't spend government
21 money to change the nameplates, Ted, do we?

22 (Ballot counting continuing.)

23 CHAIRMAN BROMLEY: We have a ballot for Vice Chair

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 which has Bonnie McCay receiving the majority of the votes. I
2 really don't know the protocol here in a FACA arrangement. But
3 the numbers, I can attest to that. So I don't know whether
4 there's public disclosure required. But Bonnie McCay is the
5 winner of the ballot, the winner of the vote, so I think Bonnie
6 is the Vice Chair of our operation.

7 Congratulations, Bonnie.

8 (Applause.)

9 VICE CHAIR McCAY: Thank you. And you may call me
10 Bonnie.

11 CHAIRMAN BROMLEY: Yeah, right. And you may move
12 or not move, the thought of being hemmed in by Maggie and Bonnie
13 up here is quite --

14 MR. [SPEAKER]: Daunting?

15 CHAIRMAN BROMLEY: No, charming.

16 Anyway, we are a few minutes behind time. We have
17 Mr. Tim Keeney, who is Deputy Assistant Secretary for Oceans and
18 Atmosphere at NOAA, was supposed to be ready to go by 9:45.

19 I apologize to Mr. Keeney. I assume you're here?
20 Yeah. Yeah.

21 And grabbing the prerogatives of the Chair we're
22 going to fudge the schedule a little bit. We've started you
23 late. We'll see how you can do in -- we had you on the program

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 for 30 minutes, and if you can do it in 25, we'll be happy. If
2 you need 30, we'll have to talk. So please come on up.

3 MR. URAVITCH: So, it's my pleasure to introduce
4 Tim Keeney. He's an occasional boss, a long-term colleague and
5 friend. Tim is, as Dr. Bromley -- I'm sorry, Dan -- said the
6 Deputy Assistant Secretary of Commerce for Oceans and Atmosphere
7 in NOAA. As such, he's responsible for environmental policy,
8 strategic planning and program analysis for NOAA with
9 responsibilities including crosscutting programs such as coral
10 reefs, climate and habitat restoration, and observation system.

11 Tim earned his Bachelor's Degree from the Wharton
12 School of Business at the University of Pennsylvania and has a
13 Doctor of Law Degree from the University of Connecticut School of
14 Law.

15 He's served in numerous public and private
16 positions throughout his career. Most recently he served as the
17 Director of Environmental Services for the Northeast Utility
18 Service Company in Hartford, Connecticut.

19 During his career he's served in several
20 environmental management and regulatory positions, including NOAA
21 General Counsel and the Director of NOAA's Office of Ocean and
22 Coastal Resource Management.

23 He served as Commissioner of the Connecticut

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Department of Environmental Protection and Director of the Rhode
2 Island Department of Environmental Management.

3 And he was also recently assigned as a Captain in
4 the United States Naval reserve as the Commander of Naval Reserve
5 Seal Forces for the United States, which I consider a high honor.

6 And I was thrilled to hear about that last night.

7 So at this point I'd like to welcome Tim Keeney,
8 our Deputy Assistant Secretary for Oceans and Atmosphere. Tim.

9 (Applause.)

10 MR. KEENEY: Thanks very much, Joe, I appreciate
11 it.

12 It's a real pleasure to be here this morning and
13 to see several friends and colleagues and meet new ones as well.

14 First of all, I'd like to, on behalf of NOAA, I'd
15 like to welcome the Second Meeting of the Marine Protected Areas
16 Federal Advisory Committee. And I'd like to recognize our new
17 Chair, Chairman Bromley and Vice Chair McCay. You certainly have
18 your work cut out for you. I admire the way you handled so well
19 the election this morning.

20 And I think the real key with this eclectic group
21 is to try to find some common ground that can bring you together
22 to provide real value to the Departments of Commerce and
23 Interior, with regards to the management and use of Marine

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Protected Areas. You, of course, have diverse interests.

2 And I'd like to bring up a few points in my recent
3 past, I think, that might give you some help here. Recently I
4 returned from co-chairing the tenth meeting of the U.S. Coral
5 Reef Task Force in Saipan and Guam, where we had over 450
6 participants which was really a record for those two meetings.
7 One of the main goals of the group is to promote the conservation
8 and sustainable use of coral reef ecosystems.

9 The task force has a group of leaders, like
10 yourselves. We have 12 agencies in several states, in seven
11 states and territories represented on them, who were brought
12 together by an executive order to make decisions that will have
13 great impact on the coral reef ecosystems.

14 The two groups, both the Coral Reef Task Force and
15 your own Committee, have some things in common. And I guess the
16 main one is really the general mission to provide input on how to
17 improve action on federal agencies in coordination with other
18 partners.

19 I'd like to share with you some of the lessons
20 learned that I picked up from working with the Coral Reef Task
21 Force as Co-Chair with Co-Chairman Craig Manson from the
22 Department of Interior and some of the lessons that I've learned.

23 The first is establishing national goals and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 objectives, is really essential to making progress. In our case
2 with the Coral Reef Task Force we developed and adopted a
3 national action plan to conserve coral reefs. And this action
4 plan helped increase participation and focus collaboration across
5 federal agencies on specific goals.

6 It is very important to define tangible
7 intermediate and end objectives, areas with clear and tangible
8 goals that appear to have made the most progress to date with
9 regards to the task force.

10 The second lesson we learned was the establishment
11 of clear priorities among goals and objectives. In this case
12 based on assessment of key threats to reefs in each region, the
13 task force identified six priority threats. The plan itself
14 identified I think 10 or 12 threats. But the task force said,
15 "Hey, let's look at six threats to begin with." What are the six
16 key threats.

17 And then focused on developing three-year local
18 action strategies, one for each of the areas, for purposes of
19 carrying out the national plan. The result has been increased
20 collaboration and increased focus on resources and activities on
21 highest priority areas.

22 The third lesson we learned was the establishment
23 of a mechanism to monitor and measure progress toward achieving

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 these goals, is very important and probably the toughest as well.

2 As you know, trying to come up with good performance measures is
3 always difficult particularly when you need to reach them by
4 consensus.

5 One of the things we discovered was that really
6 coming up with performance measures on a national level was
7 particularly difficult. But at the local level it was thought
8 much more reachable particularly in the light of the local action
9 strategies that have been put together. So instead of a national
10 approach we looked at tracking progress towards goals set at the
11 local and regional level through the three-year action
12 strategies, which seem to be particularly effective, and is
13 working pretty well to date.

14 Collaboration is another lesson we had learned.
15 Collaboration in this case between the federal, state, territory
16 and commonwealth governments that we found has really been
17 critical to success. And collaboration across these entities has
18 been a priority and a primary goal for the task force since its
19 inception, are due largely to increased collaboration and
20 strengthening of efforts among federal, state and territorial
21 interest.

22 And to give you an idea of the kind of
23 collaboration I'm talking about, I think it was my second night

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 when I was in Saipan, Lelei Peau, who is one of your Members, who
2 co-chairs -- he chairs the All Islands Workgroup -- invited me to
3 dinner with his All Islands Group. So I said, "Sure, I'd love to
4 go to dinner with you."

5 Of course, I got to dinner and I found out I was
6 the only person that was invited to dinner with this group. And
7 then I spent two and a half hours receiving particular points of
8 view from each of the members. While they were eating their
9 dinner I was writing down furiously all the information.

10 But I can tell you it was a great experience for
11 me because it was a great way for me to learn up close and
12 personal what the real views were of these people, sort of behind
13 closed doors. And even though I didn't get to eat much dinner, I
14 certainly learned a lot. And I've got a lot of points to follow
15 up on as a result of afterwards.

16 And, Lelei, I'd like to talk to you about that
17 before I leave this afternoon, too. But I think that
18 collaboration is key and a great tool.

19 The fifth lesson is powerful international
20 partners are out there. The task force drew heavily from
21 examples and lessons from other nations. And you should as well.

22 With over 1,000 MPAs worldwide and with countries like New
23 Zealand and Australia managing MPAs for over three decades, there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 are plenty of experiences to draw from. I know you've got
2 someone from Canada coming in to speak to you about MPAs tomorrow
3 over lunch. That's a good start.

4 As you know, the Department of Commerce is eager
5 to work with this Committee and eager for the Committee to get
6 its job done. The Department and NOAA are committed to
7 supporting your role as outlined in Executive Order 13158.

8 Your recommendations about the role of MPAs in the
9 United States including decisions about a national network of
10 MPAs will be highly valued. We as well our partner, the
11 Department of Interior, are looking forward to your insights on
12 clarifying a debate about Marine Protected Areas at the national
13 level.

14 Among the issues the Department is seeking your
15 advice on how to ensure that national MPAs are science based,
16 effective and equitable in meeting our marine conservation goals.

17 We're also seeking your recommendations on how to improve the
18 stewardship and management, as well.

19 Since the Executive Order does not have the
20 authority to designate new MPAs, it will be your recommendations
21 that will help to guide the Departments of Commerce and Interior
22 as they implement the Executive Order.

23 Later Joe is going to cover the specifics laid out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 by the Executive Order. And it will be the Committee that will
2 help the agencies implement these tasks, thereby achieving the
3 end goals of enhancing Marine Protected Area stewardship,
4 facilitating the design of a science-based national system of
5 MPAs, and achieving national and regional coordination of
6 consultation.

7 I want to touch on a process for decisionmaking
8 following establishment and deliberation of your subcommittees,
9 to begin the process of making recommendations to the Secretaries
10 of Commerce and Interior. Your recommendations will help form
11 what actions will be taken, one of the most important outcomes of
12 this Committee.

13 Your recommendations will not be taken lightly by
14 either of the Departments. This is why I urge you to carefully
15 and thoroughly consider the subcommittees you form this week
16 along with a purpose and expected outcomes.

17 MPAs cut across many NOAA mandates. Of course we
18 have the Magnuson-Stevens Act, Endangered Species Act, Marine
19 Mammal Protection Act, the Sanctuaries Act itself and the Coastal
20 Management Act. But we're handling all of these issues with a
21 united NOAA front, and that's our strategic plan.

22 The NOAA strategic plan was created with a great
23 deal of employee and constituent input. I personally spearheaded

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 this effort and held stakeholder meetings across the country to
2 hear many ideas and learn how constituent interests aligned with
3 our mission. I know several of you in the room participated with
4 the strategic plan.

5 The NOAA plan is centered around four strategic
6 goals. First is ecosystems. That is using the ecosystem
7 management approach to protect, restore, and manage the use of
8 coastal and marine resources.

9 The second goal is the climate. To understand
10 climate variability and change, to enhance society's ability to
11 plan and respond.

12 The third goal is weather and water. To serve
13 society's needs for weather and water information.

14 And the fourth is commerce and transportation,
15 that is to support the nation's commerce with information for
16 safe, efficient and environmentally-sound transportation.

17 These goals really represents the backbone of all
18 of NOAA's mandates and initiatives. We're lining our budget
19 structure and tracking our performance in the context of these
20 goals. As our partners and customers, you should know where the
21 MPAs fit within the system.

22 Under NOAA's Strategic Goal Number 1, Ecosystems,
23 NOAA has formed a Protected Area's team led by Jamie Hawkins to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ensure consistency and coordination throughout NOAA regarding
2 Protected Areas. And, by the way, Jamie reports directly to Mary
3 Glackin, who is one of your ex officio Members, who is our NOAA's
4 Administrative Assistant for Policy and Programming Integration.

5 So you've got a direct tie there as well.

6 Creating a team highlights the importance of
7 Protected Area management is important to NOAA. It provides a
8 focus for our designation authorities as well as research design,
9 implementation, enforcement, and monitoring responsibilities.

10 Designation and implementation authorities reside
11 in the National Marine Sanctuary Program, the National Estuarine
12 Research Reserve System, and the Fisheries Management, Endangered
13 Species, and Threatened Species Programs. Other programs
14 throughout NOAA have experience and knowledge in research design
15 implementation, enforcement, and monitoring. And it's our
16 responsibility to bring to bear all the resources and expertise
17 we have to implement this Executive Order.

18 This is not to say that we have MPA science design
19 and implementation all figured out. Of course, the use of the
20 MPAs as a tool for resource management is an iterative process we
21 will be constantly learning from.

22 The Committee has asked to hear today more about
23 NOAA fisheries -- this Committee of course has asked to hear

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 today from NOAA Fisheries, the National Wildlife Refuge System,
2 National Park Service MPA Programs. And if the Committee so
3 desires, I'd like to offer you the opportunity to hear more about
4 NOAA's other MPA programs like our National Marine Sanctuaries
5 Program and the National Estuarine Research Reserves.

6 And, finally, I'd like to mention the work of the
7 U.S. Commission on Ocean Policy, which is particularly important
8 at a national level. And I think timing is appropriate, too, as
9 far as this Committee is concerned.

10 In fact I had the pleasure on Friday night in my
11 flight from Washington Dulles to San Diego to be on the plane
12 with Bonnie McCay. So it was an opportunity to meet Bonnie for
13 the first time. Also an opportunity to sit next to Andy
14 Rosenberg. I happened to be placed next to him on the plane for
15 six hours. So I heard all sorts of information about what's
16 going on with the Commission. In fact he was proud to say that
17 he's cut down the review of the draft commission report from 700
18 pages to 300 pages. I said, well, he's definitely headed in the
19 right direction.

20 As most of you know, the Commission on Ocean
21 Policy has prepared draft recommendations which will release
22 their report shortly within the next month or two. There are
23 several areas where the work of this Committee will be integral

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to the implementations of many of the Ocean Commission's
2 recommendations.

3 For example, one of the Ocean Commission's draft
4 recommendations is enhancing ocean value and vitality through an
5 ecosystems management approach. This Committee's decisions could
6 help determine how the nation takes on this task.

7 Questions that may be addressed by the Committee
8 include what is the best use of MPAs, if any, to support this
9 recommendation. How can MPAs' effectiveness be measured. What
10 needs to happen differently to ensure MPA effectiveness. For
11 instance, determining effectiveness through properly designated
12 research and monitoring programs is one approach.

13 These are just some of the questions we hope that
14 you can help answer or help us better understand how the agencies
15 can approach these tasks.

16 I'd like to also mention the important work of
17 your federal ex officio Members that you have on board. Last
18 month the federal ex officio Members of this Committee gathered
19 at the Department of Commerce to discuss how they can best
20 participate in and support the Committee.

21 A number of them are here today, Mary Glackin from
22 NOAA, CDR. Karen Kohanowich in front of me, Jackie Schafer from
23 USAID, and Patty Morrison from Interior, are here today. Other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 ex officio Members included Maggie Hayes from the Department of
2 State; RADM. Jeff Hathaway, Department of Homeland Security; Dr.
3 Joseph Pawlik from the National Science Foundation; Mr. Mack Gray
4 from the Department of Agriculture.

5 These members are eager to work with the various
6 subcommittees that the Committee agrees to set up. These
7 agencies were not chosen at random to participate as ex officio
8 Members on the Committee. They were identified in the Executive
9 Order for their wide range of expertise in individual roles with
10 respect to MPAs. And these agencies should be used as a resource
11 for your subcommittee deliberations.

12 So let me conclude by emphasizing again the fact
13 that both Commerce Secretary Evans and NOAA's Administrator
14 Lautenbacher, their commitment to your role in implementing the
15 aspects of Executive Order 13158; both leaders strongly believe
16 in balancing conservation requirements with commercial and
17 recreational needs.

18 On that note I wish you the best in regards to
19 your important work that you're about to carry out. And we're
20 grateful for your service and look forward to the progress that
21 you make in the days and months ahead.

22 Thank you.

23 (Applause.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Thank you very much. Would you
2 take questions if there are any? You've done such a marvelous
3 job of compressing it down to our schedule I feel like I owe you
4 some time.

5 So, Gil.

6 MR. RADONSKI: Thank you for the presentation.
7 Can we expect some of these recommendations and questions that
8 you raised to come directly formally to our Committee since we
9 are charged with giving advice and recommendations? Will these
10 be formal questions submitted to the Committee?

11 MR. KEENEY: Yeah, we'll get them to you through
12 your administrator organization --

13 MR. RADONSKI: Thank you.

14 MR. KEENEY: -- to get them, Gil. I didn't
15 recognize you with that beard.

16 CHAIRMAN BROMLEY: Are there other questions for
17 Tim Keeney? Goodness.

18 Thank you again. It was very nice.

19 And I think we're on schedule. We have a 15-
20 minute break. Okay, thank you.

21 I have an announcement before you go. The
22 Committee lunch and breaks are set up in Bay Bridge A, directly
23 next to this room. And I think I see coffee at the back; is that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 right?

2 MR. [SPEAKER]: Yeah.

3 CHAIRMAN BROMLEY: Okay. Oh, now, this pertains
4 to the lunch. It's a working lunch. There'll be a sandwich
5 stand set up on the left side of this hallway for you to purchase
6 something to eat and bring back to the room. That's for
7 nonCommittee members.

8 Okay. We have a 15-minute break. Thank you very
9 much.

10 (Recess taken from 10:15 a.m. to 10:33 a.m.)

11 CHAIRMAN BROMLEY: Almost ready to reconvene.
12 Thank you for a quick break.

13 So, let's see, our next speaker is Joe, Joe
14 Uravitch. You know Joe from the previous meeting. He is the
15 Director of National Marine Protected Area Center. And he's
16 going to talk to us about a review of the Committee's charge and
17 the role of the National MPA Center.

18 So, Joe, it's your show.

19 MR. URAVITCH: Thank you very much.

20 Okay. We're really pleased to have you with us
21 here. As you all know I mean, we're really part of a process to
22 challenge the future of what's happening with certain aspects of
23 coastal marine resources here in the United States. And it's an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 endeavor we're not alone in.

2 You'll find in your notebooks a copy of the MPA
3 initiative that's taking place in Australia. And tomorrow you'll
4 be hearing from Mary Jean Comfort from the Department of
5 Fisheries and Oceans Canada, who's going to be talking about the
6 effort in Canada. But I thought we'd start providing you some
7 information about what's happening in other parts of world.

8 But my purpose here today really is to follow up
9 on the June meeting and address some of the questions that we
10 heard from you as a result of our first meeting. So I'll be
11 going through, oh, the role of the MPA Center, the role of the
12 Advisory Committee in these Executive Order efforts, as well as
13 reviewing the charges that we gave to the Committee last time and
14 go through the available resources for the Committee operations
15 and lay out a little bit about subcommittees, which I know is
16 coming up on the agenda later today.

17 I encourage you to ask questions as we go through
18 this. I'll certainly leave it up to the Chair to tell me when to
19 sit down. But I know that there are some technical questions as
20 we go through. And I think it would be useful if a pressing
21 question comes up as I'm going through the slides to ask them
22 then rather than have me go back. I think that might be more
23 time-effective.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So let me start first with the MPA Center goals
2 and say where we're coming from in the MPA Center. Essentially
3 you can distill down our responsibilities to being responsible
4 for implementing Section 4 of the MPA Executive Order. And that
5 includes a number of very specific tasks, such as those analyses
6 and assessments and international coordination you see in
7 Subsection 4A, or the website in some other specific activities.

8 And there are also a whole variety of general
9 tasks that we're responsible for, including consultation with
10 other agencies at the federal, state, and tribal level, Fishery
11 Management Councils, etc. So we have both general and specific
12 tasks.

13 To try and make these more digestible, we've gone
14 through a planning process internally and digested down these
15 tasks into three goals: Enhancing MPA stewardship, facilitating
16 design of the National System of MPAs, and national and regional
17 coordination and consultation.

18 And you'll see that there is a relationship
19 between these and what we have sent out as some ideas pertaining
20 to a possible organization of subcommittees, because what you're
21 going to find is that there's a relationship between the MPA
22 Center and the Advisory Committee in that your responsibility is
23 really to advise the Departments on how to best interpret and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 implement the Executive Order Section 4 and all its subsections.

2 And our responsibility as the MPA Center is really to implement
3 that Executive Order, that section of the Executive Order.

4 I thought it would be useful again to review the
5 distinction between the work that we do in the MPA Center in
6 terms of our roles and those of the programs of other agencies at
7 any governmental level. Essentially as was mentioned earlier we
8 have no authority --

9 Yeah, Bob?

10 MR. ZALES: Well, in your previous slide --

11 MR. URAVITCH: Sure, let me take it back.

12 MR. ZALES: When you get down to national and
13 regional coordination and consultation.

14 MR. URAVITCH: Um-hum.

15 MR. ZALES: I noted in the book that you all sent
16 to us that the Marine Protected Areas Needs Assessment Final
17 Report that was done in March of '02, when you get into the back
18 and you see the focus group locations and participants. And I'm
19 going to pick out an area that close by me, as Gulf Shores,
20 Alabama.

21 When they had that meeting in Gulf Shores, Alabama
22 there is not one recreational or charter representative who
23 attended that meeting. And when you're talking about national

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and regional coordination, and hopefully you're talking about
2 including those type groups in future meetings?

3 MR. URAVITCH: Oh, absolutely. We're going way
4 back to the early days of the Center when there were barely a
5 handful of people working it. And as I recall, and Ginger
6 Hinchcliff, who heads our Training and Technical Assistance
7 Institute, was responsible for that and is responsible for needs
8 assessments, I believe that one was in association with either a
9 National Park Service or Fish and Wildlife Service meeting. And
10 so it really wasn't a Gulf or Southeast needs assessment meeting
11 related to the broader constituencies.

12 It was specifically held with folks from the
13 Department of Interior. So what you're going to find is as we
14 move on beyond that, things are going to start broadening out a
15 bit more as we go and do more and more needs assessments. So
16 that wasn't an intentional oversight. It was --

17 Ginger, do you want to have any --

18 MS. HINCHCLIFF: I just -- I'll just tell you some
19 of the people that we hit. We did go to specific things. And
20 that was specifically to engage the DOI folks. And so they had a
21 lot of biologists and Protected Areas folks meeting there. And
22 we went down there to hear from them. A few people came in.

23 But one of the big things that we did was actually

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 do a lot of phone interviews to capture representatives from not
2 only, you know, the Southeast but certainly the islands, Alaska,
3 those kinds of things. And so as we look down the interview list
4 I think you'll find a broader representation.

5 MR. ZALES: Well, I have a problem with that list,
6 too, because in looking at that in the bone, I mean I see Bob
7 Jones with Southeastern Fisheries in there. I see Pat Murray
8 with Coastal Conservation. But still there's -- it was kind of
9 like what I would consider the recreational fishing community and
10 particularly for hire, nobody was there. Nobody was there to
11 participate.

12 And at the St. Petersburg meeting you have two
13 individuals from the Gulf Council. But in discussions with the
14 current chair of the Gulf Council last week, when I showed her
15 this list, as a member of the Council, she was totally unaware
16 that that meeting took place.

17 So somewhere there's -- what I'm getting to is
18 there was a lack of communication. And I think that's one thing.

19 And then my informational thing for Chair is we need a broad --

20 MR. URAVITCH: Right.

21 MR. ZALES: -- everybody needs to be involved in
22 this, because everybody is going to be affected by it, everybody
23 is going to be playing with it. Everybody needs to support

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 what's there and they need to understand it.

2 And without that constituency and without those
3 group of people being involved, you're going to lose a lot in
4 anything this Committee tries to do.

5 MR. URAVITCH: Right. I agree. And we'll make
6 sure we --

7 MS. HINCHCLIFF: Yeah, I guess I would completely
8 agree, too. And that's one of the reasons why we asked you all
9 to look over this piece because this is the first one. We will
10 continue and want to make sure that we do have a full
11 representation.

12 MR. URAVITCH: Yeah. And you'll note when we get
13 to the stewardship charge later in the presentation, that's
14 exactly one of the kinds of questions we're asking for. How do
15 we get to the right people. What's the best way to do that. Who
16 are the right people, to make sure we do it the right way.

17 MR. ZALES: Okay.

18 DR. PEREYRA: Joe?

19 MR. URAVITCH: Yes.

20 DR. PEREYRA: Just one question back here. In the
21 Executive Order, I noticed that the private sector was not really
22 included as part of the charge to establish this National System
23 of MPAs. Was there some basis for that?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. URAVITCH: No. I wasn't part of the drafting.
2 But the private sectors there, the way we interpret it, there's
3 a subsection that relates to consulting with states, territories,
4 tribes. And there's an "other entities." And as far as we're
5 concerned the other entities is the public, the private sector,
6 and the various other institutions that are available,
7 universities, etc.

8 I can't speak as to why, you know, industry was
9 not specifically mentioned in the Executive Order; but we're
10 certainly including them under that other entities clause.

11 MR. BENTON: Joe?

12 MR. URAVITCH: Yes.

13 MR. BENTON: Being a former state official why is
14 "state" in quotes and all the others are not?

15 MR. URAVITCH: What you're seeing is -- (laughter)
16 -- what you're seeing is something that has gone through
17 committees and many edits. And normally as a shorthand rather
18 than always saying "state, territorial, commonwealth," etc.,
19 etc., etc., we normally reduce it down to -- we'll say it the
20 first time then reduce it down to state, quote-unquote. And so
21 that's just a relic of many folks involved in the process of
22 putting this together.

23 MR. BENTON: Well, what if -- if I'm a state

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 official what am I supposed to infer from that? I mean the
2 states are a political subdivision of the country, right?

3 MR. URAVITCH: Yes, you are.

4 MR. BENTON: And so why -- I guess, does that
5 imply anything other than a typographical error?

6 MR. URAVITCH: No, not at all. It's just a relic
7 of many hands handling this slide and it not being caught.

8 MR. BENTON: Okay.

9 MR. URAVITCH: Again, normally we're directed by
10 the order "to consult with states, territories, tribes," etc., up
11 above. And normally after we say that the first time to just
12 shorten it in terms text we make it states, quote-unquote,
13 because that also includes territories and commonwealths. And so
14 normally it's just to save space. And we just screwed up.

15 (Laughter.)

16 MR. URAVITCH: What can I say?

17 So the difference between the MPA Center and the
18 other programs, probably the primary difference is we have no
19 regulatory authority. We're here to provide support,
20 information, tools, training, strategies for effective
21 management, etc., and trying to support those agency programs
22 that do have the authority to designate, manage and improve
23 Marine Protected Areas. And that would include state,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 territorial, commonwealth sites, as well as those at the federal
2 level, whether in the Interior Department, the Commerce
3 Department, or other federal agencies that may have Marine
4 Protected Area-like authority out in the water.

5 And we're very specific about that. You look at
6 the little quote on the bottom from the Executive Order
7 specifically saying we're intended to support, not interfere with
8 agencies' independence in the exercise of their own authorities.

9 And this will relate back to the National System
10 question, because once we've worked together to design what this
11 National System is going to look like the implementation really
12 falls upon the agencies themselves, whether at the state or
13 federal level, to make these things happen. It's not something
14 that the MPA Center has the authority to do, because we again
15 have no legal or regulatory authority.

16 In terms of how we're organized to implement this
17 Executive Order, and I know a number of you have seen this, but
18 this is for the sake of the Members and those who missed the last
19 meeting, we're a nationwide organization. We have our
20 headquarters operations at Silver Spring, and focused primarily
21 there in the usual Washington, D.C. kind of stuff, as well as
22 focusing in on support in the Advisory Committee.

23 We run the Education and Outreach Program for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 country, the website. We're working on the national inventory of
2 marine managed areas. Training and Technical Assistance
3 Institute in Charleston, which is integrated with NOAA's Coastal
4 Services Center that Ginger Hinchcliff runs, and the Science
5 Institute, which is co-located with the fisheries lab down at
6 Santa Cruz, California. These are not regional but
7 organizations. They have a national responsibility. But they
8 happen to be located in different parts of the country, which
9 means that sometimes there tends to be a tendency to view them as
10 local. They're not, though they will get involved in local
11 issues as well.

12 I will also note we have our first other field
13 location. We hope to set up at least one regional person in
14 different regions of the country. We have someone in New England
15 right now who sits in the Massachusetts Coastal Zone Management
16 Office to work on issues in the Gulf of Maine in the New England
17 area.

18 In terms of our operating budget, fiscal '93 last
19 -- or 2003 last year we operated with a budget of 3.9 million.
20 That .9 included -- was an add-on provided in the appropriations
21 process. We're still waiting final action this year. The
22 President's request of 2004, as in 2003, is 3 million. We have a
23 Senate mark of approximately 3 million and a House mark again of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 3.9. So we're hoping to hear soon on what our operating budget
2 is going to be in this current fiscal year.

3 In terms of the actual roles of the MPA Center,
4 there are really two major areas that we've sorted this out to,
5 our responsibility related to the Executive Order efforts itself.

6 Obviously implement Section 4 of the Executive Order; we have a
7 responsibility to coordinate MPA Executive Order issues across
8 federal departments and agencies, because that's where the
9 authority does lie in a presidential executive order, is it
10 directs federal agencies to do things. And we have the task of
11 trying to pull together the various federal agencies that are
12 involved in the implementation of this Executive Order.

13 And as was mentioned earlier today, we had our
14 first meeting of the ex officio Members, federal ex officio
15 Members of this Committee two weeks ago. And we're using that
16 group to re-establish the federal interagency working groups that
17 operated a couple of years ago.

18 And we've also been charged with coordinating the
19 process of MPA activities within NOAA, working with Jamie Hawkins
20 and others in the agency.

21 Relative to this Committee we're responsible for
22 managing the activities of this Advisory Committee in providing
23 support. We provide staff support to the Chair of the Committee.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And we also provide staff support to that Commerce NOAA ex
2 officio representative, Mary Glackin, who's with us here today.

3 This just gives you a schematic layout of how
4 we're implementing this order at the federal level. You can see
5 that although we are a NOAA office and we were set up in NOAA as
6 directed by the Executive Order there's also a requirement that
7 NOAA operate this Center in consultation and cooperation with the
8 U.S. Department of the Interior. So they are really our co-
9 managers of this institution. There's also a list of federal
10 agencies in the Executive Order who are directed to provide
11 support and help coordinate the activities of this.

12 The MPA Center's role obviously is to make this
13 happen and move forward with implementation. And you can see in
14 the blue boxes below the major goals that we've set for ourselves
15 in terms of the National System, improving stewardship, improving
16 coordination at the national regional level. And that really
17 stretches down to the state, territorial and commonwealth level,
18 working with the tribes, working with the Councils, and working
19 with the public and industry and institutions that are at those
20 various levels, with the ultimate objective of having an
21 effective, efficient National System of Marine Protected Areas.

22 Yes, Dolly?

23 DR. GARZA: Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 In looking at the last slide as well as this one,
2 the thing I don't see there is working with international groups
3 such as the International Pacific Halibut Commission, North
4 Pacific Anadromous Fisheries Commission, Pacific Salmon
5 Commission that are dealing with resources that certainly come
6 into these areas and are dependent upon these habitats.

7 MR. URAVITCH: Right. The Executive Order is very
8 limited in terms of what it directs us to do in terms of working
9 with international groups. There's just one small subclause in
10 Subsection 4A which says that we are to coordinate and provide
11 support to international activities. And doesn't go beyond that.

12 The reality is, though, we are working with groups like the
13 Council on Environmental Cooperation, who are working on a North
14 American network of Marine Protected Areas and obviously getting
15 involved with other institutions on an international basis. But
16 it's not primary directive to us at this point.

17 But that may be an issue that's going to have to
18 be sorted out in the future, because obviously we're not alone in
19 the world in what we're doing. And we're already providing, as I
20 mentioned earlier, information about what's happening in
21 Australia, looking at how they design their system.

22 And Mary Jean Comfort will be here from Canada
23 tomorrow to discuss their system and how that's growing and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 developing. And there's an ongoing effort across the U.S.,
2 Canada, and Mexico, for example, to look at North America as a
3 whole.

4 So I think we're going to get more and more
5 involved at the international level. But we also have the issue
6 of how much we can afford to get involved with. And so it hasn't
7 been at the top of our priority list at this point.

8 Mel?

9 MR. MOON: Yeah, on your Department of Commerce
10 and Interior listings, and other federal agencies, do you have a
11 list of the specific agencies that are under each heading?

12 MR. URAVITCH: Yes, we do. And if you look at
13 Section 4 of the order itself there's a list of departments that
14 are specifically included there. It would be National Science
15 Foundation, Department of Defense, Department of Transportation
16 which has now morphed into Homeland Security because Coast Guard
17 was moved. So there's a list of specific agencies there. As
18 well as if you go to the charter there's a list of the agencies
19 that are ex officio Members of this Committee.

20 MR. MOON: So is the Bureau of Indian Affairs
21 under the Department of Interior?

22 MR. URAVITCH: Correct. Yeah, because there are
23 actually a number of different bureaus within departments that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 are involved in this. So in terms of Interior, for example,
2 Minerals Management Service and Fish and Wildlife Service, the
3 Park Service, Bureau of Indian Affairs, etc. U.S. Geological
4 Survey from a science side. But they all had just one
5 representative on this Committee. But when you get down to the
6 working level there will be more people involved.

7 Let's see. Okay. That does show up -- it's not
8 showing up on my screen.

9 And so we've taken how we sort of relate to the
10 implementation of the order and just noted that we have the
11 Advisory Committee here. Again I would note I think that we need
12 to develop a close relationship in terms of how we function, not
13 only because we will be providing support to you, but we're also
14 a conduit for information and directions from the agencies.

15 And, as I mentioned, we have the responsibility
16 for implementing Section 4 of the order. And you all are
17 responsible for advising the departments on the implementation of
18 Section 4. So there's a close linkage between the Advisory
19 Committee and the work of the National Center.

20 We've laid out, and this more or less summarizes
21 what I just said, which is that the departments themselves would
22 provide a request for advice to the Advisory Committee.
23 Specifically you all are responsible for developing advice and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 recommendations back to departments. And then they would
2 basically provide the policy direction to us on how we proceed in
3 terms of implementing those aspects of the Executive Order.

4 All right. Now I'd like to review the initial --
5 yes, Bob?

6 MR. ZALES: Is there anything that states where it
7 gets into the Departments of Commerce and Interior? Where the
8 actual implementation comes from, from any advice that this
9 Committee makes, or anything that you all do as far as MPAs? I
10 mean who implements that? Does it go through the process like --
11 with Interior, I'm not that familiar with, but like with Commerce
12 it would go through the Council and then a recommendation to the
13 Fishery Service? And then the Secretary would, I guess, sign off
14 on the proposed regulation or rule, or whatever it would be?

15 MR. URAVITCH: Well, we wouldn't really generate
16 any rules or regulations. You all would be providing specific
17 advice to the Department on issues related to the implementation
18 of the Executive Order itself. And then --

19 MR. ZALES: That's -- excuse me. That's where I'm
20 going with, is to where does the actual implementation come from,
21 from whatever advice, because I realize we're just advisory. But
22 where -- if we give advice on what we recommend that needs to be
23 done, who implements it, if it's implemented at all?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. URAVITCH: That would be the MPA Center
2 ultimately, because it's -- and whoever we have to work with and
3 the various departments and other governmental levels to make
4 sure these things happen.

5 Yes, Gil?

6 MR. RADONSKI: Just following up on that a little
7 bit, I think I know where Bob is going, and I've had the same
8 question. What is going to be the procedure for the
9 recommendations that come out of this Committee to reach the
10 Departments of Interior and Commerce? It's not going to stop
11 with the MPA Center?

12 MR. URAVITCH: No.

13 MR. RADONSKI: How is it going to be -- how is
14 that -- those recommendations -- how are those recommendations
15 going to be forwarded?

16 MR. URAVITCH: I would say that -- no -- go ahead,
17 Mary?

18 MS. GLACKIN: Want me to try?

19 MR. URAVITCH: Oh, sure, go ahead.

20 MS. GLACKIN: I think that what we anticipate is a
21 wide variety of recommendations. And depending on what they are
22 that all -- you know, how it flows through the system. But any
23 recommendations that you make go back to the two Secretaries and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 then work their way through the system.

2 Some of those, for example, in the first set of
3 issues in terms of classifying how we classify MPAs, we would
4 then propagate that through official documentation of the agency.

5 And that may well be done just by the MPA Center itself, being
6 able to do that.

7 Some other recommendations this Committee makes
8 might be very far-reaching and influence how we actually do work
9 with Fisheries Councils or other things, and it would be dealt
10 with in that form. So there's not one solution, it comes in at
11 the top.

12 MR. URAVITCH: Yes, Rod?

13 DR. FUJITA: Yeah. Just so my understanding of
14 that is that it's all top-down implementation. There is no
15 opportunity to introduce Committee recommendations at the Fishery
16 Management Council level or at a lower level in the implementing
17 agency?

18 MR. URAVITCH: That's correct, because the
19 responsibility of the Committee is to advise the Departments on
20 implementation of Section 4 of this Executive Order specifically,
21 and not for any of those -- if you go back to that diagram I had
22 that showed agency programs that are responsible for specific
23 activities, whether they're fisheries management, marine

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 sanctuaries, coastal zone, or any of the other programs, this
2 Committee was not established to advise those programs. It's
3 established to advise the agencies on the implementation of the
4 Executive Order and those aspects of the Executive Order,
5 specifically in Section 4.

6 Yes?

7 MR. RADONSKI: Can I follow up on my question,
8 please?

9 MR. URAVITCH: Certainly.

10 MR. RADONSKI: The second part of this is going up
11 to the Departments. How are we going to be informed how these
12 are handled once we forward these recommendations to the
13 Departments? Is it just going to fall in a black hole or will we
14 be apprised of where this is going to go?

15 MR. URAVITCH: Well, obviously you'd be involved.
16 I'm not sure we want to lay out the specific details of how
17 we're going to process paperwork at this point. But it's
18 certainly going to go up to the decisionmakers, the policy people
19 in the agency. That's not going to be our responsibility. So
20 what we'll do is work with the Chair to make sure that there's a
21 clear process on how your recommendations are handled and who
22 they go to so that you have an understanding of how this works.

23 Yes?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 VICE CHAIR McCAY: Yeah, hi. Just a
2 clarification. I --

3 MR. URAVITCH: And your name, please?

4 VICE CHAIR McCAY: When I read this is that you --

5 MR. URAVITCH: Excuse me. Would you identify
6 yourself or the --

7 VICE CHAIR McCAY: I'm sorry. Bonnie McCay.

8 MR. URAVITCH: Thank you.

9 VICE CHAIR McCAY: That we do not provide advice
10 to your Center.

11 MR. URAVITCH: Correct.

12 VICE CHAIR McCAY: All of that goes through the
13 Departments. And I just want to have that clarification.

14 MR. URAVITCH: That's correct. You're advising
15 the Departments. And we are essentially the implementation arm.
16 And, you know, we'll probably be the people that will call and
17 say, "What are you going to do about this?" Or, ask our advice
18 on that. But, no, you are advising the Departments, you're not
19 advising the MPA Center.

20 But we can work with the Chair and the Co-Chair
21 and the Committee to make sure that the process is clear and
22 everybody understands how the paperwork is going to flow and how
23 the communication works.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Yes?

2 DR. O'HALLORAN: And so I understand --

3 MR. URAVITCH: Terry.

4 DR. O'HALLORAN: -- and to complete the loop,
5 there is a process for feedback to the Committee as to the status
6 of the recommendations, what was implemented, on an ongoing
7 basis?

8 MR. URAVITCH: Yes, we will do that. I mean I
9 think it sounds to me like we definitely have to put this process
10 down in writing so that everybody is clear and comfortable with
11 it. So I think that would be one of the first charges that we
12 ought to have coming out of the Committee, is that we develop
13 such a process.

14 Other questions?

15 Okay. Just a quick review with a little
16 embellishment from the last meeting. We laid out the three
17 specific charges from the Departments to this Committee
18 pertaining to Section 4 of the Executive Order. And very
19 generally they were: you establish and help us enhance our
20 ability to support MPA stewardship, to assist us in the public
21 dialogue with the MPA classification system, and to advise us --
22 actually the Departments on defining the framework for the
23 National System of MPAs.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And we've taken a further look at that because we
2 had a number of questions from Members of the Committee and we
3 wanted to make sure that we were clear on this. And so we
4 started off one at a time here talking about MPA stewardship
5 first. And this gets to the question we had earlier from Bob
6 Zales about who gets involved with needs assessments and how do
7 we make sure we have everybody covered. That's specifically the
8 kind of questions that we've asked ourselves.

9 And we need advice on which program implementation
10 needs are most critical. How we can further define the issues to
11 make sure that we meet the organizations and institutions and
12 constituents that you represent to help us identify those issues
13 or gaps that haven't shown up in the needs assessments we've done
14 so far. And you'll see shortly that's an ongoing process.

15 And then how do we best engage the various
16 stakeholder groups around the country, whether they're
17 governmental or nongovernmental, to make sure that we can achieve
18 our goal to improve the stewardship capabilities of existing MPAs
19 around the country at all governmental levels.

20 There are a number of activities that we're
21 involved with. You'll note needs assessments, for example. This
22 is an ongoing process. That first one was started in 2001.
23 There's another one that's been going on this year that's a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 technical needs assessment. And we look to doing a general needs
2 assessment probably once every three years or so; but doing very
3 specific needs assessments in between to make sure we're reaching
4 the various constituencies. And so that's one of the things that
5 we'll need to talk about is: What the right groups are; how do
6 we address them; how do we make sure that everyone's being
7 covered.

8 We have a number of activities that are already
9 taking place mostly through the work of our Training and
10 Technical Assistance Institute. There's writing being done on
11 the lessons learned from various MPA development and modification
12 activities. There is very specific targeted work that's ongoing
13 both in the terms of training and providing support for
14 activities, such as data analysis.

15 We've been working, for example, with the South
16 Atlantic Fishery Management Council. That was one of the first
17 groups we worked with, to help them with some data analysis work
18 they needed to do for some decisionmaking.

19 We have a brand new course, which I understand a
20 number of you or a few of you at least, were involved with or
21 heard about, Understanding MPAs, which was offered in Long Beach.

22 This is a general information course for stakeholders,
23 individuals that will give you a one-day understanding of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 breadth and scope of Marine Protected Areas.

2 And hopefully we'll start improving the public
3 dialogue on Marine Protected Areas so people start working from
4 some common understanding of what they're about. And this is
5 something we might want to talk about in terms of how we get this
6 out to people, how we can help various stakeholder organizations
7 or institutions or the public in general have a better
8 understanding about Marine Protected Areas.

9 I won't go through all the specific activities
10 here. But you can see that there are a number of stewardship
11 improvement activities taking place around the country that we
12 intend to continue on through fiscal '09 and beyond.

13 VICE CHAIR McCAY: Excuse me, Joe?

14 MR. URAVITCH: Yes?

15 VICE CHAIR McCAY: Bonnie McCay.

16 MR. URAVITCH: Yes, Bonnie.

17 VICE CHAIR McCAY: Have you prepared the printout
18 of these overheads? It would be really helpful if we had at
19 least some of these in front of us. For example, the previous
20 slide, that list and even this. Is it possible to provide those
21 to the Committee today?

22 MR. URAVITCH: Yes. We'll get those run off. We
23 were running into some technical difficulties in terms of getting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 things printed, transporting things across country and various
2 electronic glitches.

3 Yes? Tony.

4 DR. CHATWIN: Yeah, Tony Chatwin. I'm curious,
5 Joe. You have a five-year plan here starting next fiscal year.
6 Do you have a goal in mind were you want to be at the end of
7 fiscal year '09? How are you going to measure improving
8 stewardship?

9 MR. URAVITCH: Well, we have three specific goals
10 that we're looking at, one related to the National System and
11 development of that. And we'll get to that in a while.

12 In terms of stewardship we're still actually
13 defining goals. We just went through a long process within NOAA
14 to look at integration of programs related to Protected Areas and
15 trying to establish goals that integrate across the various
16 Protected Area Programs. So we basically scoped out a sort of
17 schedule for how we'd like to support the various MPA Programs.
18 But this is really a first draft. We're just beginning it.
19 That's why it says a "draft" at the bottom of this.

20 We have some ideas on where we think we want to
21 go. But a lot of this ultimately is going to be influenced on
22 what this National System looks like. Because if our
23 responsibility is to design and help implement a national system,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 then the sites that are in that are obviously going to be the
2 priority for us in terms of what we would support. So we've got
3 some general goals at this point, but we haven't gotten down to
4 the very specifics of this is what we're going to do.

5 Right now we're guided in terms of this activity,
6 by the needs assessments themselves in which we've gone to the
7 various programs and the various users and said what are your
8 needs at this point. And looking at the priorities among these
9 various user groups, and then trying to help direct what
10 resources we can to help address what they've viewed as their
11 primary needs.

12 And, Ginger, am I covering that properly?

13 MS. HINCHCLIFF: You are, Jim.

14 DR. PEREYRA: Joe?

15 MR. URAVITCH: Yes.

16 DR. PEREYRA: Well, you may be getting to this
17 later on, and I apologize if I've jumped ahead here, but I'm a
18 little confused. I see the program that's laid out through FY
19 '09. Yet, as I understand it, our Committee's charter only goes
20 out through the end of this next year. And everything that's on
21 here is directed at coming to some conclusion and out years when,
22 in fact, we don't have the charter to get there.

23 Do you have some sort of an internal fallback plan

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to where we would come up with some kind of a working document or
2 something that would represent the reflective interests of those
3 and our work here by the end of the charter year?

4 MR. URAVITCH: I actually have a slide this coming
5 in later that talks about the Committee and its charter and how
6 it continues. We view this Committee as continuing on into the
7 future. It's not just a two-year committee.

8 So what's going to have to happen, though, is that
9 we're going to have to work with the Committee. And as the
10 Committee thinks through its subcommittees and its working groups
11 of what you all can hope to accomplish within the life of this
12 particular Committee.

13 There's also the ability, and correct me if I'm
14 wrong, Maggie, that Committee Members can renew their membership
15 for another two-year term. So you can start looking into at
16 least a four-year planning horizon.

17 CHAIRMAN BROMLEY: In the interest of letting Joe
18 get through his prepared comments, I'm going to have to ask that
19 -- and all these questions are very good but, Joe, you need to
20 grab ahold of the program here. And if you feel the questions
21 better docket later on, please feel free to say I'm going to deal
22 with that later on.

23 MR. URAVITCH: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Only you know how much more
2 there is to come.

3 MR. URAVITCH: Not much.

4 CHAIRMAN BROMLEY: Okay.

5 MR. URAVITCH: But we're getting close.

6 CHAIRMAN BROMLEY: I'd like you to ask some of us
7 to hold our -- you know, if it sounds like something you can
8 cover later on, because we will have an opportunity to revisit
9 them.

10 MR. URAVITCH: All right, sir.

11 CHAIRMAN BROMLEY: So you feel free to tell us to
12 hold that.

13 MR. URAVITCH: Okay, thanks.

14 Okay. The second charge from the June meeting was
15 very specific. And it related to assisting us with communication
16 of the new classification system that Charlie Wahle had put
17 together, the value neutral classification system. But it really
18 relates more broadly to helping us communicate and coordinate on
19 a variety of MPA issues.

20 The classification system was just one that the
21 Departments picked out first. Because what we had seen over the
22 developing years, over the past two years, was an issue that the
23 public dialogue, and in some cases, we think was more adversarial

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 than it needed to be, in part because it was driven by people
2 using the same word and meaning different things by that word.
3 And it's very difficult to communicate on a positive basis if
4 you're both using the same word and meaning something very
5 different.

6 So we looked at the scheme for classifications
7 that are around the world and realized that we needed to find
8 some value neutral way to do that. And the classification system
9 is the one that we've come up with.

10 And there's a handout that was passed out again
11 today that goes a little further into that. And so specifically
12 we're asking for your support in helping us reach the various
13 audiences. How do we do it. What kind of material should we
14 develop. What kind of venues should we use to get that message
15 out. How do we work across agencies. How can you help us do
16 that. Because we obviously have very limited resources. So we
17 can only be so many places, produce so much material.

18 What's the best way for various issues, in this
19 case the classification system, to reach those important
20 constituency groups out there to help improve the public
21 dialogue.

22 And -- yes?

23 MR. RADONSKI: Joe, do you have anybody on your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 staff working on identifying constituency groups?

2 MR. URAVITCH: Specifically, we have a
3 communications director, Dana Topousis, and she works with me.
4 We have our education person who helps work with the education
5 community. We have a coordinator for working with --

6 MR. RADONSKI: Do you have a list of
7 constituencies?

8 MR. URAVITCH: Pardon me?

9 MR. RADONSKI: Do you have a list of
10 constituencies and constituency groups?

11 MR. URAVITCH: Just what's provided through NOAA
12 and the NOAA Communications Office and Public Affairs.

13 MR. RADONSKI: Because we keep hearing user groups
14 and they have to be enjoined. And this is a common tenet of
15 MPAs. Yet we don't -- it's sort of a questionable group. Who
16 are they? We need to work on identifying them.

17 MR. URAVITCH: Well, we have, again, the
18 constituent groups laid out by NOAA Public Affairs who they work
19 with, but we'll be happy to work with the Members of this
20 Committee. And we'd like to identify those various groups.

21 I mean maybe one of the things that this group or
22 a subcommittee or a working group of a subcommittee could help us
23 come up with is a list of these constituents.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. RADONSKI: I looked at your subcommittee stuff
2 and you did mention outreach in there, which means that you're
3 interested in this. But you're going to have to identify who
4 you're going to reach out to.

5 MR. URAVITCH: Right. And if you can help us in
6 that --

7 MR. RADONSKI: Sure.

8 MR. URAVITCH: -- I think that will help us move
9 ahead.

10 In terms of communication we have a variety of
11 activities. We have the MPA.gov website. We have a presence out
12 on the Pacific Coast through our Science Institute. And they've
13 been involved in a number of activities along the Pacific.

14 We've set up this web-based Pacific MPA
15 clearinghouse for governmental activities working with the
16 Compass Group. That's a prototype for what we're calling
17 Regional MPA Information Centers.

18 We hope to put online for all regions of the
19 country within the next year or so one place where you could find
20 out what's happening at various governmental levels in the MPA
21 arena. So that if you're a member of the public and you want to
22 know what's happen with MPAs on the West Coast or the Gulf of
23 Maine or the Gulf of Mexico or the Pacific Islands, whether it's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 done by a federal agency, a state agency, a regional council, a
2 tribe, or some other governmental institution, you'll be able to
3 go there and essentially go one-stop shopping to get basic
4 information about what activities are taking place, where's the
5 next meeting going to be? What are they trying to accomplish.
6 And who do you contact for more information. So that we can
7 start providing the availability of basic information for people
8 around the country.

9 In terms of our Outreach and Education Program,
10 we're really just getting started on aspects of that. We're
11 producing some materials. But again that's a place where we
12 could use some assistance in terms of advising us on what's
13 important. And a lot of that relates to what we mentioned
14 earlier. What are the big issues. Who should we be reaching.
15 What kind of materials would be the best way to reach people,
16 what kind of venues.

17 And then finally we have a lot of activity taking
18 place on an interagency basis. We've been working with the
19 states all along on a number of issues.

20 And we have begun working with the tribes. It's
21 been a process that's taken a while. We've been working with the
22 Bureau of Indian Affairs. We've talked to Members of this
23 Committee and people from other tribal institutions. And that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 going to be an ongoing activity for us.

2 A lot of these things depend on what happens with
3 our budget. And I'll get to that in a while, in terms of where
4 we're going to expand our capabilities in the coming year.

5 And, finally, I think one of the biggest questions
6 is: So what are we doing this for? What is the framework of
7 the National System? What are its goals?

8 What we have the Executive Order is very general.
9 It says that it's "A National System representing diverse U.S.
10 marine ecosystems and the nation's national and cultural
11 resources." What does that mean specifically?

12 For example, cultural resource. What does
13 "cultural resource" mean? Some people have limited it to
14 shipwrecks or drowned paleolithic sites. But there are also, you
15 know, living peoples that have a culture that need some
16 protection. So when we mean cultural resources, what do we mean
17 by that? And we've had some comments related to a recent Federal
18 Register Notice on our criteria for the MPA inventory. But this
19 is something that needs further definition as we move along to
20 define a National System.

21 You know, further, how do we coordinate all the
22 existing sites we have. We're only probably two-thirds of the
23 way through, for example, in looking at sites at the state level.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And if you look at where our inventory is today on the MPA.gov
2 website what you'll find is that there are between 250 and 300
3 federal sites. But we've talked to 20 states and territories so
4 far and have come up with an additional 670 sites that are
5 designated and managed in state and territorial and commonwealth
6 waters.

7 We estimate by the time we're finished working
8 with the states that we will have well over a thousand sites that
9 are managed by states. So now we're talking about a management
10 universe of 1200 to 1500 sites around the nation that are managed
11 by some level of government.

12 How do we integrate that into some rational system
13 of a national network of Marine Protected Areas and what should
14 they do? And related to that is the whole concept of the MPA
15 list, another part of the Executive Order which has some
16 potential impact on federal agencies.

17 How do we define the criteria to move sites from
18 our inventory onto this list of Marine Protected Areas that are
19 ultimately part of this National System.

20 So these are some of the big questions related to
21 the country that we'd like you to help us address.

22 There are a number of activities that are ongoing
23 or just getting started related to this. The Science Institute

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 in Santa Cruz has been working on both social science and natural
2 science strategies. And you might have seen a handout on the
3 social science strategy. We've begun taking that on the road.

4 Charlie and his crew from the Santa Cruz unit have
5 been holding regional workshops. The first was in the Caribbean
6 a couple months ago. The next one is going to be in the South
7 Atlantic to try and regionalize these social science strategies.

8 There's a natural science strategy draft coming
9 out fairly soon. And then targeted research that we're helping
10 to either inspire or integrate or, in some cases, co-support at
11 least a modest level related to priorities for research related
12 to Marine Protected Areas.

13 The criteria definitions issue you've already
14 heard a bit about. That's extremely important. And I see that
15 it doesn't quite stretch out here. The criterion definitions
16 question really relates to not only the inventory that we're
17 developing but also stretches into fiscal year '05 and relates to
18 establishing the criteria for the list of Marine Protected Areas
19 as well as defining the goals of the National System. So there's
20 a variety of activities undertaken.

21 The rest of these that you see on this list,
22 stretching out into '09 are our first estimate at the various
23 assessments and strategies and activities under Section 4A that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 you'll find in the Executive Order; things we need to know about
2 MPAs and about the natural and cultural resources of the United
3 States as we move forward in actually building this National
4 Network or National System of Marine Protected Areas.

5 And so one of the things I'm sure we'll be talking
6 to you about, and you will have an interest in, is the sequencing
7 of this in terms of the kinds of information we ought to be
8 collecting, the kinds of research we ought to be undertaking, and
9 how we move about doing that in partnership.

10 Because it's obviously not something we're going
11 to be funding by ourselves with our budget of 3 to \$3.9 million.

12 This is all going to rely on partnerships with governments, with
13 industry, with institutions, with nongovernmental organizations
14 if we're going to make this happen.

15 In terms of the resources available, that's sort
16 of a good segue into this. As I mentioned at the last meeting,
17 the charter has an annual budget for the meeting of this
18 Committee of \$250,000, which includes the support of two person
19 years of staff. And that includes people like Maggie Ernst and
20 Bunnie Sparks, and Dana Topousis, and part of my time, to make
21 this happen. Lauren Wenzel, as well.

22 But that also includes the travel costs, meeting
23 spaces, etc. We're going to have a discussion on this later in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the agenda related as to where the next meeting is going to be.
2 And our program analyst has laid out some options in terms of
3 what it costs to hold meetings in different places.

4 But this is obviously something we're going to
5 have to work with the Chair and the Committee on in terms of
6 where we go in the future and how much it's going to cost.

7 We are looking at other ways to provide support
8 besides just money. Most of you probably know now about the new
9 password-protected website we're setting up to facilitate
10 information exchange across the Committee on nondeliberative
11 matters. Obviously if it's deliberative it has to be in an open
12 and public meeting. But we're trying to find ways to facilitate
13 communication across the Committee.

14 And then finally there are the subcommittees and
15 working groups. And there are no specific funds identified in
16 the charter for that activity. But again we need to work with
17 the Committee to see how we can advance the work that needs to be
18 moved forward to meet the charges from the Departments.

19 In terms of the subcommittee and working group
20 approval process, some people asked for clarification of that.
21 The way we see it happening is that you all obviously identify
22 the subcommittees and working groups you need. We send out a
23 strawman for your consideration the last week. That really links

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to the goal structure that's been set up for the implementation
2 of Section 4 of the Executive Order. And we hope you'll give
3 that a look to see if that meets your needs.

4 We're here to discuss with you your proposals on
5 the committees and subcommittees that you want to set up. And
6 then it's up to you to recommend to the Department the specific
7 subcommittees and working groups that you think you need to
8 establish. And those would be reviewed at the policy level
9 within the Departments. And it's their determination on approval
10 or disapproval of those, as well as membership on the various
11 working groups that are set up, because working groups can
12 include outside representatives, as well.

13 So that's a summary of the whole subcommittee and
14 working group process and how that works in terms of getting
15 committees approved.

16 Yes, Tundi?

17 DR. AGARY: Joe, in the agenda today it says that
18 we're going to split into subcommittees once we decide what those
19 are. And if it requires pre-approval by the Departments how can
20 we possibly organize ourselves into subcommittees at this
21 meeting?

22 MR. URAVITCH: Maggie, you want to handle that?

23 Because Maggie has talked to Department counsel

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and there's abilities to meet on an ad hoc basis, and to start to
2 organize yourselves. Plus we're here to discuss and make
3 recommendations.

4 But, Maggie, can you fill in the gaps a bit there?

5 MS. ERNST: Yeah. The way to allow you to devise
6 a structure and actually meet today, you're technically ad hoc in
7 terms of the subcommittees that are arranged. But we know that
8 we will be having feedback for use throughout this meeting from
9 the ex officio representatives from Interior and the Department
10 of Commerce.

11 And so as you iteratively move towards the
12 substructure it will very likely be one that's amenable to the
13 Departments, and we will be endorsing it after the fact. But
14 FACA is clear about this issue of having written approval for any
15 subcommittees that are formed under the Act.

16 MR. URAVITCH: Okay. We're almost to the last
17 slide. We're just sort of laying out the organizational
18 structure a little bit to show what your options are and what the
19 responsibilities are.

20 Basically the Commerce-Interior leadership makes
21 the decisions in terms of approvals. The Advisory Committee
22 recommends. And then you have the ability to set up both
23 subcommittees and working groups and ad hoc groups, as well. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the value to working groups is that you can choose to bring in
2 non-Committee members.

3 Subcommittees members have to consist of Members
4 of the full Committee. But if there is certain technical
5 expertise you think you need to handle specific issues, under a
6 working group you have the ability, subject to review by the
7 Departments, of bringing in external experts.

8 Yes, Bonnie?

9 VICE CHAIR McCAY: yes. Do the ad hoc working
10 groups have to be approved?

11 MR. URAVITCH: Maggie?

12 MS. ERNST: No -- I mean they're ad hoc because
13 they're short-term in nature.

14 VICE CHAIR McCAY: But do they have to go through
15 this process?

16 MS. ERNST: If they -- yes, they would.

17 CHAIRMAN BROMLEY: Joe's handout, if I may -- I'm
18 trying to summarize what Joe's talking -- says: Members plus
19 outside experts shall be selected by us in consultation with the
20 Department of Commerce and Interior. Does that sound right,
21 Maggie?

22 MS. ERNST: Yes.

23 MR. URAVITCH: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BENTON: Mr. Chairman?

2 CHAIRMAN BROMLEY: Yes.

3 MR. BENTON: May I ask a question about that?
4 Because what -- Dave Benton -- if I understood what you just
5 said, what the slide indicates and what Joe just said are
6 somewhat different. Maybe it's a difference in nuance. But you
7 said "selected by us in consultation with the agencies." What
8 Joe is saying is you don't get to go there unless the agency says
9 that's okay, period. That's a little bit different nuance. I
10 don't imagine that that's a problem, practically, or I'm hoping
11 it's not. But is that a distinction without a difference?

12 CHAIRMAN BROMLEY: Well, Joe is the expert on
13 that. I was just reading from what Joe prepared on a paper
14 handout. "Outside experts shall be selected by the full
15 Committee in consultation with DOC and DOI."

16 Is that right, Joe?

17 MR. URAVITCH: Yes.

18 MS. ERNST: That's taken from your charter.

19 CHAIRMAN BROMLEY: Yeah, that's from the charter.

20 MR. BENTON: So, Mr. Chairman, if I could just
21 follow up for just a second?

22 CHAIRMAN BROMLEY: Yeah.

23 MR. BENTON: If the Committee decided -- this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Committee decided they wanted to have a subcommittee formed that
2 -- or, yeah, a subcommittee formed that was of individuals that
3 are not on this Committee, plus maybe one or two Members of this
4 Committee, that the agencies did not approve of, and we wanted to
5 avail ourselves of that kind of expert advice, the way around
6 that would be for us to take it up as a Committee of the whole,
7 and then ask for a presentation perhaps by those members that are
8 not on this Committee, or experts?

9 MR. URAVITCH: Well, you could invite outside
10 experts to make presentations. But that's different from
11 establishing, say, a working group.

12 MR. BENTON: I understand.

13 MR. URAVITCH: If you were to set up a formal
14 working group, nonCommittee members on that working group are
15 subject to consultation with the Departments.

16 MR. BENTON: Yes. But I guess what I'm getting at
17 is if we can't do it through a subcommittee we can do it as a
18 Committee of the whole; is that right?

19 MR. URAVITCH: Well, you could always meet as a
20 Committee as a whole.

21 MR. BENTON: Yeah. Okay.

22 CHAIRMAN BROMLEY: But, David, we could not have
23 had a member of the subcommittee who was not a Member of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 parent.

2 MR. BENTON: I understand.

3 CHAIRMAN BROMLEY: Yes.

4 MR. URAVITCH: Bonnie?

5 VICE CHAIR McCAY: But the question is what does a
6 consultation mean? And does that require that it go up and get
7 written approval and come back. Or does the participation of ex
8 officio Members meet that and within the charter?

9 MR. URAVITCH: Maggie?

10 MS. ERNST: They --

11 CHAIRMAN BROMLEY: Part of this discussion we
12 could have later on as we get to the constitution; is that right,
13 Joe?

14 MR. URAVITCH: Yes, we could.

15 CHAIRMAN BROMLEY: Which I'm --

16 MR. URAVITCH: I mean we --

17 CHAIRMAN BROMLEY: -- not trying to stop
18 discussion of it now.

19 MR. URAVITCH: Right.

20 CHAIRMAN BROMLEY: There is a time in which we
21 will have to constitute ourselves.

22 MR. URAVITCH: Yeah. We have Departmental
23 representatives here as ex officio Members to help us get through

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the process today. But ultimately these things have to go to the
2 leadership in the agencies when you're establishing standing
3 organizations.

4 CHAIRMAN BROMLEY: The only thing I would like to
5 add to Joe's slide -- and, again, I'm just reading what Joe
6 prepared for that, is these look somewhat similar. If you look
7 at what Joe wrote, gather information up here for subcommittees,
8 it says "gather information." But the one thing that Joe has in
9 his written handout is that working groups may conduct studies.
10 Is that right, Joe?

11 MR. URAVITCH: Yes, they may.

12 CHAIRMAN BROMLEY: And it's not listed here, --

13 MR. URAVITCH: Right.

14 CHAIRMAN BROMLEY: -- which looks like these
15 things are not very different from these things, but they are.
16 But then again that's something we will come back to. I mean the
17 idea of working groups, it seems to me, is to conduct studies for
18 which we have no money. And to bring in outside expert, for
19 which we have no money. But we can do those at a regular
20 meeting. Is that right, Joe?

21 MR. URAVITCH: Correct. And then subcommittees
22 you may want to have a limited number of standing subcommittees
23 that would then task something down to a working group or a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 further subcommittee to do things specifically.

2 Well, all right. The second-to-last slide. Those
3 who have asked questions about the Committee lifecycle, it's not
4 as bad as it looks.

5 (Laughter.)

6 MR. URAVITCH: The first row just basically lays
7 out the charter process because the Committee charter has to be
8 renewed and reapproved every two years. And so this Committee's
9 charter was approved in December and it basically runs through
10 December of 2004. So we have that cycle is working.

11 We also have the appointment of membership. And
12 the first appointments took place in June, though things are
13 scattered a little bit because of the background-check process.
14 But what that tells you ultimately is the Committee is currently
15 composed, looking at the bottom, has about three more meetings
16 after this one, at which point the charter for this Committee
17 expires and this Committee expires. But, as I understand it,
18 there is the option for a two-year renewal of membership by
19 existing Members. So that gives you a window, in effect, of up
20 to four years to accomplish specific tasks. And so this really
21 just lays out in a schematic how things might take place over the
22 next few years.

23 So finally, in summary, the Executive Order

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 basically talks about the need for an effective -- and the word
2 "equitable" has come up several times here, as well, today. And
3 it's interesting to hear that it was used here as well as by us
4 when this was being drafted of Marine Protected Areas. And by
5 that we mean that it's important, then it's fair to those that
6 are potentially affected by and have an interest in this National
7 System.

8 The goals that we have are derived specifically
9 from the charges in the Executive Order of Section 4. The
10 Advisory Committee basically advises the Department on
11 implementing the Executive Order. It says we serve as a conduit,
12 but that doesn't mean you have to come to us to get permission to
13 meet with leadership of the Department. Obviously that's your
14 prerogative. And I wouldn't tell Dan. He has to talk to me and
15 be a gatekeeper. He obviously has his authorities and his
16 responsibilities as the Chair of this Committee.

17 And, finally, that we're looking forward to your
18 advice to help us in terms of improving the effectiveness of
19 existing MPAs, helping us in this larger question of designing
20 this framework for this National System or network. And we're
21 calling it a network very deliberately because people have been
22 concerned that somehow the Federal Government is going to usurp
23 the authority of local governments, or others or state

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 government. That's not our purpose. We don't have any
2 regulatory control over what happens at the state level. Or we
3 don't change anybody's authorities.

4 So we'd like to think of how we can make this a
5 network. If we're looking at the ecology from the near shore to
6 the far offshore, how do we link these various authorities across
7 government agencies, across institutions, across industries and
8 in groups, to develop a system or a network for the country
9 that's going to meet the multiple conservation and management
10 needs of the country.

11 And that is my last slide.

12 CHAIRMAN BROMLEY: Okay. Thank you, Joe.

13 Other questions for Joe? We have a few minutes.

14 MR. URAVITCH: Mike, and then Dolly.

15 MR. NUSSMAN: Joe, thank you for the presentation.

16 Two specific questions -- or actually one question and one
17 statement. I see in your summary we use the term "needs an
18 effective" -- "national needs for an effective and equitable." I
19 key on the word "effective" there. And then I go on down to the
20 last point that said, "improve the effectiveness of existing
21 MPAs."

22 As I recall from our last meeting, we weren't
23 currently collecting data on the goals or the effectiveness of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the existing MPAs. Is that correct?

2 MR. URAVITCH: We are collecting about 80 fields
3 worth of information about sites. There hasn't been any
4 effective analys- -- effectiveness analyses undertaken yet. You
5 can't just sort of collect information about effective. You've
6 got to have a process to do that. And we're not at the process
7 stage yet. That will come further down the road.

8 MR. NUSSMAN: Well, I guess I actually saw in one
9 of your slides, I think that was FY '06, perhaps, where you had -
10 -

11 MR. URAVITCH: And there it goes.

12 MR. NUSSMAN: -- "effectiveness" designated.

13 MR. URAVITCH: Right. I mean we're working on
14 strategies for effectiveness, both through the Training and
15 Technical Assistance Group and the Science Group. But that's
16 just getting started.

17 MR. NUSSMAN: Well, it would strike me as that is
18 a huge, huge, huge piece of work and one that's fundamental to
19 our success and to the success of this broader effort in the
20 country, around the nation. So one fiscal year it would seem to
21 me would be -- we could spend all our money, all our time --

22 MR. URAVITCH: Yes.

23 MR. NUSSMAN: -- just working on that specific

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 issue. So I just point that out, and I don't know that I have an
2 answer, but I wanted to make sure I did raise it.

3 MR. URAVITCH: Yes.

4 MR. NUSSMAN: Another point -- I'm not sure this
5 is the right time -- there was a handout that was provided,
6 "Clarifying Misconceptions About Marine Protected Areas." And
7 this is an issue I've raised before and I know it's been raised
8 before.

9 As I look through this, sitting here and trying to
10 capture all this information in a fairly quick fashion, I see one
11 that strikes me as not terribly clarifying, I guess, would be the
12 misconception on the first page that said, "All Marine Protected
13 Areas are no-take or no-fishing zones."

14 MR. URAVITCH: Um-hum.

15 MR. NUSSMAN: The first statement then says,
16 "Reality. First of all, less than one percent of U.S. waters are
17 currently protected."

18 MR. URAVITCH: That's true, in terms of no-take.

19 MR. NUSSMAN: It seems to me that says a lot more.
20 It doesn't say in terms of no-take. What it says, "are
21 currently protected." And unless someone has repealed a whole
22 series of laws, that statement certainly is misleading.

23 And I would urge the staff to take a look at and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 write it in a way that's a bit clearer.

2 MR. URAVITCH: Well, that -- you do that.

3 MR. NUSSMAN: Thank you.

4 MR. URAVITCH: Let's see, Dolly was next.

5 DR. GARZA: Thank you. I thought I was following
6 fairly well and then I got back to being confused again. You
7 initially pointed out the three main charges that that this
8 Committee has.

9 MR. URAVITCH: Correct.

10 DR. GARZA: But then when you responded to it, it
11 looked like the following slides referred to with the MPA Center
12 is doing, which is not who we're advising.

13 MR. URAVITCH: No. You're --

14 DR. GARZA: And so that's sort of this triangle of
15 trying to figure out what direction information flow is coming
16 from or going to.

17 MR. URAVITCH: The advice goes to the Department.

18 But ultimately what's likely to happen, since its advice on the
19 implementation of Section 4 of the Order, is the Departments are
20 going to point the finger back to MPA Center who is responsible
21 for implementation of Section 4, and say, okay, what are you
22 going to do about it.

23 So ultimately we are a major piece of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 implementing responsibility for that. But it's the Departments
2 that are asking for advice on specific issues. And you would be
3 transmitting your advice to the Department of Commerce and to the
4 Department of Interior.

5 DR. GARZA: Okay. If I could follow up on that?

6 MR. URAVITCH: Certainly.

7 DR. GARZA: So then if we are the three charges,
8 enhancing MPA stewardship, looking at classification, looking at
9 the framework, so we are going through you to gather the
10 information. It sounds like you're gathering some of the data
11 now, because if we are to enhance MPA stewardship, as the 30-some
12 or however many of us that are here, we simply could not do that
13 without some support.

14 MR. URAVITCH: Right. No, we're looking for
15 advice on how the Departments would do that work. We wouldn't be
16 asking you specifically to do the outreach activities or to
17 collect the data, or whatever. But, you know, as was mentioned
18 earlier by Gil, who are those groups we ought to be reaching out
19 to. Let the Departments know who are directing us to do this
20 kind of work who the right people are that we ought to be
21 contacting. Who have we left out.

22 Or in terms of the National System, you know what
23 are those goals. We have very general direction in the Executive

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Order; but what does that mean. How does that affect people.
2 What does the word "cultural" mean, for example.

3 Should we be protecting just spawning aggregations
4 by diversity hotspots. What's the ultimate specific goals of
5 this National System we're trying to do. And that's where we're
6 looking for advice.

7 It's really sort of a big-picture question as well
8 as the specific question of: And how do you get down to the
9 people that this potentially affects to make sure that we're
10 doing this the right way.

11 DR. GARZA: Thank you.

12 CHAIRMAN BROMLEY: Okay. We'll take one last
13 burning question. John.

14 MR. URAVITCH: John?

15 DR. OGDEN: Burning, I'm not sure. Joe, this is a
16 hypothetical question really. It's fairly clear that the
17 Commission on Ocean Policy is going to recommend a mechanism to
18 ease this sort of interagency conflict and overlap of
19 administrations, at least start that process with some sort of
20 national level coordinating body.

21 And looking at the time line here, do you see this
22 process affecting, trickling down to this level, or how do you
23 look at that?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. URAVITCH: I think somehow we're going to be
2 involved with it. I mean we've already been asked to brief the
3 President's Council on Environmental Quality on the progress
4 we're making in the Executive Order.

5 From what my understanding of what I've seen so
6 far from the various commissions is they're looking at broader
7 regimes of ocean management. And we're obviously one of the
8 tools that will be used to address those kinds of issues. So my
9 guess is somehow we'll be integrated in a broader NOAA and
10 departmental approach to that.

11 DR. GARZA: I do have one burning question I
12 forgot.

13 CHAIRMAN BROMLEY: Okay.

14 DR. GARZA: Okay.

15 CHAIRMAN BROMLEY: What can I say? It's the first
16 day. I have to appear gracious.

17 DR. GARZA: That's right.

18 CHAIRMAN BROMLEY: Wait till tomorrow, Dolly.

19 DR. GARZA: He won't say no to me.

20 So on your last slide, when you were summarizing,
21 it had nothing to do with the slide.

22 MR. URAVITCH: Oh, okay.

23 DR. GARZA: You said we don't reach into states or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 we don't affect states. And so the trick question, of course,
2 from Alaska is always where does the state end and where does the
3 federal begin in terms of critical habitat is often in the
4 intratidal area. And one of our debates is: Where is that line
5 drawn.

6 MR. URAVITCH: That's right. And we don't affect
7 the legal authorities of what happens at the state level. But
8 that's why -- I mean that's one of the reasons why we're charged
9 under this Executive Order, which really gives us only authority
10 to do things at the federal level, to consult with and coordinate
11 with the states and with the tribes and the territories and the
12 commonwealths and the Fishery Management Councils and others,
13 because you can't do this by yourself.

14 And there are obviously going to be conflicts
15 across these levels. And the question is whether there's a way
16 we can help through this progress try and address some of those
17 issues as we go through that.

18 CHAIRMAN BROMLEY: Okay. Thank you, Joe. That
19 was very nice.

20 Okay. Our last presentation before the lunch
21 break is David Smith, who is Deputy Assistant Secretary of Fish
22 and Wildlife and Parks, the Department of Interior.

23 MR. ZALES: Mr. Chairman?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Yes

2 MR. ZALES: One brief point of order?

3 CHAIRMAN BROMLEY: Yes.

4 MR. ZALES: After the elections we were supposed
5 to have a discussion about recommended procedures for the
6 procedural rules for the Committee. We didn't do that.

7 CHAIRMAN BROMLEY: Yeah.

8 MR. ZALES: Not to disrupt this.

9 CHAIRMAN BROMLEY: Yes.

10 MR. ZALES: But I would suggest that after lunch
11 that that be the first order of business.

12 CHAIRMAN BROMLEY: I see that. Thank you, Bob.
13 That's right, followed by discussion of adoption of procedural
14 rules for the Committee. I'm sorry. I'm so overwhelmed by my
15 election that I recently had.

16 (Laughter.)

17 CHAIRMAN BROMLEY: We will do that the first thing
18 after lunch. Is that all right? Okay. That's where we'll
19 start.

20 MR. BENTON: Mr. Chairman? And, Mr. Chairman, can
21 we also review --

22 CHAIRMAN BROMLEY: Yes.

23 MR. BENTON: -- the agenda?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Yes. Yes, we will do that. We
2 will do whatever you would like to do. And that's right. Okay.
3 Please, we'll do that.

4 MR. SMITH: Thanks for inviting me here today. I
5 have one of the great jobs in Washington. In my office I get to
6 wear two hats. And I get to wear both those hats today.

7 One is helping oversee the National Park Service.
8 The second is assisting and overseeing the U.S. Fish and
9 Wildlife Service. So one of the great things that both services
10 have is some pretty outstanding places and management
11 responsibility for some truly unique and marvelous natural
12 resources, which are part of our national treasure and a means of
13 conserving wildlife, conserving natural places, particularly
14 working with our partners in states and tribes and out in the
15 public that make, in my opinion, our country's natural resource
16 both in terms of wildlife and habitat, the envy of the world.

17 First I'm going to put on my National Park Service
18 hat and take you all through marine resources in the National
19 Park Service, which is something that the Park Service has about
20 90 years of expertise which you'll see. You know a lot of people
21 think of Yellowstone and some of the more -- Yosemite down the
22 road and some of the more terrestrial parks. But I think as you
23 all will see we have some amazing marine assets in the National

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Park Service inventory.

2 The National Park system contains some of the
3 greatest array of special places and really preserves, and its
4 mission is to preserve the nation's national and cultural
5 heritage.

6 Really the Park Service cares for these special
7 places so that all Americans and even visitors from foreign
8 countries can experience our heritage and our spectral natural
9 places. And right there, that's from 1916, that's the National
10 Park Service mission.

11 Like I was mentioning before, a lot of people
12 think of Yellowstone, Shenandoah National Park, the Great
13 Smokeys, but there are actually 72 out of 388 national park units
14 that are on the coast, both oceans and Great Lakes; 35 million
15 acres of prime coastal habitat; and 4700 miles of shoreline, just
16 to name a few.

17 There are 40 parks that in and of themselves
18 include 3.2 million acres of ocean that are actively managed by
19 the Park Service. Recreational fishing is allowed in all but one
20 park. Commercial fishing is allowed only in those parks where
21 it's expressly allowed by statute or by tribal treaties.

22 One of the important things about both parks and
23 refuges from the Department of Interior's standpoint is we firmly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 believe that people have a place in these places and we actively
2 encourage and promote people getting into these places where it's
3 consistent with management principles and conservation
4 principles. So they're able to experience and get involved
5 firsthand with these marine resources.

6 Walking through some of the specific ocean
7 national parks, Glacier Bay National Park in Alaska became the
8 country's first truly ocean park in 1925. Since then many other
9 coastal parks have joined the National Park Service. Just to
10 name a few, Tropical Bays and Coral Reefs in Florida's
11 Everglades, which was designated in 1934. Dry Tortugas National
12 Park in 1935 and Biscayne National Park in 1968.

13 There are parks which contain kelp forests and
14 submarine canyons right not too far from here in California's
15 Channel Islands, which was designated in 1938, as well as the
16 Rocky Shores and Estuaries of Acadia National Park in Maine.

17 We also have several national monuments which are
18 created out of the Antiquities Clause by presidential authority.

19 They include Buck Island Reef, which is a recent designation in
20 the Virgin Islands; Cabrillo, as well as Virgin Islands Coral
21 Reef.

22 Forty national parks total, including portions of
23 sea or Great Lakes within their boundaries. Submerged lands and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 waters in these parks contain coral reefs, kelp forests, as I
2 mentioned before, sea grass meadows, submarine canyons, fjords,
3 as well as shipwrecks, and other historical items recording
4 centuries of human exploration, discovery as well as commerce.

5 Each park preserves a different facet of the
6 nation's heritage. When combined with sites protected by the
7 federal agencies, states and local jurisdictions, together they
8 weave a tapestry that tells America's continuing ocean story.

9 So in a lot of these cases it's not just the
10 actual natural setting that we're protecting here. A lot of
11 times it is also cultural sites, historic sites, recreational
12 sites.

13 We also have national sea shores which are
14 designated by Congress. National sea shores include the same
15 coasts of sea shores and lake shores from Cape Cod in
16 Massachusetts, Fire Island in New York, Assateague in Maryland
17 and Virginia, Cape Hatteras and Cape Lookout in North Carolina,
18 Cumberland Island in Georgia, Cape Canaveral in Florida, to the
19 Gulf Islands in Florida and Mississippi, Padre Island -- which is
20 one of my favorite places in the whole world where I grew up
21 learning to surf-fish -- and Padre Island in Texas and Point
22 Reyes in California, not too far from here at all.

23 Looking at Great Lakes parks on the Great Lakes,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 you have great representation of the Isle Royale National Park.
2 And by National Lake Shores of Apostle Islands in Wisconsin,
3 Indiana Dunes in Indiana, Pictured Rocks and Sleeping Bear Dunes
4 in Michigan.

5 We also have coastal parks and preserves in other
6 parts of the nation, stretching from Tundra and Bering Land
7 Bridge Natural Preserve in Cape Krusenstern National Monument in
8 Northwestern Alaska, to the Coral Reefs in Buck Island Reef
9 National Monument and the Virgin Isles National Park in the
10 Virgin Islands. So everywhere from Arctic marine areas to
11 tropical marine areas in the Caribbean are under the purview of
12 the National Park Service.

13 There's also coastal recreation areas, really
14 outstanding examples of our nation's ocean heritage involving
15 urban recreation and commerce are also cared for in Gateway and
16 Golden Gate National Recreation Areas.

17 A recent addition the ocean park pantheon also
18 includes Boston Harbor Islands National Recreation Area and
19 Virgin Islands Coral Reef National Monument, which I mentioned
20 recently which was added in 2001.

21 There's also maritime history parks where we tell
22 the story and teach people about the connection between man and
23 ocean. Treasures of the nation's seafaring history are captured

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 in these maritime historic parks. Coastal fortifications and
2 ancient centers of ocean commerce at sites in the Pacific and
3 Atlantic Oceans, Gulf of Mexico, and Caribbean Sea.

4 Many of these parks also contain significant
5 remnants of natural ecosystems as an added bonus, such as salt
6 marshes, coral reefs, and beds of submerged aquatic vegetation.
7 These include primarily areas both in the Pacific as well as the
8 Atlantic, on the mainland as well as in our territories.

9 There's also maritime memorials, special coastal
10 parks which also memorialize our fallen heroes within the context
11 of the power of place.

12 Although as you can see, the different missions of
13 these units vary quite widely, they're all managed as one system
14 by the Park Service. They serve many millions of Americans every
15 year and are managed together for the benefit of the American
16 people.

17 Here's a graphic using Dry Tortugas National Park
18 in Florida, showing that ocean park visitation is increasing as
19 are recreational needs in marine areas, which can be met in park
20 by parks. And opportunities that connect people to the marine
21 environment by increasing as well.

22 You know a lot of people look at this say, oh, my
23 gosh, is the Park Service worried about visitation increasing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And I think the general view out there is we view an increasing
2 connection with marine resources as a positive. The more people
3 who have a chance to get out and experience these places
4 firsthand, the more investment and the more knowledge that people
5 have from the firsthand experiences there.

6 In looking at national heritage, many Americans
7 first encounter nature in coastal parks. It's our first
8 connection with wild things, and their first connection with
9 actually getting their feet wet, their bodies wet, seeing fish,
10 learning about the coastal environment and learning about how it
11 works. And the more people who actually get into these places,
12 whether it be snorkeling or out fishing, the more people who
13 become stakeholders, invested stakeholders, in preserving these
14 places for future generations to enjoy.

15 Fishing in these special places and snorkeling and
16 other activities bonds people in nature in deeply emotional ways,
17 and it has become an important part of park experiences.

18 We're constantly working together with partners
19 and other outside groups to ensure proper management of our
20 marine resources in order to avoid potential problems from
21 pollution, from invasive species, as well as provide healthy fish
22 populations for the enjoyment of future generations. The Park
23 Service is exploring how to better protect marine resources in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 our existing parks and how to better partner with others to help
2 assure that the nation's coastal marine heritage is adequately
3 managed.

4 This EPA executive order provides an opportunity
5 for that exploration with partners in NOAA and other federal
6 agencies, the coastal states, tribal governments, as well as
7 members of the public.

8 Park managers must know how ecosystems work so
9 they can restore them when they're impaired, properly manage
10 them, and mitigate threats to them. Park managers also use their
11 knowledge of parks to connect people to the special places and
12 recreational opportunities within them in order to benefit the
13 country by preserving our marine heritage. And that's part of
14 the important point about parks, is they care for whole
15 ecosystems and including people and really striking that balance
16 between preserving them in opening them up to the use of present
17 generations as well as leaving them as a legacy unimpaired for
18 future generations. I think that's the beauty of looking at the
19 marine resources in the Park Service.

20 I want for a second to touch on Dry Tortugas
21 National Park in Florida, which I've mentioned before. Congress
22 directed the Park Service to protect and interpret a pristine
23 subtropical marine ecosystem, including intact coral reef

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 community at Dry Tortugas.

2 Secretary Norton's goal for this park is really
3 quite simple. It's to have recreational, commercial fishermen
4 see more and bigger fish, more conk and more lobster in Florida
5 Bay and the Straits of Florida as a result of the critical
6 spawning areas and marine nurseries protected in the park.

7 One of the things about the planning effort for
8 Dry Tortugas is it took into account, in a pretty novel approach
9 through its general management planning process, members from
10 affected constituency groups on all sides of the issue.

11 Some of it has been controversial at times, but a
12 couple things happened through that planning process. There was
13 a decision made to continue to allow fishing in a little over 60
14 percent of the park. And at least temporarily, for 40 percent of
15 the park, take a look at encouraging only nonconsumptive uses
16 from a fishery's standpoint under the theory that we're going to
17 study this area and take a look at the theory of using this as a
18 fish nursery and an opportunity to see whether a lot of the
19 theories about fish larvae dispersal really work out.

20 To this end we're partnering with our partners
21 both in the fisheries community as well as partners in the
22 mainstream environmental community as well as partnering with the
23 State of Florida, working quite closely with the state

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 governmental authorities to overtime research and monitor this
2 and see how it and if it bears fruit.

3 So I'd also like to mention that our partners at
4 NOAA are going to be working quite closely with us and also
5 auxiliary areas that are designated by the State of Florida in
6 monitoring and seeing how this effort goes.

7 Similar to this, after years of communication and
8 consultation among fishing interests, the same federal agencies
9 and other public sectors, a cooperative conservation effort was
10 launched recently earlier this year to restore depleted fisheries
11 and ecosystem integrity in California's Channel Islands National
12 Park and National Marine Sanctuary with a network of marine
13 reserves.

14 One of the things we're hoping to learn from these
15 efforts, working once again with our partners, is to view
16 different ways which these areas that have already been
17 designated can be managed in such a way to restore and improve
18 overall fish populations in an area.

19 Another technique that's being used down in
20 Biscayne National Park in Florida is the planning efforts that
21 are done by our different marine parks, general management plans.

22 Whenever a park goes through a general management planning
23 process they use NEPA to plan it, typically under the guise of an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 EIS, which we were using to use on the front end in order to do
2 outreach with our federal states and local partners, in order to
3 better plan for all aspects of park use, visitation, also
4 conservation.

5 One of the things that's unique about Biscayne
6 National Park is we're actually partnering directly with the
7 State of Florida to develop a joint state and federal fisheries
8 management plan that's being cooperatively developed by Biscayne
9 National Park to meet common goals, and restore fish populations,
10 and provide high-quality fishing opportunities within that park
11 for the visiting public.

12 And one of the things we really like to point out
13 in the Park Service is Park Service partners. There's actually a
14 partners' conference that's kicking off today, down the road a
15 ways in Los Angeles, bringing one of these partner groups
16 together.

17 One of the things that Secretary Norton as well as
18 President Bush share in common is the need to partner effectively
19 not only with other federal agencies, which we should be doing
20 anyways, but especially with our state conservation partners as
21 well as our other partners in ocean conservation.

22 And as you could tell by this list, they're pretty
23 diverse. And I think one of the things we're trying to do is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 sometimes groups that haven't seen eye to eye, we're trying to
2 bring together in order to do good things for both people and for
3 conservation in our national parks.

4 That concludes my brief Park Service overview.
5 I'd be glad to entertain any questions before getting starting up
6 on refuges.

7 Yes, sir?

8 MR. ZALES: On your slide that made the statement
9 about lobster and lobster larval --

10 MR. SMITH: Yeah.

11 MR. ZALES: -- from the park and --

12 MR. SMITH: I'll try to get back there.

13 MR. ZALES: What study did that statement come
14 from where it indicated that millions of larvae have been
15 produced because of --

16 MR. SMITH: My understanding is that that's
17 largely built on -- was largely done on several different
18 academic studies and papers. I could go and get those and show
19 them to you. I do not know off the top of my head which one
20 those refers to. I may have gone past it.

21 MR. ZALES: That one.

22 MR. SMITH: Yeah. Yeah, and that's really kind of
23 what I'm referring to is there's been a lot of different academic

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 studies out there. And really academic studies and partially
2 based on theory.

3 You know one of the things about the portion of
4 the park that was set aside, is it was set aside as a marine
5 research area. And one of the goals that we have is really quite
6 simply that we don't just call it a marine research area. That
7 there's research actively going on in there to see if a lot of
8 the studies and theories bear fruit overtime. Because, you know,
9 is one of the things -- and one of the characteristics I like is
10 -- I think it's the philosophy of the Park Service and also the
11 Fish and Wildlife Service that we aren't out there trying to
12 create kind of these ecosystems under glass where people kind of
13 have to stand on the outside with their noses pressed up against
14 it. Nor are we necessarily trying to create these places where
15 people aren't welcome.

16 We want people in these places. But one of the
17 things we're trying to do is, in this area, strike a balance and
18 set aside an area really to do kind of a little bit of a case
19 study and see if, over time, it bears fruit.

20 I think what we'll probably end up doing is -- and
21 as of right now the regulations implementing that plan still have
22 not gone into effect yet. So technically it's still open until
23 it's closed by regulation. But one of the things we're going to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 be taking a look at is over time really making sure that active
2 studies go on there to see whether or not it's acting as many
3 people think it will.

4 MR. ZALES: Well, my point to my question was
5 simply that. I mean that slide makes a statement.

6 MR. SMITH: Um-hum.

7 MR. ZALES: And somebody who looks at that slide
8 says okay. So they assume that that's a true statement. In my
9 limited knowledge of the -- especially the commercial lobster
10 fishery in the Keys coming from Florida, is that the last couple
11 or three years their lobster season hasn't been the best in the
12 world. So that's why I was asking what study that came from,
13 because I understand the theory behind it.

14 MR. SMITH: Sure.

15 MR. ZALES: And if that is a theory then it should
16 say, state that, you know, this is what we expect to happen. But
17 that makes a statement that that has happened. And I'm not so
18 sure that that is the case.

19 MR. SMITH: Yeah. I think that's a fair point and
20 a point well taken. I think you're right. I think that is
21 largely theoretical based on studies; and I think everyone's
22 hoping will bear some fruit and productivity over time.

23 Yes?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. RADONSKI: You judged briefly on the
2 importance of constituencies. How does the Park Service go about
3 identifying its constituencies? And do you have formal outreach
4 programs to communicate your needs to them and also take feedback
5 from those groups?

6 MR. SMITH: Well, I think a lot of our
7 constituencies are identified through partnerships over time.
8 And we have a lot of traditional partners. I will say that a lot
9 of kind of nontraditional partners are also stepping forward.

10 That's part of the purpose of the partnership
11 conference that's going on this week in Los Angeles, is to really
12 explore -- to accurately identify and explore the partners out
13 there and explore ways in which we could be working better
14 together.

15 One of the really nice opportunities for the Park
16 Service is the use of the general management planning process.
17 And one of the things we're trying to do when we follow the NEPA
18 model and doing EIS underneath it, NEPA is a planning exercise
19 under which the Park Service identifies alternatives of
20 management and then goes through an environmental process to
21 select the alternative of how it would like to manage a park.

22 One of the things we're trying to do is build up
23 more input upfront. And a lot of that input is going to come

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 from identifying early our constituent groups out there and
2 getting input from them early so we start off on the right track.

3 And then are able to be more productive in our general
4 management plans.

5 MR. RADONSKI: Thank you.

6 MR. SMITH: Yes?

7 DR. RAY: I think as you know the MPA Center is
8 building a list of Marine Protected Areas. And your talk
9 mentioned considerable amount of shoreline as well as something
10 like 3.2 million acres in the ocean that come under Park Service.

11 Do you think part or most of what's under the Park Service
12 control would also meet the definitions of as Marine Protected
13 Areas and will be on that list?

14 MR. SMITH: A lot of it depends on how Marine
15 Protected Area -- how the different constituent elements are
16 eventually defined. For purposes of the presentation, what we
17 focused on, and what we're viewing as Marine Resource Areas are
18 actual areas that contain submerged areas.

19 So all these areas contain shoreline as well as
20 submerged areas by their designations. And that's true in the
21 Park Service examples.

22 DR. RAY: But they have rules and regulations and
23 are under protection, correct?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. SMITH: Oh, absolutely.

2 DR. RAY: Okay.

3 MR. SMITH: Yeah. Yeah, they're under protection.

4 And one of the things we're responsible for managing is the use
5 and enjoyment as well as conserving them for future generations.

6 DR. RAY: Thank you.

7 CHAIRMAN BROMLEY: May I say for the benefit of
8 the transcription service, that question was from James Ray. And
9 the previous question was from Gil Radonski. Identify yourselves
10 not so much for us but for the people taking tape.

11 Is that right, Maggie?

12 MS. ERNST: Yes.

13 CHAIRMAN BROMLEY: Yeah.

14 MR. SMITH: Thank you, Mr. Chairman, for
15 mentioning that.

16 Yes, sir?

17 DR. FUJITA: Rod Fujita. Thanks for your
18 presentations. About a year ago took part in a couple workshops
19 convened by the National Park Service aimed at developing a
20 strategy for ocean stewardship for your coastline ocean submerged
21 resources. Do you happen to know where that is at the current
22 time?

23 MR. SMITH: My understanding is they're still in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the process of developing that. And I can get a more definite
2 estimation of when they're planning to have that completed. And
3 that's one that's going on that's quite exciting.

4 And the amazing thing about the Park Service
5 resources is just the major array of the resources that are in
6 the Park Service everywhere from incredible coral reef resources
7 in places like the Virgin Islands to -- and an interesting thing
8 is on the plane on the way up yesterday there was a great
9 National Geographic special on the raising of the *Hunley* right in
10 Charleston Harbor. Those sorts of cultural resources are also
11 there at our disposal. And just really exploring the connection
12 between man and the marine environment is one of the big thrust
13 of what the Park Service does.

14 Yes, sir?

15 DR. CHATWIN: Thank you very much, Mr. Smith. My
16 name is Anthony Chatwin, Tony Chatwin. And I'd like to
17 congratulate you on your presentation. It really conveys what a
18 wonderful array of sites under the Park Service. I happen to
19 live next door to Salt River in the Virgin Islands. And I see --

20 MR. SMITH: You're a lucky guy.

21 DR. CHATWIN: A lucky guy. I see Buck Island
22 every day I go jogging. So it's fantastic.

23 What I'd like to know is if you could share with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 us your thoughts on how best this Committee could provide advice
2 to help the National Park Service?

3 MR. SMITH: Well, I think one of the things this
4 Committee can really do is -- and part of it is -- I think one
5 thing this Committee can do is take a look at all the different
6 agencies out there that are doing things. Because I think a lot
7 of people don't necessarily equate what the Department of
8 Interior does with regard to the marine environment. And we
9 directly -- we the Department -- directly administer and manage
10 millions and millions of acres of submerged lands for different
11 purposes.

12 I'd also encourage you at some point in time to
13 also visit with my counterpart Patty Morrison, who sits on the
14 Committee as well, because her bureaus do an amazing amount of
15 work with regard to submerged lands.

16 But I think one of the things the Committee can
17 really provide input on is a way to better communicate the things
18 that are going on out there on the federal level, the state
19 level, and also the local level. And also provide pathways and
20 opportunities for us to work better together with different
21 levels of government, but also with different outside groups.

22 And, you know, I think one of the things we have
23 to recognize, and I think the point was brought up earlier, that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the whole idea of Marine Protected Areas isn't a one-size-fits-
2 all proposition. And I'm going to get to that a little bit more
3 in my look at National Wildlife Refuges. But there's already a
4 lot of protections out there.

5 There's already a lot of professional work going
6 on. It's just how do we better harness the work that is going on
7 and make it work better together for protection of these areas.
8 And I think, you know, I look at something like the Salt River
9 area, where you are, and that is a tremendous story of the Park
10 Service working together with the Virgin Islands government and
11 then also local groups to make that a reality. And I think it's
12 more stories like that and figuring out good ways for the
13 different federal agencies and the federal government to work
14 better on all levels in both public and private sector.

15 DR. CHATWIN: Thank you.

16 MR. SMITH: Yes, sir?

17 DR. OGDEN: John Ogden. Thank you very much. It
18 is very, very interesting. As one who spent a good portion of my
19 life in a lot of MPA areas that you nicely talked about, it has
20 to be said that one of the great drivers and stimuli for the
21 whole idea of Marine Protected Areas and particularly networks of
22 Marine Protected Areas is essentially the abysmal state of the
23 resources within the Park Service's jurisdiction and the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 trajectory and trends manifested by those resources.

2 And this is part of that earlier Dan was talking
3 about, the stellar sea lion situation in Alaska; this is not
4 subject to scientific fact. We don't actually know why these
5 trends are occurring. We have various theories that are
6 operating on a global basis, on a regional basis, on a local
7 basis. And so MPAs are not the panacea in this sense.

8 But there is a reasonable scientific inference
9 that networks of MPAs can have an effect on this, as opposed to
10 what the Park Service has done admirably and must continue to do,
11 and that is protecting places like Salt River as entities in
12 themselves. But, in fact, the trajectory of the resources in
13 Salt River is in a serious state of decline and has been for the
14 last several decades.

15 So I guess the thing is where I think we have to
16 work together is to sort of define what this idea of network is
17 and how the various kinds of things including some of our
18 scientific inferences and scientific fact fit into all of that.

19 MR. SMITH: Well, and I have to stand up a little
20 bit for my Park Service colleagues and kind of take a little bit
21 of exception to the "abysmal" reference. Because I think, you
22 know, for the most part in a majority of the parks the Park
23 Service is doing a quite effective job of protecting resources.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 You know, that's I think one of the reasons why Salt River was
2 acquired, to see if we could help and take a look at ways to
3 reverse those trends.

4 Certainly when you look at coral reef resources
5 you have some areas are doing quite well and some areas that are
6 suffering. And one of the things we're looking at is the
7 different contributing causes to those sorts of reef declines,
8 all the different factors. And I'll get to that in a little bit,
9 also in the Fish and Wildlife Service presentation; because we
10 have an opportunity in the Fish and Wildlife Service that we've
11 identified to do some very real research within a fairly broad
12 band of latitude on different coral reef types, and try to better
13 understand some of the different environmental factors on coral
14 reefs.

15 But we've also been doing some fairly innovative
16 work with private sector and also public sector on coral reef
17 restoration and trends like that. So I think it does provide us
18 with an opportunity to really work well with local partners and
19 with also private partners to take a look at what are the seminal
20 causes, but also how do we better protect and also reverse some
21 of these trends both with things like coral but also issues like
22 fish stocks.

23 Yes, sir?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. RADONSKI: Gill Radonski again.

2 CHAIRMAN BROMLEY: Here's our burning question and
3 short answer pace with the agenda. So let's keep it short,
4 please.

5 MR. RADONSKI: Thank you, Chairman.

6 I think your presentation is great and I'm looking
7 forward to the one on refuges. The thing I want to get out of it
8 and I hope the Committee gets out of it is this reflects a long
9 history of developing policy for the protection of resources.
10 This isn't a recent thing. The refuges go back to 1901, the
11 parks 1870s. So there is a rich history.

12 And I hope at some future meetings of this
13 Committee we can get some presentations on how they went about
14 developing the policy and the history of those policies.

15 MR. SMITH: Absolutely. I'd be delighted to come
16 back whenever you all would have me again.

17 Yes, sir?

18 DR. SUMAN: Daniel Suman. Is there a policy from
19 Headquarters National Park Service to cooperate with the National
20 Marine Sanctuary Program in parks and sanctuaries that are
21 adjacent to each other like Biscayne, Everglades, Tortugas,
22 Channel Islands?

23 MR. SMITH: You know, is there a formal written

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 policy in and of itself? No. However, because we're partner
2 federal agencies, that's occurring. And actually it's written
3 into the Tortugas Management Plan, for instance. It will be an
4 integral part of the -- I'm sure the Biscayne regional management
5 planning effort that they're going to be going through; and
6 looking -- there's always, particularly in the marine
7 environment, there's always an effort by the Park Service to
8 incorporate what's going on whenever there's adjacent either
9 federal -- submerged lands or federal uplands, to make sure we're
10 looking at kind of the entire area, the entire ecosystem as we
11 plan for public use, enjoyment and also preservation for future
12 generations.

13 CHAIRMAN BROMLEY: Okay, Dave, last question.

14 MR. BENTON: Thank you, Mr. Chairman. Very
15 briefly. I'm very interested in this slide. Is this from your
16 perspective this group here, would that be the kind of
17 constituent group you would want to look at in developing MPA
18 policy?

19 MR. SMITH: I think as far as we're concerned I
20 think these are some of the voices out there. This is not meant
21 at all to be an exhaustive list. These are just some of the
22 partners that we use our management efforts. By no means is this
23 to be exhaustive, but these are certainly some of the major

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 stakeholders in both use and enjoyment, but also preservation for
2 future generations.

3 I would like to point out that because of the
4 nature of parks, this ignores certainly certain commercial
5 interests. And so I really want to emphasize that it's not
6 exhaustive, but it's -- the people at the Park Service find
7 themselves working out, working with on a day-in-day-out basis on
8 marine issues.

9 CHAIRMAN BROMLEY: Okay. There is a question
10 there.

11 MR. PEAU: Actually --

12 CHAIRMAN BROMLEY: The last question.

13 MR. PEAU: Lelei Peau, American Samoa. It's not
14 really a question, it's an observation. And I think the question
15 was a lesson learned or what can the National Park can offer to
16 this group. In the case of American Samoa, I believe it's the
17 only national park that's not an outright purchase. It's done
18 through -- it's a 55-year lease.

19 MR. SMITH: Absolutely.

20 MR. PEAU: But I think the point I would like to
21 make is that the history tells that this went through a lot of
22 consultation and negotiation with the local community.

23 As far as the stakeholders is concerned, I think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 it's really important for this group that they need to be
2 involved. And also they really are the ones that set the
3 parameters in the agreement. And I said this is the only park
4 that is through a lease agreement with local chiefs, which allow
5 traditional uses of those resources. I thought that was
6 something very unique in the National Park system that I think we
7 might want to take on advisement.

8 Thank you.

9 MR. SMITH: Yeah. That's actually a great example
10 of an Interior approach to these marine areas. And that is part
11 of what makes that park in American Samoa special, is the fact
12 that it gives the Park Service a chance to interpret and teach
13 others about traditional local uses and historical local uses.

14 And the import of that is I think the Park Service
15 in managing its lands and the Fish and Wildlife Service in
16 managing the Refuge System recognized that it's not one-size-
17 fits-all solution.

18 And we can't view this as a static, we're going to
19 set these areas away and people keep their hands off. Instead
20 it's a very active management-and-use philosophy. And part of
21 that is adaptive management, part of that is ongoing research,
22 ongoing study, working with partners, and really figuring out
23 what works, and figuring out what doesn't work, and not being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 afraid if something's not working the way you think it should, to
2 chart a different course. And through all of that, work with
3 local partners and outside groups.

4 Thanks. I think we're going to take a break.

5 (Applause.)

6 CHAIRMAN BROMLEY: Okay. I think I have an
7 announcement I need to make. And I want to respond to Bob's
8 point about procedural rules, and David's point about the agenda.

9 What I would like to do which is both a procedural
10 thing and an agenda thing is ask your permission to hold that
11 conversation until 2:15 this afternoon when we have a review of
12 our charter and a discussion of the proposals and all of that.
13 In a sense I'm asking: Could we continue to move through what I
14 will call the informational part, gathering from our guests
15 stuff, and hold off to the working rules of our organization
16 until that 2:15 time slot? Is that acceptable to everyone?

17 MR. [SPEAKER]: Sure.

18 CHAIRMAN BROMLEY: And I'm sorry that I failed to
19 have us to that. But we did run late on our question and answer
20 and election process. And so there you are. Is that okay with
21 people if we do that?

22 MR. [SPEAKER]: Yes.

23 CHAIRMAN BROMLEY: Okay. Now I think -- Maggie,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 please correct me if I'm wrong -- the Committee luncheon breaks
2 are set up in the Bay Bridge A, directly next to this room.

3 MS. ERNST: These doors right here.

4 CHAIRMAN BROMLEY: Okay. And this is a working
5 lunch, so Members of the Committee are to go there, to get their
6 lunch, and come back, right?

7 MS. ERNST: That's right.

8 CHAIRMAN BROMLEY: Okay.

9 MS. ERNST: And wait.

10 CHAIRMAN BROMLEY: And the rest of you are to buy
11 your lunch someplace, bring it back into this room. We'd love to
12 do with you, but we're just not buying your lunch, I guess.

13 And let me say that since we've been really tight
14 time here, I'm going to decree that you have 20 minutes instead
15 of 15 minutes to go to what you have to do, make your phone
16 calls, go to the loo, get your lunch. So we'll convene back here
17 at 20 till 1:00. Is that all right?

18 (Recess taken from 12:25 p.m. to 12:45 p.m.)

19 CHAIRMAN BROMLEY: I'm sorry. This is not a very
20 good example to be setting by being late at my own deadline.

21 So, David, you again.

22 MR. SMITH: Again, you're all going to be stuck
23 with me.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: So please do. I'm very sorry.

2 MR. SMITH: Well, everyone, keep on eating and
3 we'll get through this together. But I'm going to switch hats,
4 take off the Park Service hat, put on the Fish and Wildlife
5 Service hat, and talk about marine areas within the National
6 Wildlife Refuge System, and then hopefully have a little bit of
7 time to take a few questions afterwards.

8 Like the Park Service, the Fish and Wildlife
9 Service administers many diverse programs involving marine
10 resources, which include the management of our National Wildlife
11 Refuge System. Listed here are some of the marine functions that
12 the Fish and Wildlife Service has: Everything from refuge
13 management to marine mammal management; fish hatcheries; invasive
14 species issues, particularly on the Great Lakes that's been a big
15 concern recently with ballast water; international issues through
16 the administration of CITES; federal grants; coast wetlands, etc.

17 Now one of the things that -- you know it's really
18 interesting in my position overseeing both the Fish and Wildlife
19 Service and the National Park Service because they have a very
20 interesting sibling rivalry that goes on from time to time. And
21 the Park Service doesn't like to advertise this, but the Refuge
22 System in terms of overall acreage dwarfs the Park System. The
23 Refuge System right now is at about 94 million acres in this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 country.

2 The first refuge of which was a marine refuge of
3 sorts, Pelican Island, created in 1903 by Presidential Order of
4 one of my great American heroes, Teddy Roosevelt, who when he
5 asked a staffer whether or not he had the power to create a
6 National Wildlife Refuge, the staffer said, "Well, I don't know
7 that you do." And he said, "Well, is there anything saying I
8 can't?" And the staffer said, "Well, no, not that we can find."

9 He said, "Well, then very well. I'm going to make this a
10 National Wildlife Refuge."

11 I love the story of Paul Kroegel and I'll save it
12 for another time, if you all want to hear it. But interesting
13 guy who managed that refuge which was, you know, a little three-
14 acre island out in really, the Indian River in Florida, was paid
15 the hefty sum of a dollar a year to be refuge manager. So you
16 want to talk about some dedication there.

17 As I'm sure some of you all are aware, we're
18 celebrating the Centennial of the National Wildlife Refuge
19 System. There's a lot of people who don't necessarily know what
20 the Refuge System is all about in this country or, just as
21 importantly, what its mission is. A lot of Americans see the
22 Park Service, see the Forest Service, see the Refuge System and
23 State Wildlife Management Areas and kind of think, well, they're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 all pretty much the same thing.

2 One of the important things about the National
3 Wildlife Refuge System is it is the only federal system of lands
4 and submerged lands that was set aside exclusively to manage for
5 wildlife populations in their habitat. And one of the things
6 that's really unique about the mission of National Wildlife
7 Refuges as opposed to the Park Service, which is for the use --
8 and the Park Service mission is for the use and enjoyment of the
9 American people and to leave unimpaired for future generations.

10 The Fish and Wildlife Service mission is plain and
11 simple: Provide for wildlife and their habitats, and under the
12 '97 Refuge Improvement Act provide opportunities for scientific
13 research and compatible wildlife-dependent recreational
14 activities, which are also called "the big six" which are hunting
15 and fishing, wildlife observation and photography, and
16 environmental education and interpretation.

17 And so long as any of those six uses are
18 compatible with the wildlife-based mission that the refuge was
19 created for, that use is to be allowed on that refuge.

20 And here's a picture of Teddy and some migratory
21 birds. And really what the Refuge System mission is: To
22 administer a national network of lands and waters for the
23 conservation; management; and, where appropriate, restoration of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 fish, wildlife and plant resources in their habitats within the
2 United States for the benefit of present and future generations
3 of Americans.

4 And here's a little bit more about the Refuge
5 System there. And these are all quotes from the '97 Refuge
6 System Improvement Act, setting for the way we are to plan for
7 and manage National Wildlife Refuges.

8 Looking at appropriate uses of Wildlife Refuges,
9 like I mentioned the mission is to manage for wildlife first;
10 looking at the compatible uses -- and compatible use on a refuge
11 can be really any use. "Wildlife-dependent recreational use of
12 the big six, or any other use of the refuge that in the sound
13 professional judgment of the Director of the Fish and Wildlife
14 Service will not materially interfere with or detract from the
15 fulfillment of the mission of the system or the purpose of the
16 refuge."

17 Just so you all know and kind of get an idea of
18 visitation of the Refuge System, there are over 32 million
19 visitors to National Wildlife Refuges annually, including over
20 six million who come specifically, for instance, to fish in
21 marine and other water environments.

22 Each type of public use on each refuge must be
23 determined by the refuge manager to be compatible before it can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 be allowed.

2 Commercial uses, including commercial fishing, are
3 generally not allowed on National Wildlife Refuges. However, one
4 of the commercial uses we do allow is, by permit, commercial
5 hunting and fishing guides. Also, on a limited basis, commercial
6 tour guides as well.

7 There are now 542 refuges throughout the country.

8 There's one in every single state in every single territory out
9 there. To give you an idea of the system, there are now 542
10 National Wildlife Refuges. Of those 542 throughout the country,
11 there's over 160 National Wildlife Refuges that have marine and
12 estuary habitats along the coast. And, in fact, many are
13 islands, some far away from the coast.

14 So approximately 30 percent of the refuges protect
15 some marine resources, a lot of which are over huge, huge areas.

16 For example, 13 refuges protect over two and a half million
17 acres of coral reefs and their associated ecosystems. That's 13
18 individual refuges, two and a half million acres of submerged
19 lands.

20 To give you all an idea of how spread out and the
21 types of resources these marine areas within the Refuge System
22 cover, here's an idea of the Northeast and Midwest refuges.
23 Quite a few. Here's a look at some of our South Atlantic

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 refuges. Look at some of our Gulf of Mexico refuges. And all
2 the Pacific refuges.

3 These refuges not only serve to protect depleted
4 and unique species, but also can or will serve as natural
5 laboratories and centers of education. These refuge areas play
6 both a large role in conserving marine resources both locally but
7 also within global ecosystems.

8 I'd like to show you a few examples of marine
9 areas within the National Wildlife Refuge, kind of more
10 individually than the big global maps. Starting with some of the
11 more familiar areas in the Atlantic and Gulf of Mexico region.
12 Many of our refuges are located along the eastern seaboard and
13 have significant marine resources. And a lot of them are areas
14 that we can relate to.

15 One example is the Northeast where we find Rachel
16 Carson National Wildlife Refuge in Maine. The great example of
17 this is because it's a very typical of the types of resources and
18 challenges that necessitate refuges, forging partnerships with
19 both public and private organizations and within the general
20 public. Carson National Wildlife Refuge was established in 1966,
21 located along a 50-mile stretch of the Southeast Maine Coast in
22 several individual units. It's not one big land or ocean mass.
23 It's selectively-chosen pieces of habitat, both marine and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 uplands along that area. The Refuge includes water off the coast
2 as well as diverse estuaries which support a species and provides
3 essential fishery habitat.

4 You know, one of the things about a lot of these
5 Northeast refuges and the associated areas is particularly when
6 you look at marine resources " and one of the examples I like to
7 use is the striped bass " and one of the things that's unique
8 about the striped bass is that not too long ago states working
9 together with mostly the fishing community took a look at
10 plummeting striped bass populations in the Northeast and said
11 we've got to do something about this.

12 And this was kind of before this whole notion of
13 Marine Protected Areas was cool. And one of the things -- and I
14 got to give -- and certainly people like Max Peterson know about
15 this, and others -- states really worked very hand-in-glove with
16 a lot of the fisheries community to lead the way towards through
17 using existing management techniques. And also the power of
18 getting a fisheries and sportfishing community energized, and to
19 buy in, working together with federal partners and areas that we
20 have some management control of, brought back a species of fish
21 on the brink in an area like the Northeast. Rachel Carson Refuge
22 is one of those areas that now has some of the greatest striped
23 bass fishing you can find anywhere.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And as you see from the slide, the refuges are
2 involved in all kinds of partnerships and cooperative ventures.
3 This is a restoration project to restore marshes that were
4 ditched in the late 1800s for salt hay, and again as works
5 projects in the 1930s for mosquito control. And there you see
6 some of the partners we work on to accomplish restoration
7 projects like this, to help the marine and estuary environment
8 there.

9 Moving along down south, along the Gulf Shores we
10 find one of my favorite refuges everywhere, Ding Darling National
11 Wildlife Refuge, which is named for the first director of the
12 Fish And Wildlife Service and also the gentleman who both created
13 and designed the first-ever duck stamp.

14 It's located on Sanibel Island, the coast of
15 Barrier Island, three miles off the Southwest Florida mainland
16 down in the Gulf of Mexico. The Refuge was established on
17 December 1st, 1945 and now encompasses about 6300 acres of lands
18 and waters on and around Sanibel Island.

19 It has extensive mangrove forests, saltwater bays,
20 and mud flats which comprise a rich marine environment which
21 provides spawning nursery and feeding grounds for fish, shrimp
22 and shellfish, sharks, manatee, sea turtles, wading-ashore birds,
23 and other marine life. There's a hundred species of fish, 48

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 species of reptiles and amphibians, 41 mammalian species, 230
2 species of birds, and countless invertebrate and plant species
3 that have been identified on the Refuge.

4 The animals and plants, they're dependent on
5 tides, salinity, and the exchange of nutrients that occur in the
6 estuary.

7 The other unique thing about this Refuge is since
8 its founding in 1945, approximately a little over half of the
9 Island is refuge. The other half of the island is some of the
10 most desirable, sought-after, most expensive real estate in all
11 of Florida. But because I think there's a lot of people who want
12 to go there, want to live there, want to enjoy it, but there's a
13 nice balance there of areas that are protected and conserved for
14 wildlife, and species of wildlife that are protected, as well as
15 a community there which tends to be a little bit older and a
16 little bit more affluent that absolutely loves and has an extreme
17 amount of buy-in for the Refuge as well as the submerged lands
18 there.

19 The Refuge is involved in many collaborative
20 ventures, as well as collaborative efforts. A few examples of
21 that: there's a 50-year management agreement with the Sanibel-
22 Captiva Conservation Foundation to manage lands in the Tarpon Bay
23 Area, which as the name suggests, is a pretty nice place to fish

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 for tarpon. Also cooperative efforts with local governments and
2 NGOs to effectively manage the unique Barrier Islands ecosystem,
3 including the Charlotte Harbor National Estuary Program, which
4 also plays into current Everglade restoration efforts.

5 Ding Darling is also one of the most heavily
6 visited refuges in the nation, receiving over 850,000 visitors
7 each year. The refuge has a state-of-art visitor center which
8 was funded almost entirely by private donations. It also has an
9 active education and outreach program, ranger-led educational
10 programs for students in the community, and daily public outreach
11 by both staff as well as volunteers.

12 As a matter of fact, as the slide notes, there are
13 some 238 volunteers who provide many visitor services; and also
14 assist in biological activities such as bird counts in the area.

15 The Refuge also contracts with a tourism
16 concessionaire to operate commercial tours on the refuge. Small
17 vessels are available for visitors to rent and go out and bird
18 watch, photograph wildlife, and also fish.

19 Almost all of the Refuge waters are open for
20 recreational public uses. There are some small saltwater bays in
21 the mangrove islands which are pretty fragile; and they're
22 actually designated wilderness. Motorized access is not allowed
23 there because of the fragility of the mangrove bays. But these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 are small areas.

2 And there are a few small impounded waters which
3 are closed to public entry to protect wildlife from disturbance
4 where it benefits wildlife. But I might mention generally the
5 vast majority of it is open and fully open to all forms of public
6 use.

7 Another Florida refuge complex that I wanted to
8 mention, and I'll probably give it away, one of my favorite
9 secrets here. But at the risk of giving away when my favorite
10 fishing spots in the world, another Florida refuge area and a
11 great success story, is really virtually unknown to public. It's
12 the Key West Refuge founded by Teddy Roosevelt in 1908 and the
13 Great White Heron Refuge founded in 1938, which are adjacent
14 refuges in the lower Keys.

15 It's a unique agreement, a lot like in American
16 Samoa but slightly different because the Fish and Wildlife
17 Service manages by agreement with the State of Florida over
18 400,000 acres of mangrove islands, sand and mud flats, salt
19 marsh, sea grass beds, and coral reefs that are managed in total.

20 These large areas are really irreplaceable habitat
21 to the over 250 species of birds and also several species of
22 endangered sea turtles.

23 The reason why I'm risking information is because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 a lot of people know this as the back country of the Keys, which
2 is one of the premier recreational fishing areas in the United
3 States. And they're estimated to be over 180,000 recreational
4 visitors to these two Refuges annually. But because of the
5 unappearance of the nature of management activities and any other
6 marking activities, or anything else, a lot of people go in
7 there, fish, have a heck of a time, catching and releasing
8 tarpon, bone fish and permit, and never even know they're on a
9 National Wildlife Refuge, but certainly reap the benefits of the
10 management there.

11 Going to the other side of the world, quite
12 literally out in the Pacific, the National Wildlife Refuge System
13 also plays a large role in conserving rich and diverse marine
14 resources of ancient atolls and reef islands. With more than two
15 million submerged acres, including more than 800,000 acres of
16 some of the most beautiful pristine coral reefs in the world.

17 This slide will give you an idea of some of the
18 vast marine resources in the ten Pacific National Refuges. That
19 kind of gives you a view of ten. I want to focus on a couple.

20 The first is the Hawaiian Islands National
21 Wildlife Refuge, which is also another one of those refuges that
22 we've had for about almost a hundred years, also established by
23 Teddy Roosevelt by Executive Order in the early 1900s. This is a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 huge refuge that virtually no one knows about. It extends 800
2 nautical miles north of the main Hawaiian Islands; it provides
3 very important wildlife habitat for millions of sea birds and
4 almost all of the threatened green sea turtles that exist in the
5 world as well as most of the endangered Hawaiian monk seals.

6 There's a little turtle there.

7 As it works in the continental United States, the
8 Hawaiian and Pacific Islands Refuges work in coordination with
9 the states and other entities. Most of the marine resources on
10 the National Wildlife Refuges have now been fully inventoried and
11 monitored. However, these assessments have just now started
12 through a multi-agency team which includes partners in NOAA and
13 others, to assess, map, and monitor reefs in 2000.

14 This highlights some of the opportunities we have.

15 And a lot of these places that have been designated and managed
16 for a long time, to go in and learn more. And this is one of the
17 really unique advantages we have particularly in the Pacific,
18 because one of the things about, like when you look at Hawaiian
19 Islands is one of the reasons it's remained largely undisturbed
20 to this point is just proximity. It's way out there and it's
21 really tough to get to. So we're hoping to learn more from it
22 and use it as a really a kind of scientific map, if you will.

23 There's also another new refuge, Palmyra Atoll,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 which was established in 2001. Its pools support many species of
2 corals and fish that haven't been reported anywhere else in the
3 world. And the coral gardens in the eastern reef are among the
4 most spectacular that anyone has ever encountered.

5 Our jurisdiction over Palmyra, as at several other
6 of the Pacific Islands, covers 12 nautical miles, not just the
7 atoll. So what you have literally is you have the atoll under
8 protection plus 12 nautical miles around the perimeter.

9 At the time of this acquisition this was the last
10 -- Palmyra was the last uninhabited wet atoll. It supports many
11 wildlife populations as well as some of the most significant sea
12 bird nesting populations in the tropical Pacific, as well as
13 populations of giant clams that have been depleted elsewhere in
14 the Pacific.

15 The mature beach force is also among the best
16 preserved anywhere in the Pacific. In addition, Palmyra is
17 situated to receive many diverse larvae from the species-rich
18 Western Pacific.

19 And another example of partnerships within the
20 Refuge System, Palmyra Atoll is managed jointly with The Nature
21 Conservancy and have some limited-visitor program. Plans are
22 underway to establish a research center on this important refuge
23 site.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 However, because of its proximity, there are
2 challenges here and also at Midway Island, which is another
3 refuge, merely maintaining operations for the Fish and Wildlife
4 Service when we have to provide water, power, sewage,
5 communication, and transportation, which are not typical Fish and
6 Wildlife Service missions, literally thousands of miles away from
7 any source of supply or assistance, is really a major human
8 resource and also a financial challenge.

9 However, it's worth it for us to try to commit the
10 resources and make the effort in the Pacific, because these areas
11 are hugely important due to their vast size and relatively
12 undisturbed resources; and the protection provided, not just by
13 restrictions and not really exclusive restrictions, but simply
14 due to their remote and inaccessible locations.

15 But just like National Wildlife Refuges closer to
16 home, they face threats. Like one of the major ones we face is
17 invasive species that we're trying to work on and get a lot
18 better at understanding and addressing. But like any challenges
19 that you face in managing areas and working with partners, it
20 also provides opportunities, both locally and also on a global
21 scale as we further these refuges' mission to conserve, protect,
22 and enhance wildlife populations and their habitats for the
23 continued benefit of the American people.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And that is the presentation on National Wildlife
2 Refuges lands. I'd be happy to -- well, actually, submerged
3 lands and waters, rather. I'd be more than happy to take any
4 questions that time allows for.

5 CHAIRMAN BROMLEY: Good. We do have the time.

6 DR. SUMAN: Daniel Suman. I was trying to get a
7 sense of budget for -- because you didn't -- it's hard to break
8 down, but just the National Park System versus the National
9 Wildlife Refuge System. Any comparison of budgets that you could
10 give us?

11 MR. SMITH: Night and day. The exact number -- I
12 could get you exact numbers. But kind of by comparison the Park
13 Service annual budget is usually around 2 to 3 billion. Refuges
14 is usually -- oh, gosh, I'd have to get exact numbers, but
15 usually -- and we've increased it, I think, 35 percent over the
16 past couple of years. But usually around 5- or \$600,000. I'll
17 get you exact numbers, sir, for the -- 600 million -- did I say a
18 thousand?

19 MR. PETERSON: Yeah.

20 MR. SMITH: Hello? Yeah, thank you, Max. As
21 usual I'm relying on my state partner's expertise. Thank you.

22 Yes?

23 DR. AGARY: You mentioned in one of your slides

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that wildlife was first in a Refuge System. And I'm just
2 wondering whether you count fish as wildlife?

3 MR. SMITH: Absolutely. And that's a great
4 question. We count all wildlife, both terrestrial and aquatic
5 and marine wildlife as part of what we're managing for. Because,
6 you know, like a couple good examples, Sanibel Island, Florida
7 Keys, and a lot of the Pacific resources, we're managing for
8 those marine wildlife resources as well as their associated
9 habitats. So that is absolutely very essentially a part of the
10 wildlife equation.

11 DR. GARZA: Dolly Garza. So do you see this
12 Committee playing a role in helping either Park Service the
13 National Wildlife Refuge System fill holes or plan for the
14 future?

15 MR. SMITH: Well, if you have some more money for
16 refuges, you -- no, I'm kidding. And actually we have been
17 increasing funding. But really I think where this Advisory
18 Committee can help the whole Federal family -- and that's really
19 what the point of this advisory committee is, is I think
20 recognizing the programs and the agencies that have done
21 traditionally what I feel like is a very good job managing marine
22 resources and really help find ways using existing resources that
23 are out there to better work together with state partners, with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 local partners, and with NGOs in order to create more single
2 systems for our natural marine resources.

3 Yes, sir?

4 DR. FUJITA: Rod Fujita. Speaking of the federal
5 family, the Northwest Hawaiian Islands is a case study of
6 multiple jurisdictions. And this is something that this
7 Committee is think is going to have to grapple with, because a
8 lot of them are protected areas, are covered under several
9 different jurisdictions, state and federal.

10 MR. SMITH: Um-hum.

11 DR. FUJITA: As the Northwest Hawaiian Islands
12 Coral Reef Reserve transitions into sanctuary, how does the Fish
13 and Wildlife Service aim to accommodate its mission of Fish and
14 Wildlife first with some of the other missions, that is the
15 Department of Commerce, NOAA Fisheries, National Ocean Service?

16 MR. SMITH: I think it's good to characterize the
17 federal family, because we're all part of the same family.
18 However, sometimes we're a little more dysfunctional than other
19 times. But that's one of the things that I will say that has
20 really happened since I've been here. I think working
21 relationships in terms of collaborative efforts between NOAA
22 Fisheries and the Department of Interior have been not just
23 improving but the communication -- we're communicating on a level

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 which I think we did not communicate on before.

2 And I think that is an important thing for this
3 advisory group to look at, is ways to improve communication, and
4 improve collaboration. And that's one of the things we're very
5 cognizant of as we go forward in the Northwest Hawaiian Islands
6 and other areas, is the way to make existing regulatory
7 authorities work together in harmony as opposed to working
8 against one another in opposition.

9 Over there?

10 DR. RAY: Jim Ray. Do you feel that the
11 department that you described are currently adequately funded?
12 And if they're not do you think we should be adding new Marine
13 Protected Areas until we can adequately take care of the ones
14 we've got as far as funding is concerned?

15 MR. SMITH: You know, that's a good question. I
16 think we've been very aggressive and the President has been very
17 aggressive in terms of attempting to get additional funding for
18 the Refuge System as well as resources and funding for the Park
19 System.

20 There comes a point when you have to do everything
21 you can with the money that you've got. And certainly I think
22 from my perspective one of the things that we're trying to do at
23 my level in the Assistant Secretary's Office is, real bluntly, to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 get both of the agencies to commit more money for marine
2 projects. A lot of the funding that has come out of a lot of the
3 marine issues, traditionally because of NOAA's role in fisheries
4 management, has typically gone to NOAA, which is fine. They've
5 been great partners and great supporters.

6 And I think a lot of times typically the
7 Department of Interior's role in aquatic issues is somewhat
8 overlooked. And one of the things we're trying to do -- and it's
9 hard when you are trying not to rid existing programs that need
10 resources to pay for programs that you want to do a better job
11 highlighting.

12 But I will tell you that one of the Secretary's
13 priorities -- and one of my office " the Assistant Secretary's
14 priorities are making sure that we're doing an effective job in
15 terms of funding staff positions, but also outreach on marine
16 issues, so we can more effectively continue to partner with
17 outside groups; but also interface effectively with NOAA and
18 utilize what I think is our very real role working with NOAA on
19 the MPA Center and other marine activities.

20 Yes, sir?

21 DR. MURRAY: Steve Murray. Can you describe your
22 programs and perhaps the commitment of resources to evaluating
23 the status of the resources that are inside the parks in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 National Wildlife Refuge System, speaking specifically about the
2 marine end of things?

3 MR. SMITH: Well, in terms of funding we do have
4 on a Washington, D.C. level some marine specialists in the Park
5 Service. But they are a handful. Our philosophy has generally
6 been more to get money out on the ground in terms of management.

7 So I think most of our resources financially have gone out to
8 individual marine parks, individual marine resources, for on-the-
9 ground managers and biological support; and really just kind of
10 doing the job on a day-in-day-out basis has taken priority over
11 any kind of national type program.

12 That has changed recently a little bit with a
13 little bit more of a focus on trying to build capacity at a
14 Washington but also a national level in order to better really
15 interact with federal, state, and local partners and NGO partners
16 on all these burgeoning marine issues.

17 But I will tell you it's been somewhat of a
18 challenge because we haven't wanted to rob from existing programs
19 in the field to start doing too much at a national level. So
20 what we're trying to do is get a lot of the people who are in the
21 Refuge System and the Park System, who have been out there on the
22 ground level, out there rolling up their sleeves and working with
23 sea turtles on nesting beaches, out there running successful

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 fisheries, conservation issues on refuges, out there running
2 coral reef restoration programs and parks, and draw upon with
3 their expertise as we interact with both our federal partners but
4 our state partners as well.

5 Yes, sir?

6 MR. MOON: Yes, Mel Moon, the Quileute Indian
7 Tribe. David, you had some examples of working with the Hawaiian
8 area in some of the refuges and I assume maybe in some of the
9 National Park status. But my question is how do you have a
10 process for inclusion of the indigenous people especially in the
11 development of policies and the management of those resources?
12 Obviously they have some resources at stake in the areas that the
13 refuge exists.

14 MR. SMITH: Yeah. And that's a good question.
15 And if I did not emphasize that enough I am remiss in doing that.

16 One of the important thing about Department of Interior and the
17 entire federal government is we have a special and unique
18 relationship with tribal and indigenous people. And it is really
19 and truly a trust responsibility.

20 So one of the things that is very important to us
21 on a Park level, and also a Fish and Wildlife Service level, is
22 working with our tribal partners, who are in most cases extremely
23 sophisticated and great partners to work with, in order to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 incorporate them into and any tribal rights that they may have in
2 the resource into management-planning decisions as we move
3 forward.

4 MR. MOON: Just one more comment. I was really
5 impressed by the acknowledgement of the American Samoa lease
6 arrangement. Obviously that's a recognition of sovereignty of
7 those people, to be able to negotiate contracts or leases that
8 provide for their needs and subsistence for commercial purposes.

9 I had one more question about the tarpon group
10 down in Florida. There was a lease arrangement that was made
11 with that group. I guess the question was: Who pays for the --
12 who provides the resources for that management to take place?
13 And who provides the oversight to say that the quality of that
14 service is up to the standard that you would set?

15 MR. SMITH: Yes. Typically what happens in an
16 area like that where the land is either owned privately or by an
17 NGO is typically -- and in that it's a little bit unique, because
18 Fish and Wildlife Service has to do with the kind of management
19 oversight of the area and does it with a local volunteer group,
20 so as you bring the professional expertise of the Fish and
21 Wildlife Service and working with local volunteers as part of a
22 holistic Refuge System, and there's an incentive basis for the
23 local groups to allow that to happen.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Yes, sir?

2 DR. HIXON: Mark Hixon. I appreciate your
3 presentations. Thank you. Particularly it was good for me to
4 get some of the facts and figures in terms of number of acres of
5 submerged land and whatnot.

6 I'm trying to get a sense of the level of
7 protection of these submerged lands in both National Parks,
8 National Monuments as well as the National Wildlife Refuges. Do
9 you know what percentage of these areas are, say, fully
10 protected, that is allowing no extractive activities?

11 MR. SMITH: Well, -- and that's a good question
12 because in both areas the only time -- and the only time that no
13 extractive uses would be allowed in either the Fish and Wildlife
14 Service frame or the National Wildlife Refuge frame would be if
15 it was absolutely the only way to protect the resource. It is a
16 resort-of-last option.

17 And it's based on the philosophy that both use of
18 the Park Service, but also recognizing that the units of the Fish
19 and Wildlife Service really incorporate people; and from the Park
20 Service visitor experience and really importantly from the Fish
21 and Wildlife Service, the recreational experience as a vital
22 component of both of the missions.

23 And from a policy perspective, we really feel like

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the way to get someone invested in protecting these places is to
2 get them into these places, so long as you're protecting the
3 resource. And, you know, there's areas in the Fish and Wildlife
4 Refuges were they have very active recreational fishing programs.

5 We get a lot of people out there, very active hunting programs.

6 There's areas where you may not want to do that
7 because you may need to protect the songbirds, or some other
8 area. So it's not a one-size-fits-all solution. At stake is to
9 look at the ecosystem there and managing in a way to optimize
10 human access but at the same time protecting the resource.

11 Yes, sir?

12 MR. BENDICK: Bob Bendick. We heard from Joe
13 earlier about this three-year effort to analyze the effectiveness
14 of Marine Protected Areas and the gaps. To what extent are the
15 Department of Interior scientists going to be involved in that
16 effort?

17 MR. SMITH: And actually there's a really
18 interesting article in I think the materials they handed out,
19 that I only got to read a little bit of, talking about my home
20 state of Texas and about part of the inventory list that the
21 exercise is going on right now where the 11 managed areas in
22 Texas are all National Wildlife Refuges. But we're doing a
23 pretty aggressive job along the Gulf Coast of Texas and other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ways on a local and scientific level making sure we're
2 interacting with local folks, researchers, etc., to take a look
3 at the areas.

4 MR. BENDICK: Well, if I could just follow up for
5 one second. That says what you're doing to evaluate your own
6 areas. But the question was: We saw a work item for the Marine
7 Protected Area Center to evaluate the effectiveness of the whole
8 system or refuge, or Protected Areas that are now in effect. And
9 I'm wondering how the Department of Interior's scientists are
10 going to work and other departmental scientists are going to be
11 working with the MPA Center to do that evaluation.

12 MR. SMITH: We're --

13 MR. BENDICK: If that's not a question for you,
14 maybe it's for --

15 MR. SMITH: Well, it's one of the things, and I
16 alluded to earlier, you know most of our resources are out in the
17 field. We're trying to look at ways that we can better provide
18 information to our counterparts at NOAA and better inventory
19 information kind of at a national level without drawing away from
20 what folks are doing on a day-in-day-out basis in the field. And
21 we are trying to work with NOAA as best we can and the MPA Center
22 to make that as effective as possible.

23 CHAIRMAN BROMLEY: I have Wally Pereyra and Gil

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Radonski and Les- --

2 MR. RADONSKI: And Mike's had a question for a
3 long time.

4 CHAIRMAN BROMLEY: Mike has one. I'm sorry.
5 Sorry, Bob. All right. Maybe Mike is a little bit earlier than
6 Wally and Gil. But sorry, Mike.

7 MR. NUSSMAN: Okay. That's perfectly fine, Mr.
8 Chairman.

9 I appreciate it, Dave, let me thank you for coming
10 as well. And at the risk of us not reinventing the wheel it
11 seems to, in both your presentations, it would seem that the
12 Department has quite a history of managing marine areas as well
13 as a ton of terrestrial areas when it comes to Protected Area
14 management.

15 How involved has the Department of Interior
16 through the Park Service and the Fish and Wildlife Service been
17 in the MPA Center and in all the activities that we as an
18 advisory committee are overseeing or advising on? Have they been
19 in the action from day one or has it been, you know, less
20 complete? Can you give me some feel about that?

21 And I want to follow up one more question, since I
22 might not get another one. As long as I've got the mic, I'll use
23 it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Could you please also differentiate the Park
2 Service or the mission of the Park Service one more time and the
3 Wildlife Refuge System so I could hear that and make sure I'm
4 clear on those?

5 MR. SMITH: Sure.

6 CHAIRMAN BROMLEY: Short answers.

7 MR. SMITH: And I'll answer the first first. The
8 mission of the Park Service kind of in brief is for the use and
9 enjoyment of the American people, leaving unimpaired for future
10 generations, from the Organic Act of 1916. But essentially what
11 that means is it really interprets the history, culture,
12 resources so people can get into the parks, see them, use them,
13 enjoy them, and kind of leave unimpaired.

14 The mission of the Fish and Wildlife Service is to
15 manage for wildlife first. And by manage, it's hands-on
16 management. I mean our guys are such that in a marine
17 environment if there's loss of underwater structure and as a
18 result fish populations are diminishing, they're not afraid to go
19 in and aggressively create that structure artificially.

20 What we're talking about is actively managing for
21 wildlife populations. And in our programs part of the mission is
22 allowing for recreational uses affirmatively that can be used not
23 only for a recreational standpoint but also as part of an overall

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 management system as well.

2 Your second question, in terms of the MPA Center,
3 I think NOAA has been a good partner and tried to do outreach and
4 help us be included as a partner in the Marine Protected Area
5 Center. Could Interior be more involved? Yeah, Interior could
6 be more involved.

7 I think part of that is somewhat of a funding
8 issue. And every year you go through all the ruminations of
9 budget exercises and money gets put different places for
10 different reasons. And I don't want to get into too much of
11 that. But I think over time as we learn to collaborate more on
12 these issues I think the partnership between NOAA and Interior
13 will just continue to jell and become better on really all
14 issues.

15 And so I look forward to us becoming more and more
16 involved and a more active participant in the MPA Center. And we
17 have had an involvement to date. I think on our end there's more
18 we could do.

19 CHAIRMAN BROMLEY: Do you want to follow up?

20 MR. NUSSMAN: No, that was my -- I asked them
21 both.

22 CHAIRMAN BROMLEY: All right. Wally and Gil. And
23 then we are going to have to --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 DR. PEREYRA: Thanks, Mr. Chairman.

2 CHAIRMAN BROMLEY: Yeah.

3 DR. PEREYRA: Wally Pereyra. Thank you very much
4 for the presentation. I enjoyed it very much, myself. I'm
5 trying to sort of get an integrated feel, if I can, of the status
6 of resources or the status of refuge, however you want you state
7 it, at the present time.

8 I gather that the resources that you are
9 providing, limited as they are, they always are limited, out into
10 the field together with the resources that may be able to be
11 acquired cooperatively, collaboratively, or however with
12 universities or NOAA, states, tribal organizations and so forth,
13 that this allows you to have the resources within the Refuge
14 System or sanctuaries, or whatever, have them be managed actively
15 in a sustainable manner in the face of increasing participation
16 in the system.

17 I mean in some of the graphs that you showed
18 certainly increasing numbers of visitors. Is that a fair
19 statement, that you are able to manage the resources in a
20 sustainable manner?

21 MR. SMITH: I think absolutely.

22 CHAIRMAN BROMLEY: Yes or no?

23 MR. SMITH: Yes, absolutely. And that's part of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the beauty of really, particularly, when you look at refuges is
2 with the whole mission of wildlife first. And managing for
3 wildlife first, but also the habitat first. We're able to allow
4 compatible uses, particularly those priority wildlife-warranted
5 public uses in such a way where our managers are equipped with
6 the ability to get people out there, get them experiencing
7 wildlife in a really hands-on way, recognizing that man is a part
8 of these ecosystems. And do it in such a way where it is
9 sustainable and is managed. And look at each one uniquely,
10 because each different area, each different ecosystem has its own
11 unique parameters and unique needs.

12 CHAIRMAN BROMLEY: Okay. I think we'd better
13 stop.

14 MR. RADONSKI: Well, I have one question that --

15 CHAIRMAN BROMLEY: I'm sure you do, Gil, go ahead.

16 MR. RADONSKI: Well, it deals with something
17 that's going to face this Committee at some point, and you've got
18 experience with, and that's enforcement.

19 One of the things we'll be faced with as we look
20 at MPAs is enforcing the rules and regulations of MPAs. You have
21 specific forces within those two agencies for enforcement. And
22 maybe we can't address it right now, but I certainly would like
23 that experience to be passed onto the MPA Center.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. SMITH: Yeah. And I think that's a good
2 point, because looking at our law enforcement resources, I think
3 now with the creation of Homeland Security I think we're either
4 second or third in terms of law enforcement resources, in terms
5 of the federal government.

6 And one of the things is in national parks we have
7 rangers. And I've spent time in a lot of marine parks out with
8 rangers doing their jobs. We collaborate quite closely with the
9 Coast Guard, which is part of Homeland Security now and other
10 federal agencies in on-the-water enforcement.

11 Also in the Refuge System we have both our refuge
12 officers, which are rangers like park rangers, as well as our
13 federal wildlife agents who work together to provide on-the-water
14 enforcement. Certainly we've been very active, in Florida on
15 Manatee issues working cooperatively with state wildlife officers
16 as well as Coast Guard and others. So that is one area that we
17 do have quite a bit of expertise is in providing that actual on-
18 the-water both management and enforcement aspect of it.

19 CHAIRMAN BROMLEY: Thank you.

20 DR. O'HALLORAN: Is there time for a yes or no
21 answer?

22 CHAIRMAN BROMLEY: Yes, there is.

23 DR. O'HALLORAN: Does DOI put any money to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Center?

2 CHAIRMAN BROMLEY: Yes or no.

3 MR. SMITH: Yes.

4 CHAIRMAN BROMLEY: Sorry, but --

5 MR. SMITH: Yes. And I want to thank Max again
6 for giving me the \$700 million answer on the Refuge System
7 budget. And I will get the exact -- I think I was about a little
8 over 5 million back in 2000 or 2001. And it's increased. And
9 then I will get the exact number for the record for the Park
10 Service annual budget as well. So thanks again, Max.

11 CHAIRMAN BROMLEY: Thank you very much.

12 (Applause.)

13 CHAIRMAN BROMLEY: Okay, Rebecca, are you here?

14 Our next speaker is Dr. Rebecca Lent. She is the
15 Deputy Assistant Administrator for Regulatory Programs of NOAA
16 Fisheries.

17 Becky and I share an alma mater, so I will give
18 Becky just as much time she wants.

19 DR. LENT: Yes. I really appreciate the comments
20 of our Chair earlier on how wonderful it is to be an economist.
21 I couldn't agree more. I'm not a practicing economist, but I was
22 trained as an economist at Florida State. And some people call
23 it the dismal science. Maybe that's because we walk around

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 saying there's no such thing as a free lunch. I know that you
2 all just enjoyed your lunch, but as you work with us over the
3 next couple of years you will realize that lunch was not free.

4 CHAIRMAN BROMLEY: We've already realized that.

5 DR. LENT: We do appreciate all that you do in
6 serving on this Committee. I don't think the pay is real good.
7 And I will not make a link between your work on this Committee
8 and the other famous expression from Keynes, which is: In the
9 long run we're all dead. No connection.

10 All right. Well, again I appreciate the
11 opportunity to be here. I'm going to be quick because I think
12 I'm the only speaker that stands between you and really starting
13 your work. And I can tell you are all squirming in your chairs
14 and chomping at the bit there.

15 So we'll go over a little bit on ecosystem
16 approaches to management overall with NOAA and look at some of
17 the challenges in putting those Protected Areas in place in
18 action and taking a look at their effectiveness. We'll zero in
19 on the NOAA Fisheries MPAs. And I have a lot of partners around
20 the table who can help me talk about those experiences, people
21 who have been on the Councils, on advisory panels for highly
22 migratory species, sanctuary advisory panels, etc. And then
23 we'll just finish with the outlook.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I think if there is one thing I've been repeating,
2 and those of you who have had to listen to my speeches over the
3 past couple months, that there is a clear change under the
4 direction of Admiral Lautenbacher, and that's corporate NOAA. We
5 are a group; we are a family; we're working together. There is
6 matrix management. You've heard about that from Mary, you've
7 heard about that from Tim Keeney.

8 We have a brand new strategic plan. It's on the
9 website. Go take a look at it. And the good news is ecosystems
10 is all in one group: Protect, restore, and manage the use of
11 coastal ocean resources through ecosystem-based management. So
12 that includes looking at protected areas, protected species,
13 fisheries management. And we can only benefit from working more
14 as a corporate holistic NOAA than in our individual line offices.

15 What is ecosystem-based management? We had a lot
16 of discussion about this for the other two or three -- several
17 people around the room who were with me in Washington, D.C. for
18 the Council and NOAA Fisheries Conference. We talked a lot about
19 ecosystem-based managements. We were going, I think we're going
20 to hear about that from the Ocean Commission. Lots of discussion
21 on what it actually means, the human dimensions included. Talk
22 about the uncertainties, looking at the components and the
23 services, and trying to do it holistically to coordinate planning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and development for sustainable management and, in some cases,
2 just conservation.

3 Our statutory mandates at NOAA are many. The one
4 which -- I hope you have a paper copy of these. Please pick up
5 your pen and write down National Marine Sanctuaries Act. I don't
6 know how I slipped. That should be on this list of the major
7 ones that we're really interested in for ecosystem-based
8 management in this group. The three big ones that a lot of us
9 deal with at NOAA Fisheries are: Magnuson-Stevens, Endangered
10 Species, and the Marine Mammal Protection Act.

11 So in order to make ecosystem management work we
12 have to recognize that all these mandates are complementary, for
13 the most part. There are areas where there are challenges.
14 Some, for example, shutting down the swordfish fisheries in
15 Hawaii in order to conserve endangered sea turtles. Some people
16 might argue that's not complementary.

17 We're working together to achieve our mission of
18 protection, restoration, and management, and adaptive management.

19 I believe David Smith mentioned that. Yes, the issues evolve.
20 You might regulate an activity over here and it pops up over
21 there. Science changes. We hope that science will continue to
22 advance. And then we have new experiences. We close an area
23 under fishery management or protected species and then we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 discover something new. So we have to go back and take another
2 look at it.

3 Area-based management principles. It's pretty
4 much used under all of the mandates statutes that we have from
5 the Hill. It has to be incorporated into the scientific analyses
6 that we do for resource management, particularly NEPA. And I was
7 happy that my colleague, David Smith, mentioned NEPA. That is a
8 really important tool that we use. NEPA is our friend, as David
9 Benton often says.

10 We do use Protected Areas most often in
11 conjunction with other management tools. We realize like for any
12 other management tool Protected Area-based management as to be
13 participatory. There has to be a lot of public process that's
14 not just because it's required under APA, but because we learn
15 from the debate. We learn from the issues that people bring to
16 us. Particularly when you're dealing with Protected Areas in a
17 situation where you're going to change people's behavior.

18 You need to be able to predict what they're going
19 to do if you close off a certain area. That's very important for
20 people to say, you know, if I can't fish there I'm going to go
21 fish over here. We need to know that.

22 And of course, we have to incorporate how we're
23 going to actually evaluate how well we're doing and how we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 adapting over time.

2 MPAs has one of the big issues as we all know, and
3 as you will be working on as a Committee, is what are they
4 exactly. Well, MPAs have a whole bunch of different dimensions.

5 What is their conservation goal? Do they have a conservation
6 goal? What type of protection is it? Is it no mining, no
7 extractive activities, no passage, no anchoring, no fishing, no
8 diving, whatever? Timing: Is it annual, is it part year, is it
9 permanent? And how big is the actual area?

10 Some of the challenges for area-based management -
11 - you're familiar with these: Scientific basis. It's not always
12 as straightforward as, say, rebuild this fish stock in ten years.

13 What is the actual basis for protecting, or for roping off an
14 area, saying we're not going to be in there any more.

15 Constituency views. Here, too, because we're
16 affecting livelihoods of people, whether they are boating or
17 fishing or mining or anchoring or diving, it's really important
18 to get the constituency views in. And that's not always easy.

19 Monitoring, assessing, and refining. We'll touch
20 on that a little later.

21 Enforcement. NOAA Fisheries has the enforcement
22 side of the agency. And that's a challenge without modern
23 techniques like vessel-monitoring system.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And then demonstrating the actual effectiveness.
2 And here getting more into the detail on demonstrating the effect
3 of this. If you have multiple or overlapping actions within a
4 single area, that makes it a little more difficult.

5 Measurable targets. What is it exactly that
6 you're trying to achieve. In order to go back and say to we do a
7 good job, you have to know what is it that you're trying to
8 achieve.

9 Rebuilding a fish stock in ten years is a more
10 measurable target, and whether or not you're getting here, than
11 maintaining the ecosystem. There are ways to set some goals
12 within that, but we need to make sure we're making some progress
13 on that front so that when we're sitting around a table here,
14 whether we're a Sanctuary Advisory Panel or a Fishery Management
15 Panel, or this panel, that you can look back and say, yeah, it's
16 working, or it's not working. You have to measure it next to
17 something.

18 That is key to credibility. And we are working on
19 developing those tools for evaluating the effectiveness. In
20 fact, one of the efforts that's underway right now is a joint
21 effort with the MPA Center, the Santa Cruz Lab, and the Pacific
22 Fishery Management Council. They are doing some workshops and
23 getting some people together to look at how do actually use

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Protected Areas in fishery management and how do you measure
2 whether or not it's working. And those sorts of efforts are
3 going on in other arenas, not just in fishery management.

4 Okay. Zeroing in on NOAA Fisheries MPAs. A lot
5 of these -- let me just step back a little bit and say this
6 morning when we were looking at the Park Service and going back
7 to Teddy Roosevelt, etc., it's admirable, the long history of the
8 Park Service. But I think it's important to realize that we've
9 been using this tool in fishery management, and probably in other
10 areas as well for quite a long time. And we've got a lot of
11 experience. So I want to make sure that that is clear. It's not
12 a new thing.

13 The Executive Order is a new thing, but that we
14 need to recognize the efforts that have been made over the past
15 25 years. That's what our conference was about in D.C., was 25
16 years of Magnuson-Stevens, the progress that we've made in
17 fishery management.

18 Here are some examples. This is a New England
19 groundfish fishery; lot at time-area closures. Some would argue
20 that this hasn't been a big success. The stocks have been
21 rebuilding. They haven't been rebuilding as fast as they should
22 under Magnuson-Steven. That's why we got sued, that's why we are
23 doing them in 13. But these time-area closures have proven to be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 effective.

2 One of the interesting thing that's happened, if
3 you zero in on the Haddock closed areas, there's a lot of fishing
4 right around the edge. This is an example of what we need to
5 understand about human behavior before we implement these
6 measures and do a good job under NEPA of trying to predict where
7 that fishing effort is going to go.

8 For our protected species. Responsibilities, large
9 whale closures, these are primarily for right whales; SAMs,
10 seasonal area management. This is based on where we know right
11 whales tend to go. Right whales are probably the most endangered
12 marine mammal that we have under our jurisdiction, along with the
13 Hawaiian monk seal.

14 Now most of the MMPA and ESA specific management
15 measures, whether they are time-area closures or otherwise, are
16 done by the Secretary, are done by NOAA Fisheries directly, under
17 the authority given by the Secretary.

18 MR. NUSSMAN: Mrs. Lent?

19 DR. LENT: However, the good news is that the
20 Fishery Management Councils -- I'm sorry, Mike, did you have a
21 question?

22 MR. NUSSMAN: I don't mean to interrupt what you
23 were discussing. What is the closure -- what kind of closure is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 it?

2 DR. LENT: This is a closure to -- thank you, Mike
3 -- to lobster gear and gill nets, at certain times of the year.

4 MR. NUSSMAN: Sorry to interrupt.

5 DR. LENT: Get that? Yeah.

6 The good news, as I was saying, is that a lot of
7 the Fishery Management Councils are incorporating in their
8 fishery management actions measures that they need to put in
9 place under Magnuson-Stevens to minimize interactions with marine
10 mammals and protected species.

11 This is something near and dear to my heart. And
12 several you of you around the table were working with me when we
13 when we did these. The Atlantic highly migratory species are the
14 only fishery species directly managed by the Secretary of
15 Commerce. And we had a problem with bycatch of marlins, blue and
16 white marlins, and undersized swordfish.

17 So we did the closures, that you can see, all of
18 them except the Northeast distant -- let me see if I've got a
19 mouse here. I do. Can you see that little mouse?

20 These closures here, De Soto Canyon, year around;
21 Florida East Coast, year around; a three-month closure here in
22 the Charleston Bulb; and a one-month closure here. Those were
23 all designed to minimize blue and white Marlin and undersized

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 swordfish bycatch. It was a huge, huge effort. The interesting
2 thing is we got sued by all three of our constituent groups:
3 Commercial, recreational, and NGOs. And we won. I'm happy to
4 say this is an ongoing effort. We continue to work with our
5 constituency in monitoring that.

6 The bad news is we pushed all the longliners over
7 here. So this is a closure for pelagic longliners. We pushed
8 them out a little further and they started catching too many
9 turtles. So we had to close this area for turtles. And the good
10 news here is after three years of an experimental fishery, we've
11 actually found ways to reduce these sea turtle bycatch 60 to 90
12 percent.

13 So we're looking at the possibility of, on a
14 limited basis, reopening here for the pelagic longliners with the
15 new measures in place. So that's a combination of fish closures,
16 protected species closures, some of them having to do with an
17 international mandate, ICD, to reduce our juvenile swordfish
18 death discards, because we made our longliners throw them all
19 back, dead or alive, whereas the Spanish just keep them.

20 Now I wanted to mention, Dave, that when we were
21 at the conference in D.C., Stefanie Madsen, who took over as the
22 new chair, David's place, of the North Pacific Fishery Management
23 Council, had a very impressive slide that showed the time-area

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 closures in the North Pacific. And so I'm going to see if I can
2 get a copy of that for my next presentation to show the time-area
3 closures in Alaska, which if you pasted it on top of these, they
4 would be pretty impressive.

5 Now are our MPAs effective? Well, as I mentioned,
6 we have seen increases in the New England groundfish stocks. As
7 kind of a byproduct of that, the New England scallops stock
8 rebuilt because there was a closed area.

9 The preliminary results from our pelagic longline
10 primary closures show that there's been quite a benefit. There's
11 been a considerable reduction in fishing effort. This is one of
12 the hardest things to predict, is what's going to happen to those
13 fishermen. A lot of those smaller boats along the east coast of
14 Florida have left the fishery. They weren't able to go beyond
15 the closed area. So the effort is down there.

16 There's also a reduction in the bycatch of
17 undersized swordfish and marlins. And the white marlin, in case
18 you don't know, just escaped an ESA listing decision. In fact,
19 we may be sued for making that decision. So I think those
20 closures are effective.

21 The evidence out of Alaska shows that there's been
22 a significant reduction in fishing effort and a big effort to get
23 the fisheries and the interactions away from the stellar sea

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 lions.

2 Okay. Let me move to an effort underway by Lisa
3 Wooninck -- Lisa, you want to raise your hand -- and a number of
4 colleagues at NOAA Fisheries -- which is to map out all our
5 marine-managed areas, or MMAs, another way to call these things.

6 Now as you look at this slide, your favorite
7 closure may not be there, so don't panic. And that's because
8 there were specific prescriptives used in coming up with this
9 inventory. Anything that was a closure for three months or less
10 was not included. Variable closures such as the DAMs, the
11 Dynamic Area Management for right whales, are not in there. Any
12 closure that was for a reason other than fish, like a defense
13 area for national security, those are not included.

14 And anything that doesn't have geographical
15 coordinates. I know that some folks say, you know, under the
16 Executive Order even the EEZ could be an MPA. Well, if it
17 doesn't have precise coordinates, geographical coordinates, it's
18 not included. So there are the 67 NOAA Fisheries MMAs.

19 Lisa and her crew actually went back and analyzed
20 some aspects of these closures. First of all, establishment
21 date. Well, there have been MMAs established ever since 1981 in
22 terms of the number of when did they actually get established.
23 But there probably is a trend towards more of these. However,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 1996 was the Sustainable Fisheries Act when we had really strict
2 measures or laws put in play, the SFA Amendments, Sustainable
3 Fisheries, that required us to rebuild fisheries within x years.

4 And that's probably one of the reasons why we see a jump here.
5 But there is probably other reasons as well.

6 Legal basis. Most of them were done under
7 Magnuson-Stevens, 62 percent of these closures. So it's the 67
8 that we're looking at. Thirty-eight percent were done under ESA
9 and MMPA. There were also, in some cases as I mentioned, they
10 were actually implemented, even though they were for turtles,
11 they were implemented under the authority of the Magnuson-
12 Stevens, because the Council was trying to frontload protected
13 species issues and put those measures in.

14 Duration. Most of them are year round, most of
15 those closures. And again we didn't measure any of the closures
16 that were three months or less.

17 And the size, they tend to be larger. Most of
18 them are greater than a thousand square kilometers.

19 A little bit of the details on the early findings.
20 As I said, the last ten years we tend to see a jump in those
21 measures, may be related to the SFA Amendment. Year-round
22 protections and restrictions, they tend to be large. Most of
23 them are -- I'm sorry -- this wording is hard for me to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 interpret. But you've already heard the statistic that very few
2 of these areas are absolutely no-take marine-managed areas. It's
3 a small share, but they all have some type of fishery
4 restriction.

5 Now 32 out of those 67 were actually analyzed a
6 little more closely to see if they have goals, if they have set
7 goals, and if we're actually monitoring them. Well, the good
8 news is that all of those that we're looking at closely actually
9 have goals. Sixty-seven percent of those 32 have targets and
10 time lines. All of them have monitoring. I mean in fishery
11 management we almost always have for our major species, every
12 year, every other year, some type of stock assessment. So a lot
13 of that assessment is just -- a lot of that actually assessing
14 the effectiveness is doing a stock assessment.

15 Fifty percent of them are part of an effective
16 program, such as a rebuilding program. But only 31 percent of
17 them have been analyzed in terms of the actual impacts of the
18 marine managed area. And 60 percent of them you could actually
19 go back and say this is what -- the closed area is actually
20 contributing to that goal.

21 So a little bit of detail here. I would encourage
22 you to talk to Lisa about her effort. It's an ongoing team
23 effort that we're doing within NOAA Fisheries to answer some of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the questions that you've been asking us about marine managed
2 areas.

3 So the outlook is continued management efforts by
4 our Fishery Management Councils as well as NOAA to use area-based
5 management.

6 Emphasis on science-based measures. Tim Keeney
7 was emphasizing that as well. The public processes very
8 important. We have a lot of experience with that in fishery
9 management. When we were all meeting last week to see how's it
10 been going for 25 years, one of the things that emerging was,
11 it's really important to have this participatory process. That's
12 a really big part of what we do.

13 And of course the new wave of the future is an
14 increased emphasis on ecosystem-based management. And I hope
15 that with the future efforts in science we'll actually have a
16 good idea of what that means and where we're going with it.

17 So I'd be happy to take your questions as you get
18 ready to tackle your problems.

19 Mr. Chair, are you calling on the folks?

20 CHAIRMAN BROMLEY: No, you go ahead.

21 DR. LENT: Okay.

22 CHAIRMAN BROMLEY: Only when we're out of time do

23 I step in.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. LENT: Okay.

2 DR. OGDEN: Thank you very much for --

3 DR. LENT: Thank you.

4 DR. OGDEN: -- your presentation. It was
5 interesting. Interpreting the charge of this Committee against
6 what you're saying, you mentioned at one point that MPAs are not
7 new and, indeed, they aren't. But what is new in the charge to
8 this Committee, it seems to me, is we're charged with
9 establishing a national network, something called a "network."

10 Now a "network" to me, as an ecologist and I think
11 to most people, is more than just cobbling together what exists.

12 It's actually a true network. It has feedbacks and
13 interrelationships which we gain by essentially taking a more
14 comprehensive view of our ocean resources. So that we have
15 behind this networking idea an idea that we're going to look not
16 just at fisheries and ESAs, not just at endangered species, not
17 just at offshore minerals, but everything, including wind farms,
18 for example, off the East Coast and all of those things.

19 DR. LENT: Great.

20 DR. OGDEN: So I'm just curious how you -- is this
21 -- well, let me ask you a question, I suppose, which would be a
22 good thing to do. Is this how you look at it, or this
23 interpretation that I've just given of this sort of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 comprehensiveness and what a network actually is, or is it a case
2 where you have a charge as an agency at NOAA Fisheries to do
3 something very important for the nation, and that is the charge
4 which will essentially drive you?

5 DR. LENT: Well, thank you for that question. I
6 hope I can do it justice. And I might ask my NOAA colleagues to
7 help me out.

8 The way I see it is the National MPA Center and
9 the MPA Group and this Committee has a larger focus. It's less
10 down in the weeds than the rest of us are. And it's a good
11 thing. It's a good thing for people like me to pull myself out
12 of the weeds of fishery and protected species management and look
13 at the bigger picture.

14 The network issue is something which I hope this
15 Committee will address. The word "network," the word "system" of
16 MPAs is something that just freaks out a lot of people. It
17 freaks out a lot of constituents.

18 I would say that the reason why there's been a lot
19 of staff effort focused on going out there and saying what is out
20 there in first place, because that would be the first step in
21 saying, what is the system, what is the network? And then making
22 all the links and making all the ties. And David Smith mentioned
23 the importance of having all these agencies work together. I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 mean, it's almost mind-boggling to start to look at all these
2 hundreds of MPAs from the National Park System, let alone what
3 we're going to be able to find out from our own inventory. That
4 the good thing is that we're talking, that we're meeting, that
5 we're here, and that you're getting speakers from other agencies.

6 And the good thing within NOAA is that we're all working
7 together as well.

8 I want to add too -- I think David's busy with a
9 comment there. But we have a new senior position directly
10 reporting to Bill Hogarth. That person does nothing but
11 coordinate with other agencies, such as Fish and Wildlife. Some
12 of the preoccupations right now have to do with ESA and listing
13 criteria. But this is precisely the kind of thing that we want
14 to do to link up with our other federal partners. So there's a
15 lot of mishmashing around. But I think step one is what is out
16 there. Step two is how are they all linked, and are we even
17 linking them?

18 When we were at the Pacific Fishery Management
19 Council Meeting last week, a lot of fishermen came up -- and I
20 was there with Jamie Hawkins, who's my counterpart at the Ocean
21 Service -- and a lot of people came out and said, "Hey, we got
22 all these time-area closures for ground fishing. Are you going
23 to come and shutdown some more of the ocean?" So they're just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 reminding us that before you go out, whether it's sanctuaries or
2 protected species or fish, before you go out and start carving
3 out parts of the ocean, you have to consider the context.
4 Whether it's the ecosystem context or whether it's the
5 institutional context and the regulations that are already in
6 place.

7 Mr. Fujita?

8 DR. FUJITA: Yes. Thank you. Rod Fujita. Thanks
9 for that presentation.

10 DR. LENT: Thank you.

11 DR. FUJITA: You mentioned a vessel-monitoring
12 system in your talk.

13 DR. LENT: Yes.

14 DR. FUJITA: And I happen to think that this
15 technology offers some potential and promise for improving the
16 enforcement of marine-managed areas. What's NOAA Fisheries
17 overall goal for VMS? I know you're operating VMS in many
18 regions.

19 DR. LENT: Yes.

20 DR. FUJITA: But what's the overall goal and
21 what's the time table for implementation?

22 DR. LENT: Thank you. I would say that our goal
23 for Vessel Monitoring System is to have that in place wherever it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 will help us serve as an enforcement tool. If the only fishery
2 management measure you have in place is a landings quota, then
3 you wouldn't want to necessarily invest your scarce VMS funding
4 into that type of fishery.

5 We have, in general, gone for those fisheries that
6 tend to be more difficult to enforce, such as the pelagic
7 longline fleet out in the Western Pacific and out in the
8 Atlantic. Those where we are using area-based management
9 measures. The shark fishery in the Atlantic, we're just about to
10 -- when we propose that we're about to go final with some
11 protected-area management, and we will require VMS to help
12 enforce that. So I wouldn't say we have a specific plan.

13 We have done some cost estimate from our
14 enforcement folks. If you'd like, I can have someone from
15 enforcement give you a call back and talk about how we'd wrap it
16 up as I got more money.

17 One of the big issues here is should fishermen pay
18 for it or should the government pay?. Maybe this Committee could
19 weigh in on that. Mr. Chairman, do want me to keep calling on
20 folks?

21 CHAIRMAN BROMLEY: Yes, keep going.

22 DR. LENT: Tundi?

23 DR. AGARY: Thanks. Tundi Agary. Thanks Rebecca.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I had a follow-on to John's question, thinking along the same
2 lines of connectivity and linkages. And I'm wondering when you
3 identify -- when NMFS identifies an area of closure, be it full
4 year or just seasonal, is there an effort to go out, to reach
5 out, to other agencies, including state, tribal, even the NGO
6 community where there's private land holdings on the coast, and
7 think more holistically about essential fish habitat for that
8 species and what other kind of protected-area management measures
9 might be put in place to complement an area closure. I'm
10 thinking specifically of nursery habitats and that kind of thing.

11 So is there an attempt in the agency now to move
12 in that kind of direction of really strategically and
13 systematically identifying partnership opportunities?

14 DR. LENT: Thank you. I really have to say that
15 we're not really good at that at NOAA Fisheries and we have a lot
16 to learn. So if this Committee can help us go further down that
17 road, I'd sure appreciate it.

18 One of the things that's really challenging for us
19 is when saw the National Park Service closing slide with all the
20 partners, there were leased five organizations on that list who
21 have sued us. So it makes it difficult for us to cooperate. In
22 fact, some people on the Hill will say, why are you working with
23 them, why are you funding something when they're actually turning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 around and suing you? So that makes it difficult.

2 I would hope that we could move beyond that and
3 work together. The one avenue we have right now for that would
4 be the public process and NEPA and people coming and forward
5 saying, you know, there's other considerations. And if we're
6 doing a good job at NEPA and a good holistic analysis of
7 everything going on out there, hopefully we're taking that into
8 account.

9 Tony, you had your hand up. And then I'll go to
10 the other side of table. Thank you.

11 DR. CHATWIN: Thank you. Thank you for the
12 presentation. I worked in New England on the groundfish issue
13 for a number of years.

14 DR. LENT: Good job.

15 DR. CHATWIN: So I just wanted to make -- well,
16 ask a question really. I was very pleased to hear about the
17 inventory that -- this count that was taken by Lisa. Right?

18 And in my experience the closed areas that you
19 highlighted in your talk, they had actually mixed results, the
20 positive results that you showed, yes?

21 DR. LENT: Um-hum.

22 DR. CHATWIN: And for some -- these areas were
23 designed for three different species and for at least one of them

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the results have not shown any -- namely Georgia's bank cod.

2 DR. LENT: Right.

3 DR. CHATWIN: And to me, as a conservation
4 planner, that shows that -- well, what you -- I agree with what
5 you showed, that these areas, the marine-managed areas can be of
6 tremendous benefit. And the way to really capitalize on that
7 benefit is to improve on the design of these areas.

8 And so I was wondering whether there is a plan to
9 -- what are you going to do with the results of this inventory?
10 Is there a plan within NOAA Fisheries to then go and look at the
11 design of the areas and maybe incorporate essential-fish habitat
12 considerations in to modifying boundaries, that sort of thing?
13 Or is that something that's going to be left to the fish and
14 management plans themselves?

15 DR. LENT: Well, that's a good question. And
16 thanks for pointing out the mixed results in New England. And,
17 by the way, the Amendment 13 preferred alternative that was
18 passed by the New England Council included time-area closures as
19 one component of it.

20 There was a discussion earlier on about what's
21 going to happen when this Committee discusses this and how
22 they're going to get back to the folks who are actually working
23 out there on the implementation. I would hope that it's not just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 stuff at the top. And then it gets communicated maybe in matrix
2 style, which is all the rage now in NOAA, that those of you
3 around the table who work in one of the areas where we're
4 actually implementing protected areas, that you're taking this
5 knowledge and this discussion back and forth.

6 As far as how the inventory and those results and
7 how that will be used, I would say one outlet is what is going on
8 with the Pacific Fishery Management Council. And that's another
9 Council that's extensively using time-area closures with their
10 groundfish crisis here on the West Coast. I'd say that right now
11 unless Charlie or Lisa or Church Grimes, you want to chime in, I
12 wouldn't say we have a specific plan for that. But perhaps this
13 Committee could weigh in on that, particularly the ones that the
14 -- if you do a working group that looks at evaluating
15 effectiveness, so that we could have a loop that feeds back and
16 says for people doing sanctuaries or people doing fishery
17 management or turtle protection, here's what we're learning about
18 how these things are working. Lisa or Church, you guys have
19 anything to add?

20 MS. WOONINCK: Well, we are working with the
21 Council.

22 DR. LENT: Okay.

23 MS. WOONINCK: If we can hope to find refined

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 information, we'll be able to better --

2 DR. LENT: Process. Where the Pacific Fishery
3 Management Council in that one particular project. So -- but
4 good idea.

5 Tony, thanks, we'll take that with us.

6 Bonnie, did you have your hand up?

7 Do I have time for another question, Mr. Chair?

8 CHAIRMAN BROMLEY: Yes, indeed.

9 DR. LENT: Thank you.

10 VICE CHAIR McCAY: Bonnie McCay.

11 DR. LENT: I thought you might.

12 VICE CHAIR McCAY: Just a very quick simple one.
13 Your use of "MMA" instead of "MPA" I assume has significance,
14 otherwise you would not do it. Do you think that "MMA" would be
15 the better general term or -- and "MPA" being something
16 underneath that? What --

17 DR. LENT: Joe is going to help me with this. I
18 think MMA is our safe term for casting the wider net. No pun
19 intended.

20 VICE CHAIR McCAY: Yeah.

21 MR. URAVITCH: Yeah. Joe Uravitch. We are using
22 the term "MMA" to try and differentiate the information we're
23 collecting on this inventory which includes the de facto site,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 such as Merritt Island off of Florida, which wasn't even
2 designated for protection purposes. Differentiate that from the
3 list of MPAs called for by the Executive Order. Because people
4 were getting confused out there saying, "If it's on this
5 inventory it's an MPA," and therefore the Avoid Harm Provision of
6 the Executive Order applies immediately.

7 We're nowhere near the list process yet. We are
8 working toward that. So we are using the term "MMA" to cover
9 that broad spectrum of sites that has some type of regulation,
10 some boundary that's managing some area for some particular
11 purpose. So it's a sort of all-encompassing universe of sites.
12 And when we say "MPA" later on, we're meaning what's going to be
13 list and what's going to be on the National System.

14 VICE CHAIR McCAY: So that's pending the agreement
15 on the criteria, then?

16 MR. URAVITCH: Correct.

17 DR. LENT: Someone said it's a safe haven because
18 it doesn't commit you to anything if you fall under MMA.

19 Mike?

20 MR. NUSSMAN: Thank you, Rebecca. Understanding
21 the possibility of asking a controversial question, last or
22 perhaps nearly last I will go ahead and do it. We've all heard
23 in recent months, years, about the state of crisis we have with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 our marine fisheries. We've read about it in virtually every
2 context we possibly could. We've heard that it's a disaster and
3 getting worse. And I, for one, would say I certainly couldn't be
4 proud of the job we've done over the last 30 years.

5 But let me ask you, as the best I can tell, lead
6 official from the Department of Commerce, the Marine Fisheries
7 Branch, could you tell us from your perspective where are we with
8 restoring and rebuilding marine fish stocks? Obviously that's
9 driving -- there's a very different opinion here and from the
10 U.S. government's perspective you're it, as far as our expert.

11 Now there are many other perspectives out there, I
12 understand. But I like to hear from you, from Bill Hogarth:
13 Where are we? Thank you.

14 CHAIRMAN BROMLEY: You have to answer that yes or
15 no.

16 (Laughter.)

17 DR. LENT: I would say the glass is half-empty --
18 I mean half full. I got that wrong. Sorry. As you know, we all
19 discussed this over the past three days: Are we succeeding or
20 are we not. And I think most of the folks in the Magnuson-
21 Stevens Act 25-year conference felt like we've made a lot of
22 progress. And these are really tough issues that we have to deal
23 with, and we've really moved ahead.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 There are plenty of people there reminding us that
2 there's lots of work left to do. And that sometimes even by
3 having something we had to do, like put a rebuilding plan in
4 place, just the fact that we needed a rebuilding plan was the
5 sign of failure.

6 I like to think that if we got the clear evidence
7 and if we're ready to make the tough decisions, and when we do
8 it, it works.

9 Mike, you were with us when we went to ICD and
10 negotiated the International Rebuilding Plan for Atlantic
11 Swordfish, now almost completely rebuilt. When you make the
12 tough decisions and you put those measures in place and you
13 enforce them, it works. That's the good news.

14 The bad news is we still have a ways to go on
15 science, on assessing all of the stocks, and on putting in the
16 management measures that we need. Because in many cases even
17 when we had the science it's taking us too long to get those
18 measures in place. So the glass, in my mind, is half full.

19 CHAIRMAN BROMLEY: Are you satisfied with that,
20 Mike?

21 MR. NUSSMAN: Very good.

22 DR. LENT: And there's probably other views around
23 the table.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: All right, David, you get the
2 last question.

3 MR. BENTON: Well, I don't know if mine will be
4 quite that controversial. But, Rebecca, -- and we were at that
5 conference -- and I appreciate the fact, both there and here,
6 that you kept reminding us all that we need to put this in a
7 context. And of course, I'm a little parochial, and I work up in
8 Alaska. And the amount of area that we have is closed to
9 trawling. Sort of if you took it, translated it elsewhere,
10 equals a hundred miles ban from Canada to Mexico.

11 DR. LENT: Right.

12 MR. BENTON: And we don't have any overfish
13 groundfish stocks. And that context weighs heavily on my mind
14 when I think about the issue of MPAs.

15 And having come from that conference and now
16 sitting here with this body, I'm wondering in your mind how does
17 NOAA and maybe the Department of Interior, how do you see the
18 relationship between the advice from this Committee -- and I'm
19 assuming you're going to be soliciting advice from the Councils
20 on MPA policy -- have you all thought that through, how is that
21 going to work?

22 I know that at the Council chairs meeting Joe
23 came.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. LENT: Right.

2 MR. BENTON: And it seems to me that there's a lot
3 of people talking, but I'm sort of curious on the overall plan
4 for how to incorporate advice and where are you going to go with
5 it.

6 DR. LENT: Thank you, David. I guess there were a
7 couple of questions there. The first one was how are we going to
8 solicit advice from the Councils. As you know, we meet twice a
9 year with the Council chairs and executive directors. And we
10 have had MPAs on the agenda there and sanctuaries on the agenda a
11 number of times. I think that's a great opportunity to get the
12 Councils talking amongst themselves and talking to us about how
13 this is all going to work.

14 I think where the Councils are going to truly
15 provide us the guidance and the advice is in proposing these
16 measures, analyzing them alongside other traditional fishery-
17 management measures because closed areas are a tradition, and
18 giving them good consideration, adequate consideration alongside
19 all the other tools of fishery management in making those
20 decisions to reach a goal.

21 Will we have to rebuild this stock in ten years,
22 are we going to use minimum sizes, trip limits, quotas, time-area
23 management, limited entry, or a combination thereof. And in your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 work on the Councils, people like Bob Zales, you will be
2 analyzing the potential impacts of alternatives, including time-
3 area closures.

4 We probably need to have this Committee think more
5 in terms of how your advice is going to get to the actual
6 implementing body, such as Sanctuary Councils and Fishery
7 Management Councils. I'm not real clear on that and maybe Joe
8 and my colleagues have a better idea. But that's what I'd say.

9 Thank you.

10 CHAIRMAN BROMLEY: Yes, thanks very much.

11 DR. LENT: Thank you.

12 (Applause.)

13 CHAIRMAN BROMLEY: Bonnie?

14 MR. BENTON: Mr. Chairman?

15 CHAIRMAN BROMLEY: Go ahead.

16 MR. BENTON: We're going to be going now really to
17 something that's a topic of, if I understand the agenda
18 correctly, of looking at our charter?

19 CHAIRMAN BROMLEY: Yes.

20 MR. BENTON: And then also, right after that, sort
21 of a discussion of how we're going to proceed.

22 CHAIRMAN BROMLEY: Yes.

23 MR. BENTON: And go into the future. And I'm just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 wondering if this would be a good time to take a break instead of
2 taking a break in the middle of all that. Now that seems to be a
3 lot -- in some ways --

4 CHAIRMAN BROMLEY: I was going to ponder the same
5 thing. And, in fact, I was thinking that there's a lot of
6 relationship between what we now seem to be going into and what
7 we are going to do at 3:15. So I'm open to the fact; it's 2:15.
8 Would --

9 MR. BENTON: Let's take a break.

10 CHAIRMAN BROMLEY: What do you think? Would you
11 like a break now?

12 MR. [SPEAKER]: Yes, we'd like a break.

13 CHAIRMAN BROMLEY: Do you want 15 minutes or do
14 you want more? Is 15 minutes enough, or 20?

15 (Side comments and laughter.)

16 CHAIRMAN BROMLEY: Fifteen minutes. So we'll come
17 back at 25 till 3:00.

18 (Recess taken from 2:20 p.m. to 2:40 p.m.)

19 CHAIRMAN BROMLEY: So we've had our break. The
20 afternoon was set up for two general things, a review of our
21 charter and a discussion of the proposed modifications of that
22 charter. And then a plenary discussion concerning how we go
23 forward, structure of the committees.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 David Benton proposed something that I think makes
2 some sense. But we want to find out how you feel about that.
3 And that is to sort of think about this discussion from this
4 point until five o'clock as encompassing all of these things but
5 trying to keep them distinct.

6 I was reminded that we need to have a discussion
7 of the rules. We need to have a discussion of the agenda. And
8 then we need to discuss our charter and the way forward. And I
9 see all these things in one sense as bound up together. And that
10 is the way forward, because subcommittee structure has bearing on
11 how the agenda might get set, our rules of engagement, what have
12 you.

13 So you can tell I'm sort of filling time here
14 until my erstwhile opponent delivers the latte. David was very
15 gracious to offer to bring a latte to me. So now I consider
16 myself bought off.

17 MR. BENTON: You're darn right. That's the way to
18 suck up.

19 (Laughter.)

20 CHAIRMAN BROMLEY: So you'd better be watching the
21 two of us from now on. At any rate, yes, Bob.

22 MR. ZALES: Yes, I like to go ahead and make a
23 motion that -- and hopefully this is going to be real simple --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to adopt Robert's Rules of Order as a set of guidelines for this
2 panel.

3 MR. BENTON: I'd second that.

4 CHAIRMAN BROMLEY: A second. And a motion
5 seconded for adopting a Robert's Rules of Order. Since we have a
6 motion and a second, it's now open for discussion.

7 Yes, Terry?

8 MR. O'HALLORAN: Terry O'Halloran. I agree with
9 Robert's Rules. I'd also suggest that we use those as
10 guidelines. I think we're going to run into a lot of issues that
11 were more of a free-flowing kind of discussion that may not be
12 based on a decision at the end of it, might be fruitful. I found
13 that to be helpful in other councils where we might have
14 differing opinions.

15 CHAIRMAN BROMLEY: Okay. Maggie, can I ask you to
16 keep track of people's names, see whose hands go up?

17 Bob?

18 MR. ZALES: Bob Zales. Just a brief comment to
19 Terry. That's kind of my intention, to use Robert's as a set of
20 guidelines, not to rigidly adhere to it, but just as a set of
21 guidelines for the panel so you each have some kind of
22 operational procedure to go by.

23 CHAIRMAN BROMLEY: Great, good. If I may, may I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 interject? We may have a big discussion here about Robert's
2 Rules of Orders with varying ideas about what those rules are.
3 And because I think Robert's Rules are used by different groups
4 in different ways. And I understand the sense here of that.

5 Let me tell you what I think Robert's Rules are
6 and how -- this is not my advocacy position. But what I
7 interpret that to mean is, as you just saw, there will be a
8 motion. The Chair will recognize it as a motion. There was a
9 second even before the Chair even had to ask for a second. All
10 right. So that's fine. So a motion is made and it is seconded.

11 And then it is time to have a discussion, right?
12 And we will go forward and the Chair will, at times, ask people
13 to be more succinct, you know. All of this will give people a
14 chance for discussion. And then there might be someone out there
15 who calls the question. Is that right?

16 Terry, is that how we understand Robert's Rules?

17 And we could either go for that. Or there is a
18 provision in Robert's Rules were that could put to a vote, right?

19 Isn't that part of Robert's Rules, that you can --

20 MR. ZALES: You generally vote on it.

21 CHAIRMAN BROMLEY: Vote to keep talking. We're
22 not ready for questions. So a call for a question can be
23 defeated, right? By a vote? And what else?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. [SPEAKER]: The amendments.

2 CHAIRMAN BROMLEY: It seems to me these are the --

3 MR. [SPEAKER]: Amendments.

4 CHAIRMAN BROMLEY: Pardon?

5 MR. [SPEAKER]: Amendments.

6 CHAIRMAN BROMLEY: Oh, yeah. Then the whole
7 amendment process " and, remember, if somebody offers an
8 amendment then you have to vote on the amendment, right? The
9 amendment has to be seconded. Is this --

10 MR. ERNST: Or excepted as a friendly amendment.

11 CHAIRMAN BROMLEY: Yes, excepted as a friendly --
12 can be accepted as a friendly amendment, huh?

13 Another rule, I think, is that we sort of do voice
14 votes unless one of you thinks it's so close that you don't trust
15 the loud faction with which you were in disagreement. So you can
16 ask for a show of hands. This is not contestable, so if anybody
17 asks for a show of hands we redo it and a show of hands.

18 What else is Robert about? Civility, and to a
19 certain extent, if things get hot, you know what really helps?
20 Is to address me, not your opponent, right? So you look at the
21 way good debating societies work. "Yes, Mr. Chairman, I think
22 that comment over there is" -- you know, so it's coming to me,
23 not "I think Bob Zales is crazy." So that's another kind of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 informal way in which one can keep civility going, is that it all
2 comes here. Not that I want to be the center, but you don't get
3 pointing and cross with each other.

4 MR. ZALES: That's your function as Chair, is to -
5 -

6 CHAIRMAN BROMLEY: Pardon me?

7 MR. ZALES: That's your -- one of your functions
8 as Chair, is --

9 CHAIRMAN BROMLEY: To take that abuse.

10 (Laughter.)

11 CHAIRMAN BROMLEY: The that's what I think
12 Robert's Rules is sort of about. Bob, is that kind of what you
13 meant?

14 MR. ZALES: Yup.

15 CHAIRMAN BROMLEY: Terry, is that what you meant?

16 MR. O'HALLORAN: Well, let me ask Dick.

17 CHAIRMAN BROMLEY: Well, David is next, and then I
18 think Dolly and then maybe Max.

19 Yes?

20 MR. BENTON: Mr. Chairman, I think the way you
21 described how the body should operate under Robert's Rules of
22 Order is very appropriate, because what you described is that
23 generally you want to use that as a tool to foster discussion and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 debate, not block it. And I think the way you described that is
2 correct.

3 I think there's a couple of things that would be
4 very helpful. One is the one that you brought up. And I think
5 there should be an expression from the body in this so that the
6 Chairman feels comfortable when he needs -- and he will have to
7 exercise his authority. And that is that we address each other
8 through the Chair, not across the table.

9 CHAIRMAN BROMLEY: Yes.

10 MR. BENTON: That -- you need to be the traffic
11 cop. When you traffic cop -- there's too many of us here. I
12 think that one is very appropriate.

13 However, I'm one of these folks that " I do have a
14 tendency to focus in on sort of some of the details, and I like
15 to be very precise about things. When we're saying Robert's
16 Rules and we're using them as guidelines, the way described it,
17 for the large majority of our discourse and any actions we take,
18 I think that's right.

19 When we get too very hard decision, though, or
20 when we have a final formal action, we probably do need to have a
21 statement of exactly what we're voting on --

22 CHAIRMAN BROMLEY: Absolutely.

23 MR. BENTON: -- including any amendments, and then

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have a real vote. If it's something where everybody can agree
2 then you ask for a consensus vote, and we just do that. But is
3 it your understanding, or the understanding of the maker of the
4 motion, that what we will be doing is if we get to a place where
5 we are divided, and it is going to be a close vote, we will have
6 a tabulated vote, and you'll record the motion passes, you know,
7 15 to 9, -- or that's what we're talking about. Am I correct?

8 CHAIRMAN BROMLEY: We're talking about more than
9 that. We're talking about a statement of the motion before we
10 vote. I mean, so that everyone is clear, I thought you just said
11 that, and that is exactly right.

12 Okay, folks, the motion before us is as follows.
13 I mean complete with the amendments that have been made, so that
14 everybody is clear about what they're voting.

15 MR. BENTON: And a follow-up, Mr. Chairman?

16 CHAIRMAN BROMLEY: Yes.

17 MR. BENTON: Then so the voting is -- it would be a
18 simple majority vote for motions to pass, and that kind of thing,
19 correct?

20 CHAIRMAN BROMLEY: That's the default. I think
21 the default rule.

22 MR. BENTON: Okay. Fine, thank you.

23 CHAIRMAN BROMLEY: And we may, as we move forward

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 -- I think we're empowered to do this -- adopt a different voting
2 rule for certain things. Is that right, those of you who lie
3 awake nights memorizing Robert, we can do that, can't we?

4 Okay, Dolly?

5 DR. GARZA: Just a couple of points of
6 clarification. Under Robert's Rules of Order you do have to have
7 the agenda, and you follow the agenda.

8 CHAIRMAN BROMLEY: That's right.

9 DR. GARZA: So that's important.

10 CHAIRMAN BROMLEY: Yes.

11 DR. GARZA: When you were listing what it means to
12 you, when you call for a question, that doesn't mean that
13 everything is overwith. It means I'm asking are there any more
14 questions relative to this motion. And that's quite important,
15 because if you follow your fiduciary responsibility, you have to
16 be sure that you can vote on that motion knowing that you believe
17 the outcome is as it will be if you vote in favor of it?

18 CHAIRMAN BROMLEY: Yes.

19 DR. GARZA: So that's quite important.

20 CHAIRMAN BROMLEY: Thank you.

21 DR. GARZA: And then the other thing was that for
22 the simple majority vote, that anyone can request a hand vote or
23 a tabulated vote. And it would just be automatic that you have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 it?

2 CHAIRMAN BROMLEY: Yes, that's correct. Yeah.

3 Okay, Jim?

4 DR. RAY: Mr. Chairman, there's also a whole list
5 of contemporary actions under Robert's Rules requiring a two-
6 thirds vote. Simple motions and things of that sort are a simple
7 majority.

8 CHAIRMAN BROMLEY: Yeah.

9 DR. RAY: But there's a list of other actions that
10 require two-thirds. And we can provide that to you, if you'd
11 just like that as a summary.

12 CHAIRMAN BROMLEY: Yes.

13 DR. RAY: And you'll have that.

14 CHAIRMAN BROMLEY: Well, that would be wonderful.
15 That's right. And I would assume that we are free to look at
16 that list and modify it if we wish. I think that would be
17 fantastic, Jim, if you could get that.

18 DR. RAY: Mr. Radonski also just reminded me that
19 there's also a list of motions that are not debatable.

20 CHAIRMAN BROMLEY: Yes.

21 MR. RADONSKI: That goes straight to vote.

22 CHAIRMAN BROMLEY: Yes. So that's great and I
23 would be very happy -- some of you are up on this. And please

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 don't hesitate to tell me if I get out of order on this.

2 Max and Wally and then Steve.

3 MR. PETERSON: Mr. Chairman, let me say I
4 basically agree -- or, Dan, I basically agree with your --

5 CHAIRMAN BROMLEY: Oh, "Mr. Chairman" has a nice
6 ring to that now.

7 (Laughter.)

8 MR. PETERSON: Oh, he's become part of -- he's a
9 chairman, part of the hierarchy.

10 Okay. I would suggest two things: That you have
11 a copy of *Robert's Rules of Order* here and that you appoint a
12 parliamentarian.

13 CHAIRMAN BROMLEY: Okay.

14 MR. PETERSON: Because the example, if somebody
15 calls for the question, that's really a motion to limit debate.

16 CHAIRMAN BROMLEY: Yeah.

17 MR. PETERSON: Which does require two-thirds
18 majority.

19 CHAIRMAN BROMLEY: Okay.

20 MR. PETERSON: So there are some of those kind of
21 things that are written there, just as Dolores Garza said over
22 there, to -- Dolly, can I call you Dolly? -- is to protect the
23 people who may not have had a chance yet to speak. Sometimes you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 see somebody make long arguments and then when they get through
2 they propose to cut off debate, you know, which is not true.
3 Okay. Thank you.

4 CHAIRMAN BROMLEY: Very nice, thank you.

5 DR. PEREYRA: My question has been asked and
6 answered. Thank you.

7 CHAIRMAN BROMLEY: Steve Murray.

8 DR. MURRAY: Just really quickly. Is Maggie
9 functioning as a recorder, or do we have in process someone, for
10 example, who is able to read back the motions, because sometimes
11 having gone through this a number of occasions, myself as chair,
12 there's a lot of activity you're involved in. And it's usually
13 best to have someone who is keeping track of what the specific
14 motion is so that you can simply request them to read it back
15 prior to a vote.

16 CHAIRMAN BROMLEY: We have a transcription
17 service. But I think I would like to say that when a motion is
18 made, Maggie will be the recorder.

19 MS. ERNST: I should be prepared to read it back.

20 CHAIRMAN BROMLEY: And we'll help Maggie make sure
21 she has it right. Okay?

22 DR. MURRAY: Okay.

23 MR. CRUICKSHANK: Mike Cruickshank.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Yeah.

2 MR. CRUICKSHANK: Just a quick question. What
3 types of motion are not tabled?

4 DR. GARZA: Motion to table.

5 CHAIRMAN BROMLEY: Who's chair --

6 DR. GARZA: A motion to table --

7 CHAIRMAN BROMLEY: Motion to table is not
8 debatable, right.

9 MR. BENTON: Motion to adjourn?

10 CHAIRMAN BROMLEY: A motion to adjourn is not
11 debatable.

12 MR. PETERSON: There are a whole bunch of
13 privileged motions in Robert's Rule of Order: Adjournment, limit
14 debate, move to the previous question. In other words, there's a
15 whole bunch of them.

16 CHAIRMAN BROMLEY: Okay. Other points?

17 We do have a motion before us. It's been
18 seconded. We'll make sure we read that back to you. And we have
19 a suggestion that I appoint a parliamentarian. But I'm not going
20 to do that until we vote on this motion.

21 So are there other comments on the motion before
22 us?

23 The motion is that --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. ERNST: To adapt Robert's Rules, but to use
2 those as a guideline in the Committee's work.

3 CHAIRMAN BROMLEY: How do you feel, Bob, is that
4 too loose?

5 MR. BENTON: Yeah. Mr. Chairman?

6 CHAIRMAN BROMLEY: Yes, what?

7 MR. BENTON: I believe that I understood the
8 motion to be to adopt Robert's Rules of Order.

9 CHAIRMAN BROMLEY: Yeah.

10 MR. BENTON: That through your application of
11 Robert's Rules of Order you will basically try and use those as
12 guidelines to foster debate. But when it comes down to decision-
13 making, that Robert's Rules of Order will apply as the rules and
14 operational procedures that this body will take. That's what I
15 understood the motion to be.

16 CHAIRMAN BROMLEY: Yeah. And the seconder was
17 who?

18 MR. BENTON: I think I seconded it.

19 CHAIRMAN BROMLEY: You seconded it. I was going
20 to ask if the seconder was in agreement with the statement of the
21 motion. Never mind.

22 Tundi?

23 DR. AGARY: And then I'm assuming that this does

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 not apply to subcommittees or the working groups. Is that right?

2 CHAIRMAN BROMLEY: I don't know about that. I
3 think the subcommittees are bound by some rules. At this point
4 I'd prefer to get our subcommittees set up and then have a
5 discussion with the chairs who will be elected by the
6 subcommittee as to their operating procedure. But it was good
7 enough for us. I don't see that it shouldn't be good enough for
8 them. So are you ready for the question?

9 All in favor say "aye."

10 [MEMBERS]: Aye.

11 CHAIRMAN BROMLEY: Opposed?

12 (No audible response.)

13 CHAIRMAN BROMLEY: Now I need to appoint a
14 parliamentarian. And I've been taking notes of people who sound
15 like they know what they're talking about.

16 (Laughter.)

17 MR. BENTON: Mr. Chairman?

18 CHAIRMAN BROMLEY: Yes.

19 MR. BENTON: Mr. Chairman, if I could make a
20 suggestion, I would suggest that whoever the parliamentarian be,
21 it not be a voting member. And that's because that sometimes
22 that person may have to make a ruling against themselves.

23 CHAIRMAN BROMLEY: Yeah.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BENTON: And it's a little bit difficult. In
2 the North Pacific Council and other bodies I've been on, we used
3 a nonvoting member the body to be the parliamentarian, because
4 then they're in a neutral position.

5 CHAIRMAN BROMLEY: Is that a motion?

6 MR. BENTON: Mr. Chairman, I'd move that what I
7 just said.

8 MR. ZALES: I'll second.

9 CHAIRMAN BROMLEY: Seconded. Moved and seconded
10 that the parliamentarian not be a voting member of the Marine
11 Protected Areas Federal Advisory Committee. And Dolly is
12 breathing a sigh of relief.

13 Maggie, what do we do now?

14 MR. MOON: Vote on the motion.

15 CHAIRMAN BROMLEY: Pardon me?

16 MR. MOON: Vote on the motion.

17 CHAIRMAN BROMLEY: Well, I -- yeah, I understand
18 that. But I mean I was wondering will there be someone -- isn't
19 there some value in having a parliamentarian be the same person
20 throughout all of these things. And so then I'm wondering who
21 can we count on being here at every meeting. And I look to
22 Maggie and I look to Joe. And who else do I look to?

23 MR. ZALES: I would suggest, if I may, Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Chairman?

2 CHAIRMAN BROMLEY: Yeah?

3 MR. ZALES: Bob Zales. I would suggest either Joe
4 or Maggie.

5 CHAIRMAN BROMLEY: Okay.

6 DR. GARZA: What about an ex officio?

7 MS. ERNST: That was my thought as well.

8 CHAIRMAN BROMLEY: Right. We have several ex
9 officios who will be here most every time.

10 David, I'm --

11 MR. PETERSON: Mr. Chairman?

12 CHAIRMAN BROMLEY: Yeah.

13 MR. PETERSON: I would suggest you consult with
14 some of the ex officios to see who feels qualified to do it. And
15 then exercise your prerogative to appoint one.

16 CHAIRMAN BROMLEY: Okay. Do I have a sense of the
17 Committee as a whole that I may consult with the ex officios and
18 with Joe and with Maggie, and make a determination as to who our
19 parliamentarian shall be, subject to a review and approval before
20 our next meeting starts? How's that?

21 MR. BENTON: Mr. Chairman?

22 CHAIRMAN BROMLEY: David.

23 MR. BENTON: Only one observation and that is that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 it may not be very helpful to those folks if the recorder and the
2 -- is the same person that's the parliamentarian, because they
3 may have to keep track of a lot of stuff at the same time. And
4 it can get a little confusing. So I think you might want to
5 consider that.

6 CHAIRMAN BROMLEY: Yeah, very good. Thank you.

7 Okay. So we have a motion before us, right?
8 Yeah.

9 MS. ERNST: To consult with the ex officio
10 Members, with Joe and Maggie before the next meeting starts to
11 determine a parliamentarian for the Committee.

12 CHAIRMAN BROMLEY: Bob, did you second -- I mean,
13 is that okay?

14 MR. ZALES: Yeah, the three.

15 CHAIRMAN BROMLEY: Okay. How are we doing on
16 Robert? Is this okay? I mean, we take it with a lowercase r,
17 and then we have some rules here. Is that okay?

18 MR. ZALES: Yeah, we're moving along.

19 CHAIRMAN BROMLEY: We're moving on.
20 Yes, Mike?

21 MR. CRUICKSHANK: Before the next meeting or do
22 you mean by tomorrow, or the next, in February?

23 CHAIRMAN BROMLEY: Wonderful question. By

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 tomorrow morning we will have ourselves a parliamentarian. Thank
2 you. God, did I volunteer for this job?

3 (Laughter.)

4 CHAIRMAN BROMLEY: Okay. So all in favor of this
5 motion say "aye."

6 [MEMBERS]: Aye.

7 CHAIRMAN BROMLEY: Opposed?

8 (No audible response.)

9 CHAIRMAN BROMLEY: Moving right along. Thank you.
10 Now, Bob, this does take care of kind of the rules
11 part of the thing, doesn't it? Are we okay now?

12 MR. ZALES: I think now we have some guidelines.

13 CHAIRMAN BROMLEY: I do, too. Wonderful.

14 Now we have an agenda kind of question that came
15 up. And then we have the review of the charter and we have a
16 discussion about the subcommittees, the way forward, what have
17 you.

18 MR. BENTON: Mr. Chairman?

19 CHAIRMAN BROMLEY: David, I believe it was you
20 that asked the agenda question. And what I want to know is: Is
21 this something that we must deal with now or do you see it as
22 flowing out of this larger discussion?

23 MR. BENTON: Mr. Chairman, just to get sort of in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 keeping with the last discussion, I would move that we adopt the
2 agenda.

3 MR. ZALES: I would second that motion.

4 CHAIRMAN BROMLEY: Great. Boy, this is great a
5 duo right here. Okay. So it's been moved and seconded that we
6 adopt the agenda that the Agenda Committee under Chairmanship, I
7 believe, of John Ogden -- is that right -- put together.

8 DR. OGDEN: Well, an ad hoc committee and ad hoc
9 chair.

10 CHAIRMAN BROMLEY: Yeah. Fine. So they've given
11 us an agenda. It doesn't mean it can't be changed if compelling
12 reasons arise.

13 But let me ask you a point of information to an
14 affirmative vote on this motion, would that preclude us from
15 doing, as I had sort of proposed for the remainder of this
16 period, that we sort of fold the 2:15 session and the 3:15
17 session in together, you know, David?

18 MR. BENTON: Mr. Chairman, in speaking to my
19 motion, the reason that I moved the agenda without making an
20 amendment is because you did do that before we got to this agenda
21 item.

22 CHAIRMAN BROMLEY: Yes, okay.

23 MR. BENTON: I would have, had I moved the agenda,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I would have earlier in the meeting. I would have probably made
2 that part of my motion for debate. But we didn't have to, so
3 that's where we're at. And I would think that it's a sense of
4 the motion, being the maker of the motion that, if throughout the
5 course of the meeting, there is a reason to adjust our agenda
6 that that would be applicable and appropriate for you to bring up
7 as Chair and get our concurrence.

8 CHAIRMAN BROMLEY: So are you ready for the motion
9 to adopt the agenda as in your notebook, modified by where we
10 seem to be at the moment?

11 Is that a fair statement of where we are? Tony?

12 DR. CHATWIN: Thank you, Mr. Chairman. Just a
13 point clarification. We talked about reviewing the charter and
14 then talking about subgroups. Is it the understanding of the
15 makers of the motion that we also have an opportunity to talk
16 about goals and objectives of this group as a whole? Because
17 that's not explicitly stated here.

18 CHAIRMAN BROMLEY: Well, it would be my
19 understanding that at the 3:15 time slot, plenary discussion,
20 concentrating on the way forward, it would seem to me that
21 embedded in that is something about our goals and our objectives.

22 That's the way I read that.

23 DR. CHATWIN: Okay. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Rod?

2 DR. FUJITA: Mr. Chairman, Rod Fujita. I notice
3 on our agenda that currently the only public comment period, I
4 believe, is on Wednesday morning, after the bulk of the work of
5 the Committee is done. I wonder if it might make more sense to
6 add a public comment period after each working day so that we may
7 consider the input given to us by the public.

8 CHAIRMAN BROMLEY: Is that a motion?

9 No. You just want to talk about it.

10 DR. FUJITA: A point of discussion.

11 CHAIRMAN BROMLEY: Bob?

12 MR. ZALES: Bob Zales. And to that point, at
13 future meetings I might be more inclined to go with that, but I
14 would think that since the agenda has been published and that
15 more members of the public may plan to attend on Wednesday, who
16 don't have the benefit of saying, well, okay, I can speak today
17 or Monday or Tuesday, but at this particular meeting it's
18 probably in appropriate to do that. At some future point that
19 may be something the Chair and the staff may want to consider
20 when creating agendas.

21 CHAIRMAN BROMLEY: That was a point I was going to
22 make is that there might be some people out there expecting the
23 Wednesday thing. Now in argument -- yeah. Oh, Dolly?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 DR. GARZA: Generally agendas are passed as a
2 guide, so that modifications can be made to it, such as allowing
3 for public input. But when the Agenda Committee met, we had
4 proposed that there be more than one public participation section
5 at the beginning and at the end so that if people had time
6 constraints they can testify at some time.

7 CHAIRMAN BROMLEY: Yes.

8 DR. FUJITA: Mr. Chairman.

9 CHAIRMAN BROMLEY: Rod and then Dave.

10 DR. FUJITA: Briefly, Mr. Chairman, my proposal
11 would just simply add an additional public comment period, not
12 preclude or eliminate the Wednesday, so it really wouldn't have
13 any negative impacts on people who wanted to or had planned to
14 comment on Wednesday.

15 CHAIRMAN BROMLEY: Okay. David?

16 MR. BENTON: Mr. Chairman, absent a motion to
17 amend the agenda, to put in a new public comment period, we could
18 probably get along with adopting our agenda. But I would suggest
19 that we at some point that you deem appropriate, either under our
20 discussion of the charter or under our discussion under the 3:15
21 item, that we talk about public comment and how we're going to
22 incorporate public comment in our deliberations further. Because
23 I think it's a very important topic. Because if we get past

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 adopting our agenda, then we can get into the substance and maybe
2 that's where we could talk about it.

3 CHAIRMAN BROMLEY: Thank you. Joe?

4 MR. URAVITCH: Mr. Chairman, I think there are
5 some limitations to how much you can amend the agenda at this
6 point, particularly in regards to the public comment period under
7 the Administrative Procedures Act in which there's a 15-day
8 public notice requirement. So I don't believe you're allowed to
9 do that at this point.

10 MR. PETERSON: I think that's correct.

11 MR. URAVITCH: Because we've already informed the
12 public through a Federal Register notice 15 days ago when the
13 public comment period would be specifically.

14 CHAIRMAN BROMLEY: So if we would ask for a
15 comment from the public here we would be in violation of that?

16 MR. URAVITCH: I believe so.

17 MR. O'HALLORAN: That would be if you are adding
18 an additional period, not if you -- I guess I could understand
19 that, it might make sense if you're restricting. But if you're
20 adding additional and adding an increased opportunity, which I
21 agree with. I think it's important that we make ourselves
22 available for the public to speak to us whenever and however best
23 we can.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN BROMLEY: Bonnie?

2 VICE CHAIR McCAY: Yes, Mr. Chairman. I agree
3 with this. I think we really need to have a discussion about
4 this. I agree with David that we should probably pass the agenda
5 first. But to this point, Terry, I think that Terry raised --
6 there is a bias inherent in adding it at the last minute. Those
7 people who happen to be here, then, have a privileged position.
8 I think that's what the Act is trying to prevent in this case.
9 So even though it seems innocuous, it could be interpreted as
10 giving some people a special chance to talk to us.

11 CHAIRMAN BROMLEY: Bob?

12 MR. ZALES: Bob Zales. And that's to my point and
13 I agree that -- because I'm a big fan of public testimony. But
14 the law is the law, and you have to give a specified amount of
15 time to the public to be fair to the entire public as to what
16 they can or cannot do. And by adding something like this after
17 the timeframe of 15 days of this case, then what that does, it
18 does exactly what you said. The public is here. It could be
19 perceived that it's an unfair advantage to them to give comment.
20 That others could then say, "Well, I didn't realize. I was
21 waiting till Wednesday." And so you have that problem. So
22 that's why discussions for public comment after this motion is an
23 inappropriate discussion.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN BROMLEY: I guess I'd prefer that we go
2 ahead and adopt the agenda. That's the motion before us some:
3 Is that right?

4 MS. ERNST: You would adopt the agenda of the
5 Agenda Committee, but that the Chair will have flexibility to
6 change the agenda, if necessary, over the course of the meeting.

7 CHAIRMAN BROMLEY: Okay. All in favor that motion
8 say "aye."

9 [MEMBERS]: Aye.

10 CHAIRMAN BROMLEY: Opposed?

11 (No audible response.)

12 CHAIRMAN BROMLEY: Okay. We spent a lot of time
13 at the first meeting looking at the charter and fussing over
14 words. And Maggie has provided in our briefing book a slight
15 adaptation of our original charter. And in thinking about it, I
16 guess, here is what I would propose that we do, is that we leave
17 off for the moment, delay for the moment, a discussion of our
18 charter and the linguistic niceties therein and think about where
19 we want to go, how we want to get there. And then we can come
20 back and look at the charter.

21 I hate to see us start with language and push
22 aside more substantive issues. I'm free to be overruled on that,
23 but I'm going to ask that we try to move forward. And in a sense

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I guess what I'm doing is pulling the 3:15 part of our agenda
2 forward a little bit and trying to get that conversation going.

3 David?

4 MR. BENTON: Mr. Chairman, so your suggestion,
5 then, would be, if I understand it correctly, would be to talk
6 about the 3:15 part of our agenda?

7 CHAIRMAN BROMLEY: Right.

8 MR. BENTON: And now that we've submerged all
9 these anyway, I think, it doesn't run in conflict with the agenda
10 we adopted.

11 CHAIRMAN BROMLEY: Yeah.

12 MR. BENTON: So we can talk about sort of the
13 goals and objectives where we think we're going to go and then
14 see if the charter fits in with that and talk about any changes
15 to the proposed draft charter. Is that correct?

16 CHAIRMAN BROMLEY: If we need -- I mean we do not
17 want to get into the business of -- I think, based on what we
18 heard at the June meeting, we do not want to get into the
19 business of having to go back to the lawyers to ask of them once
20 again to revise the charter.

21 So I guess I'd like to have us think of the
22 charter, with the exception of the few changes that Maggie has
23 indicated in there, as that being our binding, sort of operating

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 procedures. And let's focus on subcommittee structure, the why
2 and how of our subcommittees -- I mean with the idea that the
3 charter will allow us to do, I think, what we want to do. Okay?

4 Now let me say that we have eight points in our
5 Executive Order. I think it's subparagraph 4, is that right,
6 Maggie, of things that we are expected to do.

7 We have five points mentioned in the agenda on
8 page -- I guess it would be page 2 of the agenda, under the 3:15
9 timeframe. You know, what should these groups be? How many
10 should there be? What should their titles be, and what have you?

11 And then, Joe and Maggie, whoever put together the
12 agenda, maybe the Agenda Committee, propose some five points
13 there. Right? And then somewhere in Joe's handout there are
14 three tasks.

15 And so what I see is a variety of different ways
16 to structure ourselves subcommittee-wise, eight, five, three,
17 what have you. And I'd like to propose something. It seems to
18 me that -- I'm just talking about subcommittees now. There's
19 working groups, we'll deal with that in a moment.

20 Subcommittees are straightforward. We have the
21 capacity to create them. They consist of Members of this group.

22 We don't get into the business of others, you know, sort of the
23 working-group thing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And I guess I'd like to, for the sake of
2 discussion, propose two broad themes. It seems to me that we
3 have been constituted with two overarching goals. One is to
4 offer our considered opinion about the effectiveness of the
5 existing programs, things, activities, the effectiveness of it.

6 And there's another dimension which is threats and
7 gaps. So I see one of these as sort of an assessment of the
8 state of play of federal, state efforts to address ocean-related
9 problems. And another big thing which is to try to look into the
10 future and talk about threats and to talk about the gaps. That
11 is to say, we see these things coming and we don't see that
12 anybody is in a position to deal with them effectively.

13 So I started with these two big ones. And one of
14 them therefore concerns effectiveness, which you will see showing
15 up in various manifestations of our charge. And you'll see
16 threats and gaps showing up. So I could envision us creating two
17 subcommittees. I don't say I advocate it, say I could envision
18 us doing this. One subcommittee addressing the effectiveness of
19 stuff. And the other assessing threats and gaps, dealing with
20 marine habitats.

21 Each of those dimensions, it seems to me,
22 effectiveness has two dimensions, and threats and gaps has two
23 dimensions. Effectiveness, it seems to me, has, to simplify

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 things a little bit, a biological component and it has an
2 administrative component. That is to say, are programs effective
3 in dealing biologically with the oceans, natural science, what-
4 have-you. And are they effective in an administrative sense.
5 That is to say, are agencies talking to each other? Are they
6 collaborating? Are they coordinating their efforts?

7 So I can see a subcommittee addressing
8 effectiveness that has sort of two themes. And I could see some
9 of you saying I want to be on the effectiveness subcommittee.
10 And the other, somebody else, hopefully half of you saying, I
11 want to be on the threats and gaps subcommittee. And then
12 further sorting yourself into those who will focus on the
13 administrative, bureaucratic, procedural, political, social,
14 cultural dimension. And the other group who would focus on the
15 ecology of it.

16 And then the same pattern would repeat itself with
17 threats and gaps. You would have some people who are looking at
18 the biological side of threats and gaps in knowledge, gaps in
19 stuff, and kind of an administrative thing.

20 So what I see, you know, this only came together
21 as I was supposed to have been listening to the presentations and
22 was trying to figure out how to make sense out of this
23 afternoon's program. I've not given this a great deal of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 thought. I'm happy to have it disputed and shot down. But I see
2 a nesting. Two big subcommittees, two parent subcommittees
3 divided. You know they meet, but then they have two sub-
4 subcommittees. And coming back to the Committee as a whole is
5 this statement and reasons from these two subcommittees they come
6 up to threats and gaps. And the reasons and things about
7 administrative and ecological stuff that comes up in the
8 effectiveness committee. And then that comes to us as a
9 Committee of the whole.

10 So I offer that as an alternative to the other
11 structures that you see laid out both in the agenda and in Joe's
12 presentation, and the eight points that are in our Executive
13 Order.

14 So I guess I'd like to see if you want to discuss
15 this. David?

16 MR. BENTON: You go start with somebody else
17 first, if you wish. I just had my hand up first.

18 CHAIRMAN BROMLEY: Tundi, I guess, had her hand
19 up. Are you okay on your list? Be sure you give your hands high
20 so Maggie can see them. I'm glad to see there's no interest in
21 disputing this.

22 (Laughter.)

23 CHAIRMAN BROMLEY: Tundi?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. AGARY: I don't want to dispute your proposal,
2 but I have two concerns. And one is that I am very concerned
3 that we don't lose sight of the fact that we have been called
4 together to keep in mind the national scale and to think only in
5 terms of Marine Protected Areas and how they apply to the
6 national level problems of protecting our oceans and continuing
7 to provide -- making sure that the oceans continue to provide the
8 services that all of us care about.

9 So it's very easy for us to go on a case-by-case
10 basis, MPA by MPA, well, relatively easy. It would take a lot of
11 time, but it's easy to do, and say this MPA is effective, this
12 one is not. But something that's effective at a local scale may
13 be wholly ineffective in terms of protecting our national
14 heritage.

15 So I would hope that the Committee can focus on
16 the value added of a National System and the effectiveness of
17 Marine Protected Areas in conserving what is the national common
18 good and the national natural heritage.

19 The second concern I have is I can't understand
20 how we can identify threats and gaps simultaneously with another
21 group looking at assessing the effectiveness of Marine Protected
22 Areas. I think the assessment phase has to come first.

23 In other words, I think you have to understand how

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 well the existing sweeter protected areas are doing in terms of
2 addressing marine systems at the national scale before you can
3 start to identify where there might be gaps or where there might
4 be threats that are currently unaddressed by Marine Protected
5 Areas.

6 CHAIRMAN BROMLEY: Good. Thank you.

7 Okay. Let me tell you what the list looks like.
8 Rod, Michael, Max Peterson, Wally, Steve, Murray, Mike Nussman,
9 and Terry O'Halloran and Mel. Oh, Mel is first, yeah.

10 MR. MOON: Okay. I had my hand --

11 CHAIRMAN BROMLEY: There are more hands coming up,
12 so get them really high, please, so Maggie can see them. Mel?

13 MR. MOON: Okay. Mel Moon. I think one of the
14 concerns I have is the size of this group is very large this.
15 And the ability to effectively work on these issues, I think, has
16 to be down in numbers by at least a third.

17 So in looking at what Joe had provided, I was
18 impressed with the thoughts that had gone into this. We needed
19 to have some focus, we needed to have things to bring us together
20 to have something in common to talk about. And I thought that it
21 was a very excellent frame to be able to have group discussions.

22 National Systems effectiveness and national regional
23 coordination are starting points that I think would facilitate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 some good dialogue and some good discussion amongst us.

2 And we got to get comfortable with one another to
3 some extent. And then we got to be able to be innovative and
4 start generating the ideas. But we have to have is a setting to
5 do that in.

6 It seemed to me is that it was a unique
7 opportunity for us to be able to do that with what the structure
8 had been proposed. So I for one would be supportive of at least
9 a three-break system with the outline that Joe had provided.

10 CHAIRMAN BROMLEY: Fine. Thank you.

11 Rod?

12 MR. FUJITA: Thank you, Mr. Chairman. I think
13 either the scheme that you laid out for the subcommittee
14 structure or the one that Joe has laid out would comprehensively
15 address all the different things we have to do and would break
16 down the workload.

17 My concern, I think, and it supports what Tundi
18 said, is that it's difficult for me to envision what these
19 subcommittees are going to work on. What are they going to
20 assess in terms of effectiveness? How are they going to address
21 threats and gaps absent a consensus by the full Committee on what
22 exactly is the national value added of a Marine Protected Area
23 array?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I mean I think it's a recipe for bogging down if
2 we look at individual MPAs' effectiveness. It just can't be done
3 given the thousands of areas that are in the array.

4 So it seems to me that the task of the Committee
5 really as a first order business might be to try to come to come
6 to a common understanding of what the national array is supposed
7 to do so that we can then do an intelligent and structured
8 assessment of what the current array is doing in that context;
9 and then what are the threats and gaps to that national
10 objective.

11 CHAIRMAN BROMLEY: Am I allowed to make a point of
12 clarification? Somehow my model has been interpreted as a
13 piecemeal, one-by-one look at the MPAs. And, please, I did not
14 mean that.

15 I meant an assessment of the whole existing
16 National System, not piece by piece. But that's all I want to
17 say. So I want to be very clear, I was not proposing a one-by-
18 one look.

19 So who's -- Michael Cruickshank.

20 MR. CRUICKSHANK: Thank you, Mr. Chairman. I was
21 impressed by your attempt to bring it into a two-party type
22 system, which is a nice simplicity where you have perhaps the
23 developers on one side and the protectionists on the other. But

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I also think that for a committee of this size, breaking it into
2 two factions is not the total concern.

3 Perhaps a third party of independence would be
4 better. Call it what you like. But I do think we have -- at
5 least three groups would be more efficient in terms of discussing
6 controversial issues than just two. But I don't put this forward
7 as any kind of a suggestion, only as new call.

8 CHAIRMAN BROMLEY: Good. We do like threes better
9 than twos. I'm aware of that. We have three hands and would
10 probably like four better than three. I understand that.

11 Max.

12 MR. PETERSON: I'm going to make two points. I
13 sent an email to Joe in which I said I think somebody has got to
14 have an evaluation system written into this.

15 I agree you can't study all areas, but in the
16 scientific method you make a sample of areas and you get some
17 data and you draw some conclusions. I don't see how we can sit
18 around and draw national conclusions without looking at anything
19 that would give us any data to work on.

20 So I would opt for the third group that Joe
21 outlined. And that is that I think you can look at what
22 constitutes a theoretical network. And then you can look at what
23 actually works, because every time you have an action to do

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 something there's a reaction in that area which may more than
2 offset what you think is gained.

3 So I think you have to study what actually happens
4 in local areas, look at the stakeholders, what difference does it
5 make in terms of stakeholders. So I would opt for maybe not
6 exactly the way Joe wrote it, but I would think you have to look
7 at the management side, similar systematically, not just look at
8 the theory of gaps and so on, which I agree is important. But I
9 would look at the management side more specifically.

10 CHAIRMAN BROMLEY: Good. Wally Pereyra.

11 DR. PEREYRA: Yes. Thank you Mr. Chairman. I
12 guess I moved more in the direction of the suggestions that you
13 put forward. Not that I think that Joe's proposal was faulty,
14 but I do think that we have to be realistic in this process.

15 I know having spent a number of years in the North
16 Pacific Council environment where we went through tens of
17 thousands of hours of staff work and council work and public
18 testimony and so forth, instituting MPA-type management measures
19 to complement what was being done up there. And then I think of
20 us as a diverse group of 30 individuals with limited resources
21 and a short time frame to try to come up with some kind of an
22 evaluation of the total National System, I think we're kidding
23 ourselves.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So I think " from that standpoint I think we need
2 to approach this from sort of a KISS principle in keeping it is
3 simple as we possibly can. Otherwise I don't think we're going
4 to get there from here. And that's one of my concerns.

5 And in the process, when we do get to the threats
6 and gaps, however that's defined in either a stand-alone
7 subcommittee or as part of a subcommittee, I think we absolutely
8 have to be looking at it from sort of a NEPA standpoint were we
9 can't just view MPAs out of context of everything else. We have
10 to be looking at what are the various alternatives that are
11 available for dealing with these objectives and goals that we
12 have in trying to bring about sustainable resource, a base for
13 our country.

14 And so that, I think, has to be folded in here at
15 some point in time. I would not be supportive of any effort to
16 try and have a very narrow structured approach to this. I think
17 it has to have some dimension to it to be done properly and be
18 helpful.

19 CHAIRMAN BROMLEY: Good. Thank you.

20 Steve Murray and then Joe.

21 DR. MURRAY: In reading the Executive Order it
22 looks like we have eight sort of bulleted items under Section 4.

23 And those eight have keywords "identification" and "assessment"

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in virtually each and every one of them.

2 And before I can really get in my head a really
3 good picture of how we ought to proceed as subcommittees, I guess
4 I'd like to have, one, some thoughts from Joe and his group as to
5 how they came up with the three suggestions, the three sort of
6 targeted suggestions.

7 When I look at the eight bulleted items I don't
8 know that I would intuitively come up with the three categories
9 that Joe and his group came up with. And as a subset of that
10 issue, I guess, I would like to get some clarification on how Joe
11 and his group see our role here or how the Departments see our
12 role with regard to the issue of, let's say, assessment.

13 And we could do assessments. We could advise on
14 how to do assessments. We could review assessments and critique
15 them and evaluate them. And I think that we need to have -- at
16 least I need to have a little more clarification on those issues.

17 CHAIRMAN BROMLEY: Yes. Okay. Good, thank you.

18 Mike Nussman.

19 MR. NUSSMAN: Mr. Chairman, I'm pleased to say my
20 question or my statement's been made.

21 CHAIRMAN BROMLEY: Okay. Thank you.

22 Terry O'Halloran.

23 MR. O'HALLORAN: Thank you, Mr. Chairman. I think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Steve has made a very good point. Personally I like what Joe has
2 done in organizing the subcommittees. And I think it makes some
3 sense to have ourselves aligned in terms of effectiveness with
4 the MPA Centers since they are the implementing body.

5 I do have a question that if we decide on
6 committees today, can we add committees later on?

7 CHAIRMAN BROMLEY: Yes.

8 MR. O'HALLORAN: So whatever we decide today
9 doesn't mean that we are bound or restricted by that decision.

10 And I also would like to agree with what Mel said
11 in terms of the numbers. And we do have a short timeframe. In
12 order to do that I think our committees have to have to have a
13 manageable number in those committees of which discussion can be
14 conducted on an expedient basis so that we can come to some
15 decisions to bring it back to the full body.

16 But, again, back to Steve. I think if " Joe,
17 could you elaborate on the thinking behind the three committee
18 substructure? I think it would be very beneficial.

19 CHAIRMAN BROMLEY: Okay. We have a procedural
20 issue. We have five or six people in the queue. And we have a
21 question for Joe to clarify. What is your pleasure?

22 MR. URAVITCH: Continue with the discussions and
23 see how they fall out.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: All right, we'll do so. Can't
2 read your writing. I'm sorry. Jim Ray.

3 DR. RAY: Mr. Chairman, I'm a little bit slow, so
4 I'm struggling with trying to decide what kind of subcommittees I
5 think we should have. Because although we've got the charters
6 laid out for us, I still think we haven't had a closure on the
7 discussion of what our objectives are for the next 24 months and
8 what we expect our deliverables to be at the end of that 24
9 months.

10 And to me, in my mind, that brings up for me what
11 kind of subcommittees I think we need to support that. So I'm
12 struggling a little bit. Thank you.

13 CHAIRMAN BROMLEY: Um-hum. Lelei.

14 MR. PEAU: Thank you, Mr. Chair. I have a couple
15 of questions. And perhaps this will help my dedication to
16 understanding the call of duties or the responsibility of the
17 Advisory.

18 When we talk about effectiveness and assessment in
19 theory, I think these are really important themes, as you put it,
20 Mr. Chair. But I'm having a little bit of a difficult time
21 understanding the effectiveness of a study without understanding
22 what the goals are.

23 I mean each MPAs are different and they are set up

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 for different reasons. I think it's really important that we
2 come to some sort of understanding that you cannot just assess
3 and evaluate and determine where they're effective at the
4 national context without understanding what the goals -- what was
5 the reason why it was set up the first place.

6 They might work really well in some of the local
7 jurisdiction and communities for the purpose that they set up
8 themselves. I'm not really quite sure if I understand the
9 national, the value-added at the national level without some sort
10 of appreciation of how it was set up in the first place.

11 So I think there's got to be some flexibility with
12 our definitions and also with what we try to accomplish. And
13 after -- when that is clear in terms of the goals and objective,
14 we then have to ask the question who the users are going to be.
15 Because sometimes I think the national goals might be different
16 from as I said before. Then what are we doing? What is the real
17 purpose?

18 Can we provide any new information that would help
19 enhance the local efforts, so to speak? So I think there are
20 some fundamental issues that need to be resolved. Or we need to
21 come to some sort of understanding so that we are all on the same
22 page, Mr. Chairman.

23 CHAIRMAN BROMLEY: Thank you. Good.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Tony Chatwin.

2 DR. CHATWIN: Thank you, Mr. Chairman. I'd like
3 to agree with the previous speakers who said that we need an
4 objective against which to evaluate effectiveness and to do the
5 assessment. Yeah. And so at some point I think we should have a
6 motion to that regard. And I'll allow discussion to continue,
7 but I'm working on one.

8 CHAIRMAN BROMLEY: Good. Okay.

9 Mark?

10 DR. HIXON: Thank you, Jim. Looking over the
11 proposal by the MPA Center I see it as a good place to start.
12 The reason being that clearly there was an effort to take the
13 eight goals, albeit how incredibly broad sweeping and vague they
14 tend to be, and subdivide them into three groups.

15 There's flexibility within the plan as it's laid
16 out that I could imagine could involve a prioritization process
17 whereby the things that are listed under each one of those
18 working with the MPA Center could be identified in a timetable
19 identified that will clarify the specific goals within each one
20 of these. So I see it as a good place to start. Thanks.

21 CHAIRMAN BROMLEY: Good. Okay, thank you.

22 Bob?

23 MR. BENDICK: I have a sort of different take on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 how this might be done, but probably well designed to confuse the
2 issue. It seems to me that flowing from our discussion this
3 morning it would make sense to have subcommittees looking at the
4 Interior programs, U.S. Fish and Wildlife Service, National Park
5 Service and the Commerce programs, Fisheries and Sanctuaries; and
6 maybe there's some others like some of the military aspects of
7 this. And for each of those programs that are now divided up
8 into separate pieces, look at clearly defining the objectives of
9 those, some sense of effectiveness in their present formatting
10 structure today and then some assessment of future effectiveness,
11 looking at threats to those resources or issues in the future.

12 And then bringing those -- that would be sort of a
13 first phase of this effort. And then bringing them all back
14 together into a second phase that would involve trying to
15 integrate -- which I think is part of our objective -- to
16 integrate the separate programs into the National System based on
17 the success of the individual parts of the system so far.

18 Parallel to that there might be another committee
19 that looks at the coordination among the agencies today and here
20 and elsewhere around the world at structures and options for
21 future coordination and integration.

22 So at the time that the separate subcommittee's
23 looking at the categorical programs reported, there would be some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 strategies and ideas about how those things could be tied
2 together to create a new system. Some of that might work in
3 parallel with the recommendation that the Oceans Commission,
4 which is presumably going to talk to us about integration, and
5 we'll hear about that starting mid-year. So it's a different way
6 of looking at it, but it's one that in my mind might separate out
7 the parts of the problem and then bring them out together in a
8 useful manner.

9 CHAIRMAN BROMLEY: Good. Thank you.

10 Joe.

11 MR. URAVITCH: Perhaps I can help --

12 MR. [SPEAKER]: Committee Members before we hear
13 from staff?

14 MR. URAVITCH: I think I can help you clarify
15 what's going on.

16 CHAIRMAN BROMLEY: I'd like to -- I mean, yeah.

17 MR. URAVITCH: You're trapped in the labyrinth of
18 words that is the MPA Executive Order. You have to look at all
19 of Section 4, not just points 1 through 8, which only refer to
20 Section 4A. And that's why we developed a strawman proposal for
21 committees, because you also have to look at Sections 4B, 4D, 4E,
22 and the responsibilities that exist under those other sections,
23 specifically.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 You also need to consider the specific charges
2 that the departments have asked you to address in terms of
3 helping the agency design the National System in identifying the
4 goals. And I heard people asking about what the goals are.
5 That's part of what we want you to help us define, is the larger
6 goals for the system as opposed to the individual goals of
7 individual programs, that are out there, which are already
8 defined in statute.

9 And so we looked across the various sections of
10 Section 4, which includes 4A's 1 through 8, specific types of
11 analyses and studies. But there's also the questions of the
12 website and the consultation and coordination, the list of MPAs,
13 the design of the national framework for the National System,
14 etc., that you also need to consider as part of the charges to
15 your subcommittees.

16 Hence the strawman proposal we put out related to
17 stewardship, how do we help existing sites improve their
18 management and their stewardship under their existing
19 authorities, which is not something that we're questioning.
20 That's their responsibility under their law, but also how you
21 help the Departments design this National System and integrate
22 these disparate programs into that system, including based on
23 their own authorities that they have how do they bring those to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the fore to help address whatever these national goals are going
2 to be, that we're going to accomplish. How effective would they
3 be in meeting those national goals, as they're currently
4 constituted.

5 And then, finally, how do we go out to people and
6 make sure that everyone that needs to be involved gets involved.

7 And so that's the genesis of the proposal that we had put
8 forward to start discussion.

9 CHAIRMAN BROMLEY: Thanks for that clarification.

10 Rod and then I see a hand, Tundi, and then Tony
11 again.

12 DR. FUJITA: Mr. Chairman, my question has been
13 answered. Thank you.

14 CHAIRMAN BROMLEY: Okay. Tundi.

15 DR. AGARY: I am very encouraged that everybody is
16 struggling with a best way to move forward because it's a clear
17 sign that people want out actually get something accomplished.
18 And rather than just accepting what is proposed and going off and
19 deliberating in subcommittees, I think it's a very discussion to
20 have as a group.

21 This is kind of an aside, but I'm a little bit
22 troubled by what seems to be an implicit assumption that a
23 National System would automatically be formed by the amalgamation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 of the existing Protected Area Programs.

2 I don't know if it was deliberate. Joe kind of
3 mentioned a couple of times in his presentation this morning,
4 that a system essentially would mean drawing together all of
5 these different entities into some kind of coordinated group.
6 And the actual work that's been done in the last six months or a
7 year in terms of the inventorying has also given the public the
8 impression that what this Committee might be all about is pulling
9 together, once we know what's other there in terms of Marine
10 Protected Areas, is pulling it into some umbrella system and then
11 wiping our hands of the task and walking away from it.

12 I really think that we need to ask the question,
13 why is a National Marine Protected Area System needed? In other
14 words, we need to scope the problem.

15 I think many of us have different perceptions
16 about whether or not a problem exists and to what degree a Marine
17 Protected Area system is the appropriate tool to solve that
18 problem. I think it's only once we define the problem can we
19 then start saying if there is a problem and the MPA system is the
20 logical way to address that problem of, what would that kind of
21 system look like? And does it mean pulling together all of the
22 various entities that are out there and coordinating them?

23 Does it mean just going forward with the existing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Protected Areas? Or does it mean thinking really systematically
2 and strategically about threats and about establishing new
3 Protected Areas within the framework that exists in this country
4 to do so?

5 CHAIRMAN BROMLEY: Thank you.

6 Wally.

7 DR. PEREYRA: Yes. Yes. Wally Pereyra. Thank
8 you, Mr. Chairman. I think that this debate has sharpened my
9 viewpoint now to where I think I'm starting to come out of the
10 forest so to speak, and I appreciate your remarks, Joe, in that
11 regard.

12 I see us getting mixed up the role of the Center
13 and what they're supposed to be doing and the role of ourselves
14 as advisors to the Center and to others that are going to be
15 actually carrying out the majority of the work, implementing this
16 Executive Order. So from that perspective, I would see our
17 subcommittees and our Committee as a whole developing a set of
18 recommendations of those points, issues, etc. that need to be
19 addressed by the Center and by others that may be involved in
20 this national exercise to properly make certain that the issues
21 are defined and that they are taken into consideration.

22 For example, I recently read an article in *Science*
23 having to do with long-term changes that have been occurring in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 coral reefs. And in the course of this article they point out
2 that unless we also look at the effects that greenhouse gases are
3 having on climate warming and the effect that that is having on
4 reefocology, other activities that we may get involved in in
5 terms of setting aside reefs are really going to be quite
6 inconsequential, that there has to be a larger integrated whole.

7 So I would envision us as a body of recommending
8 that when these assessments are done, that they be looked at in a
9 much larger global scale and put in perspective so that they can
10 be effective.

11 So I'm more now inclined to, I think, go along
12 with the more generalized approach that you suggested, Joe, that
13 looks at the eight items under item 4 and properly, I think, puts
14 the role of this Committee, which I see identified in 4C, in
15 proper perspective.

16 CHAIRMAN BROMLEY: Thank you.

17 David Benton.

18 MR. BENTON: Thank you, Mr. Chairman. In some
19 ways seeing as how I and some others " I don't know how they
20 feel, but I was not at the first meeting, I feel like I've come
21 into a conversation -- come into the room where the
22 conversation's been going on for a little while.

23 And I never get analogies right, but I think it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 was Yogi Berra that said if you don't know where you want to go,
2 it's hard to get there, or some variation on that theme. Of
3 course my favorite's Buckaroo Banzai who said, "No matter where
4 you go, there you are."

5 But listening to both Wally and Tundi it strikes
6 me that -- and I sort of thought we might have this conversation
7 a bit of stepping back before we get into what committees should
8 look like, but really what do we want to get done in what is
9 really a pretty short timeframe.

10 And I like what Wally said just a moment ago, is
11 that in looking at more globally and looking at things more
12 generally, I sort of see that maybe as being our task.

13 When we were all back in Washington last week I
14 had the opportunity to talk to some folks including some folks up
15 on Capitol Hill. And the impression I got is that they are
16 looking at the MPA Program, some of them have some questions and
17 some concerns about whether or not there should be an MPA
18 Program, what it would look like. And they're looking to a body
19 like this to provide some fairly big picture perspectives on what
20 such a program ought to be, what its purposes would be, what its
21 goals and objectives would look like, what a national program
22 would look like. How does what we have in place right now fit
23 within those perspectives and what needs to be done for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 future.

2 And I've been listening and struggling with this.

3 And maybe Tony's got the answer, because he's been madly
4 scribbling here, but I always like to start off with a clear
5 statement of what we want to get done and then come up with a
6 schedule and a workplan. And it seems to me that we need to do
7 that, and that would be a real good product to get out of here.
8 Before we try and set up a series of subcommittees and
9 workgroups, we need to know what in the heck we want them for.

10 And a couple of things immediately occurred to
11 mind -- occurred to me and came to mind. One is we need a common
12 nomenclature here pretty darn quickly. There's still a lot of
13 confusion, as we've heard in this discussion about what we're
14 talking about. And part of that comes right down to the Federal
15 Register Notice that's out there. I think it's closed now, but
16 deals with the inventory and then the criteria and the
17 definitions. That's a real solid task that we sort of sink our
18 teeth into pretty quickly and come up with some answers about.
19 And I think those answers need to happen pretty early in the
20 process.

21 We need to -- certainly we need to understand the
22 effectiveness of what we have in place, but if we're thinking
23 about a national program, we need to think about what the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 characteristics of a national program would look like. What they
2 would be. To me that's sort of structure, governance issues as
3 much as anything else.

4 And there's a question of science and what -- and
5 that's science both in terms of what we know about the
6 effectiveness of different kinds of MPAs right now versus science
7 planning and science as a monitoring tool, to look into the
8 future if you do a designation.

9 And the one that I think is truly perhaps the
10 heart of the matter is stewardship and how the concept of
11 stewardship interacts with user groups from all stripes and how
12 we integrate the public into this sort of process.

13 All of those are themes that need to be, I think,
14 worked into a workplan for us, and then we can come up with our
15 subcommittee -- or our committee structure, and charge them and
16 give them a job and let them go do it.

17 And it's almost like at this meeting we might want
18 to consider having at least one workgroup that sits down and just
19 looks at trying to develop a workplan around some common themes,
20 but I don't know if those are the right themes. They capture a
21 little bit of all the pieces in the Executive Order. They may go
22 a little bit beyond that.

23 But I think personally, and I want to shut up

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 here, personally I believe that if we're going to be looking back
2 at our experience here, given how much money we're paid and all
3 these elegant places that we're going to get to go, Rebecca,
4 right, it's not going to be very satisfying if we look back and
5 we see that what we did was, oh, you know a list of, well, these
6 would be sort of neat, little regulations to have, or something
7 like that, and really lost the opportunity to say to the
8 Secretaries of Interior and Commerce and through them, perhaps to
9 Congress, here's what this thing ought to look like. Here's how
10 it should be shaped. Here are the deficiencies that we see. And
11 actually use this opportunity to make that kind of a statement as
12 opposed to get lost in maybe a little bit lower level minutiae
13 that -- it's important, but right now we're talking bigger
14 picture, I believe.

15 CHAIRMAN BROMLEY: Good. Thank you.

16 Tony.

17 DR. CHATWIN: Thank you, Mr. Chairman. And thank
18 you, David, because I think you made some excellent comments
19 here. I was on the research steering committee for the New
20 England Fishery Management Council. And it was a body that was
21 comprised of people representing various different interests.

22 And it was interesting because we operated by
23 consensus, so it made us have to work together, which I really

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 appreciated. And with a diverse group like that, as is this one,
2 I felt that it was very important for us to establish a common
3 identity. And one step in that direction is to have a clear
4 objective that we all agree to.

5 And I think that one thing that's been troubling
6 me with our charter as it's written is that the first -- under
7 Objectives and Duties, which is a very hopeful title, the first
8 bullet thereunder makes reference to -- actually it describes our
9 responsibilities and makes a reference to Section 4. But you go
10 to Section 4 and it's not very clear what is our responsibility
11 and what is a federal agency's responsibility.

12 I think the strawman put forward by Joe is very
13 good, but it doesn't -- to me we need to be a little more
14 specific. We need an objective statement above that, and then we
15 can insert your strawman. And so I'm going to propose one in the
16 form of a motion, and let's see where it takes us. Because I
17 agree that we need a group to talk about what our objective is,
18 and I think the group is this one that's together now. This is
19 the group that needs to discuss it.

20 So I will move that the objective of the Marine
21 Protected Area Federal Advisory Committee be to advise the
22 Department of Interior and the Department of Commerce on how to
23 further enhance and the expand the protections of existing MPAs

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and to recommend a National System of Marine Protected Areas, as
2 described in the Executive Order. To protect the significant
3 natural and cultural resources of the marine environment.

4 Now the language for this motion is all taken from
5 the --

6 MR. BENTON: Is that your motion? I'll second
7 that, for discussion.

8 DR. CHATWIN: The language is taken from the
9 Executive Order with the intent of putting it into a statement
10 that's a little more clear about what our role is. I think under
11 that -- if we agree to that or some version of that, we can then
12 start to structure our subcommittees. And so I put it to the
13 discussion.

14 CHAIRMAN BROMLEY: Okay. There's a motion that
15 reads how, Maggie?

16 MS. ERNST: Given the length of that could I get
17 you to --

18 DR. CHATWIN: I will repeat it and I'll take --

19 CHAIRMAN BROMLEY: Just repeat the motion so we
20 have it on the record. Okay. And it's been seconded, you know
21 that.

22 MR. BENTON: I have a suggestion.

23 CHAIRMAN BROMLEY: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BENTON: If I might, Mr. Chairman?

2 CHAIRMAN BROMLEY: Oh, yeah.

3 MR. BENTON: And that would be Maggie -- after he
4 reads his motion and has a chance to speak to his motion, and
5 maybe some general discussion, it would be very useful to have it
6 typed up and have it passed around. That would be my suggestion.

7 DR. CHATWIN: I would suggest -- I would add to
8 that and say from the screen would be best of all. We have a
9 projector there. So that the --

10 CHAIRMAN BROMLEY: Wait a minute. Where are we?
11 I'd like to hear what the motion is.

12 DR. CHATWIN: Yeah, that's what --

13 CHAIRMAN BROMLEY: And I believe it's that in a
14 sense what we ought to do is if we have motions before us, then
15 they ought to be put before us, they ought to be seconded, and
16 then the mover has a chance to come back and discuss it. But if
17 we have a motion and then the mover continues to give reasons why
18 he or she wants that motion, I think -- am I correct that we
19 don't want to go down that road?

20 MR. [SPEAKER]: You're correct.

21 CHAIRMAN BROMLEY: What would Robert's say about
22 this?

23 MR. [SPEAKER]: You're correct, Mr. Chairman.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Okay. So, Tony, I'd like to
2 have a clear motion from you. And then our seconder can decide
3 whether he wants to second it.

4 MR. BENTON: Mr. Chairman, I understood the
5 motion, as the seconder, okay.

6 CHAIRMAN BROMLEY: Yeah.

7 MR. BENTON: But I think for clarity sake you're
8 correct, we should restate the motion so that the recorder can
9 get it correctly and speak to his motion, as you said.

10 CHAIRMAN BROMLEY: Okay. Tony, can you give us a
11 clear restatement of the motion?

12 DR. CHATWIN: The motion is: I move that the
13 objective of the Marine Protected Area Federal Advisory Committee
14 be to advise the Department of Interior and the Department of
15 Commerce on how to further enhance and expand the protection of
16 existing Marine Protected Areas and to recommend a National
17 System of Marine Protected Areas, as described in Section 4 of
18 the Executive Order, to protect the significant natural and
19 cultural resources of the marine environment.

20 CHAIRMAN BROMLEY: Okay.

21 DR. CHATWIN: That's my motion, Mr. Chairman.

22 CHAIRMAN BROMLEY: Is that the motion?

23 And, David?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BENTON: And that's how I understood it, Mr.
2 Chairman.

3 CHAIRMAN BROMLEY: Okay. Now I guess I was hoping
4 that a motion wouldn't come forward quite as quickly, but that's
5 fine, Tony. I have other people on the list and I don't now know
6 what to do, because there were a number of people who wanted to
7 speak.

8 Do I continue to follow the queue that I've got
9 and then come back to this motion? What's your pleasure? I mean
10 we had a long queue. I thought we were kind of having an open
11 discussion here and now we have a motion before us.

12 MR. PETERSON: Mr. Chairman, --

13 CHAIRMAN BROMLEY: Yeah. Help me.

14 MR. PETERSON: -- was there a motion on the floor
15 preceding your --

16 CHAIRMAN BROMLEY: No, there was not.

17 MR. PETERSON: -- long discussion?

18 CHAIRMAN BROMLEY: We were just sort of getting
19 our ideas out on the table.

20 MR. PETERSON: I would -- I think the maker of the
21 motion is correct, but -- and he should be allowed to speak to
22 it.

23 CHAIRMAN BROMLEY: Yeah.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. PETERSON: But I have some comment on it after
2 he's allowed to speak to it.

3 But you're correct, since you were leading a
4 discussion and somebody made a motion, the motion takes
5 precedent.

6 CHAIRMAN BROMLEY: Takes precedent over everything
7 else, right?

8 MR. PETERSON: You gave him the floor and take a
9 precedence.

10 MR. BENTON: And he gets to speak to his motion --

11 CHAIRMAN BROMLEY: And he gets to speak to his
12 motion.

13 DR. CHATWIN: I will repeat what I said as I
14 introduced the motion, but I --

15 CHAIRMAN BROMLEY: Well, don't do that.

16 DR. CHATWIN: -- apologize for --

17 CHAIRMAN BROMLEY: Give us some other reasons.

18 DR. CHATWIN: -- confusing folks.

19 I think we need a statement of the objective, the
20 goals of this Committee.

21 CHAIRMAN BROMLEY: Okay.

22 DR. CHATWIN: One single statement. And I think
23 we should agree to a statement like that as a group and that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 should then structure the subcommittees to achieve that goal.

2 CHAIRMAN BROMLEY: Okay. Well, let's see. Now...

3 DR. GARZA: Can I say something as a matter of
4 protocol?

5 CHAIRMAN BROMLEY: Yeah, because you're on the
6 list, so -- I mean, so am I. I hope I'm able to put myself in
7 the queue. Do I give up my chance to speak by being chair? I
8 don't --

9 MR. URAVITCH: Yes, you do. Yes, you do.

10 CHAIRMAN BROMLEY: I knew there were two reasons
11 why I didn't want to be Chair. Okay, well, Dolly, you had a
12 procedural statement.

13 DR. GARZA: Yeah. I mean if you want to, and this
14 is your call as Chair, if you think that the remainder of the
15 people on the queue should speak, then you can entertain a motion
16 to table this motion until the end of the discussion.

17 CHAIRMAN BROMLEY: Yeah.

18 DR. GARZA: So that's your prerogative.

19 Secondly, if you did want to speak you could ask
20 your Vice Chair to chair the meeting so that you could get in
21 that queue line and then speak.

22 CHAIRMAN BROMLEY: I don't want to speak. Thank
23 you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Okay. Does some want to table the motion so the
2 other people in the queue can continue or do we want to carry
3 this discussion now?

4 MR. BENTON: Mr. Chairman.

5 CHAIRMAN BROMLEY: Come on, let's -- help me out.

6 MR. BENTON: Let me see if I can help you out
7 here.

8 CHAIRMAN BROMLEY: I don't lie awake nights
9 reading Robert's, so --

10 MR. BENTON: Mr. Chair. Mr. Chairman.

11 CHAIRMAN BROMLEY: Yeah.

12 MR. BENTON: If I could offer a suggestion. What
13 I would offer as a suggestion is that -- and we don't need to
14 table the motion because that gets very formal. Remember we said
15 this was going to be guidelines.

16 You have a list of folks that wanted to speak in
17 the general sense.

18 CHAIRMAN BROMLEY: That's right.

19 MR. BENTON: And we also just sort of talked about
20 having the motion typed up. If someone could take the motion and
21 go and get on a computer right now and type it up, get it copied
22 and available for distribution, I would suggest that without a
23 formal motion to table, that as a chairman, you can -- he can --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Move it --

2 MR. BENTON: -- rule informally that you're going
3 to set it aside --

4 CHAIRMAN BROMLEY: That's right.

5 MR. BENTON: -- and continue discussion as a
6 general matter until the motion is typed up and before us. And
7 then when it is, then I would suggest that we bring the motion
8 back before us.

9 Dolly's correct, the formal way you do that is
10 tabling, but you can also just set it aside and get back when we
11 have the thing typed up.

12 CHAIRMAN BROMLEY: Good.

13 MR. BENTON: I seconded it -- just to be clear, I
14 seconded the motion for discussion purposes.

15 CHAIRMAN BROMLEY: That's correct.

16 MR. BENTON: In order so as to move along.

17 CHAIRMAN BROMLEY: Yeah.

18 MR. BENTON: We need to have a written motion in
19 front of us, I believe, so that we know what we're talking about.

20 Because there will probably be motions to amend that. And then
21 I would suggest when we have it typed up that you then, you could
22 make a ruling that that's not before us again and discussions
23 would be -- the general discussion would be curtailed and then

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 you would entertain discussion about the motion.

2 CHAIRMAN BROMLEY: Good. I have both Bob -- okay.

3 MR. ZALES: Mr. Chair, to that point.

4 CHAIRMAN BROMLEY: Yeah.

5 MR. ZALES: Just to kind of make things a little
6 easier, because typing it and printing and whatnot may be
7 difficult. We obviously have a PowerPoint system. Maybe
8 somebody has put it on a computer and show it on the screen. You
9 might get ready to do amendments, or whatever, you can do that,
10 and you don't have out have paper floating around.

11 CHAIRMAN BROMLEY: All right. That's fine too.

12 I'm going to go back to the queue. Dolly.

13 DR. GARZA: I wanted to follow up on what Dave
14 Benton had said and following what he had said is you're not lost
15 if you don't know where you're going. That's the other part of
16 that line there. And that's where we are. We're not lost, but
17 we sure don't know where we're going right now.

18 And I think that it's been a good discussion in
19 terms of how many committees we have, but we did state clearly
20 that that was sort of out of order. And I think we need to come
21 back to order and look at the big picture of what are our goals
22 and the suggested motion is a good is treat, but I think that we
23 may also have other ideas.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And in my perspective I would like to sort of
2 think beyond that box as not just what is a goal relative to what
3 it says in the Executive Order, but what do we want to do. What
4 do we want to do? Because we may be able to do some things that
5 are outside of that that may be beneficial. And we may find that
6 -- or we may find that what is required of us is just so
7 overwhelming that we're never going to be able to tackle it in
8 the next four meetings, I'm not sure.

9 CHAIRMAN BROMLEY: Good. Okay. Thank you.

10 Max Peterson.

11 MR. PETERSON: Mr. Chairman, I'm sort of a
12 pragmatist when it comes to this. I think this group is too
13 large to come to consensus. I think if we get off on an abstract
14 discussion of goals and objectives we'll be here all day tomorrow
15 and we'll not accomplish anything.

16 I think what's been brought out, and I agree with,
17 is that we do probably need a workgroup that would put together a
18 program of work to bring back to the larger group that would do
19 some of the things that's been indicated. We'll try to lay out
20 more precisely our objectives and our goals, and adopt those by
21 the Committee as a whole. But 30 people is simply too large to
22 agree on goals and objectives.

23 And I think we ought to be careful, too, that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 we're dealing with both an Executive Order and a charter. And
2 the charter allows, for example, the Departments of Commerce and
3 Interior to come back to us and ask specific questions. I don't
4 think we ought to preclude that by setting forth a very narrow
5 interpretation of our duties.

6 And, finally, we have almost a hundred years of
7 experience with managing protected areas by whatever name. I
8 think we'd be really amiss not to take advantage of that almost
9 hundred years of experience.

10 Somebody put a label on them a few years ago and
11 called them Marine Protected Areas, but they've been there for a
12 long time. I have long experience with the National Wilderness
13 System, which started in 1924. And we learned a lot of things
14 over time. That's managed by a whole bunch of different
15 agencies, but there's some coordination and consistency there.

16 So I'm just saying I would go ahead and organize
17 this group. We're too large to do very many things as a
18 committee as a whole. And whether it's two or three or four or
19 five, I don't know that's too important as much as we kind of get
20 out of this fog of arguing about generalities, which I think's
21 not very productive. Thank you.

22 CHAIRMAN BROMLEY: Thank you.

23 Mary, I'm sorry, I missed you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. GLACKIN: That's okay. Mary Glackin. Thank
2 you, Mr. Chairman.

3 I might be kind of stating the obvious here, but I
4 have a feeling, my sense is that maybe it's worthwhile.

5 It's really the Departments of Commerce and
6 Interior that are charged with implementing this Executive Order.

7 This body is an advisory body. And, as we know, it's been quite
8 a while getting this body together. So I think that what you're
9 seeing, what Joe presented this morning in the set of viewgraphs
10 that we now, very helpfully, have copies of, is the path that
11 we're on. And I think we are very much prepared to take
12 direction to listen to advice from this group. But we've given
13 quite a bit of thought -- and Joe has really. I'm use "we" here
14 like the royal "we." Joe and his people have done this. This is
15 not something that I have spent a lot of time on.

16 And if I could put it simply, what has been laid
17 out here is, number one, is to recognize that we don't have a
18 national network of Marine Protected Areas in the sense that this
19 Executive Order is talking about. And the work that's been
20 proposed that we have undertaken, more than proposed, the work
21 that is laid out, and there's actual schedule for here, is how do
22 we define a framework to get ourselves to that point; and we're
23 often doing that. And we have specific things we're looking for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 help for you to do.

2 At the same time we recognize we can't all sit
3 around for the next umpteen -- not umpteen -- but the next number
4 of years to get this national network. That there are things and
5 opportunities that should be done now.

6 And I think that what they've laid down here is
7 two parts. One is -- stewardship, one, is what is it that we
8 should be doing to improve the stewardship of what we have in
9 place. And, again, Joe has laid out specific questions and tasks
10 and a time line for when we think that these things could be
11 undertaken.

12 And I think the third point is the issue here and
13 really the challenge, when you put the word "national" on this is
14 trying to get the synergisms and the connections among the
15 various programs that exist under here. And, again, we can't
16 wait till we have a national level one. We have to start doing
17 that.

18 So I guess I would call the Committee to -- I
19 don't know quite what the word is, but draw the attention to all
20 of the work that's gone in to kind of lay out this three-pronged
21 approach, if I could, to say here's a way to attack this thing.
22 And I think that we -- if we started with that there would be --
23 then able to within subcommittees here to identify some short-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 term goals, milestones in things that -- between the work the
2 government can do, the federal staff can do and provide in front
3 of the Committee for your review and approval, that we could
4 start seeing some specific deliverables out of, say, the next six
5 months onward. Thank you very much.

6 CHAIRMAN BROMLEY: Good. Thank you.

7 I have Bob Bendick and then Jim Ray. Now Bob.

8 MR. BENDICK: I just have two sort of maybe
9 performance goals here. One is that it seems to me there's very
10 little success in sort of remaking the entire federal system for
11 anything or the federal state system for anything. And that we
12 need to build on what's gone before rather than to invent the
13 world again even though we might like to do that.

14 Secondly, I think however we go about this, we
15 need to establish a common basis of knowledge among the Members
16 of the Committee, because otherwise we all bring to this debate
17 our own perceptions and experiences. And if we can't find a
18 common basis of fact or knowledge, we're never going to come to
19 agreement.

20 So I suggest those two principles for going
21 forward. One, we build on what's gone before. Two, we find a
22 way to establish a common basis of knowledge so that we can come
23 to -- that we may disagree, but we ought to disagree on the same

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 facts rather than our own perceptions.

2 CHAIRMAN BROMLEY: Thank you.

3 It's been pointed out to me that I missed Gil's
4 hands not once but three times. I'm very sorry, Gil.

5 MR. PETERSON: He's the little guy.

6 MR. MOON: Yeah. Behind big Max here.

7 CHAIRMAN BROMLEY: Well, I'm sorry. There's a lot
8 going on and this thing is blinding me. And I'm not looking for
9 excuses, but I guess I missed Gil.

10 So, Gil, here's what I would propose. Gil is in
11 the queue, Jim Ray is in the queue, and Rod is in the queue. And
12 now that we have this up on the board maybe we can come back to
13 the motion. Is that agreeable?

14 MR. ZALES: Are those three the last three that
15 were part of the initial --

16 CHAIRMAN BROMLEY: No. I'm afraid I added two
17 names to the initial one.

18 MR. ZALES: I would just like to -- because I
19 don't want to see us get into the initial discussion, then the
20 motion, then back to initial discussion. I think it would be
21 better to finish the initial discussion and then get on with the
22 motion.

23 CHAIRMAN BROMLEY: Okay. Then I'm going to keep

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 taking names to the initial discussion; is that right?

2 MR. ZALES: No, not keep taking names. Just the
3 names that you have on your list.

4 CHAIRMAN BROMLEY: Then you'd like me to start
5 taking new names on the list, better off --

6 MR. ZALES: Then the motion.

7 CHAIRMAN BROMLEY: All right. That's what we'll
8 do. Now that we have what we had that had been up here. So on
9 the list I have Gil. And my apologies to you, Gil. I can't see
10 you. There's glass behind you with sun, and I missed your hand.
11 And I'm very sorry.

12 And Jim Ray and Rod. So, Gil.

13 MR. RADONSKI: No, it's not the glare off your
14 head.

15 (Laughter.)

16 MS. GLACKIN: It's a halo.

17 MR. RADONSKI: Yes. Mary made the very salient
18 point and it's been talked about around this telling that we're
19 dealing with an executive order. It was passed by -- written by
20 one president and endorsed by a second one, so it's still
21 enforce.

22 And an executive order can only do one thing:
23 Direct federal agencies to do certain things. And Section 4, A

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 through F, has a "shall" in each one of those sections. The
2 agencies are required to do something.

3 The president said they shall do it. And I think
4 we ought to be paying our attention to the section that pertains
5 to us and says this Committee shall give advice. They shall seek
6 advice from this Committee. So we have to look at those shalls
7 in each one of the sections and then decide what our action's
8 going to be.

9 We're talking about concepts and great things. I
10 hardly disagree -- well, I didn't disagree with any comments
11 around the table. We're all saying one thing. But what this
12 Committee is supposed to do is get down to work and address those
13 "shall" issues.

14 CHAIRMAN BROMLEY: Thank you. Jim Ray.

15 DR. RAY: Mr. Chairman, just one point in general
16 on the Committee, on motions in the future if you have a motion
17 that's more than a sentence or two long it would be best to write
18 it out so that once you've given it you can pass it to the Chair
19 and to the --

20 CHAIRMAN BROMLEY: Yeah. It be read.

21 DR. RAY: -- the rapporteur while we're thinking
22 and read it back accurately.

23 CHAIRMAN BROMLEY: Yeah.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. RAY: It's that if everybody will do that that
2 would really help the process.

3 A lot of what I was going to say has already been
4 covered so I will make it just very brief. You know I see kind
5 of a time sequence and what we're trying to do over the course of
6 this Committee, the first part of it's already just an inventory
7 of what we've got. And it's already been started and we're going
8 to have to follow along.

9 "Assess the adequacy of the current system and the
10 linkages between the various marine managed areas and Marine
11 Protected Areas." Then advise on how to improve what we've got,
12 and I think Bob Bendick mentioned that over there.

13 And then once we've got to that stage, if we still
14 see a need for expanding and having new MPAs, then you get into
15 the discussion of what the justification for those are and what
16 the selection criteria will be. But I see a time sequence there.

17 I don't think we just dive in and say, okay, let's see now, we
18 need ten more new protected areas. In my mind I'd like to really
19 have an idea of what we've got, what works, what doesn't work.
20 How do we approve what we've got first before we dive off and
21 take on a whole bunch more that we don't know how to manage.

22 So, anyway, those are my comments on the kind of a
23 sequence that I hope we follow as we move forward.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Thank you.

2 Okay. I have Rod and Michael. I'm sorry, I
3 cannot take any more names on the queue. We're going to take
4 Rod, and then we're going to deal with the motion before us. I'm
5 sorry.

6 DR. FUJITA: Thank you, Mr. Chairman.

7 Mary, your comments clarified things for me too,
8 reminding us that we are to provide advice on the implementation
9 of the Executive Order.

10 The goal of a National System of MPAs in here, but
11 for me to think about how -- what the deliverables are of this
12 Committee and how we specifically provide advice on what issues,
13 it would be helpful to have a very clear statement from the
14 agencies as to what you mean by this National System.

15 It says that the National System should be
16 comprehensive. It should encompass diverse U.S. marine
17 ecosystems and that it should provide synergistic benefits. If
18 those are interpreted as representative habitats and ecological
19 connectivity, that leads to a set of assessment questions that
20 are more specific, such as we can ask is the current array --
21 does the current array include representatives of all the major
22 habitat types in the United States each by regional region. Or
23 we can ask, does the current array of marine-managed areas, is it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 sufficiently networked? Does it provide for ecological
2 connectivity in terms of larval recruitment in the ecological
3 process?

4 So that's what I was getting at in my previous
5 comments. That's why I think a clear statement of the goal and
6 the rationale for a National System would really help us
7 structure our work. And I agree with others that it's impossible
8 or difficult at least for a group this size to come to consensus
9 on a goal statement, but it's in the Executive Order somewhere.
10 It just needs to be clarified for me and interpreted.

11 CHAIRMAN BROMLEY: Okay, fine. Thank you, Rod.

12 All right. We have before us, literally, a motion
13 made by Tony, and it's been second by David Benton -- is that
14 right? And I guess we're now open for discussion of the motion.

15 Bob.

16 MR. ZALES: Bob Zales. I've got a couple of
17 things. One is some editorial changes or possibly for a friendly
18 amendment to the thing as to where the language is to advise the
19 Departments. If you could add the "Secretaries of the
20 Departments" rather than the Department as a whole. That
21 probably implies the Secretaries, but just kind of a technical
22 thing.

23 And then the other is to also further go along

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 with the language in Section 4, once we get it back up there.
2 Instead of the word "after further advance," use "enhance," which
3 is the language in Section 4. And you would expand the
4 protection of existing Marine Protected Areas in "to establishing
5 or," for the section of MPAs -- have MPAs, and put "to establish
6 or recommend new MPAs as a program." Basically use the language
7 that's in the section rather than --

8 CHAIRMAN BROMLEY: I may be speaking out of turn
9 here, but I don't like this technology sort of taking the initial
10 motion's words and changing them on the screen.

11 This, I think, is problematic. Is that right --

12 DR. GARZA: It should be in a different color

13 CHAIRMAN BROMLEY: It's got to be something. We
14 can't just be massaging Tony's motion, so --

15 MR. [SPEAKER]: Use track changes.

16 DR. O'HALLORAN: That's what they're doing as you
17 speak. They're putting them in red.

18 DR. GARZA: To further --

19 CHAIRMAN BROMLEY: Okay. All right. I can't see
20 back there and I can't see when I look out here because of this
21 light, so --

22 DR. O'HALLORAN: But that was -- but you're right.

23 And that's -- I think they heard you. They heard you thinking.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Okay. Now this is better if
2 it's giving you a track change kind of look.

3 Okay. Are there -- this is the queue now. Terry,
4 okay.

5 DR. O'HALLORAN: I just have a question. It seems
6 that what we are attempting to do with this motion is to rewrite,
7 use pretty much the same words that are in the Executive Order,
8 reorder them, and, in my mind, kind of end up where we started.

9 MR. ZALES: Well, a point of order. First off,
10 they need to agree to my friendly amendment, otherwise I need to
11 try to make it in the form of an amended motion and get --

12 DR. GARZA: Can I get a point to the point of
13 order?

14 CHAIRMAN BROMLEY: Yeah, point of order. I'm
15 sorry. There's too much going on here.

16 DR. GARZA: Okay. I didn't hear --

17 CHAIRMAN BROMLEY: I'm a simple guy. I got to --

18 DR. GARZA: Okay. I didn't hear a second to the
19 amendment.

20 MR. ZALES: I didn't make an amendment. I asked
21 if they would accept --

22 CHAIRMAN BROMLEY: He asked if it would be a
23 friendly amendment --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. ZALES: -- and they haven't answered that
2 question.

3 CHAIRMAN BROMLEY: And I didn't hear Tony.

4 DR. GARZA: Well, you can't do a friendly
5 amendment like that. I mean basically it has to be a motion. I
6 mean a friendly amendment is a real minor change. And these are
7 bigger changes than just minor, I think.

8 And in terms of the person here typing, we need to
9 have the language that was struck also put out there so that we
10 know what --

11 DR. O'HALLORAN: That's right.

12 DR. GARZA: -- was changed. So there was a word
13 to further enhance. What was the word before "enhance"?

14 MR. ZALES: "Advance."

15 DR. GARZA: "Advance," so that should be there
16 with the struck-out thing there.

17 CHAIRMAN BROMLEY: We need a different way of
18 operating this.

19 Okay, Terry.

20 DR. O'HALLORAN: may I continue?

21 CHAIRMAN BROMLEY: Bonnie?

22 DR. O'HALLORAN: No, I'm not -- I was -- I was
23 asked if I may continue. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I understand what we're trying to do is for us to
2 understand what our role is. And I appreciate the thought of,
3 and I agree with the idea of looking at the big picture. I
4 really believe that that is our opportunity. Because we've never
5 -- we're treading on ground that we have never gone before. And
6 Star Trek was something, a quote from that.

7 So do we have an opportunity. However I see that
8 the wheels have been in motion for a couple years. Before we had
9 the opportunity to sit around this table. And I see Joe and his
10 staff have put an awful lot of work that I can see with time
11 tables and a lot of detail and a lot of thought into the
12 direction to address the Executive Order.

13 And then I look at what we're doing here and it
14 seems like we're just using the same words and, again, rewriting
15 it in a different way and saying the same thing. And then in my
16 mind if we end up with something similar to what we have here,
17 I'm still going to have the same questions that we started with
18 about what's our goals.

19 And I think that we've got a lot of good direction
20 from Joe and his staff with these subcommittees that have a lot
21 of flexibility in them. They all address the Executive Order and
22 the mandates in Section 4, those eight points, plus the other
23 consideration. And I suggest that we do that rather than this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 road, where we might leave something out. And now we've got the
2 Secretary of Commerce or the Secretary of Interior coming to us
3 and saying: We appreciate your main objective, however we are
4 asking you to look at some additional pieces of information.

5 So my comment is I'm not sure whether we need to
6 have, obviously you know where my vote might be on this, but I'm
7 not sure we need this or it's really going to get us where we
8 need to go. And I like what Joe has done.

9 CHAIRMAN BROMLEY: Bonnie, Mary, Dave.

10 VICE CHAIR McCAY: I tend to agree. In some sense
11 I think we've been told and we've seen that the horse has left
12 the barn and we're kind of running to try to catch up with it.
13 And I think we better -- but pardon that metaphor, figure of
14 speech. But -- so I'm -- I don't know that this is an important
15 objective right now. I think that the Executive Order says it
16 all really nicely. We're here as an advisory group. And it's
17 also stated there. I don't see a need to do that, although it's
18 important to have this discussion. So I would prefer that we get
19 back to looking at my preference, which is Joe's suggestions,
20 because that's what they're actually doing.

21 I mean we're trying to catch up with it. We're
22 trying to better understand it. But the advice they seem to need
23 concerns these more specific things about what a National System

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 could be, the coordination, and the issues of stewardship and
2 effectiveness.

3 CHAIRMAN BROMLEY: Okay. It's 4:20. I have --
4 one, two, three, four, five, six, seven, eight -- nine people who
5 wish to speak. I'll ask you to be brief. I think we're supposed
6 to stop at 5:00. I don't want to squelch good discussion, but,
7 Mary.

8 MS. GLACKIN: I will try to be brief and it will
9 be easy because I just want to basically concur with what Terry
10 and Bonnie have said here and to express my extreme discomfort
11 with generating another piece of documentation that, frankly, I
12 don't know where it would be codified under this whole FACA
13 process.

14 You have a charter here that really has been
15 approved already and is quite broad. I think the concern about
16 making that more narrow -- and also the specific language is
17 here. And this might just be wordsmithing, which I also find
18 kind of unnerving, although I've been in science meetings and
19 it's worked well, but I don't think this is the topic for it.

20 But this wording could be read in such a way that
21 you guys are recommending a National System of MPAs. And I just
22 want to call back again, we've had one experience for those of
23 you that were at the first Committee meeting where we were able

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to bring forward a work product about classification schemes for
2 MPAs and seek your advice and input on that. And that will
3 continue, but that's the type of way we think we're going to work
4 here.

5 We will put some strawmen forth on what are the
6 goals of a National Marine Protected Area System and seek your
7 comment and consultation, but ultimately the federal government
8 will work forward, will move forward to do that. So it's not,
9 again, not the responsibility of this Committee to do those
10 things.

11 CHAIRMAN BROMLEY: Thank you.

12 Dave.

13 MR. BENTON: Thank you, Mr. Chairman. It's
14 sometimes hard to sit through these kind of discussions with a
15 lot of folks around. And we all get impatient and I can
16 understand the previous speaker's comments quite well.

17 I also get impatient. I also think, however, it's
18 sometimes a little less fruitful to have the federal agencies
19 tell people that are volunteering to be on an advisory committee,
20 take it or leave it. I know that wasn't the sense that that was
21 intended.

22 I was prepared and I'm sort of watching around the
23 table with my remarks here, I was prepared to offer a substitute

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 motion. The substitute motion I was thinking about offering was
2 to accept --

3 CHAIRMAN BROMLEY: This is just a reflection now.
4 This is not a substitute motion.

5 MR. BENTON: This is a --

6 CHAIRMAN BROMLEY: A thought. A thought to share
7 with us.

8 MR. BENTON: And if you'll notice, I set up sort
9 of watching around the table just to see if all the jaws drop or
10 not before I finish my comments, because you have afforded me
11 this time, but my substitute motion would be to accept the
12 recommendations contained for subcommittees on the message from
13 Joe Uravitch -- and, Joe, I apologize if I don't pronounce your
14 last name exactly right -- for the three committees, National
15 System MPA Subcommittee, the MPA Effectiveness Subcommittee, and
16 the National and Regional Coordination MPA Efforts Subcommittee.

17 And if I offer that substitute motion, that
18 substitute motion might also possibly suggest that those
19 subcommittees would be applicable only at this meeting to get us
20 down the road a bit unless reconfirmed by the group at the end
21 that we want them to continue onward. But in order for us to
22 come up with a product by the end of this week, the next couple
23 of days, I was sort of thinking offering this as a substitute

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 motion.

2 And if there's -- I'm looking around, I'm not
3 seeing anybody nod their head yes and I'm not seeing anybody nod
4 their head -- no, oops, now I'm seeing. So, Mr. Chairman, I'm
5 going to offer a substitute motion --

6 (Laughter.)

7 CHAIRMAN BROMLEY: That's the way to get jaws to
8 drop, yeah.

9 MR. BENTON: I'm going to offer a substitute
10 motion that we adopt for the purposes of this meeting the
11 recommendation on the message from Joe for establishing three
12 subcommittees, one being the National System MPAs, the other one
13 being the Stewardship and MPA Effectiveness Subcommittee, and the
14 third one being the National Regional Coordination of MPA Efforts
15 Subcommittee. And that those committees would be for this
16 meeting --

17 CHAIRMAN BROMLEY: Subcommittees.

18 MR. BENTON: Those subcommittees for the purposes
19 of getting a product out of this meeting. If I have a second
20 I'll even speak to that.

21 MR. ZALES: I'll second.

22 CHAIRMAN BROMLEY: It's been moved and seconded.

23 I believe everybody sort of heard the motion.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BENTON: Right.

2 CHAIRMAN BROMLEY: And that one takes precedent
3 over the motion that is before us now.

4 MR. BENTON: Okay. Substitute -- if I can speak
5 to my motion, Mr. Chairman? A substitute motion -- by way of
6 speaking to it I'll also explain, a substitute motion will carry
7 the main motion. In other words, it replaces and carries the
8 main motion. That's why I made it a substitute.

9 So this motion here would go -- it's not an
10 amendment. This motion would go away.

11 CHAIRMAN BROMLEY: Yeah.

12 MR. BENTON: This would control. All right. And
13 the reason that I'm doing this and the reason I did it the way I
14 did it, which is to say this is only for the purposes of this
15 meeting, is that I'm not convinced yet, and I think we will know
16 more by about the end of tomorrow what kind of -- if and what
17 kind of standing subcommittees we may want to have for further
18 work into the future.

19 I don't know if these are exactly right now, but
20 we'll get a little dry run on it, see what it looks like, and see
21 how that comes together. And that way we can organize ourselves.

22 It's getting late in the day. We'll have a way to proceed and
23 have the kinds of conversations that we need.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I was very persuaded by Mel's comment about this
2 is just such a large group, and I think we've seen a
3 demonstration of that. Thank you, Mr. Chairman.

4 CHAIRMAN BROMLEY: Okay. Thank you.

5 We have a motion that's been seconded.

6 DR. CHATWIN: Just a point of order, Mr. Chairman.

7 CHAIRMAN BROMLEY: Yeah.

8 DR. CHATWIN: He had a motion to amend, a motion
9 that was on the table, no decision was made on the motion to
10 amend.

11 CHAIRMAN BROMLEY: No, we had a friendly --

12 MR. ZALES: We had a second and no one ever agreed
13 to the friendly language, so basically the real language can go
14 away.

15 CHAIRMAN BROMLEY: Yeah. We had a friendly --

16 MR. ZALES: I tried to do a friendly thing.

17 CHAIRMAN BROMLEY: Yeah.

18 MR. ZALES: Nobody played with it, so, yeah. The
19 main stuff --

20 (Laughter.)

21 MR. [SPEAKER]: It was not a motion, Mr. Chairman.

22 CHAIRMAN BROMLEY: So much for friendship, right?

23 Six hours.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Okay. So we do have a motion. I have some other
2 people on the list, but I think I read the sense that people are
3 kind of anxious to do this, to talk about this motion. But I
4 have some other people in the queue. Obviously I can be
5 overruled, but what do you think about having a discussion on
6 this motion. And those of you who are in the queue, Tony, Mel,
7 Mike, Jim, Bob, Max, and Dolly, you know? Bob.

8 MR. ZALES: I think the procedure is now that we
9 discuss his new motion as substitute.

10 CHAIRMAN BROMLEY: Yeah.

11 MR. ZALES: So that's the motion on the floor at
12 the moment.

13 CHAIRMAN BROMLEY: Indeed.

14 DR. GARZA: So the question he's asking is did
15 anybody on that queue want to say something before we get to this
16 motion.

17 CHAIRMAN BROMLEY: Yeah, that's all I'm asking.
18 And I think procedurally if what they wanted to say pertains to
19 this motion it's moot. I mean it's beside the point. So then
20 the question is do you want to make points aside from this
21 motion, in which case we perhaps ought to hear them. But I'm
22 also proposing maybe we should discuss this motion.

23 MR. ZALES: Just a point of order. If the new

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 substitute motion applies, then everything with that one's a moot
2 point, right?

3 CHAIRMAN BROMLEY: I understand that, but there
4 might have been people in the queue who wanted to make a
5 statement that was not exactly on this motion. But that's why I
6 think -- let's discuss this motion --

7 DR. GARZA: So you would just ask are there any
8 objections to discussions --

9 CHAIRMAN BROMLEY: Thank you.

10 Are there any objections to discussing the motion?

11 CHAIRMAN BROMLEY: Hearing none, okay.

12 All right. Now we have a new queue starting and
13 it is on the motion before us. All right, I saw Tony, I see --
14 okay. Maggie, could you help me do this? I'm having a hard time
15 keeping up with these cats in order here.

16 So Maggie is the queue-maker. I think Tony had
17 his hand up first, and then we've got a whole bunch of people
18 here.

19 DR. CHATWIN: Mr. Chairman, I'd like --

20 CHAIRMAN BROMLEY: Okay.

21 DR. CHATWIN: -- a clarification on this motion to
22 substitute -- or substitute motion. Because we don't have it up
23 on the screen before us it's hard to know exactly what's entailed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 in the motion. I heard it --

2 CHAIRMAN BROMLEY: The range of the motion, it is
3 to adopt the three committees structure, the three-part committee
4 structure laid out by Joe Uravitch in his memo dated whatever.

5 Is that right, David?

6 MR. BENTON: Mr. Chairman, I will restate the
7 motion.

8 MS. ERNST: I actually have it.

9 CHAIRMAN BROMLEY: Maggie has it down. Here we
10 go.

11 MR. BENTON: Okay.

12 MS. ERNST: It was adopted for the purpose of this
13 meeting the recommendations on the electronic message from Joe
14 Uravitch that contained the three-subcommittee structure, namely
15 the National System, Stewardship and Effectiveness, and National
16 and Regional Coordination.

17 CHAIRMAN BROMLEY: Is that right, David?

18 MR. BENTON: That is correct, Mr. Chairman.

19 And a point of further clarification is to adopt
20 those for this meeting.

21 CHAIRMAN BROMLEY: For this meeting.

22 MS. ERNST: For the purpose of this --

23 MR. BENTON: She said for this meeting.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Yeah, it's entered.

2 MR. BENTON: And it would include the subject
3 matters under each one of those --

4 CHAIRMAN BROMLEY: Yeah. Is everybody clear on
5 that? Bob, and that's what you seconded, right?

6 MR. ZALES: The way David explained it.

7 DR. CHATWIN: Mr. Chairman?

8 CHAIRMAN BROMLEY: Yes.

9 DR. CHATWIN: I'd just like to -- I think it might
10 be an interesting motion. I think that, however, we might be
11 losing out if we don't address the text that preceded the
12 division of the proposed three subcommittees, because in the text
13 that precedes that sort of numbers 1, 2, and 3, Mr. Uravitch
14 talks about what the MPA fact was envisioned and established to
15 do. And that sets the context for those three.

16 Now to me the purpose of the previous motion was
17 that we are all clear on what the purpose of this Committee is.
18 And so I think it's important that the context be in there, why
19 those three subdivisions.

20 CHAIRMAN BROMLEY: Okay. So you're opposed to the
21 current motion?

22 DR. CHATWIN: No, I didn't say that, Mr. Chairman.

23 CHAIRMAN BROMLEY: You'd like some different

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 language in it?

2 DR. CHATWIN: I said what I said. It's -- those
3 are my comments on the motion.

4 CHAIRMAN BROMLEY: Wally Pereyra.

5 DR. PEREYRA: Thank you, Mr. Chairman. I'd like
6 to speak in support of the motion for a couple reasons. One of
7 which is I think it more properly reflects 4C, which I see our
8 charge emanating from. And 4C says that we will provide advice
9 on everything in this section. And this section includes the
10 items here, but it also includes ones section, one item which we
11 haven't even discussed and which I personally think is quite
12 important in regards to the overall effectiveness of MPAs. And
13 that is Item 4F on page 34911 at the top.

14 And that speaks to the need for an assessment of
15 the role that EPA and its regulations play in enhancing the
16 effectiveness, overall effectiveness of MPAs or a system of MPAs.

17 And I think that we need to provide as part of this, and I don't
18 know where this would get worked in, but I do believe we need to
19 provide some comments to that effect, because I think that's part
20 of the overall whole under which this system would be operating.

21 So I'd like to suggest that somehow that get included in one of
22 these subcommittees.

23 DR. O'HALLORAN: Mr. Chairman?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Okay. Terry O'Halloran.

2 DR. O'HALLORAN: Thank you, Mr. Chair. I like
3 this motion. I'd like to ask a question of David, just to
4 understand more of what he's thinking. How do I do that? Do I
5 talk to you or can I just --

6 MR. BENTON: Through the Chair you ask the maker
7 of the motion.

8 DR. O'HALLORAN: What do I do?

9 MR. BENTON: Are you asking me?

10 DR. O'HALLORAN: Yeah.

11 MR. BENTON: You ask through the Chair. You make
12 a question to the maker of the motion.

13 CHAIRMAN BROMLEY: Yes, you may question the
14 maker.

15 DR. O'HALLORAN: So I did ask the right person the
16 right question initially.

17 You're thinking on making it just for tomorrow so
18 that we can test drive the committees?

19 CHAIRMAN BROMLEY: No, for this meeting.

20 MR. BENTON: Yeah.

21 CHAIRMAN BROMLEY: Not for tomorrow. Because,
22 remember, we go onto Wednesday. Sorry

23 DR. O'HALLORAN: For just today?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: No, no. For this -

2 DR. O'HALLORAN: For this meeting.

3 CHAIRMAN BROMLEY: You said for tomorrow, Terry.
4 I'm sorry.

5 DR. O'HALLORAN: Okay. I -- okay. For --

6 CHAIRMAN BROMLEY: For this meeting which goes
7 until noon on --

8 DR. O'HALLORAN: Goes through Wednesday noon.

9 Is it your thought that if work is we come up with
10 assignments for individuals that we identify tasks that we've
11 determined what kind of reports, what kind of products that we
12 should look at, which is all part of what our agenda is for
13 tomorrow. And then we decide that we don't like -- for some
14 reason we don't like this committee structure, do those work
15 products assignments tasks that we've agreed on, are those again
16 open for discussion or do we keep those?

17 Because I guess my -- and the reason I'm asking,
18 David, is I would hate to see us go through a lot of work
19 tomorrow and then at the end of the day say we really don't like
20 this committee structure and then have that substantial amount of
21 work because of our limited time and ability to be together not
22 be meaningful. And so I've just -- I'd like to hear your comment
23 on that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. BENTON: Mr. Chairman?

2 CHAIRMAN BROMLEY: Quickly, yes.

3 MR. BENTON: My -- my thought was that, because we
4 still have to figure out who's on these committees and get that
5 going, was that the staff had put together, and they had given
6 quite a bit of thought, to how we could provide useful product
7 and useful advice.

8 And that this structure may work or not work, but
9 we would have the opportunity to, as I said, sort of test drive.

10 And I put sort of a sunset date on it so that we had to reaffirm
11 that we liked it or not.

12 Now if there is information and whatnot that's
13 developed here, what I anticipate happening is we're either going
14 to say this is the right structure, or we would like to modify
15 the structure for further work to go forward into the future.
16 The products, whatever the information is, is still going to be
17 there, and I would assume that it's still going to be applicable
18 and we'll fit it into it. If we decide to come up with a
19 different structure, that we fit it into that.

20 If we were to just keep this structure and say,
21 okay, we want these as standing subcommittees, and we would like
22 for them to, under the guidance of the Chair and working with the
23 agencies, continue on over the course of the next several months,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 so be it. If we decide we would rather modify the structure for
2 standing committees or we don't want any standing committees,
3 that's a different decision.

4 So it's sort of a little bit of " I can't answer
5 the question entirely because we don't know yet. But certainly
6 we're going to want work to go forward, it's just whether or not
7 this is the right structure.

8 I sort of -- when I first looked at it, to be
9 honest, when I first looked at this paper, I started rescrambling
10 the eggs. Then I heard all of us talking about it. Then I
11 heard, and I can't remember her name down there -- I apologize --
12 Mary, I believe it was say, hey, look, we put a lot of time into
13 this.

14 So I said to myself sitting here, listening, I
15 said, okay, let's give it a try. Let's not lock ourselves in.
16 When we get to this end of this we can say this is great, let's
17 let it just -- let's keep it going for what we're going to do in
18 terms of workplan.

19 If it doesn't work out and it seems like it's not
20 right, then, hey, let's not do that. That was the intention.

21 CHAIRMAN BROMLEY: Great. Is that okay, Terry?
22 Does that answer your question?

23 DR. O'HALLORAN: Yes, it does. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: Capt. Ted.

2 CAPT. THOMPSON: Thank you. Mr. Chairman, if I
3 could ask for a little bit of a clarification from the National
4 Center. In Point 1 it says, "Assessing the effectiveness and
5 impacts of existing MPAs," and yet in Point 2 it talks about the
6 subcommittee addressing stewardship and MPA effectiveness.

7 And if I could ask Joe through you, sir, to kind
8 of share with us a little bit of clarification and possibly his
9 vision with regards to putting these subcommittees together, so I
10 was kind of wondering --

11 CHAIRMAN BROMLEY: Okay.

12 DR. GARZA: Excuse me.

13 CAPT. THOMPSON: -- cause these three
14 recommendations to be made.

15 DR. GARZA: Where did you read that from?

16 CHAIRMAN BROMLEY: Ted, there's a question for
17 you.

18 DR. GARZA: Where did you read that from?

19 CAPT. THOMPSON: The second bullet, -- one, two,
20 three, four, five -- fifth bullet under paragraph 1. That's the
21 fourth bullet on page 2, as compared to the title of paragraph 2.
22 It just -- if I could ask for some vision and clarification --

23 CHAIRMAN BROMLEY: Yeah, I will do that. I will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 ask Joe to do that and do it quickly because I still have a
2 number of people who wish to speak to the motion. And I think if
3 we do nothing else today we ought to at least deal with this
4 motion. So, Joe.

5 MR. URAVITCH: Okay. There are several tasks in
6 here. If you look at the Section 2, that relates to stewardship
7 and effectiveness in relation to existing sites and how we do a
8 better job of helping existing Marine Protected Areas, marine-
9 managed areas do their job. As opposed to Section 1 which is
10 defining the goals of the National System and, in part,
11 considering how effective existing programs might be in helping
12 meet those goals for a National System.

13 I mean what we're asking for in terms of the
14 charge for the agencies related to National System is for you to
15 help us define what the overall goals, the higher-order goals are
16 of that National System. So effectiveness in the first section
17 relates to how effective would a specific program be in meeting
18 these overall goals for the National System, let's say
19 biodiversity hotspots is the only purpose. How effective are
20 those arrays of existing programs in meeting that goal. As
21 opposed to under stewardship, which is related to how effective
22 are certain techniques or how do we help specific programs do a
23 better job meeting their objectives related to resource

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 protection.

2 So one is looking at the system, the other is
3 looking at improving stewardship.

4 CHAIRMAN BROMLEY: Does that answer your question?

5 CAPT. THOMPSON: Yes, sir.

6 CHAIRMAN BROMLEY: Okay.

7 CAPT. THOMPSON: Thank you.

8 CHAIRMAN BROMLEY: Jim Ray.

9 DR. RAY: Mr. Chairman, I'm generally in agreement
10 with the motion on the table. I just have one recommendation.
11 Being as that we are an advisory body, some of the bullets on
12 this charter are really general in charge. To really help us
13 focus, it would be nice to know what the top half dozen are that
14 the government agencies would like us to provide advice on in
15 this first year. That will help with input as to what they think
16 is the most important with the most valued coming from us.

17 CHAIRMAN BROMLEY: Good.

18 DR. RAY: Thank you.

19 CHAIRMAN BROMLEY: Okay. Bob Bendick.

20 MR. BENDICK: Ted really raised the issue that I
21 was going to raise. I think that number 2, if it focused more
22 broadly on operational effectiveness and number 1 on systematic
23 effectiveness, I think that would make for a more balanced

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 committee structure and be interesting to bring those strands
2 together at the end.

3 CHAIRMAN BROMLEY: Wonderful. Thank you.

4 Mike.

5 DR. CRUICKSHANK: I'm in favor of this motion, Mr.
6 Chairman. And I would like to say that we were kind of bumbling
7 about the goals. If anybody reads Section 1 of the Executive
8 Order, takes it back there, that the purpose is to protect
9 resources for future generations, one. Two is enhance ecological
10 and economically sustainable use. And this was to be done by
11 transferring the management to developing scientifically-based
12 systems. And, three, avoid causing harm.

13 So these are succinctly the goals of the Executive
14 Order. And, as I understand it, I think Joe has caught them
15 pretty well by making out these three committees, subcommittees,
16 and developing from there.

17 But one thing I think we need to do if we're going
18 to improve or strengthen, enhance something, we've got to know
19 exactly what it is. We need to look at one of these MPAs and see
20 what we're going to enhance. What is it that needs to be
21 improved and enhanced. And that's part of the process, is to
22 take a few examples and go through them in subcommittee or
23 something like that and see what we can do and what a person can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 take to enhance this stuff. This goes to the other issue as
2 well.

3 CHAIRMAN BROMLEY: Good.

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

5 CHAIRMAN BROMLEY: Thank you. So I have Bob
6 Zales, Rod, Dolly, and Gil Radonski on the list.

7 MR. ZALES: In reference to something that David
8 said earlier, and with all due respect to the agencies involved
9 and also Joe and his staff, I would hope that as a function of
10 this Committee being advisory in nature, that regardless of the
11 fact that we're several years behind trying to catch up to the
12 horse, that if this body sees or interprets a procedure or an
13 activity by any of these agencies or the MPA Center as being
14 inappropriate to the goals of what this Committee is tasked to
15 do, is that they would listen to that advice and hopefully they
16 would consider it and act on it.

17 In response to this motion as a second, I've
18 encouraged part of this motion and I see this as a good way to
19 get started. And, as David said, to at least get a handle on
20 where we are and whether or not this particular system of
21 choosing committees or subcommittees is going to be appropriate
22 and we're going to get the work done that's necessary to do. So
23 that's it. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN BROMLEY: Good, thank you.

2 Okay, Rod.

3 DR. FUJITA: Pass.

4 CHAIRMAN BROMLEY: Pass. Dolly.

5 DR. GARZA: Quickly, Mr. Chairman. I do speak in
6 favor of the motion. I think it is a good start in terms of it
7 being for just this meeting on what I would imagine is that we
8 would keep these committees and possibly add ad hoc committees if
9 someone feels that something is not being addressed through this
10 process. Thank you.

11 CHAIRMAN BROMLEY: Thank you.

12 Gil.

13 MR. RADONSKI: I speak in favor of the motion as
14 well because I see these committees as ad hoc. And this I think
15 comports with the Executive Order. Joe's program is online
16 because I'm sure he had to submit his program to the Secretary
17 through the steps to get approval. So I think we have an
18 approved program.

19 Joe is asking us for specific answers to certain
20 questions and I see it as long as these are ad hoc committees.

21 I also see the need as we address standing
22 committees, we have to adopt a procedure on how we are going to
23 accept information from the Secretaries. Who's going to be the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 spokesman, how are they going to be handed down, and I think
2 those recommendations as they come to us are going to make up
3 further ad hoc committees. But I think for the purpose of this
4 meeting, Joe I assume is speaking for the Secretary, because his
5 program is approved within the Department.

6 And he's asking us for advice on particular
7 issues, so I think we ought to move ahead, provide that, but also
8 look at standing committees that will set up procedures for this
9 committee to accept recommendations from the Secretaries. That's
10 what we're charged with in 4C. And they are charged with
11 "shalls" throughout 4A through F, so they're going to be coming
12 back to us. So I speak in favor of the motion on that basis that
13 they are ad hoc committees.

14 CHAIRMAN BROMLEY: Wonderful. Thanks, Gil.

15 Okay, Max.

16 MR. PETERSON: Mr. Chairman, I support the motion.

17 I have one small reservation and that is that we're only going
18 to get started tomorrow. I don't want to see us spend half of
19 Wednesday deciding whether to continue this system or go to some
20 other system. So --

21 CHAIRMAN BROMLEY: You didn't find this --

22 MR. PETERSON: I'm sort of -- I think we've had a
23 good interchange and so on, but I'm attempting to amend the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 motion to say until it's changed further by the Committee, that
2 this maybe stay in effect. But I'll leave it along. But I do
3 think we need to be concerned that we don't burn up a big hunk of
4 the rest of this meeting of deciding what the shape of the table
5 should be.

6 CHAIRMAN BROMLEY: Yeah.

7 MR. PETERSON: Thank you.

8 CHAIRMAN BROMLEY: Okay. Max was the last one on
9 the list. We have a motion before us. Bob.

10 MR. ZALES: Just a technical thing.

11 CHAIRMAN BROMLEY: Yeah.

12 MR. ZALES: And it was explained to us I think in
13 some of the presentations. I'm assuming that for these
14 committees, that they -- and to Gil's statement, they have to be
15 called ad hoc for this particular meeting; is that correct?

16 CHAIRMAN BROMLEY: That's correct, yeah.

17 MR. ZALES: Because procedure --

18 CHAIRMAN BROMLEY: They are structured.

19 MR. ZALES: So you may in the motion you may want
20 to put rather than "subcommittees," "ad hoc subcommittees" just
21 for the technical clarity.

22 MR. BENTON: Mr. Chairman, for the record, as
23 maker of the motion, I think my second would concur with this,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 these were -- it was the intent that they be ad hoc committees --

2 CHAIRMAN BROMLEY: Yeah.

3 MR. BENTON: -- for the purposes of this meeting
4 and FACA.

5 CHAIRMAN BROMLEY: And you may have covered that
6 by the language "for this meeting only," because we cannot -- but
7 that's great, Bob, to do that.

8 Okay. We have a motion that we shall adopt both
9 the structure, the tri-part structure, and the sub information,
10 the sub language within those on the memo from Joe Uravitch,
11 which I think is not dated, but that's all right. We know what
12 it is. And been moved and seconded.

13 Is there any further discussion?

14 MR. RADONSKI: The point, to clarify --

15 CHAIRMAN BROMLEY: Yeah.

16 MR. RADONSKI: -- in Joe's memo he says "proposed
17 standing subcommittees," just so that doesn't transfer into this.

18 CHAIRMAN BROMLEY: Yeah. Is everybody clear,
19 these are ad hoc committees for this meeting only. And before we
20 break up on Wednesday we will need to decide, won't we, Max,
21 whether we want to go forward with them or not. And we will have
22 a very short discussion on that.

23 Bob.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BENDICK: Yeah. I'm in favor of the motion
2 with the understanding that some of these bullets may be reshaped
3 underneath here, particularly with respect to evaluating
4 effectiveness.

5 CHAIRMAN BROMLEY: Yeah. I believe everybody's --
6 well, let me ask. Are people comfortable with that
7 interpretation that Bob offered?

8 MR. [SPEAKER]: Yes.

9 CHAIRMAN BROMLEY: Because we're not bound by
10 those sub-bullets. We are bound by the structure, but we're not
11 bound by the questions. Is that correct?

12 MR. URAVITCH: That's correct.

13 CHAIRMAN BROMLEY: Okay. Are you ready for the
14 question?

15 DR. PEREYRA: One point?

16 CHAIRMAN BROMLEY: Yes, Wally.

17 DR. PEREYRA: So if in the course of our work,
18 discussions, and so forth we found areas within the Executive
19 Order which we felt were not being properly identified here, that
20 we would be free to move into that area if we felt it was
21 important?

22 CHAIRMAN BROMLEY: I think so. Let me -- let me
23 get us to think about tomorrow morning. If you look at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 agenda, we start at eight o'clock, we sign in. 8:30, call to
2 order by the designated federal official. The Chair oversees the
3 process to establish the subcommittees. If we pass this motion I
4 think that will have been done. But what has to be done is we
5 have to sort ourselves across these three.

6 So let's just jump over that and assume that they
7 get structures. The subcommittees meet. You have to elect a
8 chair. And I presume that chair would serve only for this
9 meeting. You have to appoint a rapporteur. You have to broadly
10 discuss the views of the tasks ahead. And I think, Wally, that's
11 where each of you, your groups will look at those bullets and
12 come back.

13 Let's then look ahead. There's plenary reports at
14 10:45 from the subcommittees. It seems to me that's the time for
15 when you come back to this Committee as a whole to say, we didn't
16 quite like the third bullet. We'd rather reword it that way
17 because, you remember, these subcommittees get their charter.
18 They get their consent, the legitimacy from the Committee as
19 whole. So you have to come back to us and present your reasons
20 why you wish to change those bullets, what-have-you.

21 Am I doing this right? Maggie, is that right?

22 Okay. So we basically have the morning to
23 constitute these committees, these three; to let you decide which

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 one you wish to join; and to have you then meet and come back to
2 us. Does that sound right to everybody?

3 MR. [SPEAKER]: Yeah.

4 CHAIRMAN BROMLEY: Okay. Are you ready to vote on
5 the motion? All in favor say "aye."

6 [MEMBERS]: Aye.

7 CHAIRMAN BROMLEY: Opposed?

8 (No audible response.)

9 CHAIRMAN BROMLEY: Okay.

10 MR. BENTON: Mr. Chairman?

11 CHAIRMAN BROMLEY: Yes.

12 MR. BENTON: I in the interests of time also have
13 another concept that I might, with the Chair's indulgence, I
14 might throw out here, because you've touched on it. And that is
15 constituting these committees.

16 CHAIRMAN BROMLEY: Yes.

17 MR. BENTON: Again this is one of those things I
18 might have a motion, but I'm not quite sure yet.

19 CHAIRMAN BROMLEY: Yeah. We hope you don't, but
20 go ahead.

21 (Laughter.)

22 MR. BENTON: But, Mr. Chairman, I would -- it
23 strikes me that we've spent a lot of time sort of trying to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 figure out who's going to go on which committee and all that.
2 And it seems to me that what could happen is that each of us
3 identify -- there's only three committees --

4 CHAIRMAN BROMLEY: Yeah.

5 MR. BENTON: -- or subcommittees. Each of us
6 identify our first, second, and third priority. And that we
7 would submit those to you. And then there -- but that there
8 would be a small workgroup composed of yourself, the Vice Chair,
9 Maggie, and I'm looking around the table at a likely victim and
10 I'm sort of looking at Bob, to sort through that and make some
11 preliminary recommendations on what they might look like, so that
12 in the morning when you reconvene us, you would have a list of
13 recommended participants on each of the committees.

14 And then if somebody strongly objects and wants to
15 be on a different one, they can make their case. But do it that
16 way as opposed to getting there and having an hour- or two-hour-
17 long discussion. We only have a day.

18 So I'm sort of looking around and I'm not seeing
19 any jaws drop a heck of a lot. So I'm going to make a motion,
20 Mr. Chairman, if it's in order, and I'm looking to you to tell me
21 if I'm out of order, because if I'm not I'll make this as a
22 motion and move forward.

23 CHAIRMAN BROMLEY: Well, let me ask, rather than

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 having it as a motion let's just get a sense of the Committee,
2 okay? I mean could we keep it like that for just a second?

3 MR. BENTON: I think that's right, although
4 sometimes you can get to that decision -- get people to focus on
5 a decision quicker if you have a motion in front of you. I stand
6 corrected by the Chair.

7 CHAIRMAN BROMLEY: No, no. I like most of what
8 you said. We must allow people to select -- to state some
9 priorities. I would not want the job alone of doing that
10 allocation.

11 I do think that there is an issue of ballots,
12 whatever that means. I mean representation across these three,
13 and perhaps that's what you meant by letting Bonnie and myself
14 and Maggie and Bob do that. So maybe that is fine.

15 Yes.

16 MR. BENTON: Mr. Chairman, that is exactly sort of
17 what I had in mind and have everybody do sort of that ranking
18 priority. And it would be -- if I were to make such a motion or
19 anybody else make such a motion, which I would second, would then
20 -- it would be the sense that you four would seek to come up with
21 an appropriate balance that was --

22 CHAIRMAN BROMLEY: Yeah.

23 MR. BENTON: -- the Committee wasn't stacked,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 right? And it would be -- and everybody would have a fair shot.

2 CHAIRMAN BROMLEY: Yeah.

3 MR. BENTON: But you also, just in terms of
4 efficiency of time, --

5 CHAIRMAN BROMLEY: Yeah.

6 MR. BENTON: -- it would be really nice to show up
7 at 8:00 a.m. if we're going to do this and have a plan. That was
8 sort of the sense, Mr. Chairman.

9 CHAIRMAN BROMLEY: Yeah.

10 MS. ERNST: So, Mr. Chairman, --

11 MR. BENTON: I have a motion.

12 CHAIRMAN BROMLEY: I'd like to have us do that.

13 MS. ERNST: Mr. Chairman, --

14 (Several Members speak at once.)

15 MR. BENTON: Mr. Chairman, I'd move --

16 CHAIRMAN BROMLEY: I adopt it --

17 MR. BENTON: Mr. Chairman, --

18 CHAIRMAN BROMLEY: Any objections to this
19 procedure? Go ahead.

20 MR. BENTON: Mr. Chairman, I'm going to make it as
21 a motion.

22 CHAIRMAN BROMLEY: Okay.

23 MR. BENTON: Mr. Chairman, --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BROMLEY: It's been moved.

2 DR. GARZA: Second.

3 CHAIRMAN BROMLEY: It's been seconded.

4 Is everybody clear what David has in mind?

5 I just have a timing kind of issue and that would
6 be how would it be if by eight o'clock in the morning that
7 information comes to us. And between 8:00 and 8:30 we do our
8 little thing. Because I think it might be nice to let people
9 have the evening to think about.

10 I mean I'm just thinking procedurally how we get
11 that done if somebody doesn't find, you know, to slip their
12 ballot under my door.

13 MR. BENTON: That would be the prerogative of the
14 Chair, Mr. Chairman.

15 CHAIRMAN BROMLEY: Yeah. What would -- Bob, --

16 MR. ZALES: Run out at ted, I don't know if he
17 still does or not, but I think ted had his hand up for --

18 CHAIRMAN BROMLEY: Okay, ted.

19 CAPT. THOMPSON: I was just going to suggest it
20 might be reasonable just by a show of hands to get a sense of the
21 committee as to what -- where people want to be before we go
22 through all this balloting process.

23 CHAIRMAN BROMLEY: Well, --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CAPT. THOMPSON: All you've got to --

2 MR. [SPEAKER]: I'd like people to raise your
3 hands.

4 CAPT. THOMPSON: See, I don't want --

5 CHAIRMAN BROMLEY: Are people ready to declare or
6 would you like to go home and look at these three --

7 MR. [SPEAKER]: Go home. Go home.

8 (Members speak at once answering the question.)

9 CHAIRMAN BROMLEY: Look it over?

10 MR. [SPEAKER]: Look it over.

11 CHAIRMAN BROMLEY: That would be my preference,
12 okay? Look it over, think about it, and at eight o'clock in the
13 morning -- is this okay -- eight o'clock in the morning when you
14 come here with a sheet of paper with your first, second, and
15 third choice.

16 Bob, is that okay, you'll be here at 8:00?

17 We can do this, Bonnie?

18 VICE CHAIR McCAY: Yeah.

19 CHAIRMAN BROMLEY: Maggie?

20 Anybody else you'd like to propose be in our
21 group?

22 MR. ZALES: We'll meet up here in this room?

23 CHAIRMAN BROMLEY: We'll meet -- are we in this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 room tomorrow?

2 MS. ERNST: Yes, we are.

3 CHAIRMAN BROMLEY: Yeah. We'll meet at eight
4 o'clock and you'll deliver your preferences to us.

5 MS. ERNST: We must have it by eight o'clock.

6 CHAIRMAN BROMLEY: We must have it by 8:00 or you
7 won't be on a subcommittee -- wait a minute. I said --

8 (Laughter and several aside comments by Members.)

9 MR. [SPEAKER]: Be appointed.

10 CHAIRMAN BROMLEY: Be here by 8:00 or your least
11 favorite subcommittee.

12 Dolly.

13 DR. GARZA: Can we give it to you now?

14 CHAIRMAN BROMLEY: Yes, you can.

15 Carol?

16 MS. DINKINS: Yes. I had two questions. One is
17 whether -- whether the Center and Joe had already done some
18 sorting of who might be on these committees. My second question
19 is do you have enough time between 8:00 and 8:30 to achieve the
20 balance that was suggested might need to be adjusted for?

21 CHAIRMAN BROMLEY: I believe we have enough time
22 to propose committee structure, subject to the approval of the --
23 what do you think, Bob?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. ZALES: I think --

2 CHAIRMAN BROMLEY: Bonnie, can we all get -- all
3 right. 7:30. I mean let's try for eight o'clock. Let's try to
4 do it.

5 MR. ZALES: Compromise and do 7:45.

6 MR. [SPEAKER]: It's important that we all get
7 here.

8 CHAIRMAN BROMLEY: We'll be here at 7:45,
9 anxiously awaiting -- what else? Any other comments?

10 MR. [SPEAKER]: Media format.

11 CHAIRMAN BROMLEY: Rod.

12 DR. FUJITA: I just wonder if Joe is willing, it
13 might be good to have him on this balancing and sort of committee
14 to --

15 CHAIRMAN BROMLEY: Yeah.

16 MR. URAVITCH: I'm willing to do it --

17 CHAIRMAN BROMLEY: You want to have Joe do that
18 roster. Bob, is that okay with you?

19 MR. BENDICK: So this group will be Maggie,
20 Bonnie, Joe, Bob, and myself. Is that okay?

21 And this is not binding. What we're going to do
22 is propose a structure. And any of you are free to object to it,
23 okay? Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Each person -- Bonnie.

2 VICE CHAIR McCAY: The name, your first choice,
3 second and third choice.

4 CHAIRMAN BROMLEY: Yeah. Is that okay? And
5 remember to put your name on the sheet of paper.

6 VICE CHAIR McCAY: It would be simpler actually.

7 CHAIRMAN BROMLEY: Maybe your first two choices.
8 I mean it's obvious, there's only three. Your first two choices.

9 Yes. Maggie's asked me since John Halsey is here
10 and since he's not been approved but these are ad hoc committees,
11 may he participate in this balloting --

12 MR. [SPEAKER]: Sure.

13 CHAIRMAN BROMLEY: -- and discussion with us?

14 MR. [SPEAKER]: Sure.

15 CHAIRMAN BROMLEY: Okay. Be fine. So you have --
16 by eight o'clock, John.

17 DR. HALSEY: Thank you.

18 CHAIRMAN BROMLEY: Yeah. Okay. Goodness, it's a
19 few minutes after 5:00. Despite my joking, I think we
20 accomplished quite a bit today. I believe we did. Bob.

21 MR. ZALES: I'd just like to make one suggestion
22 and this is just the parenthesis language in the deal where it
23 talks about "the public is welcome to observe breakout sessions,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 although space may be limited." In my mind that kind of denotes
2 that if it's too crowded the public can't come in. And I think
3 if we've got to have them standing against the wall, that anybody
4 should be able to come into any room if they want to.

5 CHAIRMAN BROMLEY: Yeah.

6 MR. ZALES: So in the future maybe that kind of
7 language should be left out. If it's limited, they've got to
8 stack, we got to stack them.

9 CHAIRMAN BROMLEY: Yeah, fine. Mary.

10 MS. GLACKIN: Thank you, Mr. Chairman. I just
11 want to take a second to correct apparently a misperception that
12 I gave here. And that is I know I speak for both the Department
13 of Commerce and I'm confident for the Department of Interior,
14 too, that we do welcome this Advisory Committee and look for
15 advice.

16 NOAA in particular has very effectively used FACAs
17 in a number of areas. We find that they not only find things
18 that we miss in our approach but provide us very innovative ways
19 to attack a particular problem. So that's what you're here for.

20 We want that advice and we are prepared to act on advice. Thank
21 you.

22 CHAIRMAN BROMLEY: Thank you. Let me say that
23 I've enjoyed today. I am honored by your trust. You may have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 had second thoughts after we got in the middle of all of this,
2 but I promise to try to be fair to everybody and to listen. And
3 I'm open to all sorts of input on Robert's Rules of Order as well
4 as anything else. So, again, don't fail to call me up short if I
5 don't perform up to your standards.

6 So thank you. And we'll see you. There's a
7 reception, right, at five o'clock upstairs in the concierge
8 lounge, on the sixth floor. Some of you had breakfast there.
9 And you're invited to go there now. We'll be there till 7:30.
10 And please do come if you can.

11 I'm supposed to formally adjourn the meeting, and
12 Maggie will pound the gavel.

13 MS. ERNST: You recess. You recess.

14 (The Second Meeting was recessed for the day at
15 5:11 o'clock p.m.)

16

17

18

19

20

21

22

23