

UNITED STATES of AMERICA
NATIONAL OCEANIC and ATMOSPHERIC ADMINISTRATION

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MARINE PROTECTED AREAS
FEDERAL ADVISORY COMMITTEE

SECOND MEETING, Day 2 of 3

* * * * *

TUESDAY, NOVEMBER 18, 2003

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SAN MATEO, CALIFORNIA

The Committee reconvened 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.

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Committee Members Present:

Dr. Tundi Agary
Mr. Robert L. Bendick, Jr.
Mr. David Benton
Dr. Daniel W. Bromley, Chairman
Dr. Anthony C. Chatwin
Dr. Michael J. Cruickshank
Ms. Carol E. 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 O. Suman
Captain Thomas E. Thompson
Mr. Robert F. Zales II

Ex-Office Members Present:

Ms. Mary Glackin
Ms. Patricia Morrison
Ms. Jacqueline Schafer

Also Present:

Ms. Mary Jean Comfort, Department of Fisheries
and Oceans, Canada
Ms. Marjorie Ernst

From the National Marine Protected Areas Center:

Ms. Ginger Hinchcliff, Director, Training & Technical

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Assistance Institute
Mr. Joseph A. Uravitch, AICP, Director
Dr. Charles Wahle, Director, MPA Science Institute

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

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

3 MS. ERNST: This meeting of the Marine
4 Protected Areas Federal Advisory Committee is called
5 back to order.

6 CHAIRMAN BROMLEY: Thank you, Maggie.

7 Maggie is the federal official that
8 convenes our meetings and Maggie has the capacity to
9 call us to order and to put us into recess. And we
10 realize that the agenda says "adjourn" at the end of
11 each day. That's a technical mistake. It should say
12 "recess." So we're getting our technical stuff worked
13 out as we go. I hope you will bear with us.

14 I want to make a few little statements and
15 announcements before we get going for the day. There
16 are two or three people who have not come. And I
17 think we don't have their preferences for
18 subcommittee.

19 So the issue of parliamentarian came up
20 yesterday and I'd like to propose the following. And
21 I'm always, as you know, willing to be overridden, but
22 I would like to ask Dolly Garza to serve as our
23 parliamentarian. The idea of finding some ex-officio

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1 person who will be here all the time and give us
2 continuity seems difficult.

3 So I'd like to see a show of hands of all
4 of those who think Dolly cannot be trusted with this
5 job.

6 (Laughter.)

7 CHAIRMAN BROMLEY: Seeing none, thank you,
8 Dolly.

9 I told her that I would buy a copy of
10 *Robert's Rules of Order* for her. And so we will --
11 unless somebody objects to this, that would be my
12 preference. Seeing none.

13 I do want to acknowledge, and I'm sort of
14 getting my feet under me after the shock of yesterday,
15 I think we should acknowledge the work that Joe and
16 Maggie and John Ogden and the Agenda Committee did to
17 give us a basic structure to move forward. So I think
18 it's -- I think many people last night felt that we
19 had made more progress than they thought we would.
20 And I feel that as well. And much of that credit I
21 think goes to Joe, Maggie and to John for their work,
22 and the Agenda Committee. I forget the membership of
23 it, but you know who you were and you're duly praised

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1 for your good work.

2 Let me just say I thought the social hour
3 last night was marvelous. And I mentioned to Bonnie,
4 who seems to be the one who gets things done, that --
5 sorry, Maggie, but you know if you want --

6 (Laughter.)

7 CHAIRMAN BROMLEY: -- if you want
8 something done you go see Bonnie, right, huh? Even
9 Maggie does. Bonnie, she's the mojo, isn't she. And
10 so I propose, and I'd like your reaction to it, that
11 in the future that our -- the evening of our first day
12 that we have a dinner, group dinner.

13 And I will tell you, there's nothing like
14 sort of arguing with somebody during the day and
15 getting very angry at them, and then having to sit
16 next to them at dinner and drink wine and break bread.

17 It's wonderful bonding. There's nothing more primal
18 than eating.

19 And so we are going to see if we can pull
20 this off. And I mean if there's anyone who thinks
21 this is not a good idea please tell me, either
22 publicly or privately. But I happen to think it would
23 be a nice dinner if after our first day wherever we

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1 are if we go out sort of as a committee plus Bonnie
2 and Maggie and the core staff and drink a little
3 reasonable wine together.

4 And we either go individually and turn in
5 an expense account or we do it as a group. So we're
6 working on that unless somebody thinks it's not a good
7 idea. But I thought last night, the bonding and so on
8 was marvelous.

9 What I'd like to do today is get a little
10 bit organized. I realized that there was a lot going
11 on up here and I missed several people who wished to
12 speak. And I realize it was a mixture of that
13 projector in the face and that window over there with
14 the glare coming from it and so on.

15 And although I haven't asked Bonnie
16 privately but I'd ask her now: Would you help me keep
17 track of whose hand is up when we're going along?

18 MS. ERNST: Sure.

19 CHAIRMAN BROMLEY: Is that okay? And
20 Maggie will continue to do what she has done which is
21 to sort of be the informal secretary transcriber. We
22 do have it on tape, but I realize that I need a little
23 help up here so that we don't drop the ball as I did

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1 yesterday.

2 And I apologize to those who had their
3 hand up and I missed it or we got you out of order.

4 And I'm going to ask Joe and Maggie to
5 help me with clarification at times, and Mary Glackin
6 and others, the ex-officio people. And I realize I
7 think that it was a mistake yesterday when Joe had a
8 clarification point, I put him in the queue rather
9 than letting him clarify. Because I think we ended up
10 spending time talking about something or things that
11 perhaps didn't need to be talked about.

12 So unless there are objections, when I or
13 somebody else feels a need for clarification or Joe
14 signals to me or even Maggie signals to me, I would
15 like to have the ability to recognize them to clarify
16 things. You can overrule me on that if you'd like,
17 but that's the way I'd prefer to proceed.

18 So they are not members of the Committee,
19 so having them take their place in the queue with a
20 clarification kind of answer strikes me as a bit odd.

21 And if I can get Bonnie to help me sort of be traffic
22 cop and Maggie doing a nice job as she did yesterday,
23 my job really is, as I see it, to watch and to listen

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1 and to read the sense of the room and the body
2 language and the fidgeting, and try to figure out when
3 it's time to try to pull things to closure and when
4 it's time to let them keep running.

5 And so that's the way I'd like to try to
6 operate, so that if I don't have to keep track of
7 who's in the queue and who's got their hand half up
8 and who doesn't and who came before who, it allows me
9 to sort of sit back and watch the discourse and figure
10 out sort of how we might proceed. So that's what I
11 would like to try to do.

12 We have to deal with the charter issue.
13 There's language in the charter that must be
14 addressed. Some people, several people said we might
15 consider doing it now. I think my preference would be
16 to let us get off in our subcommittees and get to
17 work.

18 Nothing in the charter precludes the track
19 we're on. All these subcommittees are ad hoc because
20 they have not been approved by the competent
21 officials. And so as long as we do not forget to get
22 back to the charter some time they'd, would you mind
23 if we hold off that language, wordsmithing for a bit?

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1 Yes, Tony.

2 DR. CHATWIN: Thank you, Mr. Chairman. I
3 don't mind if we leave it for some time today, but I'm
4 not going to be here tomorrow and I really would like
5 to be part of this discussion.

6 CHAIRMAN BROMLEY: Okay, all right. We'll
7 do it some time today. Thanks, Tony.

8 Is that okay with everybody?

9 (No audible response.)

10 CHAIRMAN BROMLEY: Okay. Today we have to
11 constitute subcommittees. You have to elect a chair.

12 In the agenda it says you elect a rapporteur, but I
13 think what is meant there is that you elect a
14 recorder.

15 Is that right? Whoever, John?

16 DR. OGDEN: Yes.

17 CHAIRMAN BROMLEY: Yeah. I see a
18 rapporteur as something different from somebody who's
19 going to report back.

20 DR. OGDEN: Yes, right. Right.

21 CHAIRMAN BROMLEY: A rapporteur keeps you
22 from fighting with each other. And we may need a
23 rapporteur, but we do need a recorder. So you are to

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1 elect a chair. You are to elect a recorder, a
2 reporter, someone who will report back to us. And you
3 have some tasks to fill out; we'll get to that in a
4 minute.

5 Let me just remind you, at 10:45 those
6 subcommittees are going to report back. And you will
7 have an hour and 15 minutes to do that, and so that's
8 about 75 minutes which means that there's 25 minutes
9 each.

10 So each of your subcommittees, as I read
11 this, will have about 25 minutes to report back what
12 you have been discussing and what you make of it.

13 Am I right so far, Maggie?

14 We have lunch. We're quite honored to --
15 not "quite" -- we're very honored, although the
16 English would say "quite honored" to have our lunch
17 speaker here, Mary Jean Comfort, in the Canadian red
18 there. Very happy to have you with us. She's from
19 the Department of Fisheries and Oceans in Canada. So,
20 Mary, welcome south of the border to California, which
21 we won't get into.

22 And that will be our lunch speaker. Then
23 at 1:30 we will go back into our subcommittees and do

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1 more good work. And at 3:15 you will report back.
2 This time we have 105 minutes, which my calendar
3 indicates is 35 minutes for each group.

4 So today is a very different day from
5 yesterday. You split up into small groups and do good
6 work.

7 Any comments?

8 Yes, David.

9 MR. BENTON: I don't know if this is
10 appropriate time, Mr. Chairman, but I think that at
11 some point we should have a bit of a discussion about
12 what we expect as a product out of the Committee's
13 work.

14 CHAIRMAN BROMLEY: Yeah.

15 MR. BENTON: And so we all go in with the
16 same expectation.

17 CHAIRMAN BROMLEY: That's right. That's
18 right. We will do that before we send you away.

19 At this point I'd like to turn to the
20 matter of the display boards behind us and the yellow
21 paper. We ask each of you to put your first, second,
22 and third choice down. We have allocated people for
23 the most part to their first choice.

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1 I believe we still have three people whose
2 preferences are not known to us. Wally -- where's
3 Wally? Wally's not here.

4 Gil?

5 MR. RADONSKI: I gave mine to Bob.

6 CHAIRMAN BROMLEY: Oh, okay.

7 MR. [SPEAKER]: He wants the number 2.

8 CHAIRMAN BROMLEY: Oh, okay. Good. And
9 Wally's not here. We'll put Wally here.

10 And George Lapointe?

11 MR. [SPEAKER]: Not here yet.

12 CHAIRMAN BROMLEY: So we have a
13 subcommittee of Bonnie, Joe, Bob Zales. And Maggie
14 and I looked at your first choice, the second choice,
15 third choice. And there was a heavy loading on number
16 1, less of a loading on 2, and a smaller loading on 3.

17 So we had to split people up, move them around a bit.

18 So here is the end product of that,
19 subject to being overruled by those of you who got
20 moved. Can you read from back there? Can you read
21 these notes?

22 MR. [SPEAKER]: No.

23 CHAIRMAN BROMLEY: Okay. So the way it

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1 looks now, it is Steve Murray, Michael Cruickshank,
2 Max Peterson, Carol Dinkins, Jim Ray, Mary Glackin,
3 Bob Zales, Wally Pereyra, and George Lapointe is
4 unallocated. Jacqueline Schafer and Patricia Morrison
5 we have allocated?

6 MS. SCHAFFER: Put me over on 3 if you
7 would, Mr. Chairman.

8 CHAIRMAN BROMLEY: Yes. Thank you.

9 Okay. So this gives us ten, nine, nine
10 here.

11 In this second group then is Anthony
12 Chatwin, Terry O'Halloran, Dolly Garza, Rod Fujita,
13 John Ogden, Bob Moran, Bonnie McCay, Lelei Peau -- am
14 I doing this right, Lelei?

15 MR. PEAU: Lelei Peau.

16 CHAIRMAN BROMLEY: Yeah? Yeah.

17 Barbara Stevenson, who's not here, and
18 Gil. Is this okay, Gil? 2.

19 Okay. And in group 3: Bob Bendick; Dan
20 Suman; Tom Thompson; John Halsey; David Benton; Eric
21 Gilman; Mel Moon; Michael Nussman; Kay Williams, who's
22 not here; and Jacqueline Schafer.

23 So in no case do we have to put somebody

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1 at their third choice. The reallocations are all
2 moving people from their first to their second choice.

3 Are there any concerns?

4 Yes, Bob.

5 MR. URAVITCH: Could you just go over the
6 names a little bit slower so --

7 CHAIRMAN BROMLEY: You bet.

8 MR. URAVITCH: -- we can write them down.

9 CHAIRMAN BROMLEY: I will do that.

10 MR. URAVITCH: Great.

11 CHAIRMAN BROMLEY: Group number 1: Steve
12 Murray, Tundi Agary, Mark Hixon, Michael Cruickshank,
13 Max Peterson, Carol Dinkins, Jim Ray, Mary Glackin,
14 Bob Zales, and Walter Pereyra.

15 Group 2: Tony Chatwin, Terry O'Halloran,
16 Dolly Garza, Rod Fujita, Lelei Peau, Bonnie McCay, Bob
17 Moran, John Ogden, Barbara Stevenson, Gil Radonski.

18 Group 3: Bob Bendick, Dan Suman, Tom
19 Thompson, John Halsey, Mike Nussman, Mel Moon, Eric
20 Gilman, David Benton, Kay Williams, Jacqueline
21 Schafer.

22 Can you live with this?

23 MR. [SPEAKER]: Yes.

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1 DR. MURRAY: Just a quick comment and
2 point. One of our new members, John, who's in the
3 audience, --

4 CHAIRMAN BROMLEY: Yes.

5 DR. MURRAY: -- I think we all discussed
6 last time about not having as much maybe
7 anthropological sort of expertise. He brings that.

8 CHAIRMAN BROMLEY: Yeah.

9 DR. MURRAY: And in the first particular
10 subcommittee, --

11 CHAIRMAN BROMLEY: Yes.

12 DR. MURRAY: -- there's a task of defining
13 cultural.

14 CHAIRMAN BROMLEY: Yes.

15 DR. MURRAY: And I just raise that issue.

16 CHAIRMAN BROMLEY: Good.

17 VICE CHAIR McCAY: Dan, may I speak to
18 that?

19 CHAIRMAN BROMLEY: Yes, you may. Bonnie.

20 VICE CHAIR McCAY: Yes. It's possible --
21 I just talked with Joe, and apparently in the
22 construction of that it could have gone in several
23 ways. And so Joe agrees that the cultural question

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1 can go under 3. And John would bring not only that
2 but also his interest in state-federal coordination.

3 DR. MURRAY: Wonderful. I just want it to
4 be fair, John.

5 CHAIRMAN BROMLEY: Indeed. John, how do
6 you -- I will tell you the reason we had 1 as your
7 first choice, I think, and I think part of the reason
8 that we used to move you to 3 was your state-and-
9 federal and the coordination issues, state and
10 regional. So we were taking a slightly different cut
11 disciplinary.

12 Can you --

13 DR. HALSEY: That's fine.

14 CHAIRMAN BROMLEY: You okay? And
15 remember, A, these subcommittees are only for this
16 meeting, right, because they have not been approved
17 yet. And the structure may not survive until the next
18 meeting. So this is new.

19 Yes, Rod.

20 DR. FUJITA: Thank you, Mr. Chairman. At
21 first glance this looks like a well balanced --
22 there's balance between the various representatives in
23 the group. Can you speak to that? I don't know all

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1 the people, so was there an attempt to ensure balanced
2 representation?

3 CHAIRMAN BROMLEY: There was a serious
4 attempt to achieve balance. There was a sense in our
5 discussion that there was a heavy loading on number 1
6 among a particular sort of interest group. We tried
7 to spread them out a little bit.

8 And then we looked for other kinds of
9 balances. I think we mentioned that Bob Moran and Jim
10 Ray have similar interests and similar commitments
11 perhaps. And we thought we wouldn't put them on the
12 same subcommittee, although Bob's not here today. So
13 that conversation went on.

14 Bob and Bonnie and Maggie and Joe, anybody
15 else that was here, please elaborate on this. Yes.

16 MS. MORRISON: Just looking at your --
17 this is Patty Morrison -- looking at your choices
18 here, I'd probably be best on either the first or the
19 third, and I can leave it to your discretion.

20 CHAIRMAN BROMLEY: Okay. Yeah, we had --
21 yeah, thanks, Patty. Just keep in mind.

22 MS. MORRISON: How about number 2?

23 CHAIRMAN BROMLEY: Yeah, how about number

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1 -- or -- that's good. I mean I'm glad you brought
2 that up. We could -- you know I'm an economist, so we
3 could create a market here for slots. What are you
4 willing to pay?

5 (Laughter.)

6 CHAIRMAN BROMLEY: Well, let me think
7 about that.

8 Bob, would you -- back on the ballot
9 question.

10 MR. ZALES: Since Mary is on number 1 and
11 she's with Commerce, --

12 CHAIRMAN BROMLEY: Yeah.

13 MR. ZALES: -- being that Trish is with
14 Interior, maybe we should be --

15 CHAIRMAN BROMLEY: Yeah.

16 MR. BENTON: -- on one of the others so
17 that they're not on the same committee.

18 CHAIRMAN BROMLEY: We would like to split
19 a little --

20 MS. MORRISON: I don't have a distinct
21 preference.

22 CHAIRMAN BROMLEY: Is that okay? So you
23 could go to 3?

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1 MS. MORRISON: Sure.

2 CHAIRMAN BROMLEY: Okay. Thank you.

3 Bonnie or Bob or Joe or Maggie, would you
4 care to respond to Rod's question? I think it's a
5 question that many people have in mind. How did you
6 deal with ballots?

7 MR. ZALES: Bob Zales. Your information
8 was about like mine, so we discussed it, the ins and
9 outs, different segments.

10 VICE CHAIR McCAY: Bonnie McCay. There's
11 no formula behind this.

12 CHAIRMAN BROMLEY: Yeah.

13 VICE CHAIR McCAY: So we didn't have very
14 much time. So if you do feel that there is an
15 imbalance here to be corrected, please...

16 CHAIRMAN BROMLEY: Yes, Max.

17 MR. PETERSON: Just to your point that
18 these committees only exist for this meeting. I'm
19 assuming, though, that consultation will result in
20 approval so that we -- there could be a lot of work
21 done between now and the next meeting. So I hope they
22 don't disappear at the end of this meeting. Okay.

23 CHAIRMAN BROMLEY: That's right. I mean

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1 as I recall from the agenda, the Committee as a whole
2 must approve --

3 MR. PETERSON: Yes.

4 CHAIRMAN BROMLEY: -- to send this forward
5 to be signed off on. So I didn't mean to imply that
6 these things evaporate at noon tomorrow, but that the
7 presumption is that they are good starts or the
8 structure is a good start. And I think it will serve
9 us well to get started in small groups to be making a
10 little bit of progress.

11 MR. PETERSON: Thank you.

12 CHAIRMAN BROMLEY: David.

13 MR. BENTON: Mr. Chairman, I thought I'd
14 congratulate those of you that put that list together.

15 I think you did a very good job. I think in some
16 ways I really would like to hear what, if you all
17 talked about it or this group, what our expectations
18 or what we're going to get out of those subcommittees,
19 because I think that the balance that we see there
20 reflects where we're at, which is we're just getting
21 started. And the product I think's important.

22 And then I believe, and I'm interested in
23 your take on this, but I believe that whatever product

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1 that is, that's sort of a very preliminary kind of
2 thing. It has to come back eventually to this body
3 for further discussion and modification, changes.
4 It's not a foregone conclusion that whatever comes out
5 of a committee is going to be accepted by the full
6 body.

7 Am I correct in that?

8 CHAIRMAN BROMLEY: You are indeed correct.

9 My -- my operating principle here is that this full
10 Committee is the owner of the subcommittees, both
11 legally and operationally. We must do that.

12 And because anything that -- anything that
13 comes out of this group must be agreed upon by all of
14 us. So the subcommittees in no way are autonomous.
15 They are in no way free agents. They report back to
16 us and we must, as a committee of the whole I believe,
17 approve their plan of work, their vision, their -- I
18 guess we even have to approve their structure, their
19 election of a chair. And in a public forum. I mean
20 it will be done here in this room.

21 So does that cover it, David?

22 MR. BENTON: I understand.

23 CHAIRMAN BROMLEY: Yeah. Other questions

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1 about the structure? Yes, Eric?

2 MR. GILMAN: I just wanted to suggest that
3 the members who have been put into the national system
4 subcommittee, that when they meet today and they
5 consider splitting that subcommittee into two, or want
6 a separate subcommittee, would deal with gaps in
7 identifying selection criteria for additional
8 protected areas to be added to the system. It seems
9 like that first committee has probably a much larger
10 laundry list of tasks than the other two committees,
11 and it could easily split in half.

12 CHAIRMAN BROMLEY: Okay. Thank you. I'm
13 reluctant to from here tell a subcommittee what they
14 should do. I would like -- I would assume that those
15 in group number 1 heard what you said. You're
16 certainly free to corner them in the hallway and try
17 to convince them to do that, but at this point I don't
18 want to tell them how to set themselves up. Do you
19 mind?

20 MR. GILMAN: I disagree. I think that
21 part of the decision in having these ad hoc groups was
22 to consider whether we like the structure or not.

23 CHAIRMAN BROMLEY: Yeah.

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1 MR. GILMAN: So that's part of their
2 mandate already.

3 CHAIRMAN BROMLEY: My argument would be
4 that they go away, each group goes away, constitutes
5 itself as it believes it can best carry out the burden
6 of its task and that it report back to us at the first
7 time slot, 10:45. They're going to come back and
8 they're going to tell us how they structured
9 themselves. They're going to tell us what they did.
10 And at that point we get a chance to say to them, gee,
11 that's an odd arrangement, or why in the world did you
12 do it that way.

13 So I'm sorry, Eric, I think unless there's
14 a show of sentiment around the room that we should
15 direct a particular subcommittee to constitute itself
16 in a particular way, I'm inclined to leave them do it.

17 With all due respect to your very insightful
18 comments. It is not a testimony to your comment per
19 se, it's just structural.

20 Yes, Jim.

21 DR. RAY: Mr. Chairman, I support the
22 Chair's recommendation. I think the subcommittees
23 need to have their first go-around, sit down and talk

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1 about what's on their plate, --

2 CHAIRMAN BROMLEY: Yeah.

3 DR. RAY: -- and take the first pass at
4 making recommendations as to how they should structure
5 to meet those tasks. If they feel there's more than
6 they can handle, then maybe they would recommend doing
7 a substrate internally, but I would let the committees
8 meet first.

9 CHAIRMAN BROMLEY: Okay. Mel?

10 MR. MOON: Mel Moon. I think that the
11 bullet points are there for discussion to take place
12 as to the relevancy of people's feelings towards them.
13 But also I think the author or authors need to
14 circulate to give us input about their thought
15 processes of why they arrived at these certain bullet
16 points.

17 CHAIRMAN BROMLEY: That's right. That's
18 right.

19 MR. MOON: They could make themselves
20 available, just kind of float freely between each
21 committee would be very helpful.

22 CHAIRMAN BROMLEY: Yeah. I'm going to
23 circulate and Joe will as well. Right, Joe?

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1 MR. URAVITCH: We were thinking it might
2 make sense for me to sit primarily with the
3 Coordination and Communication Committee because
4 that's the primary responsibility of the Headquarters
5 Unit.

6 Charlie Wahle would be sitting with the
7 National System Group because he's been tasked
8 specifically to take that lead for us. And Ginger,
9 who runs our Training and Technical Assistance Group,
10 would sit with Stewardship.

11 But we're obviously available to all
12 committees if questions come up.

13 CHAIRMAN BROMLEY: Tundi?

14 DR. AGARY: I don't want to open up a
15 Pandora's Box, but --

16 CHAIRMAN BROMLEY: Then don't. But you
17 will, huh?

18 DR. AGARY: I wish we could all be on all
19 three committees. And I just want to reflect a
20 sentiment that Wally and I share, Wally not being
21 here, and since I'm in the first subcommittee I won't
22 be able to voice my opinion in the second and third
23 subcommittees, but as many of you know, we've been a

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1 little bit concerned about the lack of EPA
2 participation in this Federal Advisory Committee.

3 And both Wally and I feel it's very
4 important that we look beyond just consumptive uses
5 and start to tackle some of the indirect impacts on
6 marine areas which, in essence, the EPA figures very
7 prominently in the Executive Order.

8 So I would just urge all of the
9 subcommittees not to lose sight of the pollution
10 aspect when they're deliberating about MPAs.

11 CHAIRMAN BROMLEY: That's a nice point.
12 I'm glad you brought it up.

13 DR. AGARY: Yeah.

14 CHAIRMAN BROMLEY: We have for too long
15 regarded the land as distinct from and separate from
16 what happens in the oceans and this is a serious
17 mistake. And I think the whole community is coming to
18 understand once we see what's happened in the Gulf of
19 Mexico that you cannot separate what happens on the
20 land from the water. So that's a very nice point,
21 Tundi. We will address that.

22 And I see Joe wants to clarify.

23 MR. URAVITCH: Thank you, Mr. Chairman.

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1 Joe Uravitch. Just to let you know the status of the
2 EPA ex-officio representative.

3 We ran into some difficulties with the
4 transition with the new administrator. And the letter
5 from Secretary Evans to the EPA administrator sort of
6 got lost in the process. So we've been making an
7 effort to try and get EPA back on track. And we
8 assume they will be here for the next meeting.

9 DR. AGARY: Yeah. I didn't mean in any
10 way to criticize. I know all of you are very serious
11 efforts to try and get EPA onboard, so it's not a
12 reflection at all of how I feel about the work you're
13 trying to do.

14 MR. URAVITCH: It wasn't taken that way.

15 CHAIRMAN BROMLEY: No. It's important to
16 get it on the record, Tundi. So I -- Mike, did you
17 have your hand up -- oh, Bob's first. Okay, thanks.

18 MR. ZALES: Bob Zales. I agree on what
19 Tundi said, but I would like to emphasize, because I
20 too would like to be on multiple committees, but the
21 purpose of the subcommittees reporting back here will
22 give each of us an opportunity to discuss what each
23 subcommittee has done. So I would think that we will

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1 have some adequate input on that.

2 CHAIRMAN BROMLEY: Thank you.

3 Mike.

4 MR. NUSSMAN: Tundi's remark made me --
5 brought up a question I had yesterday or made me
6 remember a question I had yesterday. And now would
7 seem to be a good time to address that.

8 What exactly -- while we each have a
9 subcommittee assignment, what exactly are our rights
10 and privileges regarding the other subcommittees? I
11 think it's best to know that right now rather than to
12 make up the rules as we go.

13 CHAIRMAN BROMLEY: Okay. I assume there's
14 a technical, legal answer to that question then
15 there's sort of a pragmatic answer. Are there legal,
16 technical things, Maggie, Joe? Anybody, Mary?

17 So I would interpret that to mean there
18 are no sideboards on what they can do. There are no
19 must-dos and must-not-dos.

20 MR. NUSSMAN: All right. So --

21 CHAIRMAN BROMLEY: And the question is
22 what shall they do.

23 MR. NUSSMAN: I think that's probably the

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1 question we need some clarification on now, --

2 CHAIRMAN BROMLEY: Yeah.

3 MR. NUSSMAN: -- are we as Committee
4 Members entitled to go listen to the deliberations
5 should we desire and be able to? And of course the
6 next question is can we comment and be involved? And
7 I don't know what the answers are. And I think we
8 would try -- at least I would certainly, whatever the
9 Chair ruled, would abide by. But we need some
10 guidance, I think.

11 CHAIRMAN BROMLEY: Okay. I'm formulating
12 guidelines.

13 Bob?

14 MR. ZALES: Mine -- are you --

15 VICE CHAIR McCAY: I have a suggestion.

16 MR. ZALES: Yeah.

17 CHAIRMAN BROMLEY: Bonnie.

18 VICE CHAIR McCAY: Bonnie McCay. Well, I
19 suggest that in the first go-round, this morning's
20 work, that these committees meet without input, direct
21 input from nonmembers so that they have a chance to
22 get to become familiar with each other. I think that
23 would be helpful. And then what happens next I think

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1 would be up to the committees and the whole body.
2 That's my suggestion.

3 CHAIRMAN BROMLEY: Bob?

4 MR. ZALES: Yeah, Bob Zales. And then
5 some of what Mike was discussing and how Bonnie has
6 described this too, I would think this initial
7 committee section, obviously it's going to be
8 impossible for all three committees meeting at the
9 same time to interchange with each other.

10 But at future meetings then to stagger
11 these committees so that -- the way I envision the
12 subcommittee system working with the overall Committee
13 is that the subcommittees will work and they will make
14 whatever recommendations they choose to make. And
15 then will then report their recommendations to the
16 full Committee. And then the full Committee discusses
17 the recommendations of the subcommittee. And the full
18 Committee can either accept those recommendations in
19 total or they can modify them or they can totally
20 reject them and do something entirely different.
21 That's the project of the full Committee.

22 And as such if the committees are
23 staggered then public input should be allowed, and I

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1 think legally it has to be allowed. And then if as a
2 member of the full Committee you are then a member of
3 the public and you can give input, I would think, to
4 the subcommittee discussion.

5 So that's just how I envision the process
6 working, I don't know.

7 CHAIRMAN BROMLEY: Yeah, that's very nice.

8 My sense is that this first little session between
9 when we leave this room and when we return at 10:45 is
10 a constitutional sort of in the sense that each
11 subcommittee will figure out what its goals are, what
12 it -- I mean it can refer to this. I'm a little
13 hesitant at this point for us as a whole to try to
14 tell them under 1, 2 and 3 what they ought to do.

15 I would like for them to go formulate that
16 themselves and come back and report to us. And then
17 we have that feedback, but maybe they need more
18 direction.

19 But then on your other point about moving
20 around, we will try to structure the agenda next time
21 to allow that.

22 David.

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

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1 This sort of segues into the other issues that I
2 brought up a little bit ago and I'm quite interested
3 in and that is what kind of product do we expect to
4 come out of these subcommittees.

5 And seeing how I'm not on it, I'm going to
6 pick on number 1 just for example sake. Are we
7 expecting the Committee to, for example, develop the
8 draft comments from this group on the list of MPAs or
9 on the Federal Register Notice that's currently, I
10 think, just closed on the criteria? Or are we asking
11 the Committee to give us a workplan that would include
12 say a time line and a process for developing those
13 comments? Because I think it's very important what
14 our expectations are. Are we expecting a set of draft
15 criteria coming out of that committee or are we
16 expecting a workplan?

17 The two are very different, obviously.
18 And I think we all -- and that goes for all the
19 committees. Should we, for example in the committee
20 that I'm on, try and come up with a list of who's who
21 of who needs to be coordinated with and consulted
22 with, or are we going to talk about sort of a way to
23 get from here to there and then bring it back?

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1 CHAIRMAN BROMLEY: You want an answer from
2 me. I'm hoping someone will raise their hand and hope
3 to speak. But -- Max, thanks.

4 I will answer, David, and Michael -- I
5 have Max and Michael.

6 MR. PETERSON: Let me just suggest, Mr.
7 Chairman, that about all we can do in the length of
8 time we have is develop some kind of a work program
9 where we have to go. I don't think anybody's prepared
10 to deal with those kind of specifics of things right
11 now.

12 Let me also express a little concern about
13 the idea that the committees meet one right after the
14 other. That takes an enormous amount of time. So I
15 think in the interest of time for these future
16 meetings, you're going to be forced to do concurrent
17 sessions.

18 And let me further say that to me it would
19 be -- let's say a committee's meeting and they feel
20 like somebody else that's on the full Committee has
21 some real significant input, too, that that they'd
22 like to consult with. It seems to me that the
23 committee takes the initiative to consult with

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1 somebody, that's one thing. But just having people
2 roaming around to the different subcommittees I think
3 would be a very messy process and would probably
4 interfere with the work of the subcommittees. After
5 all, the subcommittee products are coming back to us
6 for approval.

7 CHAIRMAN BROMLEY: That's right.

8 MR. PETERSON: Okay. Just some thought
9 for you while you're making up your mind.

10 CHAIRMAN BROMLEY: Yeah. No, thank you.
11 I have Mike and Gil on the queue, so I can -- but I
12 think I like what you said, but let me not commit.

13 So Michael and Gil and then Bob.

14 DR. CRUICKSHANK: Thank you, Mr. Chairman.
15 I think that because there are three distinct
16 committees with three distinct charges here that they
17 should get together and decide what and how they want
18 to handle it, and come back. They're going to have
19 three different -- each one is going to assist the
20 other when we see it in the full Committee.

21 CHAIRMAN BROMLEY: That's right.

22 DR. CRUICKSHANK: But I think they should
23 be individually decided at this time.

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1 CHAIRMAN BROMLEY: Right.

2 DR. CRUICKSHANK: Thank you.

3 CHAIRMAN BROMLEY: Okay. I have Bob.
4 Maybe -- no, I had Gil. I've got two Bobs here. I've
5 got Gil next.

6 MR. RADONSKI: I like the way it's set up.
7 And I agree with what Max said, that you have to have
8 concurrent sessions. And I think we'll have enough to
9 do that people won't float.

10 But one thing, it was stated that we are
11 going to have a member of the staff at each one of the
12 meetings. And I think they ought to be prepared to
13 start the subcommittee meetings off and explain each
14 of the bullets, because some of them are rather
15 cryptic. And I think if we're going to proceed we're
16 going to have to have some elaboration on these
17 bullets.

18 CHAIRMAN BROMLEY: Thank you.

19 Okay, Bob.

20 MR. BENDICK: It looks to me like we've
21 got a little bit of a sequencing problem here.

22 CHAIRMAN BROMLEY: A little bit of a what?

23 MR. BENDICK: Sequencing problem.

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1 CHAIRMAN BROMLEY: Sequencing.

2 MR. BENDICK: The third subcommittee has
3 to finalize the proposed terms and definitions of a
4 classification system. And the first subcommittee has
5 to inventory existing MPAs. It would seem that we
6 ought to have the classification system done for the
7 inventory to work. You're shaking your head no. Why?

8 CHAIRMAN BROMLEY: Wait a minute. Finish
9 your point.

10 MR. BENDICK: Okay. Well, if we're going
11 to have an inventory, it ought to be done in some
12 systematic way and consistent through the way all the
13 subcommittees work. And the definitions and
14 classification system would seem to be the basis for
15 doing that. And it doesn't make sense for two
16 subcommittees to be sort of proceeding independently
17 on something that's connected, as I understand it and
18 the way I read this.

19 So since that's at the top of the list in
20 each of two, it appears we need to sort that out.

21 CHAIRMAN BROMLEY: I'm going to ask Joe to
22 clarify. Then I'd like to make an observation. And
23 then I'll call on Barbara -- Jim Ray.

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1 MR. URAVITCH: You know the inventory
2 process has been underway for two years now. And
3 we're basically collecting information about all of
4 the protected areas in the nation.

5 The classification system is just a means
6 of organizing and sorting that information in
7 different ways. So I mean that's the relationship.
8 You don't need to know what that classification is.

9 And that system is done. We've been
10 working on that for the past year. That's one of the
11 handouts that we have. And that was that value-
12 neutral approach to identifying the different ways of
13 classifying MPAs that was presented at the June
14 meeting.

15 What we're referring to here is more where
16 we go with the next steps in terms of how we move
17 beyond the inventory itself to developing the
18 criteria, for example, for the list that's required in
19 the Executive Order under Section 4 and for
20 implementing by the agencies under Section 5.

21 CHAIRMAN BROMLEY: Could I make an
22 observation and then I would recognize Jim? My
23 observation is that we're tyrannized by the tangible,

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1 if I can coin a phrase. The tangible meaning that Joe
2 and his colleagues at MPA have proposed standing
3 subcommittees. They have, as I would take it in their
4 best efforts, listed a number of things that seem
5 pertinent to that task. And I'm quite reluctant to
6 have us over prescribe and over determine what it is
7 the subcommittees will do.

8 I trust all of you in your smaller groups,
9 which are more effective, to sort of look at these and
10 work them out. There was a request yesterday to have,
11 what, the MPA center prioritize, which is not a word
12 but there it is anyway, prioritize bullets under each
13 category? I hope we don't do that.

14 I would just like to sort of turn you
15 folks loose in small rooms and let you get to work.
16 Sorry. Maybe I'm not allowed to editorialize.

17 But Jim, and then I have -- either have a
18 "yes" or a hand up, I don't know. So, anyway, I've
19 got Jim and then David.

20 DR. RAY: Mr. Chairman, I pass. Mr.
21 Uravitch answered my question.

22 CHAIRMAN BROMLEY: Okay. David.

23 MR. BENTON: Mr. Chairman, I think that

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1 your guidance, I didn't see it as editorializing, I
2 thought it was guidance, and I thought it was very
3 appropriate.

4 CHAIRMAN BROMLEY: It's all free.

5 MR. BENTON: I think that I align myself
6 with the comments of Max Peterson in terms of we're
7 not going to be here developing the specific criteria
8 or that kind of thing. We're looking at work plans.

9 And the only thing I would add, Mr.
10 Chairman, is if there are areas of somewhat of overlap
11 here, that's okay, because it's going to come back
12 here and we can talk about it. And actually diversity
13 is a benefit, so I think that's fine, too.

14 CHAIRMAN BROMLEY: Yeah. Let's not be
15 tyrannized by the MPA Center's efforts to help us get
16 started. It's a wonderful starting point. And you
17 are free to restructure these things. And all you
18 have to do as a subcommittee is come back and get the
19 approval of all of us. That's the way I see this.
20 And it seems to me the sooner we can split up the
21 better.

22 Tundi.

23 DR. AGARY: I just have a quick procedural

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1 question.

2 CHAIRMAN BROMLEY: Yes.

3 DR. AGARY: Is it the same situation that
4 the chair of the subcommittee can participate in the
5 discussion?

6 CHAIRMAN BROMLEY: Well, that sounds like
7 a FACA question. Can the chair of a subcommittee
8 participate in the discussion.

9 MS. GLACKIN: I don't think it's a FACA
10 question, no.

11 CHAIRMAN BROMLEY: I meant kind of a legal
12 thing.

13 MS. GLACKIN: I mean it's a Robert's Rules
14 question, I guess.

15 CHAIRMAN BROMLEY: I would --

16 MR. PETERSON: I guess Dolly's supposed to
17 answer it. The chair can by stepping down from the
18 chair --

19 CHAIRMAN BROMLEY: Yeah.

20 MR. PETERSON: -- and appointing somebody
21 else to take their place.

22 CHAIRMAN BROMLEY: Yeah.

23 MR. PETERSON: They can't engage in motion

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1 or anything else.

2 CHAIRMAN BROMLEY: Yeah.

3 MR. PETERSON: They can't do it from the
4 chair.

5 CHAIRMAN BROMLEY: I guess my preference
6 would be that the chairs of subcommittees have not
7 disenfranchised themselves by agreeing to serve as
8 chair, but I don't know if that's legal.

9 But, my goodness, let's not disenfranchise
10 one out of seven people in a small room.

11 Gil.

12 MR. RADONSKI: Gil Radonski. I assume
13 that will be handled in the reporting process. What I
14 see and is usually handled, when we come back, the
15 chair, the elected chair of the subcommittee will
16 assume the role of chair of the entire Committee
17 before --

18 CHAIRMAN BROMLEY: Before us.

19 MR. RADONSKI: -- before the whole, yes.

20 CHAIRMAN BROMLEY: Yeah, right.

21 MR. RADONSKI: And handle the discussion
22 for his report.

23 CHAIRMAN BROMLEY: Well, they're going to

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1 have a recorder, so the --

2 MR. RADONSKI: Yes, fine.

3 CHAIRMAN BROMLEY: -- recorder can do
4 that. And the chair can sit --

5 MR. RADONSKI: But the chair of the
6 committee --

7 MR. GURNEY: Yeah.

8 MR. RADONSKI: -- retains of the chair of
9 the Committee as a whole during the discussion of that
10 report. That's the way it's usually handled.

11 CHAIRMAN BROMLEY: Well, okay, that's a
12 proposal. Yeah. Okay, just a minute here. Bob
13 Zales, Tony.

14 MR. ZALES: Bob Zales. This is just a
15 suggestion. What you may want to do is when you're
16 doing the chair, similar to what we did on the full
17 Committee, is do a vice chair. And maybe as part of
18 the duties as vice chair, that vice chair will be the
19 reporter.

20 CHAIRMAN BROMLEY: Yeah, yeah.

21 MR. ZALES: And then that way the chair
22 can pass the information --

23 CHAIRMAN BROMLEY: Right.

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1 MR. ZALES: -- to -- or the gavel to the
2 vice chair and then make whatever comment --

3 CHAIRMAN BROMLEY: Yeah.

4 MR. ZALES: -- he or she would like to
5 make.

6 CHAIRMAN BROMLEY: Yeah, that's fine. I
7 don't mind being pushed aside as chair, but neither do
8 I see why it is that we can't just have the
9 subcommittees come back and report. But, you know,
10 gosh.

11 Okay, David.

12 MR. BENTON: Mr. Chairman.

13 CHAIRMAN BROMLEY: I'm sorry, Tony.

14 MR. BENTON: Yeah, Tony was first.

15 Go ahead, Tony.

16 DR. CHATWIN: Thank you, Mr. Chairman.
17 Once again on process, --

18 CHAIRMAN BROMLEY: Yeah.

19 DR. CHATWIN: -- are we expecting motions
20 to be made in these subcommittees and that they're
21 reporting back motions that are reported back to the
22 Committee and that motions that are approved in
23 subcommittee don't require a second when brought to

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1 the full Committee? Or are we just going for an
2 election and a discussion?

3 CHAIRMAN BROMLEY: You can come back with
4 what you want, okay? You may come back with what you
5 wish. I would think at the early stages we are in the
6 trying-to-figure-it-out mode. But if you want to come
7 back with a motion, it will be heard and dispensed
8 with or approved by the whole Committee. Okay.

9 Dolly, is this a parliamentary
10 intervention? Okay, Dolly.

11 DR. GARZA: So the committee could come
12 back with a recommendation. And if they want it
13 approved, then it would require a motion from the full
14 Committee.

15 CHAIRMAN BROMLEY: Yeah.

16 DR. GARZA: So the subcommittee recommends
17 that they have a teleconference, blah-blah-blah, --

18 CHAIRMAN BROMLEY: Yeah.

19 DR. GARZA: -- something like that
20 probably would need a motion because unless it's a
21 funding expenditure then it has to go through Joe or
22 Maggie --

23 CHAIRMAN BROMLEY: Yeah.

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1 DR. GARZA: -- or money, who does
2 everything. But if it's something that we would
3 support then someone else in the Committee would say
4 we move to support the recommendation of the
5 subcommittees.

6 CHAIRMAN BROMLEY: Okay. I have -- David.

7 MR. BENTON: Thank you, Mr. Chairman. Two
8 points. One is just to remind us of our conversation
9 that we had yesterday on the operation of these
10 subcommittees. We wanted them to be sort of perhaps
11 not as bound by the constraints, like we had the
12 discussion about are we going to require them to use
13 Robert's Rules of Order. And this gets to your point
14 --

15 CHAIRMAN BROMLEY: Yeah.

16 MR. BENTON: -- about how they should
17 operate. And I think from my perspective they should
18 try and have a reasonable and open dialogue amongst
19 themselves and try and get a product, and figure out
20 how to do that the best they can.

21 And if they establish a chair to run the
22 committee, that chair, given your interpretation,
23 which I support, should be available and free to enter

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1 into the dialogue remembering that they are not to
2 dominate the dialogue. Their job is to foster a
3 dialogue.

4 My understanding going to the second part,
5 which is what Dolly, I think, was speaking to, is the
6 committees are supposed to come back to us with a
7 recommendation and a report. Now further action other
8 than report would require some action of endorsement
9 from this body. They may be: Great, fine. We don't
10 need to have a motion, depending on the magnitude of
11 what comes out of it. Or: Maybe we move to adopt the
12 workplan by the subcommittee, or something like that.
13 But we don't know what that's going to look like yet.

14 CHAIRMAN BROMLEY: Thank you.

15 MR. BENTON: I think that's correct. Am I
16 correct, Mr. Chairman, or Dolly?

17 CHAIRMAN BROMLEY: I think so.

18 MR. BENTON: Okay.

19 CHAIRMAN BROMLEY: Bob, you had your hand
20 up.

21 MR. ZALES: I'm okay.

22 CHAIRMAN BROMLEY: Okay. I'd like to
23 repeat that it seems to me breaking into subcommittees

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1 is a chance for us to get down to the level of
2 substantive conversation.

3 And while I can't say that I don't want
4 you bringing motions at 10:45, or whenever we come
5 back together, it would be my hope that there's no
6 rush to motions, that there is a framing. There's a
7 conversation about how you see your tasks. And I
8 think as David said, and others, that the
9 subcommittees come back and they say to the full
10 Committee: Gosh, this is how we interpret our mandate
11 or this is how we interpret our writ. This is what we
12 think is expected of us by you folks; is that right or
13 wrong?

14 And that at this early going we're trying
15 to get our feet under us and figure out what each
16 subcommittee is going to contend with.

17 The thing I think we do not want to do is
18 rush too quickly to motions that in a sense presume
19 the work that needs to be done before we're ready to
20 have motions. So this is sort of a plea to go out and
21 talk and figure out what you think and come back at
22 10:45 and share with the rest of us what you're
23 thinking about.

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1 Are you ready to break up? Okay. Carol.

2 MS. DINKINS: Carol Dinkins. Would you
3 remind people, please, to take their name plates?

4 CHAIRMAN BROMLEY: Yeah. Take your name
5 plates.

6 Okay.

7 MR. [SPEAKER]: Where do we go to?

8 CHAIRMAN BROMLEY: Okay, where do you go.

9 We have three rooms: Powell, Geary and Post, after
10 three illustrious people in history. Let's just do
11 it: Group 1 goes to the Powell Room. They are
12 breakout rooms on this level, past registration. I
13 think that means around that way (indicating). I'm
14 not sure, but...

15 On this level past registration, so group
16 1 goes to Powell. Group 2 goes to Geary. And group 3
17 goes to Post.

18 And we should be back here at what time?
19 10:45. And the agenda calls for a break I think
20 somewhere in there, at 10:30. Feel free to keep
21 working, whatever. You may take a break or not, but
22 we will be back here at 10:45.

23 Thank you very much and do good work.

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1 (Meeting recessed into subcommittee
2 meetings at 9:30 a.m. and resumed at 11:10 a.m.:)

3 CHAIRMAN BROMLEY: Open our meeting and
4 recess it, but I think can call us back to the table.

5 So I'm doing that. Since we didn't go into recess,
6 please let's get moving.

7 We now are at ten past the hour. We will
8 stop at noon so that we reserve and recognize our
9 guests' time schedule and so on. So what we're doing
10 is eating into the reporting time, which is fine
11 because this is not the last time you will have to
12 report.

13 My sense is that these are provisional
14 feedback opportunities from each of the three groups.

15 And we should treat them in that way, if that's okay
16 with you.

17 So the groups 1, 2 and 3, number 1 -- I'm
18 going to shorthand them as the National System; group
19 2 is the Effectiveness of MPAs, which encompasses
20 stewardship; and the third group is National/Regional
21 Coordination, so we have nice sort of thinking about
22 the national system. Are they effective and what is
23 the regional/national coordination issues that arise.

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1 So I'm going to ask group 1 to share with
2 us through their recorder or their chair, as they
3 wish, what they accomplished. Who's group 1? Who's
4 the responsible official for group 1?

5 DR. HIXON: I have the notes.

6 CHAIRMAN BROMLEY: Michael.

7 DR. HIXON: I'm here.

8 CHAIRMAN BROMLEY: You're Mark?

9 DR. HIXON: Yes.

10 CHAIRMAN BROMLEY: Okay. You are -- who
11 are you, Mark?

12 DR. HIXON: So --

13 CHAIRMAN BROMLEY: Are you the recorder or
14 the chair?

15 DR. HIXON: I am Mark Hixon. I was --

16 (Laughter.)

17 CHAIRMAN BROMLEY: Well, we know that
18 much, but I mean --

19 DR. HIXON: I was elected ad hoc chair of
20 this ad hoc committee.

21 CHAIRMAN BROMLEY: Yes. And ad hoc
22 reporter.

23 DR. HIXON: Tundi Agary is the recorder.

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1 CHAIRMAN BROMLEY: I see.

2 DR. HIXON: And Steve Murray will be
3 taking her place tomorrow because she won't be here.
4 So Tundi handed me the notes so I guess I'm going to
5 report.

6 CHAIRMAN BROMLEY: Okay.

7 DR. HIXON: It was very clear that
8 subcommittee number 1 has an incredibly difficult task
9 in front of it. Our first order of discussion was to
10 ask Charlie Wahle to describe exactly how the three
11 subcommittees were formed in Joe's memo as well as to
12 explain each of the bullets under this subcommittee
13 and identify really what the priorities are.

14 If you examine the bullets you'll see
15 there are some fairly nebulous, broad, sweeping items
16 as well as some very fairly specific items that are
17 more in the role of gathering information and
18 organizing that information.

19 The key focus of our discussion had to do
20 with the primary need that Charlie identified, and
21 that was to examine very clearly an overview, a
22 conceptual plan of a national system of MPAs. Exactly
23 what is the overall vision, if you will, the criteria,

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1 the design, the process for taking an image of a
2 national system of MPAs and making it tangible.

3 We spent the rest of our time essentially
4 sharing our world views on this onerous task. And a
5 variety of things were put on the table. Our intent
6 after the break is to become more tangible and
7 specific. But there were a number of concerns that
8 different people expressed. And if I don't get your
9 pet concern on the table, please raise your hand.

10 There was talk about examining the
11 effectiveness of existing MPAs with quite a bit back
12 and forth on exactly what's possible and what's not
13 possible. Clearly an impossible task to do all
14 existing MPAs and exactly how far one could go was a
15 matter of question; perhaps separating that from this
16 idea of then, after examining what we have out there
17 now, what is going to be an overall vision.

18 The primary discussion had to do with this
19 overall world view that people had. Very important
20 was distinguishing the goals: What are the specific
21 goals of a national system. What are the various
22 goals; do they conflict, how they overlap. Things of
23 that sort.

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1 There was a philosophical discussion
2 regarding the trade-off between practicality on one
3 hand not becoming too esoteric, then sort of woo-woo
4 visionary, versus a more idealistic, ambitious approach
5 on the other hand. And there's clearly common ground
6 that needs to be found still on that particular issue.

7 It was brought up that MPAs should be
8 considered in the context of alternatives to MPAs for
9 some types of management decisions, especially as they
10 relate to fisheries. And quite a bit of discussion
11 regarding a threats analysis, that is it's one thing
12 to simply gather information that now exists in the
13 inventories, but then to overlay on top of that
14 exactly where the needs are in terms of how our marine
15 resources are currently threatened.

16 So I'm not sure if I hit on everything,
17 but that's my gist of the discussion as it now stands.

18 It was very free-wheeling at this point,
19 just getting people's views out on the table and
20 everyone did emphasize their intent that we become
21 much more explicit and tangible after the break.

22 CHAIRMAN BROMLEY: Wonderful. We have 15
23 minutes for each group. That's very concise, Mark.

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1 Thank you.

2 I guess my proposal would be that we have
3 -- we have ten minutes. And do you want to -- in
4 order to keep it moving, why don't we just, rather
5 than arguing what they've said, let's have a
6 discussion about clarification. People want to say
7 why didn't you raise this, why did you raise that.
8 But is that acceptable?

9 So are there reactions to this report from
10 group number 1? Rod.

11 DR. FUJITA: Thank you, Mr. Chairman.

12 Mark, I'm curious to know whether your
13 group floated any visions for what would distinguish a
14 national system of really managed areas or MPAs from
15 the current array?

16 DR. HIXON: There was some discussion of
17 that in not very specific terms, but it was certainly
18 a national system is not simply inventorying what
19 presently exists and saying that's our national
20 system. But rather looking explicitly at alternative
21 goals and within each goal examining what is presently
22 there and how it addresses those particular goals,
23 particularly in terms of threats and the desired

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1 outcome for the good of the nation.

2 So my sense was that it will be a matter
3 of taking what presently exists, examining it
4 carefully, which none of us have yet done, and
5 overlaying then on top of that the goals and the
6 threats as well as alternative approaches.

7 CHAIRMAN BROMLEY: Tony Chatwin.

8 DR. CHATWIN: Thank you, Mr. Chairman.

9 Just pointing to a clarification, when the
10 group discussed goals and objectives, were those site-
11 specific goals or were they goals and objectives for
12 the national system?

13 DR. HIXON: We didn't get that explicit.
14 Certainly there's three general categories of goals
15 that all discussions have been based on. The
16 inventory itself identifies those goals for each
17 specific MPA, but we haven't gotten to a general
18 discussion about specific versus general.

19 I believe that certainly when we're
20 talking -- this is now just me speaking -- we're
21 talking about a national system, presumably when one
22 is discussing a national system we're talking about
23 linkages among specific components. And at that point

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1 specific goals must be examined holistically, in terms
2 of how the overall system works at least regionally.
3 But we haven't gotten that far yet.

4 DR. CHATWIN: Thank you.

5 CHAIRMAN BROMLEY: If I may ask a
6 question. You mentioned your first point,
7 effectiveness of existing MPAs. Was there a
8 discussion that there is a subcommittee number 2 that
9 deals with stewardship and effectiveness? I mean how
10 did you think about this?

11 DR. HIXON: There was some discussion
12 about the fact that we could take this primary charge
13 of this subcommittee and sort of subsume all the other
14 subcommittees, and that certainly wasn't what we
15 wanted to do.

16 CHAIRMAN BROMLEY: We saw evidence of that
17 this morning when everybody wanted to be on number 1.

18 DR. HIXON: So when it was brought out and
19 agreed to that we really very much need to partition
20 what this subcommittee's going to do versus the other
21 two and effectiveness was seen as very problematic in
22 terms of the amount of work involved. And I
23 personally would just as soon hand it off to another

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1 subcommittee.

2 CHAIRMAN BROMLEY: Okay. I think I have
3 David and then I have Tony. Did you have your hand up
4 again, Tony?

5 DR. CHATWIN: No.

6 CHAIRMAN BROMLEY: No, okay. David.

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

8 Mark, in the context -- what I'm
9 struggling with in terms of framing this question is
10 how to get it exactly right. What I'm interested in
11 is the context within which you discuss what a
12 national program should look like. And I'm assuming
13 that you did it within the context of existing
14 authorities and existing -- authorities both to
15 designate and existing authorities to regulate, and
16 how you would take those existing authorities and try
17 and see how they integrate or don't?

18 Or were you more theoretical than that and
19 sort of talking about, well, maybe we need to have new
20 authorities or legislative mandates, or something like
21 that? Sort of the context here.

22 DR. HIXON: Yes. The agreement was that
23 the reality is that the existing authorities will

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1 continue to be the relevant authorities. There was no
2 discussion of we're now going to start a new agency in
3 the federal government, or something like that.

4 The practicalities are that there are
5 multiple authorities that now are in place and they
6 will continue to be in place.

7 CHAIRMAN BROMLEY: Other questions for
8 this group?

9 Do you feel you have more work to do this
10 afternoon?

11 DR. HIXON: We really didn't get started.

12 CHAIRMAN BROMLEY: You need any guidance
13 in what you might do this afternoon?

14 DR. HIXON: I'm sorry?

15 CHAIRMAN BROMLEY: Do you need any
16 guidance? I mean do you want any other feedback or
17 you know where you're going?

18 DR. HIXON: My belief is that our
19 subcommittee is well rounded in the stakeholder groups
20 that are represented. Everyone is speaking and I'd
21 like to just go back to my subcommittee and start --

22 CHAIRMAN BROMLEY: Keep going.

23 DR. HIXON: -- working some more.

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1 CHAIRMAN BROMLEY: That's music to my
2 ears. Wonderful.

3 Okay. Group number 2, which I understand
4 concerns the Effectiveness, Stewardship and
5 Effectiveness of MPAs.

6 MR. PEAU: I was drafted as the ad hoc
7 chair for group number 2.

8 CHAIRMAN BROMLEY: Okay. Lelei, okay,
9 good.

10 MR. PEAU: I will give an abbreviated
11 version of our report, then maybe defer to our
12 rapporteur for more detail.

13 CHAIRMAN BROMLEY: Okay.

14 MR. PEAU: Our group, we open up with just
15 a general discussion of the issue, to allow all the
16 participants to provide their perspective or
17 interpretations of our assignment.

18 We found it very interesting that there
19 are a lot of overlapping and parallel in each of the
20 members. I'd like to highlight three elements or
21 processes that we have gone through.

22 One of the key factors in assisting for us
23 to move forward with our group discussions, the notion

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1 of a budget did come up as one of the key elements to
2 determine the level of staff support that is available
3 to assist our subcommittee. The ability to meet as a
4 group. We decided to request this funding to our
5 general members, a breakdown of the detailed budget
6 from each of the member federal agencies that are a
7 party to this Executive Order.

8 This will then allow us to determine the
9 level of participation from each of the members, but
10 also really to help assist with our workplan.

11 Our group also has categorized the eight
12 bullets under subcommittee 2. We agree that the two
13 major key categories are stewardship and
14 effectiveness. We also decided that as a guiding or
15 working principle for our group, that for any of the
16 MPA to become a part of the national system that we
17 had to come up with some specific criteria so that
18 there's some uniform or consistency throughout.

19 We recognize that each of the site-
20 specifics are different in terms of their goals and
21 objective, but in order to assist the National System,
22 we have to highlight some of the important or some of
23 the key elements that make each of these jurisdictions

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1 unique. I think there's great value or significant of
2 looking at the -- looking at site specific and extract
3 some of what's important.

4 We also have highlighted the assessment
5 report that was conducted a year or two ago. We
6 didn't really get into details on the specifics of the
7 report, but we did ask for some guidance in terms of
8 what are some of the caps or some of the problems that
9 require some either resolutions or some response from
10 our committee.

11 Definitely I think there is a lot of work
12 that needs to be done, but this is just some of the
13 highlights or some of the framework that we have
14 decided as a group, as I said, we categorized into
15 those two groups. The budget is certainly a
16 significant component to our future meetings.

17 We also decided on the next meeting of our
18 working group, but I would not reveal that until we
19 know the budget.

20 CHAIRMAN BROMLEY: You're not blackmailing
21 us, are you? Okay, is that it?

22 MR. PEAU: Yes. Yes. I'd also like to
23 open up to our members if there's --

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1 CHAIRMAN BROMLEY: Yes.

2 MR. PEAU: -- anything they'd like...

3 CHAIRMAN BROMLEY: Are there others in
4 group 2 who wish to elaborate on what was said? Tony.
5 Hand up, Bonnie.

6 VICE CHAIR McCAY: Bonnie McCay. I will
7 do this as recorder.

8 CHAIRMAN BROMLEY: Yes.

9 VICE CHAIR McCAY: I think that the
10 essence has already been communicated with you, but I
11 want to share that one thing is that the tasks that
12 are outlined here in the document that Joe had
13 prepared for us are those that come from the Center's
14 own tasks.

15 And I think we agreed that it was
16 important, and Ginger certainly was part of this
17 discussion, that it was important for us as a
18 committee to provide broader thinking and to be able
19 to add value to what the Center is doing. The Center
20 certainly has its own fairly clear delimited mandate,
21 but we felt we should not be constrained by that and
22 that in not being constrained we would actually help
23 the Center meet its goals.

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1 And, secondly, that in relationship to
2 that, although much of the work that goes on, the
3 training work, for example, is focused on individual
4 sites and how they meet their objectives and how they
5 can do a better job being effective. Several people
6 felt it was very important that we think about
7 effectiveness not simply in that regard but also in
8 relationship to the larger system.

9 And then there was other, I thought, a
10 very important and interesting discussion about the
11 parallels with and the intersection with the
12 developing ocean observing system. And there were
13 some lessons to be learned that we discussed in that
14 way.

15 In addition, we also agreed upon a working
16 assumption about what a national system might be. I
17 think that was helpful to us as a committee to be able
18 to move ahead.

19 And I think that covers the rest of my
20 notes. Thank you.

21 CHAIRMAN BROMLEY: Wonderful. Other
22 questions from the full Committee? Yes, Michael
23 Cruickshank.

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

2 I was just curious about what your
3 assumptions were on the working National Committee.

4 VICE CHAIR McCAY: Perhaps Rod can express
5 that.

6 DR. FUJITA: I'd be happy to. Thank you,
7 Bonnie.

8 For the purposes of trying to get a grip
9 on how to assess the effectiveness of the current
10 array of managed areas as opposed to a system, which
11 implies some sort of systematic array with systemwide
12 goals, we decided to assume that the language in the
13 Executive Order that characterizes the system means to
14 us; that the system would include a representative of
15 habitats in each of the nation's biogeographical
16 zones.

17 That these remanaged areas would have
18 ecological connectivity. That they would have an
19 improved stakeholder-involvement component. Those I
20 think were the three main elements of our working
21 assumption.

22 CHAIRMAN BROMLEY: Thank you, Rod.

23 Yes, Terry O'Halloran.

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1 MR. O'HALLORAN: I would just like to add,
2 Rod, that I think one of the things we were talking
3 about too in the stakeholder involvement is that
4 included the cultural aspect too, which I think is
5 something that we wanted to emphasize.

6 CHAIRMAN BROMLEY: Good. Thank you.

7 Other elaborations or questions?

8 Wonderful. Are you ready to hear from --
9 oh, yes, Gil.

10 MR. RADONSKI: I'm sorry to jump in so
11 late, Chairman.

12 CHAIRMAN BROMLEY: That's all right.

13 MR. RADONSKI: One of the things we talked
14 about in there a point, though, is of concern to me,
15 we talked about outreach. As you will see, it's
16 included in one of the bullets. And we wanted to
17 emphasize the committee, subcommittee agreed that we
18 would refer to it as interactive outreach.

19 We need programs that work both ways. We
20 not only need to talk to the constituents, but we need
21 to have a feedback system. So we agreed that when we
22 talked about outreach it would be interactive
23 outreach.

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1 CHAIRMAN BROMLEY: Very good. Thanks,
2 Gil.

3 Other questions.

4 Okay, gosh, group 3. Who's the
5 responsible party here? Mel. Mel Moon. Are you the
6 chair, Mel?

7 MR. MOON: I am the chair.

8 CHAIRMAN BROMLEY: All right.

9 MR. MOON: Thank you. Our group met. We
10 had --

11 CHAIRMAN BROMLEY: This is
12 National/Regional Coordination. Excuse me, Mel.

13 MR. MOON: Right. This is the
14 National/Regional Coordination of MPA Efforts
15 Subcommittee.

16 We began -- well, first off, let me
17 introduce that Mike Nussman is the vice chair of our
18 committee as well. And I welcome any of our committee
19 members to join in.

20 Our group started out with a discussion
21 through Joe Uravitch on the points that were in the
22 paper that were provided. He was able to give us some
23 of his thoughts and insights as to the issues

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1 involved, in particular, the listing in the criteria.

2 We talked a little bit about Section 5 of the
3 Executive Order and what it really means.

4 We also talked about the -- Joe also
5 indicated that there was a value in removing such
6 issues as the reference to reserves or sanctuaries or
7 parks, and to get clearer criteria on what an MPA is.

8 We talked about the public outreach, and
9 one of the tools being the website. We talked about
10 the Fishery Management Council. Some of them had been
11 approached with the work that had been done with the
12 Center, in particular the Pacific Fishery Management
13 Council, the New England Council and the South
14 Atlantic. We also talked about the emphasis for
15 adding culture into the outreach as well.

16 Then we got into more substantive type of
17 discussions with the focus on federal interagency
18 involvement in defining purpose. There were a couple
19 approaches that we were looking at in terms of the
20 outreach, one from the MPA center and the other one
21 from individual ongoing processes. And this was part
22 of the dialogue that was ongoing in our forum.

23 We were advised that the -- the federal

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1 agencies were having monthly interagency meetings on
2 marine managed areas as a regular part of internal
3 discussions.

4 The other point that we were focused on
5 was the need to have substance as the most important
6 goal rather than process for federal involvement. Key
7 issues for the committee included outreach and
8 coordination issues; how to foster interagency
9 coordination; and the possibility of regional
10 workshops.

11 We had a couple of examples of other
12 processes that were ongoing in terms of interagency
13 concerns. One was the coordination of EPA in regards
14 to oil spills and the coordination with managers to
15 protected areas. Another example was the activities
16 that were happening in the Florida Keys in terms of
17 multi-agency work that had gone on in that area as
18 examples.

19 The three goals and objectives I think
20 with the limited time that we had to set some
21 direction, although I think we needed a lot more
22 discussion was to advise the Center on outreach and
23 coordination and the distribution of classification

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1 systems and related issues, again to foster
2 interagency coordination; and the responsibilities of
3 those different areas.

4 And then a third issue was a goal and
5 objective was the consumptive and nonconsumptive
6 issues, making sure that was included in the outreach
7 platforms.

8 So I think the last part was that we were
9 more aware that there was a Federal Register on the
10 listing that was out and published. We had some kind
11 of trailing discussion on the need to get more up to
12 speed on exactly what that has and what that says.
13 And with that I think we were interested in regrouping
14 and having further discussions.

15 CHAIRMAN BROMLEY: Wonderful. Thank you,
16 Mel.

17 MR. MOON: Um-hum.

18 CHAIRMAN BROMLEY: Mike, do you want to
19 add anything to that?

20 MR. NUSSMAN: I think the chairman handled
21 it very well. Thank you.

22 CHAIRMAN BROMLEY: Good. Questions,
23 clarifications? Yes, Michael Cruickshank.

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1 DR. CRUICKSHANK: Thank you, Mr. Chairman.
2 Michael Cruickshank. This Federal Register
3 publication, is it possible to get a copy of that to
4 each of the committees?

5 MR. [SPEAKER]: We can provide that. We
6 don't have it here; we can provide it.

7 CHAIRMAN BROMLEY: The answer was they
8 don't have it here, but it can be provided. And it's
9 posted on the website; is that correct?

10 It is at mpa.com -- .gov. Well, maybe
11 it's closer to .com than you know, though.

12 (Laughter.)

13 CHAIRMAN BROMLEY: I dread that that's in
14 the record now, but...

15 Gil.

16 MR. RADONSKI: Thank you, Chairman. The
17 point I want to raise again is about outreach. And
18 since it spreads across more than the subcommittee I'm
19 part of, subcommittee 2, I guess it would fall into
20 the classification of definition. And I would hope
21 that for the purpose of the Committee as a whole when
22 we talk about outreach that it is understood that it's
23 a two-way street and that it's interactive outreach.

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1 CHAIRMAN BROMLEY: Good. Thank you.
2 Maybe we need a better word than "outreach" because it
3 does signify a one-way flow and keep realizing that
4 it's communication and interaction, isn't it. It must
5 be both ways. And "outreach" sounds one way.

6 Joe.

7 MR. URAVITCH: Joe Uravitch. Just one
8 small point of clarification. The monthly interagency
9 meetings that have been taking place routinely are
10 solely related to the inventory process. We have not
11 moved into re-establishing the full federal
12 interagency working group yet. That's something we
13 discussed two weeks ago when we convened the federal
14 agency ex-officio member. So we hope to move forward
15 soon on re-establishing the full federal interagency
16 working group.

17 CHAIRMAN BROMLEY: Thank you.

18 Bonnie.

19 VICE CHAIR McCAY: With respect to the
20 outreach discussion, we also had -- and thanks for
21 reminding us, Gil -- discussed the importance of
22 inreach. And I think that's relevant to committee
23 number 3's work as well as our own. Important in

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1 recognizing that agencies, the local groups that are
2 involved in MPAs and so forth are all stakeholders.

3 CHAIRMAN BROMLEY: Thank you.

4 Other points, clarification, questions?
5 Steve, yeah. Thank you. Steve Murray.

6 DR. MURRAY: This may be slightly
7 peripheral, but was there any discussion of EPA's
8 involvement in this process? I think it's something
9 that we should certainly capture as a group. This is
10 our second meeting, and I don't know that we've seen
11 what we asked for or think we might need from EPA.

12 MR. MOON: Actually there was a specific
13 example of its relationship to oil spills and the
14 agency's, I think, its absence or need to be brought
15 in. So, yes, it was brought in.

16 CHAIRMAN BROMLEY: Okay. I have Rod,
17 Michael, and Jim Ray.

18 DR. FUJITA: Thank you, Mr. Chairman. I
19 just add on that point that in our subcommittee on
20 Stewardship and Effectiveness, we explicitly
21 considered that to truly evaluate the effectiveness of
22 an MPA site or system, it's necessary to consider all
23 the threats including those under the purview of EPA

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1 and other agencies. So it's just not fishing, it's
2 not just extraction. It's a comprehensive assessment
3 of all the threats.

4 CHAIRMAN BROMLEY: Thank you.

5 Michael.

6 DR. CRUICKSHANK: This is a matter of
7 semantics. Mr. Chairman, on outreach and inreach,
8 what about cooperation, which implies a little bit
9 more than just coordination.

10 CHAIRMAN BROMLEY: Thank you.

11 Jim Ray and then Wally.

12 DR. RAY: Yes. Jim Ray. Mr. Chairman,
13 just as a point of clarification, with regards to
14 marine oil spills EPA has a minor role in that. That
15 is under the purview, under the Coast Guard with NOAA
16 as the science support coordinator for that. EPA is
17 the lead authority per farm land and freshwater spills
18 above the high-tide mark. So in marine spills we have
19 very little interface with EPA. It's primarily with
20 the other agencies.

21 CHAIRMAN BROMLEY: Thank you for that
22 clarification.

23 Okay. Wally and then Tony.

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1 DR. PEREYRA: Following up on Steve's
2 comment about EPA, I was wondering if the Corps of
3 Engineers should also be somehow identified at some
4 point in time in interagency coordination, because
5 they certainly do have the potential for affecting an
6 effective MPA system.

7 CHAIRMAN BROMLEY: Does anyone want to
8 touch that one? Joe.

9 MR. URAVITCH: Yes. Actually at the first
10 meeting of the federal ex-officio members we discussed
11 what agencies were missing, and the Corps of Engineers
12 was on that list of agencies we thought needed to be
13 there.

14 MR. [SPEAKER]: What others were?

15 MR. URAVITCH: I'm trying to remember. I
16 could see you were going to ask that question.

17 CHAIRMAN BROMLEY: While you're trying to
18 remember let's go to Tony. Yeah, Tony Chatwin.

19 DR. CHATWIN: Thank you, Mr. Chairman.
20 Just on the issue of EPA, in my experience in New
21 England EPA Region 1 has acted on the Executive Order.
22 And they were revising the regulations in Section 403
23 of the Clean Water Act, which is a section which

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1 permitting is granted to offshore drilling sites.
2 There is a section there that talks about special
3 aquatic areas. So EPA has the authority to designate
4 boundaries in marine environments and they can
5 regulate the water quality standards.

6 And that's my understanding of it. I'm
7 not a lawyer, but -- so I think I look forward to
8 having the Executive Order member of the EPA here
9 because I think it is one authority that needs to be
10 represented.

11 CHAIRMAN BROMLEY: Fine. Thank you.

12 DR. CHATWIN: Thank you.

13 CHAIRMAN BROMLEY: Joe.

14 MS. ERNST: In addition to the Corps of
15 Engineers, other agencies that were recommended to
16 join the working group were NASA, the Department of
17 Health and Human Services, and the Department of
18 Education.

19 CHAIRMAN BROMLEY: Okay. Other questions,
20 comments?

21 So how do you feel about how we're doing?
22 Are we doing okay? Is this structure serving you
23 well? Go back, and we're going to have a lunch, but I

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1 mean was this reporting protocol acceptable to
2 everyone? Are we doing all right?

3 Okay. You just bought yourself a "yes."

4 Tundi, yes. Oh, lots of points. Okay,
5 Tundi, Wally. I knew I shouldn't ask a question, but
6 there it is. Yes, Tundi.

7 DR. AGARY: Tundi Agary. I may be out of
8 line, but I actually wanted to take advantage of the
9 whole group being together now. And there was a
10 little bit of pause. I was afraid you were going to
11 say we could break early.

12 CHAIRMAN BROMLEY: I was going to say
13 that.

14 DR. AGARY: Well, good, then I had good
15 intuition. But I just wanted to bring up a point that
16 was discussed in the Agenda Committee some phone calls
17 ago, which was the usefulness of providing the
18 Committee, the full Committee with a recommended
19 reading list so that we all had an equal basis of
20 knowledge from which to move forward. And we dropped
21 that idea because we realized it was going to be
22 complicated enough to get the Committee together to
23 elect a chair and so forth.

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1 But I would like to encourage the chairmen
2 to ask the MPA Center to begin to assemble lists and
3 maybe, I don't know what the protocol for such a thing
4 would be, but maybe the thing to do is to develop a
5 draft list and send it around to the Committee Members
6 and have Committee Members comment and add or subtract
7 from that list and get to some consensus on what a
8 primer on marine protected areas would be, including
9 the most recent updates coming out of the MPA Center.

10 CHAIRMAN BROMLEY: Okay. Thank you.

11 Wally Pereyra.

12 DR. PEREYRA: Thank you, Mr. Chairman.
13 Wally Pereyra. One of the areas in our subcommittee,
14 which I think we identified late on the process is the
15 fact that we --

16 CHAIRMAN BROMLEY: You're in group 2,
17 Wally?

18 DR. PEREYRA: Group 1.

19 CHAIRMAN BROMLEY: 1. Sorry.

20 DR. PEREYRA: 1. -- that we had differing
21 concepts on what an MPA was, what a system was, and so
22 forth. And this gave us an incongruent base from
23 which to develop our framework and so forth.

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1 I see the same kind of discussion still
2 sort of weaving itself insidiously within our overall
3 Committee. And I think it would help us maybe at
4 lunch, if not sooner, to think about how we want to
5 deal with this, because I think that is really a
6 generic issue that we have to collectively come to
7 some agreement on so that we all are coming from the
8 same base. I think it's going to be very important.

9 CHAIRMAN BROMLEY: Thank you. Thank you.

10 Lelei and then Tony and -- David, did your
11 hand go up? Tony, are you... Lelei, go ahead.

12 MR. PEAU: Chairman, I have a question, if
13 this is the right time to bring this issue, but I
14 think it is really important as we move forward with
15 our work. And I'd like to draw the attention on the
16 report that was done by the Center on the need
17 assessment.

18 Now I do not want to disqualify the hard
19 work and the efforts, and I hope it's an oversight.
20 But going through the report and the formulations, I
21 think it's important that we need to validate. And in
22 order to validate a report you've got to have fair
23 representations of the stakeholders and the people

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1 throughout the region.

2 Now the islands have been known for
3 hundreds of years for their leadership and their
4 commitment as well as cultural values, which I think
5 is a major cap and is missing from the need
6 assessment. And it was really difficult for some of
7 us involved in group 2 to sit through the exercise
8 that we have just completed and then look through the
9 report there. There's no representation or no
10 recognizing of those cultural and traditional
11 practices that has been occurring for centuries.

12 So through you, Mr. Chairman, that to
13 ensure or to direct the Center to ensure that there is
14 fair representations on all the work, on all the
15 future works, which I think is an element that needs
16 to be kept, sir. Thank you.

17 CHAIRMAN BROMLEY: Thank you. We will
18 make sure we pay attention to this.

19 Maggie, Joe. Tony.

20 DR. CHATWIN: Thank you, Mr. Chairman.
21 I'd like to respond to your question. I personally
22 like the structure that we are following, but I think
23 that we need to think as a committee and I'm agreeing

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1 with Wally that we need to talk about what is a
2 National System of MPAs. Because a lot of the work
3 within the committees is going to result from -- or be
4 shaped by that definition. And I think that's
5 something we need to do outside of that committee
6 structure or we have to have a mandate for each of the
7 committees to come up with a definition. And then --

8 CHAIRMAN BROMLEY: Okay.

9 DR. CHATWIN: -- hash it out.

10 CHAIRMAN BROMLEY: Let me ask you a
11 question, if I may be allowed to do so. You mean
12 rather than your group proposing to the full Committee
13 what a national -- what it means when you talk about a
14 National System, you'd rather have the full Committee
15 tell you what -- give you the guidelines for that; am
16 I understanding your question?

17 DR. CHATWIN: No. What I think we need to
18 do is have a gameplan to address the question of what
19 is --

20 CHAIRMAN BROMLEY: A National System.

21 DR. CHATWIN: -- a National System.

22 CHAIRMAN BROMLEY: All right.

23 DR. CHATWIN: Fine with any structure that

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1 the Committee agrees to, but I think we need to have a
2 specific mandate to deal with that issue.

3 CHAIRMAN BROMLEY: Okay. Dave and then I
4 have Terry O'Halloran I think, and then Bob. Just a
5 minute. Now wait a minute. Dave, Terry. Let me make
6 sure I have -- everybody's hand went up all of a
7 sudden. Dave will be next, then Terry and now Michael
8 Cruickshank and I believe there's another hand up.
9 Max and Dan Suman. Other hands went up that I might
10 have missed.

11 Okay, I knew we wouldn't break early.
12 Dave.

13 MR. BENTON: I'm going to pass, Mr.
14 Chairman.

15 CHAIRMAN BROMLEY: You're going to pass.

16 MR. BENTON: Yup.

17 CHAIRMAN BROMLEY: Terry O'Halloran.

18 MR. O'HALLORAN: Yes. Thank you. I think
19 that what Tony brought up is a real good question
20 about how the committees work with each other. In my
21 mind it's a sequential question, that there are
22 certain things that our committee in terms of
23 Effectiveness --

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1 CHAIRMAN BROMLEY: Which one are you on,
2 please?

3 MR. O'HALLORAN: I'm on number 2.

4 CHAIRMAN BROMLEY: On number --

5 MR. O'HALLORAN: On Stewardship and
6 Effectiveness.

7 CHAIRMAN BROMLEY: Yeah.

8 MR. O'HALLORAN: -- that knowing what the
9 goals of the National System are would be something
10 that we need, as Tony said, that we need in order to
11 address how we could effectively measure.

12 So there may be some other sequential
13 issues that these committees might need to look at to
14 let the other committees know so that we don't, I
15 guess, get on top of ourselves, that we're doing
16 things in a logical, effective way, and we eliminate
17 as much overlap, that there is some, but we eliminate
18 as much as possible.

19 CHAIRMAN BROMLEY: Thank you.

20 Okay, I have Michael Cruickshank, then
21 Max.

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

23 There was a point that was brought up in our

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1 committee that was not projected by the report and was
2 overlooked, I think. That was the question of the oil
3 and gas leases.

4 Now it's been reported in this document
5 here in the classification as the question has been
6 raised, and I would just like to re-raise it. That
7 the taking of nonrenewable resources for commercial
8 gain in the classification as a potential liable
9 extractive activity. And this is basically a question
10 that needs to be resolved somewhere, probably by the
11 Department of Interior, to whether they want to
12 totally exclude the oil and gas leases or to include
13 them. Because every oil and gas lease has an
14 environmental attachment to it. Before issuance of an
15 oil and gas lease, there has to be an environmental
16 impact statement released in the IA to bypass that
17 issue.

18 But there are hundreds if not thousands of
19 volumes now of environmental reporting on these
20 leases, which are a tremendous database of
21 environmental issues.

22 And the other thing that came up was that
23 if we could produce an easily-readable directory in a

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1 matrix form or something like that of all the existing
2 MPAs, which would be something to which we could defer
3 quickly to see which category of anything was
4 important.

5 CHAIRMAN BROMLEY: Okay.

6 DR. CRUICKSHANK: And the response was
7 that this would be a mammoth task at this stage. And
8 it was my thought that, hey, NNS has authority to do
9 many things with oil leases and perhaps they could --
10 it could be suggested to them, that they put the
11 pressure on the states to produce these data for use
12 by the MPAs to put together such an index or a matrix.

13 CHAIRMAN BROMLEY: Okay.

14 DR. CRUICKSHANK: We may discuss it later
15 this afternoon --

16 CHAIRMAN BROMLEY: Yeah, okay.

17 DR. CRUICKSHANK: -- in our --

18 CHAIRMAN BROMLEY: It would be a very nice
19 specific recommendation to come back.

20 DR. CRUICKSHANK: Yes. Thank you.

21 CHAIRMAN BROMLEY: Okay. Max Peterson.

22 MR. PETERSON: Let me just suggest that
23 committee 1 has the responsibility to at least propose

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1 some kind of conceptual approach for a National
2 System. And as a part of that presumably would look
3 at everything in the existing inventory and what
4 purposes they serve and how that is still some overall
5 goals for the system.

6 Now in a nice neat main objective you
7 start out with goals, objectives, and so on, but I
8 think in this group of 30 we've probably got a hundred
9 different goals that we have in mind. And I'm not
10 sure it would be useful to debate that in the full
11 Committee. To let it come out in group 1 would be my
12 recommendation.

13 CHAIRMAN BROMLEY: Thank you.

14 Dan Suman.

15 DR. SUMAN: I have a question that really
16 concerns a topic that I wonder -- well, I wonder if
17 any of the three subcommittees will consider. And
18 that is the topic about federal agency activities that
19 impact MPAs, which is mentioned in Section 1C, "where
20 causing harm to MPAs through federally-conducted
21 approved or funded activities," or in Section 5,
22 "agency responsibilities. Federal agencies whose
23 actions affect resources shall identify actions."

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1 So I'm curious, I realize these are
2 responsibilities of all federal agencies, but I'm
3 curious whether any of the three subcommittees will
4 address that issue in ways that could be helpful to
5 the MPA Center. I don't see that it logically fits
6 into any of the three topics for our subcommittees.

7 CHAIRMAN BROMLEY: Very good question. In
8 a sense what we would wish to have is clear
9 identification of those things that we can pass onto
10 the Secretary. Remember, we are advising the
11 Secretaries who will then push the MPA Center one way
12 or the other. So I think your basic point is terribly
13 important, but am I right, Joe, in saying that we're
14 not going to be telling you what to do except
15 indirectly through the Secretaries of Commerce and
16 Interior and other places? Is that right, Joe?

17 MR. URAVITCH: That is correct. Let's
18 see, this is the way that goes. Just a point of
19 clarification, the role of the Advisory Committee
20 relates to Section 4 specifically. So you have to
21 bear that in mind.

22 But the way that relates to the activities
23 under Section 1 and Section 5, this is going to be

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1 really clear, is through the listing process, because
2 the listing process is what then triggers Section 5
3 and agency reports, which is a requirement under
4 Section 6, that we are required to post on the
5 website. So there is a linkage back to Section 1 and
6 to Section 5, but it's indirect through those
7 subsections of 4.

8 DR. SUMAN: So I guess then it really
9 would be the Coordination Subcommittee that most
10 closely addresses issue; is that correct?

11 Well, or --

12 CHAIRMAN BROMLEY: Yes.

13 DR. SUMAN: -- number 1 then through the
14 National System.

15 CHAIRMAN BROMLEY: I'm reluctant to answer
16 the question. I think the point has been made, Dan.
17 Let's let the groups figure it out, but please don't
18 let it drop. I mean if you don't hear it come back to
19 us from any of them, please raise it again. Let's see
20 what they think about how this might be dealt with; is
21 that correct okay?

22 DR. SUMAN: Sure.

23 CHAIRMAN BROMLEY: Good. Okay.

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1 Bob Zales.

2 MR. ZALES: Bob Zales. Two comments and a
3 question. One is on the exchange of information
4 between constituents and this Committee Center and the
5 various federal agencies.

6 I think the Center and some of the federal
7 agencies, I know that the correct guy for the West
8 Coast is here for the Fishery Service, they can get
9 with individuals. I'll be more than happy to try to
10 give them a list of people that I know and contact
11 points to get information out to them about process
12 and what they can and can't do.

13 And then the discussion about the
14 definition or the classification of a system. The
15 Center, which I guess everybody's got a copy of this,
16 they -- this is the Classification System for Marine
17 Protected Areas. They've got some, I guess, some
18 pretty good suggestions in here. I would kind of like
19 to see a discussion by the entire panel just to kind
20 of get an idea from each individual as to what their
21 concept of an MPA is, so that we can try to at least
22 be not necessarily on the same page right off the bat
23 but in the same book anyway.

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1 And then the other question is in the
2 procedural thing, at what point today do you intend to
3 get into the discussion about the charter?

4 CHAIRMAN BROMLEY: I had penciled in
5 discussion about the charter at the end of the day
6 before we adjourn, before we recess. So after. There
7 will be another period at 3:15 for reporting back.
8 And at that time I thought we would be ready to
9 confront the charter. Is that okay?

10 MR. ZALES: Sure.

11 CHAIRMAN BROMLEY: I'm happy to move it to
12 some other time, but I do have it penciled in at the
13 last thing before we adjourn -- before we recess. I'm
14 sorry. So okay.

15 Okay. Dave Benton.

16 MR. BENTON: Mr. Chairman, Bob touched on
17 what I was going to raise.

18 CHAIRMAN BROMLEY: Okay. Are there
19 questions and comments?

20 It's twelve o'clock, so I would propose we
21 recess for 15 minutes, grab your provisions and please
22 come back at 12:15. We have a very informative
23 presentation from Mary Jean Comfort from the Canadian

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1 prospective. So thank you for a very productive
2 morning.

3 (Recess taken from 12:04 p.m. to 12:19
4 p.m.)

5 MR. URAVITCH: Okay. Well, thank you,
6 everyone. As I mentioned yesterday, the United States
7 is not the only country in the world that's looking at
8 the establishment of a National System of Marine
9 Protected Areas. And I thought it would be useful for
10 the Committee to learn more about what's happening
11 elsewhere in the world.

12 There's a brochure in your folders about
13 what's going on in Australia. And I also have today,
14 I'm pleased to say, Mary Jean Comfort from the
15 Department of Fisheries and Oceans in Canada.

16 She's had over 25 years of experience
17 working on environmental issues, both at the
18 provincial and federal government levels in Canada as
19 well as internationally. She's been with the
20 Department of Fisheries and Oceans on and off for over
21 the past 20 years with several tours overseas as well.

22 She was involved in the drafting of
23 Canada's Ocean Act legislation and after that,

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1 subsequently, she was involved in the federal policy
2 development for the Ocean Act related to MPAs in
3 Canada. And she has been the National Coordinator for
4 MPAs in Canada since her return from Indonesia in
5 2000.

6 And we asked her because we saw a
7 presentation she had made about a year ago at the
8 California and the World Oceans Conference and thought
9 it would be an interesting presentation because it
10 puts into context Marine Protected Areas into a larger
11 planning and management context, which is similar to
12 what at least some of the drafts of the U.S. Ocean
13 Commission reports seem to be heading toward. So we
14 thought it would be interesting to see what another
15 country is doing, and someone very articulate and
16 knowledgeable about that, I'd like to welcome Mary
17 Jean Comfort from our neighbors to the north.

18 (Applause.)

19 MS. COMFORT: Mr. Chairman, Members of the
20 Committee and members of the audience, thank you very
21 much for inviting me here.

22 It's always good, it's just starting to
23 freeze up in Ottawa, so it's kind of good to get out

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1 and see what green looks like again before we set in
2 for the big white for the next four months.

3 I'm delighted to be here for a couple of
4 reasons because it's, one reason and particular reason
5 is to be able to sit in on these kind of discussions
6 and listen and absorb the kinds of thought, thinking
7 that's going around your table, and to know at the end
8 of the day that I don't have to go back to my desk and
9 try to put it together and make sense of it. So I
10 appreciate that one, too.

11 So when I was contacted Joe asked me if I
12 could speak about three things: The vision that
13 Canada has for its MPA System -- and I was sitting in
14 on the National System Group earlier. And there was a
15 lot of discussion about vision and what it might be.
16 So I'll give you a little picture at least of ours.
17 And the progress being made, its development, and how
18 this might integrate into the larger view that Canada
19 has for integrated ocean management.

20 So first I want to start by setting just a
21 bit of context and our context in reality is the
22 Oceans Act itself.

23 The other bit is I'd like to give you a

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1 little bit of the picture of the types of MPA tools,
2 and that was a term that Charlie Wahle was using in
3 the other room earlier too, that we have at our
4 disposal.

5 And then I'm going to move on to tell you
6 how we're trying to approach the development of the
7 System.

8 And I'll start with a caveat, a big caveat
9 is that we're only just beginning. There's not a lot
10 of these MPAs on -- I was going to say on the ground
11 -- but on the water in Canada right now. And so for
12 better and worse, we're basically starting with a
13 pretty clean slate.

14 So the Oceans Act was actually passed in
15 1997. And at its core it requires that the Minister
16 of Fisheries and Oceans develop an ocean management
17 strategy. That's the sort of big umbrella of how
18 we're trying to work.

19 It also states that "The Minister of
20 Fisheries and Oceans shall lead in the development of
21 integrated management plans in all our coasts and
22 oceans, and including estuaries and coastal areas."

23 And, finally, you know if you just think

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1 you're looking at a microscope and you're just kind of
2 zeroing in a little bit closer and closer, you're
3 going deeper and deeper into this, nested within that
4 mandate for providing leadership and establishing
5 integrated management plans is the requirement the Act
6 in fact tasks the Minister of Fisheries and Ocean,
7 with establishing "leading and coordinating in the
8 development and implementation of a National System."

9 Now I'll tell you that I use the term
10 "system" and "network" interchangeably. And, in fact,
11 I prefer the term "network" because I really feel like
12 while "system" does give you the sense of a planned
13 and systematic approach, I feel like "network" also
14 infers some kind of connectivity, and I think that's
15 an important element to include in any system or any
16 network.

17 So the tools we have to develop the
18 network in Canada are found in various pieces of
19 legislation, administered by three different federal
20 departments. Here it is. And I'll briefly just
21 oversee it, describe these, but I'll go into these in
22 a bit more depth later.

23 And I will tell you also that Fisheries

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1 and Oceans is the new kid on the block. With the
2 Oceans Act we got the power to establish Marine
3 Protected Areas, and -- under the Ocean Act. But
4 prior to that Parks Canada had already embarked upon
5 establishing what they call National Marine
6 Conservation Areas which, in effect, are probably very
7 similar to the U.S. National Marine Sanctuaries.

8 However they only just in the year 2002
9 passed the National Marine Conservation Areas Act.
10 Prior to that they had been establishing marine areas
11 under their National Parks Act and had learned
12 unfortunately how difficult it is to take a
13 terrestrially based piece of legislation and try to
14 apply it to the marine environment. It's a tough
15 haul.

16 There are -- I've included the Canada
17 National Parks Act because there are national parks
18 with marine components and most notably, probably for
19 those of you on the West Coast, Pacific Rim National
20 Park, on the West Coast Vancouver Island and British
21 Columbia. And there's one other one called the
22 Saginaws St. Lawrence Marine Park Act which
23 established the Saginaws St. Lawrence Marine Park.

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1 It's a bit of an anomaly because it's
2 right in the St. Lawrence River and so therefore it is
3 also within the jurisdiction of the provincial
4 government of Quebec, so there are two parallel pieces
5 of legislation that establish the same park.

6 Environment Canada has the Canada Wildlife
7 Act under which they can establish marine wildlife
8 areas. Marine wildlife areas are areas in the marine
9 environment. They're very specifically related to the
10 marine environment and they're beyond the 12-mile
11 territorial sea, right out to 200 mile -- 2,000-mile
12 territorial sea. Yahoo.

13 They also have the Migratory Birds
14 Convention Act under which they establish migratory
15 bird sanctuaries. And national wildlife areas are
16 also established under the Canada Wildlife Act. And
17 those are either on land or out to the 12-mile
18 territorial sea, so we're into a little bit of
19 complexity. And in the Oceans Act we have Marine
20 Protected Areas that can be established anywhere
21 within out to the EEZ's end; and in collaboration with
22 provincial governments, who do have jurisdiction to
23 some extent within the 12 nautical miles and inland

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1 waters.

2 And those of you who are familiar within
3 close and the laws of the -- law of the sea will know
4 about all the arcane bits and pieces of what
5 constitutes inland and outland, and whatever.
6 Anyways.

7 I'll also say that Parks Canada National
8 Marine Conservation Areas Act applies also to the
9 Great Lakes, but the Oceans Act doesn't. So they work
10 there establishing the areas, but they don't -- we
11 don't. However, we do have authorities there under
12 our Fisheries Act, so.

13 Now what constitutes a network? In this
14 slide I've basically got all the areas, both National
15 Wildlife Areas, Marine Wildlife Areas, Migratory Bird
16 Sanctuaries, Marine Protected Areas, National Marine
17 Conservation Areas that are either being worked on or
18 have already been established. And this was just
19 pulled from a database.

20 And the sieve was: Which are the areas
21 that have either a marine component or right up to the
22 marine environment. So some of these may even just be
23 on land, but they might be on the beach, right?

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1 Now does this work as a network, as a
2 system? No, I don't think so. It's some nice little
3 dots, but somehow we need to figure out how you
4 connect those dots.

5 So we've -- and it was interesting to me
6 to sit in the thing. A lot of people were talking
7 about what is a network, what is a system, what would
8 be the components of. And we've come to some
9 conclusions.

10 First of all, we think there needs to be a
11 diversity of types of Marine Protected Areas. There
12 has to be the whole array. We need more than just
13 representativity, which is something that we hear a
14 lot about in the international community, systems of
15 representative areas.

16 I look at representative areas as being
17 really great at a particular scale. They take samples
18 of the environment, but they don't target some of
19 those areas that we think are really vital to the
20 ecosystems we're trying to protect. We need areas
21 that can protect those vital habitats. We need the
22 areas that can protect vulnerable species, areas that
23 are essential to life stages such as spawning,

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1 nursery, rearing areas.

2 And, finally, all of the components of a
3 network or at least within the planning purview, all
4 of the components of the network don't necessarily
5 need to be Marine Protected Areas formally, but you
6 need to make sure that whatever is going on around
7 Marine Protected Areas, in and around Marine Protected
8 Areas contributes or at least buttresses the
9 protection that Marine Protected Areas provide.

10 But we know that there are other kinds of
11 management measures, time area closures, timing of
12 certain kinds of activities in the marine environment
13 that can protect certain species. For example, the
14 timing of seismic operations in particular areas where
15 marine mammals might frequent.

16 We have an area in the Beaufort Sea that
17 we're working on as a Marine Protected Area, but there
18 are going to have to be additional types of measures
19 put in place around that area with respect to the
20 considerable amount of oil and gas activity, in
21 particular exploration that's going on, to deal with
22 the seasonal arrival of the beluga whales that spend
23 three months of the summer there every year en masse.

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1 We also think that Marine Protected Areas
2 should operate at a variety of scales. And that's
3 taking the adage of think locally, act locally, but I
4 really do believe that there are Marine Protected
5 Areas that can protect a local area, local ecosystem,
6 local vital piece of the ecosystem, and at the same
7 time be operating on a continental or even global
8 scale.

9 Our approach to developing network or the
10 how is to use -- we're going to try to use the tools
11 at hand. And we're developing a federal Marine
12 Protected Area strategy. And I'll interject here to
13 say that right now we're working on the federal
14 elements of the Marine Protected Area sort of toolbox,
15 but we will be reaching out and we are working in some
16 provinces, actually already very closely with
17 provincial governments and their protected area tools.

18 But right now essentially we're trying to get our
19 federal house in order.

20 And we're trying to do that to increase
21 the ecological effectiveness of our individual MPAs,
22 to increase the institutional effectiveness of our own
23 agencies by kind of capitalizing on the synergies that

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1 exist. How can we work together to make our limited
2 resources go a little bit further.

3 We also see that MPAs will be nested
4 within large-scale, integrated management planning.
5 So that's the approach we're taking. You folks are
6 trying to figure out how a system's going to look like
7 nationwide. And we've kind of wimped out, to be
8 honest, and we're saying, you know what, we're going
9 to try to tackle this on a kind of a manageable scale
10 along the coastline through integrated management
11 planning.

12 And the other reason that we want to lay
13 out this strategy to provide some clarity to the other
14 ocean users. That's a big thing. But we get a lot of
15 -- we heard it many times. You know when you're
16 working on the establishment of one Marine Protected
17 Area, some of the other stakeholders say, yeah, but
18 where's the next one going to go. And unless you have
19 that answer people don't feel real comfortable. They
20 think that we're going to be papering the ocean --
21 papering the ocean? -- papering the ocean with Marine
22 Protected Areas, or they're not certain of what the
23 intent, the overall intent. They don't get what our

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1 picture is. So we're trying to put this together to
2 give a little bit of a bigger picture view.

3 So unfortunately right now I can't provide
4 you with any concrete examples of how our network is
5 coming together. I can provide you examples of where
6 the three agencies, at least the three federal
7 agencies are working very closely, where we have to
8 work very closely. But just for fun I'd like to build
9 a little bit of a hypothetical network along a
10 hypothetical stretch of coastline, using the tools we
11 have at hand.

12 Here's our hypothetical stretch of
13 coastline. The tools are federal Marine Protected
14 Areas under the Ocean Act, the National Marine
15 Wildlife Conservation Areas, Marine Wildlife Areas,
16 Migratory Bird Sanctuaries. Now no particular stretch
17 of coastline or very few would have all of those
18 established in any one area, but that's what I'm going
19 to do.

20 So the first thing is Parks Canada, a
21 National Marine Conservation Area. Now Parks Canada
22 has identified 29 marine regions in Canada. And in
23 each of those they will be establishing a National

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1 Marine Conservation Area, and that will be the end of
2 their system when that's done. Theirs is a finite
3 system.

4 The purpose of Parks Canada's National
5 Marine Conservation Areas, their mandate is
6 essentially "to conserve and protect for all time," so
7 it's there in perpetuity, "marine areas that are
8 representative of Canada's oceanic and Great Lakes
9 environments, and to encourage public understanding,
10 appreciation, and enjoyment of the marine heritage."
11 So they have a large role to play in terms of the
12 whole outreach and communications elements of Marine
13 Protected Areas.

14 With the passage of the National Marine
15 Conservation Areas Act there are some very specific
16 elements that are part and parcel. And every National
17 Marine Conservation Area must have a core totally
18 protected area. They may have more than one and they
19 should be zoned. So they may have one more than one
20 core area, but everyone's got to have one at least.

21 So that's kind of in this case is a little
22 bit of an anchor.

23 Fisheries and Oceans, under the Ocean Act

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1 we can establish Marine Protected Areas to conserve
2 and protect fisheries and marine mammal resources,
3 species and habitat, endangered species and their
4 habitats, unique habitats, and areas that are really
5 high productivity areas or highly biodiverse. Those
6 are some of the reasons.

7 We also have a fifth reason which says,
8 "And any other reason for which the Minister may be
9 responsible." So it's a nice little catch-all, but
10 that would capture things like research areas, for
11 example, if we were establishing a Marine Protected
12 Area solely for the purposes of acting as a controlled
13 research area, as controlled as you can get it in a
14 marine environment.

15 So my hypothetical Oceans Act Marine
16 Protected Areas are a hydrothermal vent Marine
17 Protected Area that's a little bit -- that's offshore.

18 We have one of those. That's our first designed
19 Marine Protected Area under the Oceans Act.

20 Maybe the three along the islands there
21 would be considered maybe a small network that would
22 be done if we were on the West Coast, we might be
23 looking at three rockfish closure areas, for example.

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1 That Marine Protected Area established specifically
2 for a single or a species assemblage of rockfish.
3 Near-shore reef environments, for example.

4 And then we might also have one in an
5 estuary that's dealing with juvenile salmon and the
6 productivity that estuaries provide us: Herring,
7 salmon. The East Coast, those might be lobster
8 closure areas, for example.

9 And, finally, we've got out a Migratory
10 Bird Sanctuary on the estuary, too. So we've got co-
11 located marine protected areas potentially. This
12 would be because the Migratory Bird Sanctuaries Act
13 may only provide the ability for the Minister of
14 Environment to manage those birds, to take action for
15 the purposes of protecting migratory birds. Whereas
16 what might be really important is the habitat
17 underneath. And Fisheries and Oceans, under both the
18 Fisheries Act and the Oceans Act, has the authority to
19 deal with the water column and fish habitat.

20 So you put these all together in the
21 context of integrated management planning. And we
22 connect those dots using the planning area.

23 As a hypothetical planning unit, the

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1 Marine Protected Areas established within would be
2 contributing to overarching ecosystem objectives that
3 would be set for that planning area at the onset of
4 any kind of planning initiative. And everything that
5 would be done and every action and all the elements of
6 the planning unit would be targeted, would be
7 contributing to or would, at the very least, be trying
8 to meet the ecosystem objective of the overall
9 planning area.

10 At the same time that planning area allows
11 us to address some conservation areas that aren't
12 going to be geographically specific. They're not
13 going to have a space you can draw a line around and
14 say, this is important; we need to protect it. And
15 that is kind of illustrated in the diagram, for
16 example, as a migratory route of marine mammals, for
17 example.

18 And within the planning context, on the
19 terrestrial, people refer to corridors. They have
20 protected areas, they have corridors. In the marine
21 environment it's a little harder to identify where
22 those corridors might be. But what you might need to
23 do in those areas where you're dealing with migratory

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1 species, in particular, is institute management
2 measures over a long stretch of coastline that deal
3 with that.

4 For example, with marine mammals it might
5 be whale-watching guidelines or certain guidelines for
6 cruise ship activity within any given area to deal
7 with the issue of whale conflicts, whale stress, for
8 example.

9 And at the same time you can look at where
10 you -- you can start thinking about how your Marine
11 Protected Area operates on a continental scale. So
12 this Migratory Bird Sanctuary is clearly going to be
13 linked to other Migratory Bird Sanctuaries elsewhere
14 along a coast continentally or even globally.

15 And what you have is a small, what you
16 have is networking within your planning area that
17 gives you the opportunity to maybe this core area is
18 dealing with -- is linked to those three. Or
19 potentially you may have -- the National Marine
20 Conservation Area may also be able to capture an
21 important bird area, for example, and allow the
22 Canadian Wildlife Service who would normally have to
23 deal with managing it or maybe potentially

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1 establishing a Marine Protected Area for it, to expend
2 their resources and their energy elsewhere. So it's a
3 little bit about job sharing as well.

4 So this network within the planning unit
5 is just a microcosm of what a larger network might
6 look like, and how we build the national network will
7 be dependent on those planning activities. It will be
8 an incremental process hopefully.

9 An integrated management planning idea
10 also provides context in where we can start to
11 identify new areas as well. The process by which you
12 go through when you're planning on a large scale like
13 that is, firstly, we're trying to identify what we're
14 calling ecologically significant areas. So that would
15 be where you'd be identifying those areas, all areas
16 that might in some way need additional conservation
17 measures, not necessarily all areas that would become
18 Marine Protected Areas.

19 And then the planning process allows you
20 to sit around the table with all those involved, in
21 particular the people that have the mandate, and
22 decide which is the best tool to do the job. Does it
23 really need to be a Marine Protected Area. Can it be

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1 managed some other way. What are the threats. There
2 are multiple threats. Maybe a Marine Protected Area
3 is a way to go. If it's only one element that can be
4 dealt with some other way, that's the way to go. But
5 it gives you the opportunity to examine it in a rather
6 more holistic way, rather than looking at it on a very
7 just one Marine Protected Area at a time.

8 It also gives us an opportunity to decide
9 where we might need to co-locate. And it also gives
10 us an opportunity to decide where we can job share,
11 where we can pick up the slack for another agency, if
12 that's possible. So that slide represented, I guess,
13 what people would call a vision.

14 I'm a really visual person, so when people
15 talk about vision and then write a bunch of words
16 down, it doesn't make any sense to me. So I like the
17 pictures, and that's why we've kind of put it down in
18 pictures.

19 But we're not there yet. Not by any
20 stretch of the imagination.

21 We're currently working on the development
22 of the federal strategy, as I mentioned before. It's
23 -- it will be expanded at some point to include

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1 provinces and territories, aboriginal groups,
2 communities, and other stakeholders.

3 We're initiating right now, though, we're
4 still kind of forging ahead on individual Marine
5 Protected Area sites that each of our individual
6 agencies have already identified and had already
7 determined that we were going to forge ahead on. But
8 at the same time we're trying to find areas and select
9 areas where we might be do some collaborative
10 planning. So going through that process of
11 identifying the ecologically significant areas and
12 determining whose tool is the best tool to use in any
13 given situation, and where those linkages are.

14 And also trying to link onto the
15 terrestrial planning activities and the whole idea of
16 what the landbase sources of pollutions, the influence
17 that has on dealing with our Marine Protected Areas.

18 We're continuing, as I said, to forge
19 ahead on the identification and evaluation of kind of
20 individual sites. And clearly and even in individual
21 sites we have to collaborate quite a bit. In
22 particular, Parks Canada and ourselves at the
23 Department of Fisheries and Oceans because Fisheries

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1 and Oceans is also responsible and one of its primary
2 functions and has been since confederation has been
3 the management of fisheries.

4 So, as I said, it's a huge undertaking,
5 and I believe those are the exact words that Charlie
6 used earlier in saying that it's a huge undertaking.

7 We do believe that it's the way to do it,
8 and requires a long-term and sort of sustained
9 commitment, not only to find protected areas and to
10 protect them, but to manage the entire ocean in a way
11 that is not only contributing to the protected areas
12 management but that is we're managing our ocean in a
13 sustainable fashion. And we are embarking on
14 integrated management planning processes in all three
15 of our all coasts to try to figure out just exactly
16 how we're going to do that. And we're in a process of
17 learning by doing, but we're getting there.

18 But I think that ultimately we're -- I
19 don't know how to say this, but I think ultimately we
20 believe that approaching it in that kind of planning-
21 unit basis, it will allow us to get to a national
22 system over the long term and at the same time provide
23 us, give us the opportunity to identify linkages both

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1 at continental, global scales, and to move on and
2 provide the ability to buttress the protection in our
3 protected areas in the surrounding areas rather than
4 have these oasis in the ocean where anything else
5 goes.

6 Thank you.

7 (Applause.)

8 CHAIRMAN BROMLEY: I assume you'd be happy
9 to respond to questions?

10 MS. COMFORT: Absolutely.

11 CHAIRMAN BROMLEY: Okay. Just a second
12 here. Dan Suman.

13 DR. SUMAN: Could you give us any -- thank
14 you very much. Could you give us any indication of
15 how Canada integrates the landbase source pollution
16 issue, you know global program of action points, with
17 impacts on Marine Protected Areas? How does
18 Environment Canada coordinate with Fisheries and
19 Oceans in that issue?

20 MS. COMFORT: We're not quite there yet.
21 What we're hoping to do is to link into sort of
22 planning, watershed planning activities that are
23 taking place on the -- and very often that's a

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1 provincial-based element, in part because of the way
2 our Constitution is laid out. And, in fact,
3 provincial governments have environmental
4 responsibilities and do a lot of stuff. And
5 Environment Canada does do kind of nationally-based
6 programs and may set national standards. But in a lot
7 of cases that on-the-ground work is done by provincial
8 governments.

9 And, in particular, in sort of -- there's
10 a lot of -- British Columbia is very far along in that
11 and it's been doing a lot of watershed planning and
12 the coastal forestry work and things like that that's
13 been going on.

14 We haven't done the linkages, made the
15 direct linkages, but we are working on -- one of the
16 areas that we're working on, an integrated management
17 planning process right now in B.C. is in the Central
18 Coast, which was directly linked to a landbase
19 planning element that the provincial government did in
20 the last two -- four years, I think. And they
21 completed the landbase plan.

22 And so we went to the Central Coast in
23 part to kind of abut it and see how that might work,

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1 but that area, now because of the considerations of
2 lifting the oil and gas moratorium on B.C.'s coast,
3 that planning area is not extended right up into Queen
4 Charlotte Sound. And just because it's an opportunity
5 to start to identify ecologically significant area and
6 start to deal with what might be at issue if the
7 moratorium is lifted.

8 CHAIRMAN BROMLEY: Thank you.

9 DR. SUMAN: Thanks.

10 CHAIRMAN BROMLEY: Thank you. We have Max
11 Peterson.

12 MR. PETERSON: I think the visual
13 presentation is very good, by the way. It helps us
14 visualize the network, but let me ask you two
15 questions.

16 It appears that you have MPAs with a
17 capital MPA and then you have other areas that you
18 consider part of the network that aren't called MPAs.

19 MS. COMFORT: Yeah.

20 MR. PETERSON: Is that correct?

21 MS. COMFORT: Well, in fact, as we've been
22 working on our federal strategy we are really only
23 dealing with MPAs, National Marine Conservation Areas,

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1 Marine Wildlife Areas, and Migratory Bird Sanctuaries
2 and National Wildlife Areas.

3 In the planning context what we're looking
4 at is we're saying everything can contribute to the
5 ecosystem objectives of the planning unit.

6 MR. PETERSON: Okay.

7 MS. COMFORT: But we may not consider them
8 part of a national system. I think it becomes -- I
9 think we're trying to focus our effort and focus the
10 description of the system on the actual formal
11 elements of it, the formal Marine Protected Areas.

12 MR. PETERSON: One other question. You
13 mentioned a large oceans management area.

14 MS. COMFORT: Yeah.

15 MR. PETERSON: Now who has responsibility
16 for this large oceans management area since you're
17 saying it's all got to fit within that context? Who
18 does that.

19 MS. COMFORT: Yeah. Well, I'll take a
20 step back to the Oceans Act. It is a really
21 interesting piece of legislation because it doesn't
22 really tell you what to do. But it enables you to do
23 all sorts of very cool things.

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1 And one of the -- but the caveat to that
2 is that the Department of Fisheries and Oceans and the
3 Minister of Fisheries and Ocean with the
4 responsibility for the Oceans Act is the ministry that
5 is meant to lead and to coordinate and to facilitate.
6 Those the words used in the legislation.

7 So what that means, though, and that's why
8 I mentioned the whole idea of the Canada Ocean
9 strategy, because that was a way to lay out the fact
10 that there are multiple responsibilities. So in any
11 large ocean management area Natural Resources Canada,
12 who manages the nonrenewable resource development, oil
13 and gas, and mineral resource development in the
14 offshore, they're at the table and they have a very
15 big role to play in anything that's going on there
16 because they are the regulators of that particular
17 industry.

18 We're the regulators of the fishing
19 industry. Transport Canada is the regulator of the
20 shipping industry. Coast Guard, which is part of
21 Fisheries and Oceans -- you know all the elements are
22 there. But we're kind of responsible for grabbing
23 everybody by the reins and saying, come on, let's go

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1 do this.

2 MR. PETERSON: Okay. Thank you.

3 CHAIRMAN BROMLEY: Thank you. Okay. I
4 have Wally, John, Bob, Dolly, Bob, Terry, John, Rod,
5 and Gil. Wally.

6 DR. PEREYRA: Thank you.

7 CHAIRMAN BROMLEY: I tried to make a song
8 of it, but it didn't quite work.

9 (Laughter.)

10 CHAIRMAN BROMLEY: We've got Wally and
11 Dolly. That's a start.

12 DR. PEREYRA: First I'd like to thank
13 Canada for the lovely Marine Parks in the Gulf Islands
14 because I've availed myself of them on a few
15 occasions.

16 You show that in some situations you'll
17 have a co-designated area or site.

18 MS. COMFORT: Yeah.

19 DR. PEREYRA: What happens when you have
20 conflicting objectives, maybe sustainable use on one
21 side and protection on the other? How do you bridge
22 those differences and come to some common
23 understanding to manage use?

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1 MS. COMFORT: Well, that's interesting
2 because I mean the Saginaw St. Lawrence Marine Park,
3 essentially as they worked through it, they came to --
4 the legislation, the provincial legislation and the
5 federal legislation is apparently identical. So they
6 worked through the common objectives. I think that
7 was the whole idea.

8 The other co-designation, almost
9 designation we have is that we as part of our initial
10 run of pilot projects in the Marine Protected Area
11 Program, we established a small one at Race Rocks,
12 just off the coast of Vancouver Island. And it's very
13 small. It was already a Provincial Ecological
14 Reserve, which is highly protected. But the province
15 at that place has jurisdiction over the bottom, but
16 not necessarily the water column.

17 So we established a Marine Protected Area
18 to kind of deal with the water column and fish
19 habitat, which is the authorities that the Minister of
20 Fisheries and Oceans has, so that's how arcane this
21 stuff gets.

22 And, again, a process was adopted to work
23 through and set conservation objectives to determine

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1 what you both wanted to do. And so there was a common
2 agreement. So we haven't reached that portion where
3 we couldn't get there, where the conflicts or the
4 disagreements were so huge that they couldn't find a
5 way through it yet.

6 DR. PEREYRA: Thank you.

7 CHAIRMAN BROMLEY: John Ogden.

8 DR. OGDEN: Thank you for a very
9 interesting presentation that sort of -- your vision
10 absolutely parallels mine, or the ones that I have
11 held for quite a long time since we -- being involved
12 in the Florida Keys National Marine Sanctuary.

13 If I could use that Large Ocean Management
14 Area that you showed as an example, let me just run a
15 hypothetical by you, because in a sense you left out a
16 lot of detail which I think we're grappling with, and
17 tell me where you think I'm off or whether we're
18 congruent or not.

19 You have in that -- if you're looking out
20 through a window into a large ocean management area,
21 which is universally valued by a whole bunch of
22 stakeholders, for all different reasons, and it's
23 universally perceived that that particular area,

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1 without certain types of protections and management,
2 is going to basically decline. In fact,
3 hypothetically we already know that some of these
4 resources are in trouble.

5 So before we get to the point where we
6 actually are drawing lines on the map and talking
7 about MPAs and everything else, we essentially get out
8 the chart and we sort of say, well, what are these
9 resources that we all care about. And that's a
10 stakeholder-involvement process and we essentially map
11 them out.

12 And in my hypothetical a great deal is
13 known about this. You know where the hydro thermal
14 vents are. You know where the offshore oil platforms
15 are. You know a lot about fisheries and so on, and
16 you get all that together.

17 And then you essentially end up with a map
18 of your large ocean area. And you simply role that
19 out in front of the stakeholders and sort of say,
20 well, okay, now what are we going to do here. We have
21 these various kinds of potential protections and
22 administrative arrangements and so on.

23 And visualization, as you pointed out,

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1 seems to me to be the key in this, to allow people to
2 come to their own conclusion that this universally-
3 valued resource can only be essentially protected by
4 the institution of this type of management.

5 And then you -- then at that -- and only
6 then at that point might you begin to timorously
7 sketch in where the rockfish protection areas are and
8 where the no-fishing zone is off the mouth of the
9 estuary because it's a nursery and so and on and so
10 on.

11 MS. COMFORT: Yeah.

12 DR. OGDEN: Is this some -- how do you
13 feel about that scenario?

14 MS. COMFORT: Well, I guess that sort of
15 pretty much captures what we're hoping to do in the
16 planning areas. To kind of get at what's out there
17 first and to find -- and everybody's come to the same
18 conclusion that one of the first steps you need to do
19 is you need to find out where those ecologically-
20 valued areas, the vital organs, if you want, the
21 engines of the ecosystem, if you want. Because that
22 also gives you the opportunity to then start thinking
23 about what kinds of targets you can hope to attain in

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1 your entire ocean management area, of these.

2 So that -- and then -- and at the same
3 time once you've identified those significant areas,
4 then you can start to figure out what the best tools
5 are. And then you might even have another sieve if
6 you want, that you go through where you set -- then
7 you set priorities, because we're not operating in an
8 environment and no government is operating in an
9 environment where there are unlimited resources. So
10 you're not going to be able to do everything now.

11 So what do you really need to do now and
12 what's really important? And those kind of priority-
13 setting exercises may differ from coast to coast. And
14 that's why we try to kind of -- we will probably have
15 some kind -- the national criteria are there and are
16 evolving for what's important and what's ecologically
17 significant.

18 And I don't think -- you could probably
19 take five or six different papers that are out there
20 right now on criteria for Marine Protected Areas and
21 you wouldn't find a lot of difference. You would find
22 probably, I would guess, 75 to 80 percent overlap on
23 what people suggested to be criteria. Where the next

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1 level would be criteria for what the priorities are,
2 and those may differ.

3 In Atlantic Canada the priorities are
4 probably going for areas protecting fish and fisheries
5 resources. That would be my take. In British
6 Columbia it's a little bit different. It's a whole
7 different view of the world, and partly because of the
8 species that are fished there as well.

9 CHAIRMAN BROMLEY: Good. Thank you.

10 Bob Bendick.

11 MR. BENDICK: I think Max covered it, but
12 the Oceans Agency convenes the planning process, is
13 that right, for an area?

14 MS. COMFORT: That is the intent, but it
15 doesn't always necessarily mean that we would -- there
16 are some coastal-planning processes that are near
17 shore and not taking in. But the large ocean, the
18 ocean areas extending right out to the EEZ's end,
19 yeah, we're tagged. We're it.

20 MR. BENDICK: Could you talk a little bit
21 more about how you encourage or enforce the other
22 agencies to cooperate in this process?

23 MS. COMFORT: My husband's a diplomat, I'm

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1 not, so that's a really hard question. It's really
2 difficult, but in fact in some cases, and because
3 there is -- well, in some cases I think that there are
4 a lot of -- and many of the agencies in the federal
5 government recognize that we need to kind of get it
6 together in the oceans.

7 Because there has been an endless series
8 of conflicts in recent years, particularly with
9 respect to oil and gas issues that have come up. And
10 oil and gas versus fishing, and everything. So it's
11 quite clear to people that somehow we need to try to
12 get out in front of those kind of conflicts and try to
13 figure out where, from whence they come, and try to
14 divert them before they arrive, to try to figure out a
15 way that we can achieve that wonderful, mythical,
16 sustainable development goal in the oceans and not
17 sort of disenfranchise anybody in the process.

18 CHAIRMAN BROMLEY: Thank you.

19 Dolly.

20 DR. GARZA: Thank you, Mr. Chair.

21 We're probably all asking questions along
22 the same line. In what I know about this process, I
23 think that one of the major differences between the

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1 Canadians' process and ours is that there is a fair
2 amount that's bottoms up.

3 I know in B.C. the Aboriginal Fishery
4 Strategy included a report, which my husband authored,
5 on native values, native values and input into MPAs
6 for B.C.

7 But the question I have is what is the
8 process for taking those reports up through these
9 departments and figuring out what you can do? And if
10 these reports suggest things like further closures to
11 protect things like shellfish beds or particular
12 important sites like Burnaby Narrows, beyond just
13 negotiations, are there any mechanisms to require or
14 encourage strongly someone like DFO to implement these
15 types of closures or protections?

16 MS. COMFORT: Yeah. Well, a lot of it,
17 and I'll be really honest, a lot of what we take on is
18 right now being dictated by the amount of resources we
19 have in our pocket and on the ground in terms of human
20 resources, the number of people that can actually do
21 this.

22 And our original intent when we developed
23 the policy framework for MPAs was we could take

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1 suggestions from external sources as to where MPAs
2 might be. And there are a number of NGOs in B.C. in
3 particular that are doing some pretty amazing GIS work
4 in terms of identifying areas.

5 But what we really realized is that it's
6 there's a tidal wave of possibilities in people's
7 drawers and on maps on walls all over the country.
8 And we're not going to be able to deal with all of
9 them, so that's why we think we really need to get at
10 it in that planning context. And that means in that
11 planning context you bring everybody to the table.

12 And so if people have areas that think --
13 and in that collective process you decide that you
14 need -- these are the areas that need to be protected
15 or managed in a particular way, then you work through
16 it in that process.

17 We haven't gone through a whole planning
18 process on a big scale yet. And so, you know, clearly
19 the learn-by-doing process has got some -- there are
20 going to be bumps along the way, but that's the way
21 you get at getting all those things. And then you can
22 sieve through it and you can determine which is
23 better.

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1 There are places in B.C., for example,
2 where the provincial government is probably better
3 situated to deal with a protected area than any other
4 of the federal agencies are.

5 DR. GARZA: One of the interesting
6 comparisons between particularly B.C. and Alaska is in
7 B.C. people perceive this as an opportunity. And in
8 Alaska we're scared to death of it.

9 MS. COMFORT: Yeah.

10 DR. GARZA: You know it's just totally
11 opposite there.

12 CHAIRMAN BROMLEY: Okay. I have Bob
13 Zales, Terry. I have John again, but we only have one
14 John here. And then Rod and Gil. So Bob Zales.

15 MR. ZALES: My question's been asked.
16 Thank you.

17 CHAIRMAN BROMLEY: All right. Thank you.
18 Terry O'Halloran.

19 MR. O'HALLORAN: Actually my question has
20 been answered also.

21 CHAIRMAN BROMLEY: Oh, my gosh. Rod
22 Fujita.

23 DR. FUJITA: Thank you, Mr. Chairman.

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1 And thank you for that presentation. I
2 was really impressed and I like the way DFO seems to
3 be framing several really important issues, among them
4 the idea that MPAs are a tool and that they're nested
5 in some integrated ocean management system, which I
6 suppose implies that the idea of different kinds of
7 MPAs have different levels of protection.

8 And also this idea of expressing -- or
9 providing some clarity and certainty to ocean users, I
10 think that's really important.

11 My question is how does DFO and the other
12 agencies communicate to the stakeholders on these
13 concepts? Do you use sort of a zoning concept to
14 communicate these ideas, or what kind of language to
15 you use to kind of prevent polarization around
16 misunderstandings of what MPAs are or are not?

17 MS. COMFORT: Okay. To be honest, we --
18 in terms of MPAs individually we are zoning MPAs
19 individually, depending where we are. But the basis
20 of those zones -- but we are trying to avoid the idea
21 of zoning. And I think it's a semantic issue, but the
22 Oceans Act is based on three pinnacles, or whatever
23 they call -- pillars. It's the ecosystem principle

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1 and the precautionary principle and the principle of
2 integrated management.

3 And one of the -- putting that ecosystem
4 approach into practice is proving to be quite
5 challenging, but what we're trying to do is look at
6 rather than zoning for this kind of activity can take
7 place, we might set aside areas or we might identify
8 areas where we will set what we're calling Marine
9 Environmental Quality Objectives. And they might vary
10 depending on the kind of resilience a particular
11 ecosystem might have.

12 And I can use an example of that approach
13 in a Marine Protected Area I've been working for the
14 last little while in the Gully, it's at DT Canyon
15 offshore of Nova Scotia. And we've identified the
16 boundaries and we've decided that in reality there
17 were three zones.

18 There was a core element, and what we were
19 really trying to protect was that core element, which
20 was a deep sea ecosystem. And the reason we noticed,
21 and the Gully was brought to your attention was
22 because of northern ballnose whales, and they
23 congregated there.

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1 When we started looking at nobody knew why
2 they congregated there. We just knew that they were
3 there and they were there year round and they were
4 there in numbers. So that zone became the focus, and
5 the northern ballnose whales became the focus. But
6 eventually what it turned out was there we had this
7 incredibly complex deep water ecosystem within the
8 water column. We still don't know what's on the
9 bottom there because it's so deep.

10 And on the sides of the Gully what we
11 realized is we had this incredible area, diversity of
12 benthic organisms, just by virtue of the fact you were
13 on slopes and you were getting this amazing diversity.

14 And you also had all these weird and wonderful
15 currents and gyres operating on the Eastern Scotian
16 Shelf that fed into the Gully.

17 And, finally, we included a couple of the
18 shoulders of the Gully which are, in fact, part of the
19 Eastern Scotian Shelf, which are areas that are
20 already really highly dynamic ecosystems. And so the
21 organisms that live there are pretty resilient. They
22 can take a beating every once in a while. And that's
23 how we looked at it.

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1 So when we designed -- when we started
2 dealing with the regulation, we didn't prohibited
3 activities, we prohibited the results of the
4 activities. And we prohibited, for example, the
5 disturbance or damage of the bottom in one zone. And
6 we did the disturbance of the coming of the bottom and
7 anything that might disturb or damage or contribute
8 contaminants to the water column.

9 So we didn't -- because, you know what, if
10 you say this activity we're not going to do, this is
11 activity is not going to be allowed, in 20-years time
12 who knows what kinds of things are going to be
13 proposed for the ocean space. I mean 20 years ago I
14 was working on a typewriter.

15 MS. COMFORT: Okay. Gil and then Tony.

16 MR. RADONSKI: Thank you for an excellent
17 presentation. If I remember, one of the big
18 differences between the Fisheries Organic Act in
19 Canada and our Organic Act, the Magnuson Act, is the
20 Canadian Fisheries Act has a very strong habitat
21 component, which we lack. We've been trying to put it
22 into the act piecemeal over the years. Do you see
23 that as an advantage?

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1 And also layers of bureaucracy. We have
2 the added, I don't know if it's cumbersome, method of
3 dealing with things through regional management
4 councils.

5 Could you address both that habitat issue
6 and the council aspect?

7 MS. COMFORT: Well, I'm going to confess
8 something. I worked for Fisheries and Oceans for 20
9 years. And most of my career has been in the habitat-
10 management thing, so I can address that one. But I
11 have never darkened the door of fisheries management.

12 I knew a little bit about it when I lived
13 on the West Coast, particularly in the fisheries-
14 management elements, but it's changing radically as we
15 speak. There has been a whole huge policy review in
16 Atlantic Canada recently, which I believe is probably
17 going to change the direction of how we manage
18 fisheries in Canada in general.

19 The habitat provisions, yes, I think it's
20 probably safe to say that there are two provisions in
21 the Fisheries Act that are probably, some have
22 arguably stated that they are the strongest piece of
23 environmental legislation we have. The first one says

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1 it essentially prohibits the harmful alteration,
2 disruption or destruction of fish habitat. And fish
3 are defined as just about anything that moves in the
4 water.

5 So anywhere in Canada, and it extends
6 right up into watersheds, in particularly in areas
7 where there are anadromous fishes and where we have
8 responsibility, as Fisheries and Oceans deals with
9 anadromous fishes. Provinces have the landlock fish.

10 And the second provision is the -- it
11 prohibits the deposit of deleterious substances into
12 fish-bearing waters. And, in fact, in various -- and
13 there's a tremendous amount of caselaw on this, and so
14 in various court cases the deleterious substance has
15 also applied to areas -- deposit of deleterious
16 substances into waters that may run into fish-bearing
17 water. So there didn't necessarily have to be the
18 presence of a fish.

19 And deleterious substances in some cases
20 could be counted as things like silt, in salmon
21 streams would be considered deleterious to that
22 particular species.

23 So the enforcement of that is, needless to

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1 say, very difficult. In a lot of cases we haven't
2 applied as stringently those -- we've really focused a
3 lot of on that salmon streams, the habitat protection
4 provisions. But they are, they're very strong
5 provisions, yeah, absolutely.

6 CHAIRMAN BROMLEY: Thank you. Tundi.

7 DR. AGARY: M. J., I think you need to be
8 commended not only for so clearly articulating what is
9 a kind of complicated concept, both graphically and
10 orally, but also I think people should know that
11 you've been a one-man band up there in Canada really
12 charging forward with this idea. And I think it's
13 wonderful that you're leading the way in such a brave
14 fashion.

15 I have a question for you, though. I
16 wonder how you would respond to a person that would
17 say that either we don't know enough ecologically to
18 know where the ecologically significant areas are or
19 that all areas of the ocean are ecologically
20 significant?

21 MS. COMFORT: Actually I just heard a
22 presentation on Saturday of somebody who said that
23 they felt that we are reversing it. We shouldn't be

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1 doing Marine Protected Areas, we should be opening
2 areas. It should be one thing.

3 But I think the amount of -- I don't
4 necessarily believe we don't know enough. I don't
5 think we know definitively and I don't think we can
6 draw perfect boundaries around everything. But I bet
7 you if you sat in a room with a group of scientists
8 and you put headphones on all of them and didn't allow
9 them to hear what everybody else said, again you'd end
10 up with an incredible overlap on any given piece of
11 ocean of where they believed were the really
12 significant areas.

13 And I think there's a lot of indicators
14 out there to try to figure out -- and then maybe --
15 I'm quite sure that there are some big profound gaps
16 in our knowledge, too. But I don't think any of us
17 are going to be trying to identify, be definitive at
18 the first run anyways.

19 And I think that saying that the entire
20 ocean is ecologically significant, I don't think
21 anybody would disagree with that. I certainly
22 wouldn't. And I think that's why we're trying to go
23 the integrated management approach and set those

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1 ecosystem objectives, because what our role is as a
2 department and what the Oceans Act tells us to do and
3 where we've come out in our deliberations is that
4 ultimately you need to maintain ecosystem structure
5 and function, or else it all falls apart.

6 So what we're trying to do is maintain
7 ecosystem structure and function and figure out what
8 else can go on without compromising that definitive
9 kind of backdrop.

10 CHAIRMAN BROMLEY: Thank you.

11 Bonnie.

12 VICE CHAIR McCAY: Thank you very much.
13 This has been a great presentation. I think it's been
14 helpful too and inserting at least in my own mind the
15 importance of looking at a mezzo scale approach to the
16 problem as it were instead of saying that we must
17 design a national system in some kind of genuine way.

18 We really need to be thinking more and more about
19 focusing on regional or even smaller systems that make
20 sense ecologically and also make sense socially and
21 culturally.

22 And to that last point I'm wondering how
23 in your planning process you are bringing the

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1 nongovernmental, nonscientific stakeholders into it.
2 What the experiences you've had or how you are
3 planning to address the challenges involved in that.

4 MS. COMFORT: Well, this is another thing,
5 I'm not an expert in all things, but I know that a
6 number of our scientists have been working with
7 fishing communities in Eastern Canada, for sure, on
8 the whole concept of traditional ecological knowledge
9 and bringing that into the mix, as well as with
10 aboriginal peoples in bringing their traditional
11 ecological knowledge, particularly in the Arctic is
12 where a lot of work has gone on.

13 And I think really how we're trying to
14 approach is it's a big table and everybody's got to be
15 at it. And there are clearly some bumps in trying to
16 translate traditional knowledge into -- and fit it
17 into the, what I call, traditional science rubric, but
18 there has been some work on doing that.

19 And a lot of what we're doing -- for
20 example, I guess -- I'll give you an example, just to
21 -- in the Beaufort Sea we're working on a Marine
22 Protected Area that's comprised of three areas where
23 beluga congregate, but it's also the areas where the

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1 Inuvialuit hunt beluga. And those three areas were
2 identified a number of years ago by the Fisheries
3 Joint Management Committee, which is an Inuvialuit-run
4 committee established under their land-claim agreement
5 that identified those areas that needed to have no
6 activity in them whatsoever, save for the ability,
7 providing the ability for the Inuvialuit not only to
8 practice their traditional hunt and to preserve the
9 beluga whales in the area.

10 And so that essentially is just -- that is
11 driving the MPA process. And the reason they had
12 suggested to us that they wanted a Marine Protected
13 Area there and that they wanted a more solidified
14 protection is that they realized that these areas were
15 de facto protected in a management plan, but the plan
16 didn't have -- the Beluga Management Plan -- but it
17 didn't have any legislative, it didn't have any
18 authority other than that. And they felt that they
19 were starting to be vulnerable as the interest in oil
20 and gas exploration and things like that increased in
21 the Beaufort Sea.

22 And there are other places where that kind
23 of knowledge is coming into play. When we establish

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1 Marine Protected Areas under the Ocean Act and even
2 under the others, certainly Parks Canada is very much
3 involved with the Haida in the establishment of -- on
4 the terrestrial park in the Queen Charlotte Island and
5 on the establishments of Gwaii National Marine Park
6 Conservation Area. And their knowledge is being
7 brought into that process as well in delineating has
8 it's going to be managed.

9 MS. COMFORT: Thank you.

10 Terry O'Halloran.

11 MR. O'HALLORAN: Thank you. I too very
12 much enjoyed your presentation. I learned a lot from
13 it and mostly from the pictures.

14 MS. COMFORT: Lots of visual.

15 MR. O'HALLORAN: It's very helpful for me
16 also. Dolly mentioned something that maybe you could
17 help us with and this may be a follow-on to what
18 Bonnie's question was. But Dolly made a comment that
19 the attitude in B.C. toward MPAs was rather positive.

20 And maybe you could talk to us about why
21 the attitudes among the stakeholders in B.C. are
22 positive. Because this is an area that we struggle
23 with, is the stakeholder participation, interaction,

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1 buy-in, and so maybe you could give us some of your
2 thoughts.

3 MS. COMFORT: Well, I think Dolly said
4 something about that in some ways that people looked
5 at the planning process as an opportunity as opposed
6 to -- and I don't think there's universally positive
7 attitudes towards MPAs. I think a lot of people are
8 still quite fearful. Fishing communities are often
9 very fearful of even the concept of an MPA because
10 there is a misconception that every MPA is going to be
11 a marine reserve.

12 But I think that British Columbia -- I'm
13 from B.C., right, and for whatever reason there is a
14 real value placed on the environment there. And it
15 may come from the historical attachment we have. I
16 mean we are the hearers of water and the sorrows of
17 logs in British Columbia. It is the land of lakes,
18 rivers, and people who cut down trees, and that's how
19 people lived.

20 And people lived in fairly small
21 communities all over the thing, so there is a real
22 attachment to both the land and I think to the ocean
23 in B.C., just by virtue of that. But I wouldn't say

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1 there is a universal embrace of the concept of MPAs.
2 But there's certainly -- there's probably a lot more
3 pressure put on my agency personally to establish more
4 and better and faster MPAs in B.C.. And that stems
5 from a fairly active -- a number of active NGO
6 communities that are approaching it in a pretty
7 holistic way.

8 And I think that the kind of work that's
9 gone on to date on establishing protected areas in the
10 marine environment has made people a little more
11 comfortable with how it's gone on. Parks has been
12 involved there for years in Long Beach and Pacific Rim
13 National Park, which has a marine component. And they
14 have been working in the Gulf Island on establishing a
15 national marine conservation area and they've been
16 working on the Queen Charlottes. And so there's a
17 sense that people understand what the process is.

18 In terms of the planning and looking at it
19 as an opportunity, I think both industries, certainly
20 the oil and gas industry, looks at it as a way to get
21 the areas that they're not going to be able to go out
22 of the way, a priori, and they're going to know. And
23 then it's not going to be -- and the regulators

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1 perceive it that way, too.

2 MR. O'HALLORAN: So if -- would it be fair
3 to say then having a clearly defined process in which
4 the stakeholders can understand has been beneficial?

5 MS. COMFORT: Yeah. I think transparency
6 is really important. I do think transparency and a
7 clear understanding of what it means and how they
8 might have input.

9 CHAIRMAN BROMLEY: Good. Jim Ray, did you
10 have your hand up?

11 DR. RAY: No.

12 CHAIRMAN BROMLEY: So that -- I think it
13 exhausts the questions; am I correct?

14 Again let us thank Mary Jean Comfort.

15 (Applause.)

16 CHAIRMAN BROMLEY: We are ahead of
17 schedule, and Bonnie has whispered in my ear that
18 perhaps we should raise the charter discussion now,
19 which if it can be done in 12, 13 minutes, would allow
20 us to then proceed with our agenda. So if there's no
21 opposition, if you think everybody is here, maybe we
22 ought to have that discussion now.

23 Gil?

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1 MR. RADONSKI: My good friend George
2 Lapointe just came into the room.

3 CHAIRMAN BROMLEY: Indeed.

4 MR. RADONSKI: And since George has not
5 appeared before with us before, --

6 CHAIRMAN BROMLEY: Yeah.

7 MR. RADONSKI: -- I hope we could get him
8 introduced and have him make his usual statement about
9 MPAs.

10 CHAIRMAN BROMLEY: Wonderful. Thanks,
11 Gil.

12 George Lapointe is indeed with us, and the
13 floor is yours, George. What we have done is sort of
14 explained who we are and why we're here, what we've
15 done. So we're glad to have you.

16 MR. LAPOINTE: My name is George Lapointe.
17 I'm the Commissioner of Marine Resources from the
18 State of Maine, the Gulf of Maine. In the Gulf of
19 Maine we've got a very strong interest in the MPA
20 issue. And it's my reason for being here.

21 Prior to being in the State of Maine,
22 where I've been now for five years, I worked for both
23 the Atlantic States Marine Fisheries Commission and a

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1 group called the International Association of Fish and
2 Wildlife Agency. So I've worked with state fish and
3 wildlife agencies for my entire career. So thank you
4 for having me.

5 CHAIRMAN BROMLEY: We're very happy to
6 have you here. We have assigned you to a
7 subcommittee.

8 MR. LAPOINTE: Which?

9 CHAIRMAN BROMLEY: I forget which one it
10 is, but we'll give you --

11 MR. LAPOINTE: Later.

12 CHAIRMAN BROMLEY: Yeah, we'll give you
13 the chance of negotiating. We're selling slots on
14 other committees, but we're very happy to have you
15 here, George.

16 MR. LAPOINTE: Thank you.

17 CHAIRMAN BROMLEY: Maggie says we have you
18 floating, so how's that?

19 MR. LAPOINTE: That's good for now.

20 CHAIRMAN BROMLEY: But we should try to
21 pin you down somehow.

22 So thanks, Gil, for calling that to my
23 attention.

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1 Would it be all right with you if we visit
2 the charter issue and get it out of the way? Any
3 objections to that?

4 Wally.

5 DR. PEREYRA: No. We should say it's tab
6 3, please.

7 CHAIRMAN BROMLEY: Yeah. Thank you. It's
8 at tab 3.

9 DR. PEREYRA: Visual.

10 CHAIRMAN BROMLEY: I've become very
11 sensitive to twitches in fingers and hands, and so
12 don't pick your nose or I might put you on the roster
13 to speak.

14 So it is at tab 3. And tab 3 contains the
15 original charter plus a track changes version of our
16 thoughts. I gather, Maggie, from our June meeting
17 when we fussed about "shall" and "might" and "can" and
18 "must" and "may not" and "may," and so here we are.

19 And I'm open to discussion about how you
20 wish to proceed to do this. Shall we -- the changes
21 appear in Objectives and Duties, paragraph 3,
22 paragraph 4 over on the next page, in paragraph 2, and
23 some other stuff. So shall we just -- Maggie, what --

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1 do you have any advice for us?

2 Okay, yeah.

3 MS. ERNST: I did talk to Alice McKenna,
4 our attorney-advisor in the Department of Commerce,
5 who you heard from during the June meeting, who we go
6 to for guidance on how to handle FACA, Federal
7 Advisory Committee Act, and describe the kinds of
8 changes you wanted to make under the Objectives and
9 Duties, section 3 and 4.

10 And it was her opinion that you do not
11 need to come back at this point and ask for
12 recommended approval for recommended changes through
13 an amendment to the charter, that she believes that
14 you have the flexibility with the wording as it now
15 stands to begin to come up with your substructure.

16 CHAIRMAN BROMLEY: Does this mean that we
17 could entertain a motion paragraph by paragraph or en
18 masse to make these changes, Maggie; would that be in
19 an order, a motion?

20 MS. ERNST: Yeah. I mean she's saying
21 that you should just for the time being not propose
22 coming in with a series of changes that wordsmith the
23 charter, as you discussed back in the June meeting.

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1 And that you do not need to set up working groups that
2 are scientific as their sole focus. That there is
3 latitude to work within this wording.

4 And the other thing that I'll mention is
5 that, as Joe mentioned in his presentation yesterday,
6 this charter will come up for renewal. And we will be
7 triggered to start the renewal process in June. And
8 at that point we will gather together a lot of those
9 kinds of changes that could be made and could be
10 handled. We would be able to handle those at that
11 point.

12 CHAIRMAN BROMLEY: Okay. I had Dave and
13 then I had Bob.

14 MR. BENTON: Mr. Chairman, first a
15 question and possibly -- well, first a question and
16 then possibly a statement, okay.

17 And the question is to Maggie: Did the
18 attorney say that we were prohibited from amending the
19 charter if we so desired?

20 MS. ERNST: No. You're not, but she'd
21 like there to be a warranted reason for going forward
22 with a change rather than just something that maybe
23 more perfunctory in her eyes. And that's, you know,

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1 part of the learning process that we're going through
2 in terms of trying to interpret FACA requirements.

3 MR. BENTON: Mr. Chairman, if I could
4 follow up then?

5 CHAIRMAN BROMLEY: Yeah.

6 MR. BENTON: Well, with all due respect,
7 when I see something in writing that says "it shall be
8 co-chaired by a scientist," that's pretty directive
9 and explicit. And I'm not sure I would -- if we are
10 not prohibited and we have an intention that we want
11 to make the language clearer, our purposes clearer,
12 then I would think that it is better to go ahead and
13 amend it as you all basically discussed. And I looked
14 at this thing, and it looked appropriate.

15 If that's the case, I mean I'm ready to
16 make a motion to adopt the changes that you all
17 recommended and get it done and get it overwith. I'm
18 a little concerned if we don't do that, there's some
19 language that was in the original that was very
20 directive and quite limiting, I thought. And the
21 changes, again I'm not a lawyer, but I've been around
22 enough of them to know that a "shall" means that you
23 will do this this way, period. And if somebody wants

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1 to give you a hard time about, they've got something
2 to stand on and you don't.

3 If a motion's in order, Mr. Chairman, I'll
4 do it. If not, if you want to have further
5 discussion, I'll hold off.

6 CHAIRMAN BROMLEY: Let's get the sense
7 here. You were specifically referring to the middle
8 of paragraph 3, weren't you, David, that says "any
9 working group created may" versus "shall," --

10 MR. BENTON: That's correct.

11 CHAIRMAN BROMLEY: -- right?

12 MR. BENTON: I wouldn't -- yeah, there's
13 -- that's --

14 CHAIRMAN BROMLEY: Several of these?

15 MR. BENTON: Several of those, yes.

16 CHAIRMAN BROMLEY: Okay. Bob?

17 MR. ZALES: Yeah. Bob Zales, and to
18 debate the point. And he was not at the first
19 meeting, but there was a lot of discussion on that
20 same feeling. And my question and also a statement
21 would be: In the changes that you're talking about,
22 Maggie, that they said we don't need to make, would
23 that be the ones that have been suggested here? That,

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1 in other words, the attorney is saying that the
2 original language is flexible and we don't necessarily
3 need this?

4 MS. ERNST: That was my impression of her
5 statement. And that was a phone discussion where she
6 didn't necessarily have the text in front of her. It
7 was --

8 MR. ZALES: Okay. Well, then another
9 point in my statement. A phone discussion without
10 anything in writing from that attorney saying that
11 there -- because I'm not an attorney either. But like
12 Dave, I've heard enough of them discuss things, and in
13 the Gulf of Mexico with specific language in the
14 Magnuson Act, and a red snapper had "Q," and "are,"
15 "shalls," "ands" make a significant difference in how
16 something is determined.

17 So when you see something that has said
18 "shall establish," that means in my mind you do it.
19 When we suggest changing it to "may" that we suggested
20 as a committee that we may not necessarily want to do
21 that, but if we want to we can.

22 And so if you want to make a motion later
23 on I'll second the motion, or whatever. But further

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1 discussion, I would encourage at least these changes
2 because I'm happy with these changes that are made
3 here currently.

4 MS. ERNST: And these of course apply to
5 your formation of working groups and not
6 subcommittees.

7 CHAIRMAN BROMLEY: Right, okay. I have
8 Max, Mark, Dolly, and Dave.

9 MR. PETERSON: Mr. Chairman, I know a
10 little about charters. If we amend this and have to
11 go through the whole process through the Department of
12 Commerce, through the Department of Interior, to GSA,
13 and then file in the Federal Register as a charter
14 amendment if you really want a charter amendment. But
15 I don't see that there's one needed, because it says
16 "Any working group created," it applies only to
17 working groups. We don't have to create any if we
18 don't want to.

19 I think every member of this Committee
20 could be considered a scientist. It doesn't say a
21 research scientist. It says a scientist. So I don't
22 personally see the need to revise this. I think we'd
23 be better off to gather up things we want to do and a

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1 year from now come in with revisions. It just seems
2 to me like a big exercise in futility.

3 CHAIRMAN BROMLEY: Okay. Thank you. I
4 have Mark, Dolly, Dave, and Mike. And Wally.

5 DR. HIXON: Mark Hixon. My question had
6 to do with clarification, and this is to Maggie.

7 Maggie, these changes that we hashed out
8 last time, these have not yet been approved then?
9 They haven't gone through the process of being
10 approved changes to the charter; is that correct?

11 MS. ERNST: Right. As Max just mentioned,
12 I think there would have to be a determination of
13 whether these were major or minor amendments to the
14 charter. And we elected to go forward with your
15 request to add the provision for a vice chair, to
16 allow you to elect Bonnie McCay at this meeting. And
17 rather than bundle them all up together and risk that
18 the possibility that it got bogged down and that you
19 didn't get at least that for this meeting, I just went
20 forward with one change to the charter.

21 DR. HIXON: Okay. Thanks.

22 CHAIRMAN BROMLEY: Okay. Dolly.

23 DR. GARZA: Thank you, Mr. Chair. I would

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1 speak in favor of going forward with changing the
2 charter. And I think we can just keep working along
3 as if it has been changed.

4 I think we worked pretty hard at making it
5 work for us. And while it could be argued whether or
6 not we are all scientists and whether or not someone
7 who didn't put it in writing would object or not
8 object, my experience has been that if it's not in
9 writing in front of you it will probably get re-
10 viewed by somebody higher who will have a different
11 opinion. And so my preference would be to go forward.

12 And I think we can come up with valid
13 reasons why it should be changed.

14 CHAIRMAN BROMLEY: Okay. I have Dave,
15 Mike, and Wally. Dave.

16 MR. BENTON: Mr. Chairman, I'm going to
17 take a stab at this just to move things along. We can
18 then have further discussion under the context of
19 motion. But, Mr. Chairman, I'm going to move that we
20 adopt the recommended changes in the charter as
21 outlined in the document in our notebook.

22 Those are changes are -- and I'm moving to
23 adopt all the changes on the first page and the second

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1 page. It doesn't look like there's any on the third.

2 CHAIRMAN BROMLEY: Okay.

3 MR. BENTON: And if I have a second, I'll
4 speak to it briefly.

5 MR. ZALES: I'll second.

6 DR. GARZA: Second.

7 MR. BENTON: Okay. Mr. Chairman, may I
8 speak to you?

9 CHAIRMAN BROMLEY: Yes.

10 MR. BENTON: Mr. Chairman, I think that we
11 heard enough discussion to understand that there was a
12 good rationale at the time when you all met at the
13 first meeting to try and clarify there would be some
14 flexibility in how the Committee would set up working
15 groups.

16 My experience has been that directive
17 language like "shall" is directive language. And
18 language such as "may or" provides a bit of
19 flexibility. In looking at this, I can well imagine
20 the discussions you all had. I think that it's
21 important. I notice two substantive issues that I
22 think are good.

23 One is that the change from "scientist" to

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1 "member" so it's very clear there would be any Member
2 from the Committee. The other one is that "submitted
3 by scientific or other working groups." Right now we
4 may have working groups that are not scientific that
5 are important to our function.

6 And a clarification on the second page
7 with regard to setting up the chair and vice chair
8 elections I think is a good improvement. And I really
9 can't speak to the Department of Homeland Security, so
10 I won't. Thank you, Mr. Chairman.

11 CHAIRMAN BROMLEY: Thank you very much.
12 Okay. I have Mike and Wally and then maybe some
13 others want to get in. So Bob -- Mike, you're up now.

14 DR. CRUICKSHANK: Mr. Chairman, I agree
15 fully with David's comments and therefore I withdraw
16 my statement and agreement.

17 CHAIRMAN BROMLEY: Okay. Thank you.

18 Wally.

19 DR. PEREYRA: Mr. Chairman, if the maker
20 of the motion and the second would so agree I'd like
21 to offer a friendly amendment. That on page 2, item
22 number 2 under the listing of the ex-officio nonvoting
23 members that would be invited, I would like to add EPA

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1 --

2 MR. [SPEAKER]: It's there.

3 DR. PEREYRA: Excuse me. -- the Corps of
4 Engineers.

5 CHAIRMAN BROMLEY: All right.

6 DR. PEREYRA: Thank you. And if I could
7 I'll speak to that, Mr. Chairman.

8 CHAIRMAN BROMLEY: The mover and the
9 seconder have shrugged their shoulders, so fine.

10 DR. PEREYRA: If I could for just a
11 moment, Mr. Chairman.

12 CHAIRMAN BROMLEY: Yes.

13 DR. PEREYRA: My reason for adding the
14 Corps of Engineers is, as I mentioned earlier, I do
15 feel that they are certainly an organization which can
16 help or hinder Marine Protected Areas, particularly in
17 the near-shore environment, so I'd just like to have
18 them included and give them the opportunity.

19 CHAIRMAN BROMLEY: Could I ask a
20 clarifying question of Joe, Maggie, and others
21 perhaps. This is a "shall" I think in the sense that
22 the "shall be granted to," it doesn't mean that they
23 are obligated to send somebody, but do I read this

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1 correctly that it's sort of an invitation list. Is
2 that how this would be interpreted?

3 MR. URAVITCH: That's -- no, those are the
4 agencies that are to be members of -- I guess I need a
5 point of clarification. My apologies for not being
6 here, but I'm trying to understand the process going
7 on here, because this is the agency's charter. So I
8 assume you're developing recommendations for the
9 agencies that you think we should consider?

10 CHAIRMAN BROMLEY: This speaks just to
11 Wally's --

12 MR. URAVITCH: No. I'm talking about the
13 process in general, because this is just a charter
14 that's developed by the departments for direction to
15 this Committee specifically. So are we in an effort
16 here to try and make some clarification?

17 MR. ZALES: To that point, Mr. Chairman,
18 the problem is it says the charter of the Marine
19 Protected Areas Federal Advisory Committee, which
20 would be us, not the agency.

21 MR. URAVITCH: No. It's the charter the
22 agency has provided to you as the charter under which
23 you operate.

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1 CHAIRMAN BROMLEY: Okay. Boy, here we go.
2 All right, just a minute. Wally, are you finished
3 with your --

4 DR. PEREYRA: Yes, Mr. Chairman, I am.
5 Thank you.

6 CHAIRMAN BROMLEY: So now I have Bob
7 Zales, I have Ted, I have Lelei, I have Mike and --
8 Mike, you're on the list. Others?

9 Okay, Bob Zales.

10 MR. ZALES: Bob Zales. In support of
11 David's motion and just to give a little background I
12 guess and to discuss what we did back at the first
13 meeting. Clearly -- and then a statement was made
14 that there has been many times that I would love to be
15 considered -- my testimony and advice be considered
16 scientific due to my years on the water, but it's just
17 always been told to me that due to the fact that I'm
18 not educated scientifically and I don't have that
19 background, that my information's anecdotal.

20 (Laughter.)

21 MR. ZALES: So where it clearly talks
22 about "strike the written language," that this
23 Committee would establish scientific working groups.

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1 In our discussion at the first meeting, we -- and it
2 was a considered discussion -- we separated "stuff"
3 and "are working" -- and "working" to cover anecdotal
4 people like myself.

5 So in that respect I would encourage us to
6 submit this as an amendment to the charter. And I
7 have a question for Joe I guess, because I still don't
8 quite understand, and it may just be the way this
9 reads and the title, but the way I read this title
10 this is this Committee's charter. The agency created
11 it, but it's the charter on how this Committee will
12 operate under the law.

13 And if that is the case, then under 2,
14 where the friendly amendment comes in, which I
15 supported, the fact that the Committee shall extend an
16 invitation to the Corps of Engineers, they don't have
17 to accept it if they don't want to come. But I think
18 that they should be a necessary part and they should
19 understand that we as a committee think they should be
20 an integral part of this process, especially like was
21 stated in Initial Water, they're the ones that issue
22 permits for official reefs and things like this which
23 are going to be part of the MPA process. So they are

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1 an integral player and assistant.

2 MR. URAVITCH: Right. I'm not disagreeing
3 with that. All I'm suggesting is that the process
4 you're working on would have to be in the form of
5 recommendations to the departments, that the
6 departments will consider in terms of how, if, or
7 whether this charter will be amended. That's all I'm
8 suggesting.

9 MR. ZALES: And I guess another question.
10 Then as a recommendation to the Departments of
11 Commerce and Interior that this charter be amended, if
12 they refuse to do that for whatever reason, and I
13 guess if the administrative record that we feel by
14 discussion is not good enough, then what I understand
15 that while this language stayed the same, then we
16 would be operating -- we would have to establish a
17 scientific working committee.

18 MS. ERNST: Well, yeah, Joe, I had
19 explained in the beginning that I had gotten advice
20 from Alice McKenna, our attorney-advisor, that she
21 felt that there was flexibility in the wording as it
22 stood to allow the Committee to create working groups
23 that weren't solely scientific in nature. And that

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1 was how we prefaced the start of this discussion, and
2 then went back to revisit the changes from the June
3 meeting.

4 CHAIRMAN BROMLEY: Okay. Good. I have
5 Ted, Lelei, Mike, Jacqueline, and Dave.

6 CAPT. THOMPSON: Thank you, Chairman. Ted
7 Thompson. I speak in support of the motion to adopt
8 these amendments. I think it's very important to
9 clarify the basis under which our work is being
10 undertaken. And this certainly would clarify several
11 of the questions I had very early on.

12 My only point here, sir, would be in point
13 2 on page 2. We have Department of Transportation in
14 square brackets, and I don't think a recommendation
15 should go forward with square brackets in it. I would
16 offer a friendly amendment that we remove the square
17 brackets, because I can see where the Department of
18 Transportation could very easily have an interest in
19 this process landside versus maritime and how those
20 connect.

21 Thank you, sir.

22 MS. ERNST: The Chairman is letting me
23 explain the nature of those brackets. When this

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1 charter was first approved the Coast Guard was still
2 in the Department of Transportation. And rather than,
3 now that the Coast Guard is in the Department of
4 Homeland Security, I bracketed that, because we still
5 could make a decision that we might want to invite the
6 Maritime Administration within the Department of
7 Transportation onto our --

8 CAPT. THOMPSON: Yes, ma'am. Having spent
9 31 years in the Coast Guard I fully understand that.
10 And I'm recommending that we do indeed remove those
11 brackets to invite MRAD and whoever else may --

12 MS. ERNST: And the other thing in regard
13 to what Wally Pereyra was discussing with the Corps of
14 Engineers being invited in, when we did send our
15 letter to the Department of Defense inviting them to
16 designate an ex-officio rep, they determined that the
17 Navy would become their lead for the purposes of this.

18 But that does not preclude us from going back.

19 And our -- Commander Kohanowich, who was
20 here yesterday, I think at our ex-officio meeting in
21 October welcomed the opportunity for us to broach the
22 subject of bringing in the Corps during that meeting.

23 MR. BENTON: Mr. Chairman, there was a

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1 suggestion for friendly amendment by Ted.

2 CHAIRMAN BROMLEY: Yeah.

3 MR. BENTON: And with the Chair's
4 indulgence I'll accept that friendly amendment if my
5 second does.

6 MR. ZALES: I would.

7 CHAIRMAN BROMLEY: Okay. Thank you,
8 David.

9 Okay, Lelei.

10 MR. PEAU: Chairman, just a point of
11 clarification, and I don't know if this also warrants
12 a friendly amendment, but it's been noted and it's
13 been set twice on the operating budget -- I do not
14 want to lose sight. If we're looking for a
15 recommendation to the two federal agencies, one of the
16 thing I noted here is that on the annual cost of
17 operations, I mean we went through our working group
18 this morning. It was one of the recommendation that
19 was before it, and this certainly needs some attention
20 by our group.

21 And also I did raise a question yesterday
22 during David Smith's presentation in terms of how much
23 or if Department of Interior putting in any money to

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1 this. And the quick response was yes. And then I did
2 ask for a budget detail by staff so that we understand
3 what kind of budget we're operating from.

4 The concern, Mr. Chairman, is that there's
5 a lot of work that needs to be done. And I think
6 certainly warrants some sort of increase -- I mean a
7 recommendation by this body to the two agencies for an
8 increase of operating budget. I think that's a window
9 of opportunity. As we speak there's FY '04 budget is
10 under review, and I think it's certainly warrants some
11 sort of communication to DOI to ensure that there is
12 some attention put on an increase of operating budget.

13 Thank you.

14 CHAIRMAN BROMLEY: Could I make an
15 observation? The charter says estimated to be
16 250,000, which in a sense -- are you saying that we
17 ought to change this in some way so that we...

18 Well, I guess my question really is a
19 procedural one to Joe and to Maggie and others. What
20 is the right mechanism whereby we would make the case
21 that we need more money? I'm not sure the charter is
22 the place to do that, but I would defer to Joe and
23 Maggie and Mary and anybody else on this.

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1 I'm not trying to defeat your point,
2 Lelei, but --

3 MR. URAVITCH: Oh, I think it might be
4 more appropriate to just discuss that with the
5 agencies external to the process of a formal charter.
6 And this charter's going to have to go through a
7 renewal process within, what, the year?

8 VICE CHAIR McCAY: We start in June.

9 MR. URAVITCH: We start in June. And it
10 would take several months to make charter amendments
11 regardless. So I think it's appropriate at this
12 point, if I may say so, to come up with some ideas on
13 where you think it would make this Committee function
14 better and then it can be discussed with the
15 departmental senior officials. And we could take
16 those things into consideration.

17 MR. PEAU: Mr. Chairman, may I follow up
18 on that?

19 CHAIRMAN BROMLEY: Go ahead.

20 MR. PEAU: Mr. Chair, again I do not want
21 to lose sight of the request that I put forward
22 yesterday. And this is through you, Mr. Chair, to ask
23 for a budget detail breakdown from staff so that we

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1 know what the actual cost and so we can also be
2 assisting the subcommittee in terms of their work
3 plans.

4 CHAIRMAN BROMLEY: Maggie says why are you
5 looking at me?

6 MS. ERNST: Well, one thing I can say is
7 that our attorney-advisor did describe this figure of
8 \$250,000 in annual operating costs as an estimate and
9 not an obligation. So that's one aspect.

10 Another thing that we're required to do
11 every year is to report to the General Services
12 Administration, which has oversight over all of the
13 FACA committees in the government on what our costs
14 have been. That is put into an annual report, and we
15 just went through that process. And we -- and we also
16 have to project what we think our next year's costs
17 are going to be.

18 So in the course of doing that exercise
19 for what it would cost in terms of trying to hold in
20 this case three Committee meetings this year, I came
21 up with an estimate of \$315,000, which goes above this
22 ceiling, which would be what we would roughly spend to
23 hold this meeting and then two more during fiscal year

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1 '04. So that gives you an idea of what the cost would
2 be if we were to ramp up to one more full meeting.

3 CHAIRMAN BROMLEY: Thank you. Are you
4 okay with that so far? Your point will not be lost.

5 Mike then Dave, Wally, Bob, Rod, Jim Ray,
6 and Max. Mike.

7 DR. CRUICKSHANK: Yes. Thank you, Mr.
8 Chairman. It was my understanding that the Corps of
9 Engineers was an agency within the Department of
10 Defense and therefore their inclusion in here would be
11 redundant.

12 CHAIRMAN BROMLEY: I'm sorry, Mike. I was
13 writing down names in the queue. I missed your --
14 would you make it again?

15 DR. CRUICKSHANK: It is my understanding
16 that the Corps of Engineers is an agency within the
17 Department of Defense.

18 CHAIRMAN BROMLEY: That is --

19 DR. CRUICKSHANK: And so therefore their
20 inclusion in this amendment would be redundant.

21 CHAIRMAN BROMLEY: Oh, yeah.

22 MS. ERNST: Well, I think the Departments
23 of Commerce and Interior would need to determine

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1 whether they should set a precedent in allowing a
2 department out have several ex-officio reps and get
3 down to having multiple bureaus represented. And that
4 would be something that we've just started to discuss,
5 but haven't started to directly follow up on.

6 CHAIRMAN BROMLEY: Thanks, Maggie.

7 Jacqueline.

8 MS. SCHAFER: Thank you, Mr. Chairman. I
9 have some -- many years experience in federal and
10 state government prior to the outline that I provided
11 yesterday. And among the things that I learned is,
12 number one, don't let the perfect be the enemy of the
13 good. And, number 2, forgiveness is easier to get
14 than permission.

15 And Max is right on point. The point's
16 been made, but I'm going to make it again for
17 emphasis. The charter is the prerogative of the two
18 agencies that set up -- were told to set up this
19 Advisory Committee in the Executive Order. But in
20 addition to those two agencies, charters go through an
21 exquisite interagency process at the federal level
22 that involves coordination by the Office of Management
23 and Budget.

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1 And I can predict because of the
2 experience that I've had in setting up FACAs and
3 charter for FACAs in other context, that this could be
4 a multi-month process. And I would not advise you all
5 to rely on these changes as you to try to plan the
6 workload that you have for even the next six months or
7 a year because it simply may not happen in that
8 context.

9 And likely someone will remind the rest of
10 us that, look, we're going to be in the process of
11 revising this anyway. That process, I believe we've
12 been told, June. So why not just let it to catch up.

13 I'm not speaking at all to the substantive
14 changes that we want to make a recommendation of, only
15 to the process that I'm familiar with. We might want
16 to satisfy ourselves with working in the context of
17 the existing charter and knowing that there are work-
18 arounds that the lawyers at Commerce have already
19 invited us to use.

20 CHAIRMAN BROMLEY: Do I interpret this to
21 mean that if we do not establish a working group, even
22 though it says we shall, the penalty for that will be
23 less than the anguish that we endure by starting down

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1 this road?

2 MS. SCHAFER: That would be my judgment
3 call on this one, Mr. Chairman.

4 CHAIRMAN BROMLEY: Okay. Dave, Wally,
5 Bob, Rod, Jim Ray, Max, and Steve. Dave.

6 MR. BENTON: Mr. Chairman, I was just
7 going to try and help with some of this discussion, to
8 clarify the intent of the motion a bit. And I was
9 anticipating Max Peterson's comments, which I think
10 are going to mirror the ones we just heard.

11 And I certainly can understand them and I
12 certainly can understand the notion of seeking
13 forgiveness instead of asking permission. But having
14 said that, I think it's important for us to be on
15 record at least that we believe that this is the way
16 we should be operating, and make that recommendation.

17 And it is just a recommendation to the agencies that
18 are responsible for setting this Committee up, so that
19 they have a clear picture of what -- how we would like
20 to see things operate.

21 And if -- if the attorney-advisor believes
22 that we have the flexibility to operate this way in
23 the interim before this is changed in this manner,

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1 then sobeit, and that's a great thing. I would note
2 that -- and this is for the record, Mr. Chairman.

3 I would note that it has been pointed out
4 that the Corps of Engineers is a part of the
5 Department of Defense and it would be the intent of
6 the motion, and I'm looking at my second to make sure
7 that this is correct, that could be worded so it would
8 be "Department of Defense, including the Corps of
9 Engineers." That wouldn't exclude the Navy, for
10 example, but it could include Corps of Engineers.
11 That's a clarification. It's not a substantive change
12 in that regard.

13 The only other thing that I wanted, I
14 guess wanted to speak to just briefly, Mr. Chairman,
15 is that while I understand that -- maybe this is a bit
16 redundant -- while I understand that a process to kick
17 off looking at this charter would be, you know, seven
18 months or eight months from now, we could also look at
19 this as frontloading this process and maybe this time
20 we'll get it sort of looked at and it goes through the
21 interagency process that the new revision would go
22 through anyway, there would already be this in there,
23 sort of in the mix so people would be thinking about

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1 the consequences of the words they put in the original
2 one.

3 I don't know if it was intentional, the
4 way that some of the wording here was, but a number of
5 us, as Bob have pointed out, have had experience with
6 that in the past. And I'm pleased that the attorney
7 has given us an interpretation of this, that allows us
8 to be flexible, but I'm not comfortable personally
9 with not taking some action at this point.

10 CHAIRMAN BROMLEY: Okay. Thank you. We
11 are now five minutes beyond what we thought we might
12 use to break up. We still have six names on the list,
13 and I'd like to ask, if you can, to make your pro and
14 con comments brief and to the point. And let's see if
15 we can't reach closure on this.

16 Wally, Bob, Rod, Jim Ray, Max, and Steve.

17 DR. PEREYRA: Thank you, Mr. Chairman.
18 I'll tilt my head a little bit on the side. I'm not
19 really sure what Dave said, but I totally agree with
20 it.

21 (Laughter.)

22 DR. PEREYRA: But, in any event, --

23 MR. BENTON: That happened years -- for

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1 many years, Mr. Chairman, we were on the same council
2 together.

3 DR. PEREYRA: I notice that this charter
4 was filed in December of 2002 and it expires December
5 2004. So probably about the time this whole process
6 goes through the mill the charter is going to be
7 suspended anyway. So for what it's worth.

8 CHAIRMAN BROMLEY: It's worth a lot. I'm
9 not sure what, but, yes, it's -- thank you.

10 Bob.

11 MR. ZALES: Bob Zales. And I agree with
12 everything Dave said and also Wally. And I would just
13 like to emphasize that, first off, I appreciate the
14 verbal comment that the attorney made. And I would
15 request that that comment and advise be put in writing
16 and distributed to every Committee Member here to say
17 that should this not happen.

18 And I've also been involved in other
19 advisory committees and panels and various meetings,
20 having told at times that what a committee may want to
21 do is not going to be done. And I've always been
22 reluctant to change what a recommendation as a whole
23 body would be just because somebody with an agency

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1 said "We're not going to do it." So I think that that
2 message needs to be clear to clarify this Committee's
3 intent. And I'll accept the wrath of the process
4 going through rather than taking the ease of just kind
5 of ignoring the thing, especially under a verbal
6 commitment rather than a written one.

7 CHAIRMAN BROMLEY: Fine. Thank you very
8 much.

9 Rod.

10 DR. FUJITA: I pass, Mr. Chairman.

11 CHAIRMAN BROMLEY: Pass. Jim Ray. Jim
12 Ray is consulting his lawyer. Jim, you're on.

13 DR. RAY: Yeah, Mr. Chairman, I'm not sure
14 if my order -- I'm still speaking to a motion or not.

15 CHAIRMAN BROMLEY: You are.

16 DR. RAY: Just one other comment is I
17 think it would be very useful for the agencies to
18 discuss the budget with the Chair and the Co-Chair so
19 that as we go forward and we look into whether or not
20 we need to have funds available for work groups, etc.,
21 you know where we are and you can advise the
22 subcommittee chairs accordingly. Thank you.

23 CHAIRMAN BROMLEY: Thank you very much.

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1 Max.

2 MR. PETERSON: I want to move to amend the
3 motion to say that we recommend these changes be
4 considered in connection with the new charter. That's
5 to be begun in June. And that there also be a look at
6 potentially increasing the dollars in it to allow the
7 work groups to have some money to function.

8 And, Mr. Chairman, if I get a second I'll
9 make a few comments.

10 MR. RADONSKI: I'll second it.

11 CHAIRMAN BROMLEY: It's been seconded.
12 Gil Radonski seconded it, okay.

13 MR. PETERSON: Let me just say I'm in
14 sympathy with the motion. I think they have stated
15 the case quite right. This Committee was set up to do
16 work. We spent about an hour monkeying with the fine
17 points of the charter, which is not what we were asked
18 to do. We were asked to provide advice to the
19 Secretary of Interior and so on on Marine Protected
20 Areas.

21 Now it doesn't preclude us from spending
22 time on other things, but that's not our charter. I'd
23 also point out that it says, "Any working group

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1 created," it doesn't require us to create one single
2 working group. Just a point of clarification.

3 I think we need to get on with our
4 business, send this out and let them be considered as
5 part of the new charter.

6 CHAIRMAN BROMLEY: Okay. So if I
7 understand this there's been an amendment to the
8 motion which is that the changes that have been
9 proposed in the main motion be considered as the new
10 charter is being worked out. Do I understand that
11 correctly?

12 MR. PETERSON: Yes, sir.

13 CHAIRMAN BROMLEY: Do you have that,
14 Maggie?

15 Is that what you seconded, Gil?

16 Gil's talking to his lawyer.

17 CHAIRMAN BROMLEY: Is that okay?

18 MR. RADONSKI: Yes.

19 CHAIRMAN BROMLEY: All right.

20 MR. BENTON: Mr. Chairman, a question on
21 the amendment?

22 CHAIRMAN BROMLEY: Yeah.

23 MR. BENTON: Can we ask a question on the

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1 amendment?

2 CHAIRMAN BROMLEY: Yeah.

3 MR. BENTON: If the amendment passes and
4 the -- but the agency said -- agencies said, oh, these
5 aren't that substantive. We can get this done in a
6 few weeks. What would be the effect of the amendment?

7 CHAIRMAN BROMLEY: Could you repeat the
8 question?

9 MR. BENTON: Okay. Sorry, Mr. Chairman.
10 If the amendment passed. If it passes and then the
11 main motion passes by a subsequent vote, but the
12 agencies say, oh, we could get this done in a week or
13 two, or a month. What would be the effect of the
14 amendment?

15 MR. PETERSON: Well, if I could point out?

16 CHAIRMAN BROMLEY: Yeah.

17 MR. PETERSON: There is a detailed process
18 set out in federal law governing this, which the
19 General Services Administration is responsible for. I
20 can assure you every department that's cited in this
21 will have to run it through their attorney, run it
22 through the agencies involved. And it usually takes
23 from four to six months to run this process. And it

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1 doesn't matter how serious the changes are, it's a
2 process question that will simply eat up lots and lots
3 of time.

4 And I think we need to do this in
5 connection with the new charter. We need to look at
6 the budget for it, which has not been incorporated
7 into your motion. And I think we can do all that in
8 connection with the new charter. That's the proposal.

9 CHAIRMAN BROMLEY: Okay.

10 MR. PETERSON: I'm not against your motion
11 as such. I'm just --

12 MR. BENTON: Oh, no, no. I --

13 MR. PETERSON: -- looking at process.

14 CHAIRMAN BROMLEY: Okay. Thank you very
15 much.

16 Steve Murray.

17 DR. MURRAY: I have another issue to raise
18 with respect to this, unfortunately. I think that on
19 item number 4, under "Members and Chairperson," you'll
20 note the Committee has been set up for each Member to
21 be appointed to two-year terms and no Member shall
22 serve more than two consecutive terms.

23 Now what that means as I read it, if we

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1 follow the strict adherence to this charter is that by
2 the end of the second year we're all gone and there's
3 a whole new group of people.

4 And I think that usually what happens in
5 these committees is that there's a rotation that's set
6 up. And what's missing here is the fact that there's
7 no rotation, because everyone was appointed at the
8 same time.

9 So as consideration is given to revising
10 this charter, it's likely that this first group should
11 probably have another year and then some sort of
12 rotation could be set up. Otherwise either half of us
13 are rotated off after one year, which is coming up
14 pretty quickly, or we're all rotated off after two
15 years, if I read this correctly. So I hate to throw
16 another sort of issue on the table, but I think that
17 does need to be addressed if we're going to live by
18 this.

19 CHAIRMAN BROMLEY: Good. Maggie points
20 out to me it doesn't say that we are all, all of us,
21 are limited to one two-year term. It says, "shall be
22 appointed to two-year term and may serve no more than
23 two." So, yeah, two consecutive terms. But, again,

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1 is this -- yeah, sorry. Bob Zales.

2 MR. ZALES: Bob Zales. And I may offer
3 another amendment, but I'm going to see if I might be
4 able to support this amendment if this caveat was
5 added to it, because I'm still not comfortable with a
6 verbal statement from the attorney through Maggie, for
7 that amendment to include the advisory-attorney to
8 stipulate in writing that the comments that Maggie
9 said, that we don't necessarily have to adhere with
10 everything in this charter, because -- and I mean that
11 -- and to some people it may be a thing. But this is
12 a very serious thing because in fisheries management
13 I've been affected and people that I represent have
14 been affected too many times by simple legal language
15 and the way things are done.

16 When you get into the Federal Register
17 process and give people -- and I've just recently
18 gotten on the things where I read the Federal Register
19 every day, but when you don't read the Federal
20 Register and you have proposed rules come out many
21 times, the simple language is changed, it can
22 dramatically change the outcome of a proposed rule or
23 regulation.

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1 So I would feel much more comfortable and
2 could support that, but without that stipulation I'll
3 have to offer that as an amendment and see if I can
4 get a second. And the way I understand Robert's
5 Rules, that would be the final amendment, and then we
6 do have to take a vote or further discussion.

7 CHAIRMAN BROMLEY: So is this offered as a
8 friendly amendment and did I see the mover, original
9 mover nodding in agreement; is that --

10 MR. BENTON: No, I can't. It's his, here.
11 He's speaking to this amendment.

12 MR. PETERSON: Would you state what you'd
13 like to add?

14 MR. ZALES: That the advising attorney
15 issue in writing her legal opinion that the statement
16 that she made to Maggie on the phone, that Maggie
17 would have to reread it. I don't remember the exact
18 verbiage of it, where basically Maggie says is this
19 the -- the advising attorney said we don't have to
20 really comply with this the way it's stipulated.

21 MS. ERNST: You have the flexibility --

22 MR. ZALES: Right.

23 MS. ERNST: -- to form working groups that

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1 aren't scientific in focus.

2 MR. ZALES: Which in my mind says that
3 then where the MFAC "shall establish," means that we
4 don't have to do that.

5 MR. PETERSON: No. It says "any committee
6 that is established."

7 MR. ZALES: No, no. Read number 3, and
8 remove -- you remove the strike out of "shall" and you
9 remove "may," it says, "The MFAC shall establish
10 scientific working groups." That's the initial
11 reading of the charter, and that's my concern.

12 MS. ERNST: It doesn't say when. It just
13 says you shall. So...

14 MR. BENTON: Mr. Chairman.

15 CHAIRMAN BROMLEY: Oh, boy. This is
16 wonderful. David.

17 MR. BENTON: Mr. Chairman. Every so often
18 it's been my limited experience that a five-minute
19 stand-down to allow a couple of people to confer has
20 been very fruitful in getting out of the thorny webs
21 we weave sometimes. And I'm looking to the Chair.
22 And if we could have a five-minute stand-down perhaps
23 we could sort this out in a manner that will get us

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1 done.

2 CHAIRMAN BROMLEY: Well, I'm all in favor
3 of standing down, but I also would like to have us
4 move along. Now maybe if you -- someone wants to
5 table all of this, which is then nondebatabable, and we
6 can get on with our work groups and so on, and then
7 come back and revisit this at the end of the day,
8 which is what we were going to do anyway, if that
9 qualifies as a stand-down, that's fine.

10 So I don't know what to do. I would -- is
11 there anybody who wants to call the question or not?

12 MR. ZALES: Mr. Chairman, I'm going to
13 move to table the issue until prior to recess today,
14 and that'll give you longer than five minutes, and we
15 can --

16 MR. BENTON: I'd second that.

17 CHAIRMAN BROMLEY: Okay. Okay. So it's
18 been moved to table both the original motion and the
19 amendment. And it's been seconded and is not
20 debatable, I guess, I believe.

21 MR. ZALES: That's correct.

22 CHAIRMAN BROMLEY: So now thank you all
23 very much. This was wonderful.

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1 MR. BENTON: Call the question, Mr. Chair.

2 CHAIRMAN BROMLEY: Call the question. All
3 in favor of tabling both the amendment and the main
4 motion say "Aye."

5 [MEMBERS]: Aye.

6 CHAIRMAN BROMLEY: Opposed?

7 MR. [SPEAKER]: Aye.

8 CHAIRMAN BROMLEY: Duly recorded. The
9 motion passed.

10 So now the agenda says at 1:45 I'm
11 supposed to tell you what to do. I'm going to say go
12 off and do good work. And we have -- let me see my
13 calendar here. We have you back here at 3:15,
14 committees. We will repeat the process. We will go
15 around and report.

16 And since we need only three months to
17 dispense with the charter issue, we will terminate
18 just shortly before 5:00, so we can dispense with the
19 charter discussion. Thank you. Please go back and be
20 creative in your groups.

21 (Meeting recessed into subcommittee
22 meetings at 2:08 p.m., and resumed at 3:50 p.m.:)

23 CHAIRMAN BROMLEY: Are we ready to re-

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1 assemble? I think we're close to having most people
2 here.

3 Okay. It's now 3:50. We spent about 35
4 or 40 minutes on the charter. We decide to, as David
5 put it, stand down or back off or take a breather.
6 And it was, I think, good advice, good intervention.

7 The way I would propose to proceed now is
8 that we have about 55 minutes, 3:50 to 4:45 I'm
9 proposing for reports. You're going to do what we did
10 earlier today, an elaboration, a clarification. I
11 assume that your groups or the subcommittees have made
12 nice progress.

13 And at 4:45 I would propose to reopen the
14 conversation about the charter. Mary Glackin was not
15 able to be here at the time we were doing it. And I
16 talked with Mary and I think she has some insights and
17 advice for us. So unless there are objections, I
18 would propose that we start now with reports back from
19 the three groups, three subcommittees, on the
20 presumption that we can do that in 55 minutes or 53
21 minutes. And at 4:45 we'll take up the charter
22 conversation again. Is that acceptable to people?

23 Okay. So group 1, I think --

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1 MR. [SPEAKER]: Again, Mark is just
2 finishing up, so --

3 CHAIRMAN BROMLEY: We can go to group 2.

4 MR. [SPEAKER]: -- just pass us up.

5 CHAIRMAN BROMLEY: We'll go to group 2.
6 Lelei, is that you?

7 MR. PEAU: That's right.

8 CHAIRMAN BROMLEY: Okay. Sorry to have
9 caught you with candy in your mouth.

10 MR. PEAU: We thought we had a minute.

11 CHAIRMAN BROMLEY: Or we can go to group 3
12 if you'd rather.

13 MR. PEAU: Oh, no, group 2 is doing a
14 PowerPoint here.

15 CHAIRMAN BROMLEY: Oh, my gosh.

16 MR. PEAU: Okay. Group 2 was tasked to --

17 CHAIRMAN BROMLEY: Oh, my gosh, look at
18 this. Are we ready for this?

19 MR. PEAU: Okay. Group 2 was able to do
20 this with limited resources.

21 (Laughter.)

22 MR. PEAU: But we're happy to represent on
23 our deliberation this afternoon. You know group 2 is

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1 of those members.

2 We decided to -- after going through the
3 morning discussions, and I think our assignment this
4 afternoon was to develop a workplan and assignments,
5 and to move forward with our discussion, we decided to
6 formulate our workplan or our plan of action by a
7 better definitions of meaning of Stewardship and
8 Effectiveness.

9 This followed the preamble, which the
10 Stewardship can be defined in different ways, but we
11 look at Stewardship as an outcome for long-term care
12 or as a final product at the end of the process.

13 We were also operating from a working
14 assumption about National System, that we view this is
15 not a federal but a national system. With the
16 National System of MPAs, which are working substantive
17 -- a National System has to include representative
18 habitats from biogeographical regions. It has to
19 exhibit biological connectivity. And it has to
20 include stakeholders' involvement.

21 Next slide. We also, in the morning, we
22 did group the eight bullets that were included in our
23 subcommittee into two, the Stewardship and also the

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1 Effectiveness. Under the Stewardship, we assigned our
2 members to planning processes, the technology tools,
3 the follow up by the incentives for compliance and
4 enforcement.

5 The members is in brackets in terms of
6 tasks. The fourth one is under human dimension, which
7 include cultural and community. And then of course we
8 have education and outreach, and then the augment of
9 the website.

10 Under the Effectiveness, assessing of
11 Effectiveness, we also tasked three or four members to
12 look at the compliance and enforcement. This is
13 monitoring evaluations. It's followed by training
14 managers in effectiveness. And then the third one is
15 on monitoring tools.

16 The group also decided to have a clear
17 procedure process in place so that as a guiding
18 briefs, we're also to assist our members of our group
19 to more focus on the details. We created an outline
20 for each of the chapters. The time line which provide
21 the definition of issues by our first time line is
22 December 15th.

23 The definitions, we include titles,

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1 definitions of each of the issues within the chapter,
2 and then the key terms so that members are operating
3 from the same principles or the same guidelines.

4 Our second guideline is on January 30th,
5 which we decided to have our draft working outline, to
6 our members for their input. And then this will
7 provide feedback to each of the offer, and then it
8 will go back to each of the individual for further
9 work.

10 This has to be submitted and revised by
11 the 15th, and then we decided that a working outline
12 back to the chair, who will then submit it to the
13 whole Committee by March 15th.

14 Our group submit the three
15 recommendations. Our group recommended the chair
16 shall request the Secretary of Commerce to reach out
17 to partner agencies for financial support, for hosting
18 the next meeting. This is also in the line with what
19 we submitted this morning. Also too I think it's
20 really important that we do have the resources
21 available to this body but also to our working group
22 for implementations and to carry out their task.

23 We also recommend that the background

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1 materials be available in CDs. This was noted by some
2 of the members. It's really difficult not only to
3 compile all the information and take it back. We want
4 to make sure that everyone received the same -- the
5 information at the same time and allowed the members
6 optimum time to prepare for future meetings.

7 We also submit that either the
8 subcommittee number 1 or the entire Committee shall
9 define a National System of MPA as soon as possible.
10 I think it's really important that this is dealt with.

11 This will alleviate any confusions or duplications of
12 efforts, but we see this as an urgent need, to get
13 that solved as soon as possible.

14 There you have it, Mr. Chair.

15 CHAIRMAN BROMLEY: All I can say is to
16 groups 1 and 3: Top that if you can. Right?

17 There will be time for comments and
18 questions. The way I see this is you have a set of
19 working guidelines for yourselves. I mean those
20 deadlines. They operate on you, and then you have
21 three recommendations that you're bringing to us that
22 you would like us to act upon. Do I read you
23 correctly?

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1 MR. PEAU: That's absolutely right.

2 CHAIRMAN BROMLEY: The first part of that,
3 we don't need to approve that. We need to say -- you
4 either say, yes, that's wonderful, go do it. Or, that
5 seems wrong-headed. But that's your own mandate, your
6 own schedule, your own set-asides. These last three
7 things are for us to consider. Is that right?

8 MR. PEAU: That's correct.

9 CHAIRMAN BROMLEY: Okay. All right.
10 Reactions to this, questions for Lelei or anybody
11 else?

12 MR. [SPEAKER]: Good work.

13 CHAIRMAN BROMLEY: Bob.

14 MR. ZALES: Yeah. Bob Zales. On the
15 recommendations part, I especially like -- I like all
16 three, but I especially like the first. In this would
17 just add that not only just request the Secretary of
18 Commerce, but I would also add the Secretary of
19 Interior to, as a group, to give a look at the other
20 agencies. I mean you have Fish and Wildlife or
21 whoever under Interior, and possibly the Fishery
22 Service under Commerce and maybe NOS or somebody that
23 a recommendation could go so that if for some reason

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1 or another we were to meet in an area where some
2 others are, that it may have joint resources there
3 that would help in the MPA Center with money as far as
4 meeting space and lodging, stuff like that.

5 MR. PEAU: Mr. Chairman, because of the --

6 CHAIRMAN BROMLEY: Yeah, go ahead.

7 MR. PEAU: That is the intent of our
8 group, to include other federal partners.

9 I'd also like, Mr. Chair, for -- if I --

10 CHAIRMAN BROMLEY: Yeah, please do.

11 MR. PEAU: I also would like to submit as
12 a recommendation for the whole body to accept the
13 report as submitted.

14 CHAIRMAN BROMLEY: Yes. Thank you.

15 Okay. With that in mind why don't we back
16 up -- if I may suggest this. Could we back up and
17 look at your own internal recommendations, your own
18 internal structure of guidelines first, and we'll come
19 back to the recommendations. Is that okay if we do
20 that?

21 MR. PEAU: Yes.

22 CHAIRMAN BROMLEY: Okay. So they're
23 proposing and I gather I hear them asking us to

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1 approve, sign off on their own internal structure.
2 And it's changing before my eyes. I'm trying to
3 figure out what am I reading here. Move away from
4 that darn machine.

5 MR. PETERSON: Mr. Chairman?

6 CHAIRMAN BROMLEY: Yes.

7 MR. PETERSON: They made three specific
8 recommendations.

9 CHAIRMAN BROMLEY: That did indeed.

10 MR. PETERSON: As I understood, that's
11 what they're asking us to accept.

12 CHAIRMAN BROMLEY: Well, but --

13 MR. PETERSON: But not three -- I don't
14 think we want to get into the internal organization of
15 the --

16 CHAIRMAN BROMLEY: I fully agree. Thank
17 you, Max. But if they're going to come back to us on
18 March 15th with something and ask us to approve it, it
19 would behoove us, I think, to have discussed and
20 thought about that before they march off and then come
21 back to us on March 15th saying, well, you didn't
22 object to what we said we were going to do, and in
23 fact maybe we do.

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1 So I'm trying to get a sense of the
2 Committee. I don't know how quite we want to do that,
3 but I do think we want to give them a go-ahead or a
4 are-you-sure kind of reaction to their own internal
5 structure. So that's my reason for having this
6 conversation.

7 Gil, and then Bob has his hand up, and
8 Mary.

9 MR. RADONSKI: Yeah. I'd like to
10 elaborate on our internal program there. One thing
11 that was omitted here, these chapters are going to be
12 based on looking at the needs assessment document that
13 was provided to us by the MPA Center.

14 CHAIRMAN BROMLEY: Okay.

15 MR. RADONSKI: And we, the individual
16 members of our subcommittee will take those elements,
17 as you see up on the screen, review the needs and
18 assessment documents and any other pertinent documents
19 that came to us as sort of winnowing out where the MPA
20 Center thinks that this program is going and what it
21 needs to do. And we are going to review that page by
22 page and assemble these things, and that's what we're
23 going to provide back.

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1 And we were sort of hoping that the other
2 subcommittees, we can't dictate to them obviously, but
3 we encourage other members of the whole Committee to
4 review that needs and assessment document maybe as it
5 pertains to their charge within their subcommittee.

6 CHAIRMAN BROMLEY: Yeah.

7 MR. RADONSKI: So that we can get a
8 feeling for if there is gaps in it, if it's going in
9 the right direction. But we're going to take
10 advantage of their effort to bring together a lot of
11 people to distill these things that are distilled in
12 that document. That's where we're going with it.

13 CHAIRMAN BROMLEY: Good. Thanks, Gil.

14 Bob Zales.

15 MR. ZALES: Bob Zales. And to go along
16 with what I guess Gil has been tasked with, outreach
17 and education, and just kind of jump ahead a little
18 bit, our committee, we didn't get to that point
19 because that's something in the future for us maybe.
20 I believe the stakeholder interest was there.

21 And one comment that I made at the end of
22 our meeting was, and how to approach stakeholders.
23 And I'm a big fan of frontloading information with

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1 stakeholder input, and that goes along with education
2 and outreach.

3 And I would encourage this panel to look
4 at that to once we get basic ideas on where we're
5 headed and where we think we want to go, to on our
6 public hearing process for this Committee, to throw
7 that frontloading aspect in there, to get input, sort
8 of hear some ideas from us of what you all think they
9 tell us, the public tells us what they think. Then we
10 go and further work, and then at the end of the whole
11 process, bring them back to, okay, here's what we
12 thought, what do you all think we did, this kind of
13 thing.

14 MR. RADONSKI: Just follow up on that?

15 CHAIRMAN BROMLEY: Yeah.

16 MR. RADONSKI: One thing we left of the
17 side, and I, and I've convinced my fellow Committee
18 Members to look at this as interactive outreach. It's
19 not a one-way street. It's a two-way street.

20 CHAIRMAN BROMLEY: Okay. Thank you.

21 Mary.

22 MS. GLACKIN: I think I can pass. Gil's
23 comments really helped me in understanding what I was

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1 seeing here.

2 CHAIRMAN BROMLEY: Okay. Tundi.

3 DR. AGARY: I just had a question for
4 Terry for looking at the human dimension and whether
5 you all were -- Terry, whether you will and whether
6 the committee, the subcommittee was already looking at
7 the issue of how to identify heroes. You know, how to
8 identify individuals who will be committed to Marine
9 Protected Area effectiveness and how to identify
10 incentives to keep those heroes working for the
11 purpose of the Marine Protected Area.

12 Personally I think it's an incredibly
13 important thing, and without individuals all of
14 stewardship can fall by the wayside.

15 CHAIRMAN BROMLEY: Thanks, Tundi.

16 MR. O'HALLORAN: Thank you, Tundi. I
17 think myself and our committee, we concur that at the
18 end of the day that the stewardship and the
19 individuals are what will make an MPA system work or
20 not, and so thank you for the comments. I captured
21 heroes, incentives.

22 CHAIRMAN BROMLEY: So let me see if we
23 can't bring closure to this first part, which is their

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1 own internal working thing. Is it the sense of the
2 Committee that we say to them: This looks fine and on
3 March 15th we look forward to receiving something from
4 you. Is that in order here? Is that the way we want
5 to proceed with the subcommittees?

6 MR. ZALES: Well, do you want to put a
7 date specific or just by the next meeting?

8 CHAIRMAN BROMLEY: Well, they have their
9 own deadline, but that we'll be done and that we'll
10 therefore be received by the full Committee when we
11 next meet, which we have to decide tomorrow morning.

12 MR. RADONSKI: That's what the target is,
13 Chairman.

14 CHAIRMAN BROMLEY: Pardon me?

15 MR. RADONSKI: The target is the next
16 meeting.

17 CHAIRMAN BROMLEY: Indeed, that's right.
18 Yeah. Is that okay?

19 All right. Could I -- Bonnie, I hope you
20 don't take this personally, if we're going to use
21 PowerPoint and so on, I love your backgrounds, but I
22 can't read the text in front of it. And would there
23 be -- if we're going to use PowerPoints, could we kind

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1 of -- sorry, I have a hard time. And this is I can
2 see, but when it's clouds and water and so on, I have
3 a hard time reading the print. So if we're going to
4 do PowerPoints, sorry. Okay.

5 Now we have three recommendations. In a
6 sense, they are asking us as a committee to do three
7 things. Or asking me. Seek more money to host the
8 next meeting, background materials distributed on CD,
9 and either a subcommittee 1 or the full Committee
10 define a National System. These are recommendations
11 to us, all right.

12 Yes, Jim.

13 DR. RAY: Mr. Chairman, a point of
14 clarification. Why the request for additional funds
15 from other agencies for the next morning? In our
16 discussions earlier today we talked about the longer-
17 term need for an increased budget to cover costs such
18 as work groups and things of that -- but I didn't
19 realize we had a budget shortfall for the next
20 meeting.

21 CHAIRMAN BROMLEY: Well, --

22 MR. RADONSKI: I'm glad you brought that
23 up. Chairman, Maggie said that if we have two more

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1 meetings in this fiscal year, it would raise the
2 budget to 315,- --

3 CHAIRMAN BROMLEY: That's correct.

4 MR. RADONSKI: -- instead of 250,-. And
5 we are trying to look for ways to come up with that
6 additional 65k.

7 CHAIRMAN BROMLEY: That's right. I'm
8 going to let Maggie and Joe talk.

9 MS. ERNST: I can just say that we paid
10 for this meeting with FY '03 funds, so technically we
11 would be having two meetings in FY '04 using that
12 fiscal year funding.

13 CHAIRMAN BROMLEY: Joe, did you want to...

14 MR. URAVITCH: Yes, if I may. I just
15 wanted to raise a question about the third
16 recommendation. I mean we're hopefully engaged in a
17 multi-year process to design the framework for a
18 National System of MPAs. So I'm sort of wondering
19 where that recommendation leads.

20 CHAIRMAN BROMLEY: Terry.

21 MR. O'HALLORAN: Well, within our
22 committee, effectiveness is one of our charges. And
23 we discussed the fact that there are existing MPAs and

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1 the effectiveness of those, we train the manager so
2 that they can effectively measure and reach their
3 objectives. So that those managers can be successful.

4 But we do have future MPAs that haven't
5 been designed yet that will be presumably part of some
6 national network or system and that the effectiveness
7 of those MPAs as they relate not necessarily to that
8 specific site but to the National System. We thought
9 it was important that we understand what the goals are
10 of a National System so that we might be able to
11 create ways that effectiveness might be measured on a
12 national basis.

13 MR. RADONSKI: And Bonnie brought up the
14 idea, and we wanted to stress it, that this is a
15 National System, not a federal system.

16 MR. O'HALLORAN: Right.

17 MR. RADONSKI: And a lot of people may
18 feel that because this is a program led by the federal
19 government and the Department of Commerce that it's a
20 federal system. And we want to make that clear, that
21 it's a National System.

22 CHAIRMAN BROMLEY: Good, okay. I have
23 Jim, I have Bob Zales, and I have Rod, and we are

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1 squeezing up against a time deadline here. So Jim
2 Ray.

3 Okay, Bob Zales.

4 MR. ZALES: Bob Zales. I've just got a
5 suggestion, and I don't want to take anything away
6 from the chair of our committee, to you but this was
7 committee 2. And that third recommendation I think
8 we've tried to address somewhat in our committee. So
9 you may want not go to the formal thing of tabling,
10 but you may want to hold off on this recommendation
11 and let Mark show you ours and show where we are, and
12 then come back to this.

13 CHAIRMAN BROMLEY: Yeah.

14 MR. ZALES: That may help in the process
15 of understanding.

16 CHAIRMAN BROMLEY: I think I like that, if
17 people will agree to it. Because in a sense we have,
18 if I can find Wednesday morning's agenda, we have a
19 final discussion at 8:30 in the morning of the
20 subcommittees, the discussion of the committee work,
21 we only have a half an hour for that. But maybe we
22 should hear the other things from the other
23 subcommittees. Is that acceptable --

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1 MR. RADONSKI: Sure. Sure.

2 CHAIRMAN BROMLEY: -- to number 2? Not to
3 take anything away from the marvelous work you've
4 done, but I think Bob has hit on something that's a
5 good idea. Let's just move on; may we do that?

6 Okay. So thank you, Lelei.

7 And, Bonnie, I'm sorry, I didn't mean to
8 -- the background of your PowerPoints are beautiful.

9 VICE CHAIR McCAY: I'm sorry. I didn't
10 have time to adjust them.

11 CHAIRMAN BROMLEY: Please accept my
12 apologies for my failing eyesight.

13 Tony.

14 DR. CHATWIN: Mr. Chair, just I'm sorry, I
15 didn't quite understand what you just proposed. Are
16 you proposing to postpone the discussion of these
17 recommendations till tomorrow?

18 CHAIRMAN BROMLEY: I'm proposing that we
19 let groups 1 and 3 get their reports out before us and
20 then be mindful of the hour, because we do want to
21 dispense with the charter stuff. And all I'm saying
22 is we do have a half an hour in the morning where, as
23 Bob indicated, maybe there is some overlap or some

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1 implication for group number 1 that group number 2 is
2 suggesting.

3 DR. CHATWIN: Yeah. I think it's a good
4 idea to go with the other committees' reports. I'm
5 not going to be here and I understand other people --

6 CHAIRMAN BROMLEY: I see.

7 DR. CHATWIN: -- on the subcommittee are
8 not going to be here tomorrow.

9 CHAIRMAN BROMLEY: Okay.

10 DR. CHATWIN: So the more we can do today
11 the better. Thanks.

12 CHAIRMAN BROMLEY: Rod, I had you on the
13 list, I think, didn't I? And then Mel.

14 DR. FUJITA: Yes. Thank you, Mr.
15 Chairman. Just to comment and respond to Joe's
16 question. I think we're on the right track here. I
17 think the sense of the subcommittee with respect to
18 that recommendation was we recognize that it's going
19 to be a multi-year process to actually develop the
20 system, so our choice of terms may not have been
21 accurate there.

22 But the concept was in order to evaluate
23 the effectiveness of the system we need to know what

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1 the attributes of the system are as opposed to the
2 attributes of individuals. And I just got this piece
3 of paper from, I guess, subcommittee 1 which I think
4 accomplishes that.

5 DR. CHATWIN: Yes.

6 CHAIRMAN BROMLEY: Okay.

7 DR. CHATWIN: Yes, it does.

8 CHAIRMAN BROMLEY: All right. So, Tony,
9 let's keep chugging on and maybe we can take care of
10 you, protect you, so you are here for that discussion.

11 Mark, are you ready to go? Are you number
12 1?

13 DR. HIXON: Yes.

14 CHAIRMAN BROMLEY: I'm sorry. Mel. I had
15 Mel on.

16 MR. MOON: Mr. Chairman, and I was going
17 to reserve this one to the tone that I had to talk
18 about in our committee discussions, but it did arrive
19 at a consideration for the structure of tomorrow's
20 meetings.

21 We're finding that it would be an
22 opportunity well spent if we were able to get together
23 again for a short period tomorrow morning. So I just

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1 wanted to bring that to everybody's attention while
2 we're sort of talking about what's going to happen
3 tomorrow.

4 CHAIRMAN BROMLEY: Yeah.

5 MR. MOON: We could keep it in mind that
6 that is an option that we would like to entertain.

7 CHAIRMAN BROMLEY: Yes, I understand that.
8 Thank you, Mel.

9 Any others who would like to be heard
10 before we switch to Mark?

11 Okay, Mark. Group 1, I gather.

12 DR. HIXON: Thank you, Mr. Chairman.

13 So committee 1 met to grapple with this
14 idea of a goal statement or some kind of vision
15 statement of what exactly a national network of Marine
16 Protected Areas would be. The discussion centered
17 around two things, first the Executive Order itself.
18 We carefully re-examined the wording of the Executive
19 Order. And then we also borrowed Mary Jean Comfort's
20 presentation which was inspiring to a number of the
21 subcommittee members. Had a long discussion and
22 actually a fairly productive discussion, given that
23 our subcommittee represented a very diverse group of

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1 stakeholders.

2 And our intent was to provide a draft
3 statement of these goals and visions for what a
4 national network would look like, to get the
5 discussion started and to serve as a starting point
6 based on this cross-section of stakeholders.

7 So if we could get that up on the screen
8 for the audience and somehow expand it.

9 Something we want to emphasize is that,
10 first, this is our first stab at the draft. You'll
11 recognize much of the wording again to be straight
12 from the Executive Order as well as from some of the
13 bullets from Mary Jean's presentation.

14 So once it's up there I will read it.

15 What we would like to draft to serve is as
16 a starting point for discussion. One thing that
17 uniformly within our subcommittee we request of the
18 entire Committee is that we not get into wordsmithing
19 but, rather, address the high level issues, the high
20 level concepts that would go into the statement. So
21 I'll read this into the record.

22 We never came up with a really good title,
23 so we just are tentatively calling this some kind of

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1 goal/vision statement for a national network of Marine
2 Protected Areas.

3 The goal/vision is to develop a
4 comprehensive network of effective MPAs, was in the
5 broader ocean management framework that represents
6 diverse U.S. marine ecosystems, safeguards the
7 nation's natural and cultural marine heritage,
8 promotes ecologically and economically sustainable
9 use, and raises awareness and knowledge of U.S. marine
10 and coastal areas.

11 The national network may include but not
12 be limited to areas representing different ecosystem
13 types, areas closed to specific fishing activities
14 and/or gear types, areas managed to protect at-risk
15 and endangered species and supporting habitats, unique
16 biophysical and geological features and cultural
17 resources, and areas vital to particular species such
18 as spawning, nursery, and feeding habitats.

19 This network would recognize and
20 incorporate processes that maintain ecosystem
21 structure and function, linkages between MPAs and the
22 broader environment, and ecologically connectivity via
23 larval dispersal and other movements of organisms.

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1 CHAIRMAN BROMLEY: Okay. Is that it?

2 MR. [SPEAKER]: Wow, a good job.

3 DR. HIXON: That's it.

4 CHAIRMAN BROMLEY: Thank you.

5 DR. HIXON: Thank you.

6 CHAIRMAN BROMLEY: All right. So I have
7 Bob, I have Gil, and Jacqueline. Bob.

8 MR. ZALES: Yeah. Bob Zales. I would
9 like to have the Committee discuss, I'd like to see
10 under the second bullet areas closed to specific
11 fishing activities and/or gear types. I'd like to see
12 the words "fishing and/or gear types" removed and just
13 basically it say "areas closed to specific
14 activities."

15 The reason for that is because there are
16 many activities besides fishing and gears that can
17 affect an MPA. You have boating, you have anchoring,
18 diving activities, things of this nature. So I think
19 if you just remove "fishing and/or gear types" and
20 just put "activities," it takes care of that broad
21 spectrum of the various activities which can be
22 involved.

23 CHAIRMAN BROMLEY: Could I ask a question

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1 of information? I mean is this in the form now of
2 something you wished the full Committee to adopt at
3 this moment or is it just sort of a working kind of
4 hypothesis? And the question I have is, okay, now
5 what are you folks going to do?

6 I mean this is a statement -- we heard
7 from group 2 about all these tasks they're going to
8 do. And so the obvious question that I have is, okay,
9 fine, but before we strike words and wordsmith this
10 thing, now what?

11 DR. HIXON: A point of clarification.

12 CHAIRMAN BROMLEY: Sorry, but --

13 DR. HIXON: Yeah. Our intent -- I tried
14 to say this before. Our intent was to offer this as a
15 working document that would evolve after full
16 Committee input.

17 CHAIRMAN BROMLEY: Okay.

18 DR. HIXON: Our intent is not to resort to
19 specific wordsmithing per se, although Bob was very
20 succinct, and I appreciated that. I mean his point
21 was to talk about specific activities rather than
22 point out fishing, per se. That's the type of
23 discussion that I believe is appropriate.

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1 I would like to add one other point that
2 came up early on in our discussion and that is it is
3 unclear in the Executive Order whether nonliving,
4 nonrenewable resources are included under the
5 Executive Order.

6 There was an initial statement that, well,
7 no, oil, gas, minerals, and whatnot are not included.

8 However the Executive Order specifically refers to
9 the Outer Continental Shelf Lands Act which, in fact,
10 addresses oil, gas, and minerals. So that's unclear
11 to this subcommittee, and we would like the
12 departments to clarify exactly whether those resources
13 are part of our charge.

14 CHAIRMAN BROMLEY: Good. Thank you.

15 Gil.

16 MR. RADONSKI: Yeah. I back up what Bob
17 just said. We need to eliminate that "fishing
18 activity" or "gear types," or include others. And I
19 was particularly concerned about extractive
20 activities, but I can accept the remarks that Mr.
21 Zales provided, and I think that's very constructive.

22 Also I am concerned in the first
23 paragraph, the title of this thing is a national

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1 network. And by saying "U.S. marine ecosystems" and
2 "U.S. marine and coastal areas," smacks of federal
3 again instead of national. And I think we could
4 delete "U.S." in both those cases and still have this
5 in a context of a national network.

6 CHAIRMAN BROMLEY: Thank you.

7 Jacqueline.

8 MS. SCHAFER: Yes. I'd like to raise the
9 question about the selection of the term "network"
10 versus the term "system," which is found throughout
11 the Executive Order. I don't see the term "network"
12 anywhere. We've been using it I think relatively
13 interchangeably, but I can wordsmith this to show a
14 major distinction between the two. And I'd like the
15 Committee to address why "network," as I would prefer
16 to see "system" which is consistent with the Executive
17 Order.

18 CHAIRMAN BROMLEY: Okay. Mark, do you
19 want to respond to that?

20 DR. HIXON: Yes. The discussion regarding
21 "system" versus "network" was quite thorough and quite
22 explicit. It was decided that after long discussion
23 that "network" was a less loaded term politically.

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1 That particularly at the state level, states would
2 react to being called part of a system more than they
3 would to being part of a network. So it was using --
4 presumably using a word that was a little less -- or
5 cause a little less reaction.

6 CHAIRMAN BROMLEY: Okay. I have David, I
7 have John, and I have Rod. Dave.

8 MR. BENTON: Thank you, Mr. Chairman.
9 Dave Benton. I certainly understand and I support
10 what Bob Zales, the points he raised. I think he's
11 correct. But I also heard the response back, well,
12 we're not intended to wordsmith this. And I've got a
13 couple I could see immediately.

14 I sort of like this because in order to
15 qualify, an area would have to represent a different
16 ecosystem type; be close to specific activities;
17 manage, protect endangered biophysically, the cultural
18 resources, and be vital to particular species because
19 of the "ands" instead of the "ors." Just an editorial
20 comment.

21 CHAIRMAN BROMLEY: With reference to
22 nothing at all.

23 MR. BENTON: That's just a joke. It's

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1 late in the day. But I didn't hear a response to your
2 question, Mr. Chairman, about sort of what the next
3 step is here. If this is a working definitional
4 document for the Committee to do something further,
5 without it being endorsed by the full body, then my
6 comfort level is won. If it's something that we're
7 asked to endorse, and I think we do need to do some
8 wordsmithing and I would certainly support what Bob is
9 saying, and I think if we did nothing else we would
10 want to send that message to the Committee even if we
11 weren't endorsing it. That's okay.

12 CHAIRMAN BROMLEY: My concern as well.
13 That's precisely why I raise the question.

14 MR. BENTON: So it might be useful to have
15 that discussion or presentation from the subcommittees
16 and see where we go from there.

17 CHAIRMAN BROMLEY: I think it would. And
18 there is time for it. The dilemma I face is when is
19 the time for that.

20 John, let's go on. John and Rod. John.

21 DR. OGDEN: Well, just a quick point of
22 clarification. What is the "broader ocean management
23 framework" in this document? Can you fill me in on

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1 what --

2 CHAIRMAN BROMLEY: Sorry. He was
3 distracting. You're going to have to repeat it.

4 DR. HIXON: I was distracting him.

5 DR. OGDEN: It's okay. The "broader ocean
6 management framework," what is that?

7 DR. HIXON: That refers to the existing
8 authorities that manage the U.S. territorial sea. The
9 idea was that in discussion that it's not politically
10 realistic to suggest that we're creating a new federal
11 department or agency dealing with MPAs, but rather
12 than there's already existing mandates and laws.

13 DR. OGDEN: Okay. Sort of the sum total
14 without detail? Okay.

15 DR. HIXON: Yes.

16 CHAIRMAN BROMLEY: Okay. Rod.

17 DR. FUJITA: Thank you, Mr. Chairman.

18 Two questions, Mark. Did the subcommittee
19 intend that the National System would sort of
20 proactively ensure or seek to ensure that
21 representative habitats would be within the system?
22 Because the language as I read it right now doesn't
23 indicate that to me. It's more the area could include

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1 representatives, but it doesn't have to.

2 DR. HIXON: Yeah. Yes, that is the
3 intent. And that's presumably included on the second
4 line where it says that it represents diverse, U.S.
5 marine ecosystems. So the intent there was making
6 sure there was representation.

7 At one point the word "all" was in there,
8 but we fell into definitional difficulties where, as
9 you know, the definition of an ecosystem in the marine
10 context is not explicit.

11 DR. FUJITA: Thanks. And the second
12 pointed I'd like to make is I appreciate Mr. Zales
13 kind of framing of how to talk about what these areas
14 are close to or what they're trying to achieve. And
15 in addition to his intervention, I'd like to offer the
16 construction that we heard from Mary Jean, which I
17 like a lot. And it's kind of a performance-based
18 approach. It's rather -- well, it's preventing
19 adverse impacts in the matter of what the activity
20 might be, is another way to think about that concept.

21 And the advantage of course is that it
22 anticipates technical innovation and doesn't constrain
23 the manager to any set of specific activities that's

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1 laid down at the moment.

2 CHAIRMAN BROMLEY: Thank you.

3 Mike.

4 DR. CRUICKSHANK: There was another -- an
5 issue that the Chairman mentioned just now about the
6 inclusion of hard minerals and how there are known
7 living resources in the gulfs. And we had prepared a
8 couple of questions for the departments with regard to
9 these. I'd like to read them. They're in draft just
10 now. And if it's appropriate they can be produced in
11 another forum for discussion by the complete
12 Committee, the whole Committee.

13 CHAIRMAN BROMLEY: Okay.

14 DR. CRUICKSHANK: The first question to
15 both. Clarification is needed from the Department of
16 Interior and from the Department of Commerce on
17 whether areas designated as leases or other set-asides
18 under the Commercial Lands Act of 1978 and the Marine
19 Hard Mineral Resources Development Act of 1966 be
20 included or excluded wholly or selectively from the
21 inventory of national MPAs. That question is whether
22 to include or not include these particular areas,
23 which are now existing.

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1 The second question was with regard again
2 to money, I suppose, but it said -- this was to the
3 Department of Interior. In the development of a
4 national MPA inventory does the Department of Interior
5 through MMS have the authority to require coastal
6 states with leases held under the OCS Lands Act to
7 contribute data on existing MPAs which are adjacent to
8 the OCS leases but in their territorial or coastal
9 waters.

10 So this is a possibility that if the
11 department of the MMS has that authority to request
12 states provide the data, they could do that and there
13 would be a certain cost attached to it which perhaps
14 could transfer to this Committee in the event it was
15 required.

16 CHAIRMAN BROMLEY: Good. Thank you.

17 Terry.

18 MR. O'HALLORAN: On the question of
19 endorsing this as a full Committee as a whole, in my
20 mind I think it's premature for us to tackle that.
21 And it is 4:30 and my brain is pretty well fried at
22 this moment.

23 I commend that committee for coming up

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1 with a good draft here. And I think for the purposes
2 at least of our subcommittee, we have at least enough
3 to work on between now and the next meeting. And it
4 gives us a chance to think about it and perhaps give
5 recommendations back to that committee.

6 But rather than get bogged down into what
7 is going to be a very long discussion I think, I think
8 that we could accept this as kind of a working draft
9 and go from there.

10 CHAIRMAN BROMLEY: Mike.

11 MR. NUSSMAN: Thank you, Mr. Chairman. I
12 will give these comments not in wordsmithing but in
13 sort of trying to understand the process and also
14 towards the last comment; I think that's the
15 appropriate way to continue or to go ahead with this.

16 As I look at this, and I'm looking through
17 the Executive Order and trying to understand where the
18 different pieces and bits came from and trying to pull
19 it all together. Much of it I can find fairly
20 readily. But something that seems to be lost here,
21 and maybe it's just the way I'm looking at it, but I
22 looked to your last -- I'll call it the last piece,
23 how's that -- "the national net would recognize and

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1 incorporate." I see some of these I can recognize,
2 but then I see the "ecological conductivity," the
3 "larval dispersal and other movements of organisms,"
4 which I'm not quite sure what that is or where that
5 comes from.

6 But then we've blocked out things like
7 monitoring and evaluation, components that are in the
8 Notice, threats in gap assessments, economic impacts.

9 And I'm wondering if that's just a -- am I missing
10 something or were these left out on purpose or is this
11 a further draft, that perhaps further drafting's
12 needed.

13 CHAIRMAN BROMLEY: Okay. Thank you.

14 A quick response and then I need to make a
15 --

16 DR. HIXON: Yes. All your points were
17 discussed, Mike. And the intent is that that is part
18 of the process. We started with the overarching goal
19 and vision. The process will include all those
20 things, but we didn't get there.

21 CHAIRMAN BROMLEY: Good. Okay. May I say
22 the following, given the hour? I jokingly said, okay,
23 now what, and I think Terry O'Halloran anticipated a

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1 little bit what I'd like to say. And that is that may
2 I say to you as a subcommittee that you've given us a
3 nice goal and vision statement that needs more work.
4 And you've gathered that from the conversation.

5 There are a number of things that you
6 haven't done, and you know that. I don't mean that to
7 be critical. But in number 1 there's inventory,
8 there's criteria. There's some other stuff. Would
9 you mind if I ask that you, as group number 2 is going
10 to do, spend the period between now and March 15th
11 doing things that they didn't have time now to do?

12 Would it be all right if I asked on behalf
13 of the Committee that by March 15th you in
14 consultation with all of us through email and through
15 other means of communication that you work on this a
16 little bit but also come back with some other things
17 that might be in the bullet?

18 What do you think, Mark?

19 DR. HIXON: Absolutely. In fact we did
20 discuss that.

21 CHAIRMAN BROMLEY: Okay.

22 DR. HIXON: Two things right upfront that
23 we're going to grapple with is starting to form a

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1 working group that provides information regarding some
2 of the issues Mike just brought up, --

3 CHAIRMAN BROMLEY: Okay.

4 DR. HIXON: -- as well as providing
5 feedback on the Federal Register Notice providing
6 criteria for Marine Protected Areas.

7 CHAIRMAN BROMLEY: Okay. Are you
8 comfortable allowing them to constitute a working
9 group, and you'll communicate by email or however you
10 wish to do it? There's no extra meeting implied by
11 this right now, is that right, or is there?

12 DR. HIXON: We did not plan a meeting as
13 yet, no.

14 CHAIRMAN BROMLEY: Fine. Is that okay if
15 we -- are we within the law to ask them? Mary, --

16 MS. GLACKIN: Well, I'm --

17 CHAIRMAN BROMLEY: You're looking eager.

18 MS. GLACKIN: I get up from my seat for a
19 second. So is this a working group like the --

20 CHAIRMAN BROMLEY: No, it's not a working
21 group. In fact, it's --

22 (Laughter.)

23 CHAIRMAN BROMLEY: That's why I asked.

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1 You know, we are going to --

2 MS. GLACKIN: So it's not a working group.

3 CHAIRMAN BROMLEY: It is not a working
4 group. It is a rump group. That's group number 2 --

5 MS. GLACKIN: Wait a second.

6 CHAIRMAN BROMLEY: I know. I've been
7 watching. The minute you jump up we're going to
8 switch something in.

9 So, Mark, is that consistent with what
10 your group was thinking about doing?

11 DR. HIXON: To my knowledge, yes.

12 CHAIRMAN BROMLEY: Okay. So does the
13 Committee, the full Committee feel comfortable letting
14 them go ahead and work on this? John.

15 MR. ZALES: Yes. Just one quick thing
16 since I didn't hear any real objections to removing
17 "fishing and/or gear types," and the issue that Gil
18 brought up striking "U.S." because it's a national
19 thing, could we go ahead and with the concurrence of
20 the subcommittee, I guess, and the full Committee,
21 just go ahead and strike that and then continue on
22 with the discussion on our own?

23 CHAIRMAN BROMLEY: I can see what happens

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1 if that comes up as a motion. I guess I'd prefer to
2 assume that they heard you and that they will work on
3 it and modify it. And we will make sure when it comes
4 back to us at our next meeting that everybody in this
5 room is happy with the language they come back with.

6 DR. HIXON: And, Bob, since you're a
7 member of the subcommittee, I'm sure this will happen.

8 (Audio feed from the PA system to the
9 recorder malfunctioned. Transcription continues with
10 the static present on the recording:)

11 CHAIRMAN BROMLEY: David, we need to get
12 to the next group.

13 MR. BENTON: Yes, Mr. Chairman. We'll
14 move right along.

15 CHAIRMAN BROMLEY: All right. Group 3.

16 MR. MOON: It's me, Mr. Chairman.

17 CHAIRMAN BROMLEY: Thank you. I'm a
18 little frazzled at this time of day.

19 MR. MOON: It's getting late in the day.
20 Our discussion was started out with the three points
21 that we had arrived at earlier in the day, the
22 outreach and coordination with the MPA Center,
23 fostering interagency coordination and the concerns of

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1 nonconsumptive uses and being included in that issue

2 --

3 THE RECORDER: I'm sorry. With the sound
4 I'm getting a bunch of static. I can't record.

5 CHAIRMAN BROMLEY: -- record. There was
6 some implication in --

7 THE RECORDER: Something fell and that's
8 where all the problems started. I'm sorry.

9 CHAIRMAN BROMLEY: No, that's fine.

10 (Static present on recording:)

11 THE RECORDER: I'm sorry about that.

12 CHAIRMAN BROMLEY: No, that's all right.

13 May we proceed?

14 THE RECORDER: I can't record.

15 CHAIRMAN BROMLEY: You can't record. Help
16 is on the way.

17 Mark.

18 DR. HIXON: Yeah.

19 CHAIRMAN BROMLEY: You do get a chance to
20 get back at me for that.

21 DR. HIXON: No, no, no problem.

22 CHAIRMAN BROMLEY: Group 3, Mark.

23 DR. HIXON: Yeah. I understand before I

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1 came that there was a motion or a suggestion that at
2 8:30 tomorrow rather than having a plenary discussion
3 regarding the subcommittees, that we actually break
4 out again. And subcommittee 1 would endorse that
5 proposal.

6 CHAIRMAN BROMLEY: Yes. And I have heard
7 from subcommittee 3 that they too would like that.
8 And here is the dilemma that I see or here is the
9 context in which I am going to try to address that.

10 At 8:30 in the morning we have one half-
11 hour. At 8:30 in the morning we have one half-hour
12 prior to the public comment period in which there is a
13 final discussion of subcommittees and discussion of
14 Committee work. What I would like to have happen in
15 that half-hour is that all three of the groups come
16 back to us for one ten-minute, one more ten-minute
17 session each in which they tell us exactly what they
18 plan to do between now and the next meeting.

19 Now group 2, I guess it is clear on that,
20 right? And we've sort of endorsed that. Group 1
21 probably wants to come back and elaborate a little bit
22 on what you think you might do?

23 DR. HIXON: Unless I can assemble my

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1 subcommittee --

2 CHAIRMAN BROMLEY: Beforehand. Yes.

3 How do you feel about seven o'clock
4 breakfasts?

5 MS. DINKINS: I can't do that. I have
6 conference calls. I might be the only one, though,
7 who's otherwise packed up, but...

8 CHAIRMAN BROMLEY: That was Carol Dinkins.

9 MS. DINKINS: Is the mic working again?

10 CHAIRMAN BROMLEY: Is there a chance this
11 evening?

12 Okay. I'd like to ask, Mel, why don't you
13 go ahead and proceed with your group and group number
14 1, think about whether you might be able, because Mel
15 has asked for half an hour in which the groups could
16 meet. And I've denied his request, but I can always
17 be overruled. But I -- try it once.

18 Yeah. Well, between 8:00 and 8:30 is
19 sign-in time which is really dead time. And so,
20 Carol, could I ask you -- yeah, Mark.

21 DR. HIXON: Can I just make a request?

22 CHAIRMAN BROMLEY: Yeah.

23 DR. HIXON: Subcommittee number 1, please

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1 see me when we recess immediately.

2 CHAIRMAN BROMLEY: And I think Mel is
3 going to ask his group the same thing. Is that right,
4 Mel?

5 MR. MOON: Yeah, that's right.

6 CHAIRMAN BROMLEY: Okay. I'm sorry, but
7 --

8 DR. HIXON: Everyone in subcommittee 1,
9 hear me and agree, please? Okay.

10 CHAIRMAN BROMLEY: We cannot meet into the
11 public comment period. By law we can't. And
12 appearances tell us that we should not do that. And
13 then we have a break which we can dispense with, but
14 then we have a discussion on the next meeting, venue
15 and dates. And can you imagine how long that's going
16 to take.

17 And then we have 45 minutes for an agenda
18 for the next meeting, and I can imagine how long
19 that's going to take. So I am very worried about
20 those things.

21 I'm sorry. There was a hand back here.
22 David, hand.

23 MR. BENTON: Yeah, I'm sorry, Mr.

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1 Chairman. It sounds like, because I was over having a
2 -- I was conferring, but we're discussing we haven't
3 had the report from group 3 yet.

4 CHAIRMAN BROMLEY: That is correct, we
5 have not.

6 MR. BENTON: All right. And are we going
7 to get the other issue that was tabled until -- it was
8 supposed to come back before us before we recessed
9 tonight.

10 CHAIRMAN BROMLEY: Yeah. We're going to
11 get at that at 4:45.

12 MR. BENTON: Fine enough. Thank you.

13 CHAIRMAN BROMLEY: But don't look at your
14 watch because it is now 4:45.

15 MR. BENTON: But we're still going to get
16 to that this evening.

17 CHAIRMAN BROMLEY: I know that. I know
18 that.

19 MR. BENTON: Okay. No, that was the
20 question.

21 CHAIRMAN BROMLEY: So we're going to hear
22 from group 3. And as long as Mary Glackin is still
23 here we're going to do the charter discussion. So,

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1 Mel.

2 MR. MOON: We met, went through the points
3 that -- earlier today. Seems like yesterday. The
4 outreach and coordination by the MPA Center, the
5 fostering and coordination --

6 THE RECORDER: Got the same problem back.

7 MR. MOON: Okay.

8 CHAIRMAN BROMLEY: I'm sorry, Mel.

9 MS. ERNST: Does this microphone work?
10 Does it on the recorder's?

11 THE RECORDER: I'm trying.

12 (Static present on recording:)

13 THE RECORDER: All microphones have
14 static.

15 CHAIRMAN BROMLEY: Okay. Static has set
16 in. Okay. What is your pleasure? We can't really
17 proceed. She's called.

18 MR. BENTON: Mr. Chairman?

19 CHAIRMAN BROMLEY: What, David?

20 MR. BENTON: Mr. Chairman, is it a
21 requirement of statute that (static) be recorded?
22 Because I think we can all reach (static) go ahead and
23 proceed. It really comes down to (static).

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1 CHAIRMAN BROMLEY: What does the law
2 require? Pardon me, Mary?

3 MS. GLACKIN: I don't believe it's
4 required to be recorded.

5 CHAIRMAN BROMLEY: It is not required it
6 be recorded.

7 MR. [SPEAKER]: That is correct.

8 MR. BENTON: Then, Mr. Chairman, I would
9 recommend that we go ahead --

10 CHAIRMAN BROMLEY: Go ahead.

11 MR. BENTON: -- and see

12 CHAIRMAN BROMLEY: And I'm sorry about the
13 static. Can you just turn the volume down?

14 THE RECORDER: Yes.

15 CHAIRMAN BROMLEY: Thank you for letting
16 us know, but I think we're going to proceed.

17 All right.

18 MR. MOON: In regards to the consumptive
19 and nonconsumptive uses and inclusion, we were offered
20 by John Halsey the ability to give a definition on
21 cultural resources, and we'll expect that later.

22 We talked about the time line of events
23 happening and how we may be able to blend in and

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1 complement this process. And then we went with -- we
2 had a proposal by one of our members on a process that
3 I think we all felt was very useful. And that was to
4 address the preliminary definition of the MPAs and
5 then the kinds of MPAs and the functions and the
6 overlaps and the co-management; deal with principles
7 for coordination; and then get a sense of what is
8 happening in the field now. Take a lessons-learned
9 approach and then get to principles and move onto a
10 recommendation.

11 We were informed that there was an effort
12 that had gone on in regards to database that had been
13 developed for the Pacific Coast, with the three states
14 Oregon, Washington, and California, and that that was
15 a potential example of data that we could access for
16 identification of MPA issues.

17 (Static) process was very logical and
18 (static) agreed to make the steps. It was Bob Bendick
19 who had made the recommendation and appreciated his
20 thoughts on this.

21 The first step was to do an adoption of
22 the working definitions. Second step was to use MPA
23 data (static) on the Pacific Coast and other

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1 discussion about documentation that existed about
2 lessons learned and current MPAs and the functions and
3 the overlaps. Build a strawman of objectives and
4 principles.

5 Number 4 was to look at how coordination
6 is done now. And look at what the statutes and
7 regulations say and what's happening in the field.

8 Number 5 was to look at models for good
9 coordination; and then number 6 was to look at
10 examples of problems. And then step number 7 was to
11 learn the lessons from all of this.

12 Step number 8 was to revisit the
13 objectives, principles, and then revise. And then the
14 ninth was to have the recommendations.

15 And so we were in agreement that we should
16 move forward with that nine-step process.

17 We also had discussions about the Ocean
18 Commission and the report that's going to be coming
19 out. We talked about a time line of that and the
20 implications of the information that we may be
21 providing. Joe Uravitch provided us some of the
22 perspectives that they had with the differing agencies
23 and the authorities within the federal government with

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1 a whole mix of national policies.

2 We decided to ask for some assignments
3 from the MPA Committee, which essentially was to
4 provide a -- have the MPA Center provide a
5 jurisdiction paper of the feds and who was responsible
6 for what. And that's been agreed to.

7 We also asked for additional case studies,
8 papers, which includes the lessons learned. It was --
9 and the Pacific Coast information and other
10 information as could be made to the subcommittee.

11 We also asked for conflicts and a summary
12 by the staff of conflicts, realizing that there's some
13 limitations to that definition.

14 And then we were going to move with the --
15 hopefully with that information at the next meeting to
16 develop a more clearer recommendation after reviewing
17 the objectives and principles of this information.

18 So that took care of two of the three
19 parts that we were dealing with in our morning
20 session.

21 It was mentioned that conflicts are varied
22 and involve perceptions, so that was not really easy,
23 black-and-white, tangible definitions that could be

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1 developed. And then we moved onto stakeholder
2 outreach and the need to do outreach and education
3 through a distribution system.

4 We were informed that a system is in place
5 or a contact system is in place. We've asked for a
6 copy of that so we could see who that is. We had some
7 discussions about the possibility of doing outreach to
8 the Regional Fishery Management Councils. And then we
9 moved into the discussion about attachments -- I mean
10 about the definition of the Marine Protected Areas
11 paper.

12 It was suggested that we consider the
13 development of a letter from the MPA Center that
14 clearly communicates what's been happening and why in
15 the last three years. I think there's a lot of folks
16 that are out there who are interested in getting some
17 kind of tangible, "what are you guys really up to
18 there" type of discussion. And now would be a good
19 time to do that.

20 The question was in the attachments that
21 we were looking at, in particular the classification
22 documents and the definitions, that is what we needed
23 more time to take a look at and get more involved

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1 tomorrow morning. So we're going to hold on a
2 recommendation on the letter and we -- and I would
3 suggest everybody else thoroughly go through these two
4 documents here, on classification and definition.
5 Because I think it's likely that we'll be coming up
6 with a recommendation for sending that letter out.

7 And that's it.

8 CHAIRMAN BROMLEY: Wonderful. Thank you.

9 Are there questions for Mel's group?

10 I'll point out, Mel, that microphone.
11 They have isolated it and you're it. I think
12 everybody else seems to be fine, so I don't know what
13 we can do about that. The gentleman tells us that
14 everything seems to be working fine except your
15 microphone.

16 THE RECORDER: I was wrong, sir. It's
17 gone back to acting up again.

18 CHAIRMAN BROMLEY: I see.

19 THE RECORDER: I'm sorry.

20 CHAIRMAN BROMLEY: Since Mary says it's
21 legal or illegal to proceed, won't be heard if we just
22 chug ahead.

23 Okay. Other questions for Mel, for

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1 actions on this?

2 Okay. Here's the deal. Thank you, all
3 three of you.

4 How is the problem that we have, like I
5 said, a half an hour in the morning, final discussions
6 of subcommittees and discussion of committee work,
7 meeting plans for the next 12 to 24 months.

8 Number 2, subcommittee number 2 has their
9 set of tasks and they have three recommendations,
10 which I think one requires Committee action. Number 2
11 has requests almost of the MPA Center. CDs, and
12 either subcommittee 1 or the full Committee to try and
13 identify the system. But I believe that can collect
14 itself.

15 It sounds like group number 2 has sort of
16 one action item for the full Committee. That pertains
17 to money.

18 Group number 1, subcommittee 1 has a nice
19 start with a mission and vision statement, but you
20 also indicated that you have some problems set to
21 proceed with.

22 Number 3 has, and I have heard it, and the
23 agreement was added and other stuff, a number of

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1 requests many of them of the MPA Center -- is that
2 right, Mel? -- and some ideas.

3 So now may I ask that in a moment all
4 three of you have and group 2 can meet in the hall.
5 Can I ask that group 1 of 3 come back with sort of an
6 executive summary, and Mark he can elaborate a little
7 bit, almost on par with the other group, and present
8 that to us here in an executive summary fashion, so
9 that in five or ten minutes we will know what you
10 intend to do. All right?

11 DR. HIXON: No problem.

12 CHAIRMAN BROMLEY: And, number 2, you can
13 think about yours overnight, refine it, or just say --
14 but if you could give us that so at the end of the
15 half-hour the full Committee can say to group 2: Yes,
16 we can do what you're thinking about doing. Group 1,
17 yes, we can do what you're thinking about doing.
18 Number 3, yes. And we'll set this for the March 15
19 deadline for all.

20 And the requests that are of Gil or the
21 MPA Center, we can sort of hand them to him; is that
22 right? And then deal with one recommendation, which
23 is we try to get in line. How is that? Good. Is

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1 that all right?

2 MR. [SPEAKER]: Fine.

3 CHAIRMAN BROMLEY: Do you think we can do
4 that in a half an hour? All right, Mark.

5 DR. HIXON: A clarification. This is the
6 work between now and --

7 CHAIRMAN BROMLEY: Yes. That's the
8 subcommittee work. That's your subcommittee work, at
9 no cost to the government. And --

10 DR. HIXON: Never think of that.

11 CHAIRMAN BROMLEY: Never think of that,
12 right. But these are things you will do as a group,
13 subcommittee, however you figure out to do them. How
14 is that?

15 Yes.

16 MR. BENTON: Mr. Chairman, I think that
17 the way to approach our discussion that you just laid
18 out seems reasonable. And if I understand from what
19 we do is we show up in the morning with sort of a
20 succinct action item list --

21 CHAIRMAN BROMLEY: Yes.

22 MR. BENTON: -- from all the committees
23 that we got to submit --

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1 CHAIRMAN BROMLEY: Yeah. Plus elaborate,
2 that kind of thing. Here's what we're going to do.

3 MR. BENTON: Right. And then it seems to
4 me would then have two actions before the Committee.
5 One is to give a nod or an endorsement to sort of
6 program that comes out of that.

7 CHAIRMAN BROMLEY: The workplan of the
8 three subcommittees.

9 MR. BENTON: And the other one is a
10 continuation of the Committee structure that we have,
11 because the committee structure magically turns into a
12 pumpkin after we leave here unless we do something.
13 Correct? Do I have that right -- in that half-hour
14 period.

15 CHAIRMAN BROMLEY: Unless -- yeah, because
16 we adopted these subcommittees for this meeting only.

17 MR. BENTON: That's it.

18 CHAIRMAN BROMLEY: So, yeah. Thank you,
19 David. We will need to, in a sense, legitimize the
20 continuation of these meetings, to do the work that
21 we're going to do.

22 MR. BENTON: Right.

23 CHAIRMAN BROMLEY: Is that right?

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1 MR. BENTON: That was my question, yes.

2 CHAIRMAN BROMLEY: Good. Thank you.

3 MR. BENTON: And, Mr. Chairman?

4 CHAIRMAN BROMLEY: Yes.

5 MR. BENTON: Could I ask one other
6 question. If we have comments that we want to provide
7 to other subcommittees on their work products, how
8 would you recommend doing that? Shall we do that
9 through members of the subcommittee? Shall we do it
10 through chairs of the subcommittee? Do you want us to
11 bring it to the full or do you want us to just wait
12 and see what we come back with us in March?

13 CHAIRMAN BROMLEY: I would prefer they not
14 come to the meeting. I would prefer, unless they -- I
15 would prefer that each of you communicate with the
16 members, maybe the chairs between the subcommittee.
17 Presumably we see that we're going to legitimize them,
18 they are to continue. Is that okay? I mean let's
19 just communicate with Mark and Mel and Lelei.

20 Yes, Bob.

21 MR. ZALES: Bob Zales. I guess this is a
22 legal question. Under FACA has does communicating
23 this way work with the subcommittees? Obviously the

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1 Committee Members are in play here, but is the public
2 also allowed? I mean has does this information play
3 out? How do we do that to be legal, I guess?

4 MS. ERNST: You don't have to share early
5 drafts of your working documents, but as you get
6 closer to a final draft it's presumed that you'll be
7 bringing it back to the full Committee. And at that
8 point the public would have an opportunity to see it
9 later. But the subcommittees don't have to adhere to
10 the same requirements that the full Committee does, as
11 long as you come back and deliberate on what the
12 subcommittees and share a close-to-final draft.

13 CHAIRMAN BROMLEY: Wally?

14 DR. PEREYRA: Yes. Going onto that, are
15 there some -- Mr. Chairman, are there some
16 restrictions or limitations on what we should be doing
17 with this material? I mean how do we shape some of
18 this draft form while stuff starts to show up on some
19 websites?

20 MS. ERNST: Yes. Someone just slipped me
21 a note and asked me we've all gotten your passwords
22 now, I think through the instrument, but that's been
23 going on. That's a website for you to place these

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1 materials. I mean you can place them in one place and
2 everyone should have an opportunity to look at them
3 and download them. And that would be an efficient way
4 for you to work on drafts rather than emailing files
5 back and forth.

6 MR. [SPEAKER]: Who can see passwords?

7 MR. ZALES: Yeah. Where do we pick these
8 up?

9 MS. ERNST: David. David made friends to
10 try and meet up with all of you at the meeting while
11 you're here in person to exchange those passwords.

12 MR. [SPEAKER]: Company have classified,
13 some people are leaving. We have security clearance
14 for this?

15 MR. [SPEAKER]: We do.

16 MS. ERNST: That took some while to work
17 out, but it is now.

18 CHAIRMAN BROMLEY: Dave.

19 MR. BENTON: Mr. Chairman, but going back
20 to -- going back to Wally's question for a moment,
21 irrespective of whether or not we have a secure web-
22 based way to communicate, that still begs the question
23 of whether somebody can take a copy of that and walk

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1 over, do something else with it.

2 And I take the sense of Wally's question
3 to be, and I certainly would support it if this was
4 the case, that draft documents that we're working on
5 right now are not for public distribution. And if
6 somebody gets caught doing it, something bad happens
7 to them, like they have to chair more committees, or
8 something. I don't know what it is, Mr. Chairman.

9 (Laughter.)

10 MR. BENTON: I have an idea. We'll leave
11 the pain and suffering for your vivid imagination, on
12 how you're going to inflict it on them. But I believe
13 it's a pretty serious thing. And I think it's
14 important. And it's certainly not going to inspire
15 trust and a good working relationship around this
16 table if that occurs. That I think is the most
17 important thing. I just wanted to emphasize that.

18 CHAIRMAN BROMLEY: Mary.

19 MS. GLACKIN: Mary Glackin. I agree with.
20 I'd like to point out that we're in a public setting
21 and this material has all been shown to everybody, so
22 this could be on the front page of whatever tomorrow.

23 MR. [SPEAKER]: Table B.

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1 CHAIRMAN BROMLEY: George.

2 MR. LAPOINTE: Maine has a very liberal
3 freedom-of-access law. Anything that you send to me
4 somebody can request, and there's a couple of journal
5 groupies who in fact do that. So it's just -- the key
6 to the extranet is the cure extranet so in fact it
7 doesn't work back to somebody else.

8 CHAIRMAN BROMLEY: Okay. The presumption
9 is don't lie to me. We'll have to see it.

10 Tony.

11 DR. CHATWIN: Thank you, Mr. Chairman. I
12 agree with the sentiments expressed. But I also think
13 that we just have to acknowledge that whatever -- if
14 anything gets leaked it's a draft. We are working on
15 it. And it may change, it will change probably, so.

16 CHAIRMAN BROMLEY: Those of us who have
17 done expert work for lawyers have been told a long
18 time ago to create a header on our word processor that
19 says "work product," "attorney work product" on it, by
20 work product will raise the -- but I think all of you
21 get the sense of that.

22 All right. May we move on?

23 (Transcription/recording ended for the day

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at 5:03 o'clock p.m. due to technical difficulties.)