

UNITED STATES OF AMERICA

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DEPARTMENT OF COMMERCE
AND
DEPARTMENT OF THE INTERIOR

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MARINE PROTECTED AREAS (MPA)
FEDERAL ADVISORY COMMITTEE

+ + + + +

INAUGURAL MEETING

+ + + + +

TUESDAY
JUNE 24, 2003

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The Advisory Committee met in the Auditorium of the Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., at 8:00 a.m., with Eldon Hout and Patricia Morrison, presiding.

COMMITTEE MEMBERS PRESENT:

- | | |
|--------------------|---|
| ELDON HOUT | Director, Office of Ocean and Coastal Resource Management, NOAA |
| PATRICIA MORRISON | Deputy Assistant Secretary, Interior for Land and Minerals Management, Ex Officio |
| MARJORIE ERNST | Designated Federal Official, DFO National, MPA Center |
| JOE URAVITCH | Director, National MPA Center |
| DR. TUNDI AGARDY | |
| DR. DANIEL BROMLEY | |

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COMMITTEE MEMBERS PRESENT: (cont.)

DR. MICHAEL CRUICKSHANK
 ROBERT BENDICK, JR.
 DR. DOLORES (DOLLY) GARZA
 DR. RODNEY FUJITA
 DR. MARK HIXON
 MELVIN MOON, JR.
 DR. STEVEN MURRAY
 MICHAEL NUSSMAN
 DR. JOHN OGDEN
 TERRY O'HALLORAN
 LELEI PEAU
 DR. WALTER PEREYRA
 GILBERT RADONSKI
 DR. DANIEL SUMAN
 ROBERT ZALES, II
 MARY GLACKIN NOAA, Ex Officio
 REAR ADMIRAL JEFFREY HATHAWAY USCG, Ex Officio
 MARGARET HAYES, ESQ. State Department,
 Ex Officio
 COMMANDER KAREN KOHANOWICH U.S. Navy,
 Ex Officio
 DR. JOSEPH PAWLIK National Science
 Foundation, Ex Officio

ALSO PRESENT:

SAMUEL BODMAN Deputy Secretary of
 Commerce
 PIET deWITT Chief of Staff, Land and
 Minerals Management,
 Department of the Interior
 DAN FARROW MMA Inventory Coordinator,
 Chief of Special Projects,
 NOAA Ocean Service
 ALICE McKENNA Department of Commerce
 Counsel
 CHARLES WAHLE, Ph.D. Director, MPA Science
 Institute
 GAYE WILLIAMS Department of Commerce
 Counsel
 DR. ANTHONY CHATWIN
 CAROL DINKINS, ESQ.

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ERIC GILMAN
ROBERT MORAN
BARBARA STEVENSON
H. KAY WILLIAMS

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AGENDA

OPENING REMARKS

Sam Bodman, Deputy Secretary of Commerce 8

Patricia Morrison, Deputy Assistant Secretary of
the Interior for Land and Mineral Management . . . 17

CALL TO ORDER AND INTRODUCTIONS:

Patricia Morrison and Eldon Hout,
Director of the Office of Ocean and Coastal
Resource Management, NOAA 21

FAC MEMBER SELF-INTRODUCTIONS: 25

EX OFFICIO MEMBER SELF-INTRODUCTIONS: 63

FEDERAL ADVISORY COMMITTEE ACT REQUIREMENTS:

Alice McKenna, Department of Commerce Counsel . . . 94

ETHICS AND PROTOCOL:

Gaye Williams, Department of Commerce Counsel . . 130

EMERGENCE OF MPAs AS AN ECOSYSTEM MANAGEMENT TOOL:
HISTORY AND CONTEXT FOR EXECUTIVE ORDER 13158

Dr. Charles Wahle, MPA Science Institute
Director, National MPA Center146

OVERVIEW OF NATIONAL MPA CENTER GOALS AND ACTIVITIES:

Joe Uravitch, National MPA Center Director
and Piet deWitt, DOI181

BREAK:221

SCOPE AND CHARGE TO THE COMMITTEE:

Joe Uravitch, National MPA Center221

ADJOURN:295

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

2 (8:35 a.m.)

3 MR. HOUT: Good morning, ladies and
4 gentlemen. I'm Eldon Hout, Director of NOAA's Office
5 of Coastal and Ocean Resource Management, and one of
6 the Co-Chairs for today's meeting, along with Patricia
7 Morrison from the Department of Interior. But to
8 start the proceedings, it's my distinct honor and
9 pleasure to introduce Samuel Bodman, the Deputy
10 Secretary of the U.S. Department of Commerce to the
11 Members of the Committee and the audience in this
12 Inaugural Meeting.

13 Sam Bodman is unique in terms of his broad
14 academic and professional experience. He brings to
15 the table managing of the day-to-day operations of a
16 cabinet agency of some 40,000 employees and a \$5
17 billion budget. And with specific oversight of NOAA,
18 the Patent Trademark Office, and the National
19 Institute of Standards and Technology.

20 After receiving his doctorate at MIT in
21 the mid-60s, he worked for some six years as an
22 Associate Professor of Chemical Engineering at MIT.

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1 And is the Technical Director of the American Research
2 and Development Corporation, and Planning Intracapital
3 Firm.

4 From MIT, Deputy Secretary Bodman went to
5 Fidelity Investments, where in 1983 he was named
6 President and Chief Operating Officer, and a Director
7 of the Fidelity Group of Mutual Funds. In 1988 he
8 joined the Cabot Corporation, a Boston-based Fortune
9 200 company with global activities in specialty
10 chemicals and materials. He served as Chairman, CEO,
11 and Director, some 31 years of private sector
12 experience.

13 His uniqueness extends to his awareness
14 and concern for the marine environment, and for his
15 resolve in striving to address issues efficiently.
16 NOAA's Staff has had numerous frank, and sometimes
17 uncomfortable conversations as we work to resolve the
18 conflicts of resource management that we face. His
19 insights and his guidance have pushed us to be more
20 effective, more efficient in achieving the results
21 that we seek as stewards of the ocean, and they
22 reflect the importance that Secretary Evans and the

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1 President place on these efforts.

2 Secretary Bodman understands how NOAA uses
3 Marine Protected Areas to do a number of things,
4 managing and rebuilding fisheries, restoring
5 threatened and endangered species, protected habitat
6 and biodiversity, safeguarding cultural resources, and
7 providing opportunities for scientific research.

8 The Deputy Secretary brings a great deal
9 of energy to the day- to-day efforts of the
10 Department, and he challenges all NOAA employees to do
11 our best every day. He's tireless in promoting our
12 nation's economic growth and opportunity, while
13 providing for the sustainable, long-term needs of
14 future Americans.

15 His dedication to maintaining U.S.
16 leadership in cutting edge technologies is equaled by
17 his commitment to the American public, and to ensuring
18 that government is responsive to them.

19 Deputy Secretary Bodman has a real
20 interest in the contributions of this particular
21 committee, and what it can do for the United States in
22 our worldwide leadership relating to marine resources.

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1 So please join me in welcoming Sam Bodman, U.S.
2 Deputy Secretary of Commerce.

3 MR. BODMAN: That's probably more than you
4 needed to know. There was a private aside at the end
5 for Bill - it wasn't Bill but Bill's stand-in, that
6 I'm also a lifelong Boston Red Sox fan, so you can
7 reflect on just what judgment I bring to this job on
8 account of that.

9 I'm very happy to be here on behalf of my
10 boss, Don Evans, and everybody in Commerce, as well as
11 NOAA, to welcome everybody to this first meeting of
12 the Marine Protected Areas Federal Advisory Committee.

13 I particularly address myself to the Committee
14 Members. Secretary Evans and I thank you for agreeing
15 to be part of this Committee. Each person up here
16 brings a unique perspective and a set of skills to the
17 issues that will be discussed, and they are broad and
18 complicated.

19 I believe that they represent the kind of
20 geographic diversity, the kind of professional
21 diversity. We've got people here from Maine to
22 Florida, to Hawaii who are involved in this. I

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1 believe that this is a very well-balanced stakeholder
2 group, reflecting not only geographical diversity, but
3 professional diversity, as well. And I am, therefore,
4 extremely pleased to at least give you my own sense.
5 I'm sure this will be a very successful effort.

6 I'm also pleased to welcome the ex officio
7 members of the Committee who are representatives from
8 each of our federal partner agencies, and I thank them
9 for their service, as well. Me and government, I have
10 found in my couple of years here, don't do quite as
11 good a job as we might in working together, and we
12 have been making our efforts, along with our colleague
13 agencies to do a better job at that. And I'm sure you
14 will see a reflection of that as you go forward with
15 your work.

16 We at Commerce are very proud of NOAA and
17 very proud of the work that NOAA does. As one of
18 those countries premiere in environmental research and
19 stewardship organizations, NOAA has significant
20 responsibilities for protecting sensitive marine
21 environments.

22 Activities related to Marine Protected

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1 Areas can be found in basically all phases of what
2 NOAA does, including the fisheries operation, the
3 Nymph's operation, the Ocean Service, the NOAA
4 Research Office. MPAs are really a NOAA-wide issue,
5 and something that are focused on by all manner of our
6 colleagues within the very broad organization embodied
7 by NOAA.

8 Our federal partners have a big role to
9 play, as well. We're working very closely with the
10 Interior Department to implement various aspects of
11 the Executive Order 1358, which calls for an organized
12 national effort on behalf of Marine Protected Areas.

13 The Department of the Interior has its own
14 suite of natural resource programs with a marine
15 component, and I know you'll be hearing more from
16 Deputy Assistant Secretary Patty Morrison about that
17 shortly. Her boss, Steve Riles, and I work very
18 closely together, and I know of his very high regard
19 for Patty, and I'm very particular to take note of her
20 presence here today.

21 This effort is, therefore, a real
22 partnership between Commerce and Interior, including

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1 other federal agencies, state and local governments,
2 territories, tribes, people who live and work in the
3 coastal areas, so the idea is to be as inclusive as
4 possible.

5 All these groups must work together to
6 maintain and improve the quality and sustainability of
7 our resources, and this is a significant undertaking.

8 To date, our national inventory with all federal
9 sites and just one-third of the state MPAs counted so
10 far, that inventory shows that there are more than
11 1,000 marine managed areas in the United States. The
12 goal is to have that inventory completed by the end of
13 this year.

14 We're looking forward to the work that
15 this committee will undertake over the next two days,
16 and then throughout the term of office. In
17 particular, the Executive Order directs the Federal
18 Advisory Committee to provide expert advice and
19 recommendations to the Departments of Commerce and
20 Interior on the implementation of aspects of the MPA
21 Executive Order. They will be briefed on the
22 intricacies of the order later on during the day. I

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1 have been briefed on it, and I think you will find
2 that it's got certain complexities that will require
3 some reflection on your part as you undertake your
4 duties.

5 Among other issues that we will seek the
6 advice of this committee on, are the refinement of MPA
7 definitions to help improve public dialogue, how to
8 ensure the nation's MPAs are science-based, effective,
9 and equitable in meeting our marine conservation
10 goals, and recommendations on how to improve the
11 operation and management of the nation's MPAs.

12 The Executive Order did not create new
13 authority to designate new MPAs; rather, any new MPAs
14 would still be designed through the established
15 practices applicable under existing authority. But
16 the approaches to managing what we now have,
17 integrating it. As you can tell, we're not even
18 certain as at this point in time just what the whole
19 inventory looks like, so the first challenge would be
20 to inventory what we have, and then to make some
21 recommendations as to how, on an ongoing basis, we
22 manage these better.

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1 The first meeting of this committee is
2 really quite timely. The Presidentially appointed
3 U.S. Commission on Ocean Policy is preparing its
4 recommendations on the future of our ocean resources,
5 and they will be reporting, I believe, this fall. As
6 I'm sure all the Committee Members are aware, and
7 probably those of you in the audience, the Pew
8 Commission recently released its report on not just
9 the nation's oceans, but on global ocean resources and
10 the problems that are faced around the world.

11 We will be interested in the Committee's
12 thoughts on the MPA- related issues in these reports,
13 especially regarding multiple use Marine Protected
14 Areas. This is a particularly important point.
15 Marine Protected Areas can help achieve multiple
16 objectives. They can sustain fisheries, and protect
17 ecosystems, species, and other resources within our
18 marine and Great Lakes environments.

19 MPAs serve many purposes. Some act as an
20 effective tool for fisheries' management, while others
21 help preserve fragile coral reefs, or preserve
22 centuries old shipwrecks containing our nation's

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1 historic treasures. Some MPAs serve as a resource to
2 safeguard migrating whales.

3 Let me conclude all this by saying that
4 all of us at the Commerce Department, and throughout
5 government, are very eager for this committee to get
6 to work. Secretary Evans has said that he is
7 particularly interested in the recommendations as to
8 how to best balance conservation needs with commercial
9 and recreational needs. We hope that you will explore
10 how the marine and Great Lakes environments are being
11 used now, how they might best be used in a sustainable
12 manner for future generations.

13 I want to conclude by saying that there
14 are a few members of the committee that have yet to
15 complete all of their security checks, and as one
16 person who went through several months of having been
17 vetted by the very thorough security examinations that
18 go on, I can attest to the fact that first, it is a
19 thorough, and I think a very effective process, but is
20 one whose time we don't completely control, so we will
21 look forward to having a complete complement. We have
22 most of the Committee Members here, and having been

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1 completely vetted, and we will, I'm sure, complete the
2 remainder of those few who are not yet present.

3 I do, again, want to, on behalf of the
4 Secretary, thank all of you for your service. We're
5 all very grateful for it, and we very much look
6 forward to hearing the results of your deliberations.

7 And I would wish you Godspeed in your task. Thanks
8 very much.

9 MR. deWITT: Good morning. My name is
10 Piet deWitt. I'm the Chief of Staff to the Assistant
11 Secretary in the Department of the Interior for Land
12 and Minerals Management. It's my honor this morning
13 to introduce the committee to Patricia Morrison.
14 Patty, as we call her, is the Department of Interior's
15 principal Deputy Assistant Secretary for Land and
16 Minerals Management, and she also serves as the ex
17 officio representative of the Department before this
18 committee. And if I may make a colloquial remark, the
19 Department of Interior has a structure slightly
20 different from the Department of Commerce, and Patty
21 actually represents three separate Assistant
22 Secretaries in her position before this committee.

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1 As a principal Deputy Assistant Secretary,
2 Patty oversees the operations of three major bureaus
3 in the Department of the Interior, the Bureau of Land
4 Management, the Office of Surface Mining Reclamation
5 and Enforcement, and the Minerals Management Service.

6 As she will explain in her remarks, it is
7 this latter responsibility for the Minerals Management
8 Service that is the basis of her presence with this
9 committee. Patty joined the Department of the
10 Interior in April of 2002, in her present position.
11 Prior to joining us, she spent 12 years with Williams
12 Companies in Tulsa, Oklahoma as an in-house counsel.
13 She advised that organization on oil and gas pipeline
14 and telecommunications issues during that period. She
15 has an extremely strong technical background in energy
16 issues, and I can tell you from experience that the
17 Minerals Management Service has given her a rather
18 rapid and detailed introduction into many of the
19 issues that it deals with on the American
20 outer-continental shelf.

21 Prior to joining Williams, Patty was in
22 private practice in Dallas, Texas. She graduated from

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1 Baylor University with a degree in Accounting, and
2 later with her degree in Law. I present you Patty
3 Morrison.

4 MS. MORRISON: Thanks, Piet. I appreciate
5 that kind introduction, and I thank all of the
6 committee members for being here today. On behalf of
7 Secretary Norton, and Deputy Secretary Griles, I
8 welcome you. Some of you are from Washington, some of
9 you have traveled quite a way to be here, and we thank
10 you for your time and your commitment.

11 I realize it's a bit difficult to hear in
12 the back because I'm sitting back there, so I'll try
13 to speak clearly. I'd also like to thank the
14 Department of Commerce for working with Interior on
15 the Marine Protected Executive Order. We have been
16 forging a partnership with Commerce, and we hope to
17 enforce that partnership and grow it even better.
18 It's one that is a natural fit, I think, because we
19 have so many bureaus that cross-over each other, and
20 have different responsibilities, and different
21 missions. Yet, when you meld them together, it really
22 does form a partnership that we hope to encourage with

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1 regard to Marine Protected Areas.

2 I wanted to give you a little bit of a
3 background on Interior's perspective for Marine
4 Protected Areas, and it's one that is diverse, because
5 we have four bureaus within Interior that share this
6 responsibility, and share the stewardship
7 responsibility in a way that allows us to work
8 collaboratively.

9 The Committee really has a unique
10 opportunity to assist the federal government in
11 framing a strategy, or developing a strategy for the
12 protection of two areas that we see. One is some of
13 the most well-preserved marine resources that we have.

14 And secondly, to look to the restoration of those
15 resources that have suffered from neglect or
16 exploitation. Commerce and Interior are really
17 prepared to help address this challenge, and we look
18 forward to working with the Committee.

19 Interior brings a perspective to MPAs that
20 reflects our conservation and multiple use mission.
21 Our conservation interests within Interior are really
22 principally reflected within the national parks, and

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1 the U.S. Fish and Wildlife Service. Those bureaus
2 have responsibility for managing and conserving
3 habitat, and supporting the restoration of threatened
4 and endangered species.

5 Park Service and Wildlife manage
6 substantial areas of the marine environment in many of
7 the Caribbean and Pacific Islands, as well as on the
8 coast lines. The Department also has substantial
9 stewardship responsibility in developing resources
10 within the Minerals Management Service purview.

11 MMS, or the Minerals Management Service,
12 oversees the outer- continental shelf oil and gas
13 program. That program in the outer-continental shelf,
14 primarily in the Gulf, supplies domestic produced oil
15 of about 25 percent for this country. In addition to
16 that, they have about 20 million cubic yards of sand
17 for beach restoration, and those two missions are
18 completely independent of each other. It's an
19 interesting combination for MMS.

20 Those coastal resources are restored in
21 the Atlantic and the Gulf coast for that sand
22 restoration. MMS also has, like NOAA, a science-based

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1 Marine Environment Program and they also support a
2 significant Environmental Studies Program that helps
3 it with its mission in the outer-continental shelf.

4 The fourth bureau that Interior brings to
5 the table has interest in the marine environment, and
6 that's U.S. Geological Survey. They do considerable
7 research in areas such as earthquakes and volcanoes,
8 as well as marine biology, that helps us to understand
9 the oceans and the marine life that live in those
10 oceans.

11 Now to the Executive Order 13158. That
12 order gave us two directives, and the directives are
13 this. Number one, conservation of our natural and
14 cultural marine heritage. And number two, a directive
15 to promote ecologically and economically sustainable
16 use of the marine environment. I think it's going to
17 be the job of this committee to try to unpack what
18 those two directives mean, and I think we're going to
19 have to try to apply those two directives to the
20 specific areas for which we are obligated to study.

21 It's that focus of balancing the
22 conservation with the sustainable use of the marine

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1 environment that is going to be the focus and the
2 direction for this committee. That's going to be a
3 difficult job. And I can say for Interior and for
4 Secretary Norton, and Deputy Secretary Griles, and
5 myself that we have committed to help the committee
6 study these areas with those two directives in mind.

7 First establishing, and then secondly,
8 maintaining a balanced approach to the management of
9 our marine environment is going to be a very difficult
10 task, and it's going to be even more difficult in the
11 future. Much of our populations are clustered along
12 the coast lines, and the space available for people
13 and industries, and utilities is becoming even more
14 scarce.

15 It's some of those activities that
16 Interior is looking at to balance the use of the
17 oceans, particularly in the siting of facilities. For
18 instance, within Interior, particularly the Minerals
19 Management Service, we are having a large number of
20 inquiries about siting of wind energy and transfer
21 facilities, such as liquified natural gas, or LNG
22 facilities off of our shores. We need to accommodate

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1 these critical activities while still mitigating or
2 minimizing, or even avoiding specific adverse impacts
3 of those facilities on our marine environment.

4 The ocean's use is expanding, but it
5 cannot be at the expense of the living resources that
6 we have. In fact, we will always be dependent upon
7 the oceans for our very existence, and it's that focus
8 that I think we need to always remember.

9 The Department of Interior recognizes that
10 there is a growing body of science which demonstrates
11 the value of these resources in promoting the recovery
12 of marine species.

13 As you begin your deliberations, I would
14 advise that we carefully consider the compatibility
15 issues of the marine activities, and the balance
16 that's called for in this Executive Order. In fact,
17 the Executive Order is very explicit in its
18 requirement for this committee. It calls for basing
19 deliberations on good science.

20 Interior and Commerce, and many of the ex
21 officio agencies that have been represented here
22 today, can offer you a wealth of scientific

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1 information that you can draw upon and use in your
2 deliberations for your advice that you give to the
3 agencies.

4 Later in this meeting, we're going to hear
5 about the other various governmental entities that
6 have already established some regimes for management
7 of marine resources. I think it's that compatibility
8 of the existing already established conservation
9 efforts and resource management efforts that again,
10 this committee is going to have to focus on in their
11 deliberations.

12 The Department of Interior strongly
13 supports the current efforts to catalogue these marine
14 areas for possible consideration as an MPA. In our
15 efforts to establish this system or this scheme of
16 Marine Protected Areas called for in the Executive
17 Order, we believe that we should begin by determining
18 if the areas have already been established, can serve
19 for a basis of that comprehensive system.

20 We're very proud of our national parks,
21 and our national wildlife refuges that make a
22 significant contribution to this protection of the

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1 sensitive coastal habitats. I believe that through
2 national parks and the national wildlife systems that
3 are already existing, those species that are protected
4 do depend on that marine management regime. We
5 believe that those can be an integral part of any
6 national system of Marine Protected Areas, as
7 envisioned by the Executive Order.

8 And in closing, through the National
9 Parks, Fish and Wildlife, MMS and USGS, the Department
10 of Interior will commit to actively participate and
11 collaborate with this committee. You have a
12 tremendous opportunity to help guide the nation's
13 oceans policy through your advice, and through your
14 recommendations.

15 I think we must rely on the best science
16 available, and recognize that there are multitudes of
17 critical uses in our marine environment. Sorting
18 those out, and balancing those uses, is not going to
19 be easy, but we will be here with you, and working
20 with you to achieve the goals of that Executive Order
21 in balancing those marine uses.

22 I thank the committee again. I know this

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1 is a responsibility that you take on very seriously,
2 as does Interior and Commerce, and we thank you for
3 your commitment to this project.

4 Mr. HOUT: The next item on our agenda is
5 one in which we have decided that the best way for us
6 to become acquainted is to introduce ourselves to each
7 other. And first of all, we will go around the table
8 with the Committee Members, and look for a brief
9 statement, the nature of their involvement with an
10 interest in Marine Protected Areas. And then we will
11 follow that up with some self-introductions by ex
12 offico Members of the Committee. I think we'll start
13 at that end of the table.

14 DR. AGARDY: Good morning. My name is
15 Tundi Agardy. I have been working with Marine
16 Protected Areas for a little over 15 years, first with
17 scientific institution, later with some conservation
18 groups, and most recently, independently. Most of my
19 work has occurred in developing countries, although I
20 have done some work in North America and in Europe.

21 Because of my kind of longevity of
22 experience with Marine Protected Areas, a former

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1 friend once called me the grandmother of Marine
2 Protected Areas. I'm very much an advocate for the
3 use of Marine Protected Areas. I do believe they have
4 enormous potential in steering us towards more
5 sustainable and more equitable use of ocean resources
6 and ocean space.

7 I think, though, that in order for the
8 U.S. to realize the potential that this tool provides
9 us, that we have to do a number of things. Number
10 one, I believe that the U.S. must be more strategic,
11 and look for ways to relieve what is kind of the
12 natural tension between public sector and private
13 sector interests in utilizing ocean resources.

14 Secondly, I think the United States would
15 do well to look at examples from other parts of the
16 world where this kind of tension between public and
17 private interests has been relieved, where Marine
18 Protected Areas have been used not only to achieve
19 conservation ends, but also to move towards more
20 sustainable use of many different kinds of resources
21 across many different sectors.

22 And thirdly, I think it would behoove all

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1 of us to remain open- minded, to think very broadly
2 about Marine Protected Areas in all of their various
3 forms, and to work very hard to utilize them to their
4 fullest possible potential. Thank you.

5 MR. BENDICK: Good morning. I'm Bob
6 Bendick. I'm the Southeast Director of the Nature
7 Conservancy, and my division extends from
8 approximately the Mississippi River around to Cape
9 Hatteras and the Virginia border, so it's a long piece
10 of the coastline.

11 Before coming to the Conservancy, I
12 managed marine programs as part of my responsibilities
13 in two state governments. We, at the Nature
14 Conservancy, and I personally am interested and
15 concerned about biological diversity through the -- a
16 long time we considered that only things on land were
17 counted. Obviously, that's not so, and so we, as an
18 organization, and I personally are much more
19 interested now, or additionally interested in both
20 aquatic, fresh water aquatic and marine biological
21 diversity.

22 We are, and I am interested in the problem

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1 of trying to figure out how people live with nature,
2 and how we put it all together in a way that builds
3 consensus for the future in which the world is a good
4 place for people and for plants and animals. And I'm
5 here to try to pursue that in the marine environment,
6 both with a particular interest in the Gulf of Mexico
7 and the Atlantic coast, but in the country as a whole.
8 Thanks.

9 CHAIRMAN HOUT: Do you want to try to sit
10 at your place or the one that works for sure?

11 DR. GARZA: Okay. (Not in English).
12 Chiefs, ladies held in high esteem, good people. I am
13 the granddaughter of Elizabeth Gardner from Howe Ken,
14 the daughter of Minnie Garza from Craig. My name is
15 Dolly Garza.

16 I have very little involvement with MPAs,
17 but as in Alaska Roosevelt and a University of Alaska
18 professor, I work for Alaska Sea Grant, and to that
19 extent as a marine advisory agent, I work with
20 community members and communities on the wise use of
21 resources.

22 MPAs are not necessarily a good word in

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1 Alaska. And as was mentioned by Ms. Morrison, we have
2 to work on that balance of conservation and public
3 input so that the public feels comfortable and
4 familiar with MPAs. It's a great concern to
5 commercial fishermen who are currently living at very
6 low levels of income, particularly with Salmon.

7 If you're looking at MPA development,
8 there are many areas that may be possible, however,
9 there may be areas that would impact fishermen
10 substantially, and so I come forward with these types
11 of concerns. There also is interest in it. Of
12 course, fishermen understand that they must conserve
13 resources in order to ensure that their children will
14 have these opportunities, and so we are looking for
15 that balance. Thank you.

16 MR. MOON: Good morning. My name is Mel
17 Moon. I'm the Director of Natural Resources for the
18 Quilleautes Indian Tribe in Washington State. The
19 Quilleautes are a tribe with four other tribes on the
20 Washington coast who have treaty rights to fishing and
21 hunting, and gathering by an 1856 treaty. The three
22 tribes on the southern end, the Quinalts, the Hohs and

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1 the Quilleautes are on treaty. The tribe to the north
2 is the Macaw Tribe. They have a treaty to themselves.

3 The interest that I have, along with being
4 the manager with the tribe managing marine resources,
5 fresh water resources and land activities, was
6 enhanced by the creation of the Natural Marine
7 Sanctuary that came into existence off the coast in
8 1995, and we have since been trying to define what our
9 relationship is, so it's a work in progress.

10 The tribes, there are 20 tribes in the
11 northwest that also have treaty rights all
12 collectively, Stevens treaty rights. And we, too,
13 have been having a great deal of dialogue about Marine
14 Protected Areas mean to the tribes in that area, in
15 particular. Often, it's been quoted that these
16 processes will involve the tribes, and they will not
17 affect the treaty rights in any way. Although, the
18 experience that we have had with the land-based
19 activities through the National Park have led us to
20 the contrary. So the tribes are not certain as to
21 what the future would hold in terms of the placement
22 of the MPAs.

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1 We believe that it is certainly a tool,
2 that it is an element that can be considered on a
3 regional basis in a process that would promote
4 regional interest. And we would like to advocate that
5 type of interaction. Thank you.

6 DR. CRUICKSHANK: Good morning. My name
7 is Michael Cruickshank. I'm a Marine Mining Engineer.
8 I've spent the last 50 years working with development
9 of new rules, and been very much involved with the
10 environment in which they exist. It might be of
11 interest to know that the global resources of minerals
12 on land are surpassed almost four times by the
13 resources in the sea beds, and those are barely
14 touched at this time, so it's not a question of what
15 we might do, it's what we must do as we progress into
16 the future.

17 I have worked in the government with
18 geological survey, NOAA, NMS, Department of State, and
19 the United Nations, all dealing with marine minerals
20 problems, and I am very interested in working with MPA
21 and using the experience that I have had over the past
22 50 years in assisting the committee in its

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1 deliberations. Thank you.

2 DR. FUJITA: Good morning. My name is Rod
3 Fujita. I'm a Marine Ecologist with Environmental
4 Defense. We're headquartered in New York. I work out
5 of our Oakland west coast office. I started working
6 on Marine Protected Areas back in the late 80s with
7 the establishment of the Florida Keys National Marine
8 Sanctuary, and there a whole bunch of scientists,
9 environmentalists, and fishermen developed a highly
10 successful zoning system that separate uses in the
11 sanctuary, including some fully protected marine
12 reserves, but also areas where sport fishing and other
13 commercial activities are allowed.

14 After that, I started to work on fisheries
15 management on the west coast, focusing on the west
16 coast ground fish fishery, where a number of us
17 advocated marine reserves and marine protected areas
18 as a hedge against the scientific uncertainty and
19 management uncertainty that continues to plague
20 fisheries' management throughout the United States and
21 the world. Unfortunately, those weren't implemented,
22 and now that the fishery has collapsed, Environmental

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1 Defense and many other groups are working with
2 fishermen on the buy-out to allow fishermen to
3 transition out of that class of fisheries into other
4 kinds of employment.

5 This experience has really shaped my
6 belief that MPAs go hand- in-hand with rational
7 fisheries management. And in addition to MPAs,
8 Environmental Defense and I advocate market
9 mechanisms, things that -- policies that are hard on
10 ecological goals, but tend to be flexible and allow
11 people choices, and make economic sense. So in this
12 case, we're strong advocates of individual fishery
13 quotas, areas use, cooperatives, and other policies
14 that dedicate use rights to indigenous people, to
15 subsistence fishers, to whatever makes sense in the
16 context of that particular Marine Protected Area or
17 fishery. So I just want to conclude my remarks by
18 emphasizing that I think that MPAs are a real flexible
19 tool, they can accommodate many, many different kinds
20 of interests depending on the goals that we all set
21 for them. And I think the nation does need an
22 integrated set of marine reserves with an improved

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1 component of the fully protected part, which is the
2 direct way to protect biological diversity, while
3 allowing economic and recreational activities to occur
4 in buffer zones, and in other kinds of Marine
5 Protected Areas, which is the larger category. Thank
6 you.

7 DR. BROMLEY: My name is Dan Bromley. I'm
8 Professor of Applied Economics at the University of
9 Wisconsin at Madison. My undergraduate degree was in
10 ecology. I worked for the BLM for a couple of years,
11 so I have some ties with the Interior Department.

12 I became interested in the way in which
13 people interact with natural systems, and went on to
14 get a graduate degree in economics. I wrote a Ph.D.
15 dissertation quite a few years ago on the ocean
16 fishery, of all things. My work tends to focus on
17 property regimes, resource management regimes as I
18 call them. I've worked in the U.S., but much of my
19 work has been in developing countries. I've spent a
20 lot of time in India with deforestation issues. In
21 South Africa at the end of Apartheid, one of the big
22 issues was how can the South African government

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1 restructure resource management regimes in a way that
2 no longer serves the narrow interest of a minority,
3 but to, in a sense, democratize forestry, water,
4 fisheries, land and so on, so that's been a very
5 interesting struggle.

6 I've been involved in Native American
7 treaty rights. I was the Chief Economist for the
8 Chipowa Tribes in the upper midwest in their
9 litigation against states of Wisconsin and Minnesota
10 for a violation of treaty rights. I've worked in New
11 Zealand with the Maori on their struggles between the
12 modern, as we would put it, or the white man's vision
13 of resources and the Maori vision. So my work is at
14 the intersection of human systems and natural systems,
15 how we structure those relations, whose interests they
16 serve.

17 I'm sort of interested in the legal
18 foundations of the economy and natural system. I have
19 served on the Ocean Studies Board, a three-year term.
20 I was on the committee that was set up by the National
21 Academy of Sciences to look at the community
22 development quota program in Alaska, the CDQ Program.

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1 Most recently, just finished a stint on the Stellar
2 Sea Lion Committee, that was also set up by the
3 National Academy of Sciences to look at the decline of
4 the Stellar Sea Lions in the Gulf of Alaska.

5 And I guess that's about it. I teach an
6 undergraduate course entitled "The Global Economy and
7 the Environment", and a graduate course that deals
8 with sort of institutional economics, which is the
9 legal foundations of the economy. So that's what I
10 do, and bring to the table. Thank you.

11 DR. HIXON: Good morning. I'm Mark Hixon.
12 I'm a Professor in the Department of Zoology at
13 Oregon State University. My expertise is the ecology
14 of coastal marine fishes, and I study these fish
15 underwater rather than on land using scuba and various
16 manned submersibles and whatnot. Focusing most
17 recently on population dynamics of fish populations,
18 what drives change in the abundance of fish in the
19 sea. And more importantly, what allows populations of
20 fish to persist in the face of various types of
21 mortality and other factors that affect them. I've
22 done substantial work in U.S. waters in California,

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1 Oregon, Hawaii and the U.S. Virgin Islands.

2 My experience with Marine Protected Areas
3 has been largely as a scientific consultant for the
4 states of California and Oregon. I've also worked
5 with the U.S. Coral Reef Task Force, and as a
6 consultant for the Government of the Bahamas. I'm
7 serving currently on the Board of Directors of the
8 Pacific Marine Conservation Council, which is a group
9 of fishermen, environmentalists and scientists on the
10 Pacific coast who are seeking common ground for trying
11 to solve some of the problems we see out there with
12 our fish populations.

13 My motive for being here is to ensure that
14 the best available natural science is brought to our
15 proceedings, and that those data that are available
16 from natural science are presented to this committee
17 in the most concise, clear, and useful way possible.
18 The perspective I have is that Marine Protected Areas
19 are useful in some circumstances and not in others,
20 depending upon the question. I believe the data that
21 are available so far, and forthcoming data will make
22 things pretty clear in terms of the best sort of

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1 recommendations that this panel can make.

2 I believe this is a historic opportunity
3 for all of us to find a way to make sustainable use of
4 our marine resources in a way that's compatible with
5 different user groups. And I'm very impressed by the
6 variety of talents that are brought to this committee,
7 and I look forward to finding common ground here that
8 will serve our national interest. Thank you.

9 DR. MURRAY: Good morning. My name is
10 Steve Murray. I'm also a Professor. I'm a Professor
11 of Biological Science at California State University
12 in Fullerton, where I have been working for the last
13 30 plus years looking at changes in near shore
14 populations and communities, with an emphasis on
15 looking at whole ecosystem and community processes.

16 Now urban southern California is a region
17 that's changed considerably over this time period.
18 And about 10 years ago, I began looking very strongly
19 at the effects of various kinds of human activities on
20 near shore systems, ranging from extraction of
21 targeted organisms, to actually visit our operational
22 activities. And this led to the development of an

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1 interest in the role that Marine Protected Areas might
2 play, where we've been looking for the last several
3 years at design principles, evaluation issues, as
4 well.

5 Now through these experiences, I've had
6 the opportunity to serve on several science panels
7 that addressed bringing science issues to marine
8 reserve design and implementation. Most recently, I
9 served as a member of the Science Panel providing
10 advice to multiple stakeholder group on the
11 development of Marine Protected Area systems in the
12 Channel Islands National Marine Sanctuary off the
13 southern California coast.

14 Currently, I serve as one of eight
15 scientists who have been appointed to advise the State
16 of California through the Department of Fish and Game
17 on the development of an improved system of Marine
18 Protected Areas, with a goal of improving coastal
19 protection throughout the waters of the California
20 coast.

21 I've also served a six-year term on an
22 Outer-Continental Shelf Science Advisory Panel for

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1 Minerals Management Service, and my role here, as I
2 see it, is to try to bring the best available science
3 to these proceedings. Thanks.

4 MS. ERNST: My name is Marjorie Ernst, and
5 I'm with the National Marine Protected Areas Center.
6 And one of my roles in the center is to serve as the
7 Designated Federal Official for this Committee, and
8 that involves serving as the main link between you and
9 the center, and also serving as a resource to you as
10 you get underway. Thank you.

11 MR. NUSSMAN: Good morning. My name is
12 Mike Nussman. I'm with the American Sport Fishing
13 Association, where I've been for about the last 10
14 years. The American Sport Fishing Association is a
15 trade association representing the sport fishing
16 industry in this country. In addition, we have 35
17 states, state Fish and Wildlife Agencies as members,
18 as well as a number of fishery advocacy groups.

19 Prior to my service at ASA, I served on
20 the Senate Commerce Science and Transportation
21 Committee as a professional staff member for about 10
22 years. At ASA, we have a variety of goals. Our first

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1 one, and perhaps one that's of most interest to this
2 audience, is that -- and this is the goal we probably
3 spend the most time on, is to ensure that there is an
4 abundance of fish in the water, because to be
5 perfectly frank, without fish in the water, we're out
6 of business.

7 Recreational anglers in this country,
8 unfortunately, are pretty poor fishermen, so they need
9 lots of fish. So for that reason, we're always
10 looking at ways to increase fish populations. Most of
11 our activities have traditionally taken place in fresh
12 waters, because 85 percent of all the fishing that
13 occurs in the United States occurs in our fresh
14 waters.

15 The 15 percent that occurs in salt waters
16 has, I have to say, taken quite a bit of attention in
17 the last say 15 years, and ASA was very active last
18 time the Magnuson Act was reauthorized back in 1996
19 with the Sustainable Fisheries Act.

20 With that said, I guess my job here as a
21 part of this group is not, in fact, to bring the best
22 science to bear. My job is to bring the 40 million

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1 anglers, 10 million salt water anglers, their
2 viewpoints, their perspectives as best I can to this
3 table. And with that, I think we'll leave it.

4 DR. PEREYRA: Good morning. My name is
5 Wally Pereyra. I'm from the other state, the other
6 Washington to the northwest. I am here wearing a
7 variety of hats. First off, I am a part owner in two
8 catcher processors that operate in the North Pacific
9 Pollock Fishery up in the Bering Sea. As such, I'm
10 Chairman of the Arctic Storm Management Group which
11 manages these vessels. We also manage a smaller
12 vessel which is involved in fish resource surveys in
13 the North Pacific charter ranges with NOAA.

14 I'm also the Vice Chairman of the National
15 Fisheries Institute this year, will be the Chairman
16 next year. I am a former NOAA fishery scientist. I
17 worked at the Northwest Alaska Fishery Center for some
18 15 years in the former years of my career. I spent
19 two years in Chile at the University de Catholica in
20 Valapariso, where I taught Fisheries Management,
21 Population Dynamics, and also initiated research on
22 some of the artesialan fisheries, the near shore

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1 fisheries.

2 Probably my greatest involvement in Marine
3 Protected Areas came as a result of nine years on the
4 North Pacific Fishery Management Council, where I was
5 Vice Chairman the last five years. And the North
6 Pacific Council, as many of you may know, has
7 established a number of Marine Protected Areas over
8 time for various -- to achieve various fishery
9 management objectives, most recently associated with
10 the mitigation measures tied in with the declining
11 Stellar Sea Lion population, where we put in place a
12 variety of MPAs for different reasons.

13 My involvement with MPAs actually goes
14 back to the mid-60s when I was involved in bilateral
15 fisheries, negotiations with nations, foreign nations
16 fishing in the North Pacific. We used MPAs
17 effectively to control fishing efforts at that time.
18 As such, I think I could probably be referred to as
19 the grandfather of MPAs.

20 I guess my underriding interest here in
21 being involved in this committee is to ensure that we
22 have an open and all-inclusive dialogue on MPAs and

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1 their function, and that we don't look upon them as
2 being just a panacea to substitute for what I consider
3 to be effective fisheries management. I think it's
4 one of the tools that we must consider, but certainly
5 not the only tool, and shouldn't be looked upon that
6 way. And I have some concern that in recent years due
7 to failures in fisheries management for other reasons,
8 there is an interest in possibly using MPAs as a
9 surrogate or a substitute, and I think that's probably
10 the wrong reason to be using them. So with that, I'll
11 pass on the next committee member. Thank you.

12 MR. O'HALLORAN: Aloha. My name is Terry
13 O'Halloran. You might guess where I come from. I
14 find my way to this committee, I guess it started 35
15 years ago when I first saw the ocean, and I have made
16 my living on, under, and around the ocean ever since.
17 I've been a scuba diver for the last 35 years, and
18 have been diving frequently, ever since I first laid
19 eyes on the ocean. I've had dive businesses, sailing
20 businesses. I was with Atlantis Submarine for 15
21 years where we built submarines to take people
22 undersea to see the marine environment. I had the

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1 opportunity to basically introduce millions of people
2 to the natural environment via submarines. See it for
3 the first time first-hand, and witness the effect that
4 it has on people seeing something first-hand closeup
5 and personal.

6 That has been my love of the ocean. I've
7 been involved in Hawaii for many years, over the last
8 25 years in different ocean policy processes. The
9 state's first Ocean Marine Resources Management Plan
10 in the late 80s, witnessed many, many policy
11 procedures and efforts that have met with considerable
12 opposition. I found that over the years, it's one
13 thing to have designated areas for protection, and
14 it's another issue to implement those.

15 There's a lot of concern about uses. And
16 Hawaii has been a place over the years, over the last
17 10 or 15 years, where considerable pressure has been
18 put on those resources, considerable need to protect,
19 but also considerable demand to use. So our challenge
20 which has been reflected in some of the other speakers
21 is in balance, conservation everyone agrees with,
22 sustainable use, I think everyone agrees with. It's

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1 how do we get there, and how do we implement is, in my
2 mind, one of our biggest challenges. I'm very honored
3 to be here, and amongst such an esteemed group. And I
4 think we have tremendous opportunity to do something
5 that is very meaningful for future generations. And
6 basically, I will pledge to do what I can to support
7 our effort, and to move our conservation and the
8 preservation, and the wise use of our oceans forward.

9 Thank you.

10 MR. RAY: Good morning. My name is Jim
11 Ray from Shell Global Solutions U.S., which is the
12 global technology company for Shell Oil Company. I'm
13 here as a general representative for the U.S. Oil and
14 Gas industry. I have a long background in marine
15 issues. My background is in biological oceanography.

16 I'm the Manager of Environmental Ecology and Response
17 for Shell Global Solutions. We are essentially the
18 biological focal point for the company, and provide
19 internal consulting advice to them.

20 I've had a long involvement with Marine
21 Protected Areas, was actually part of the initial site
22 selection team that identified MPA candidate areas in

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1 the Gulf of Mexico, which eventually led to the
2 development of the Fireguard Marine Sanctuary. I have
3 a lot of continuity with that particular sanctuary
4 because that's where I did my graduate research, and I
5 still set on the Technical Advisory Board for the
6 Fireguard Marine Sanctuary.

7 I think the point of view that I come from
8 and that I hope to contribute to this panel is to try
9 to make sure that we continue to have balance, and
10 that we use good science. I mean, you've heard good
11 science several times today from other panel members.

12 I think it's not a case of just using the best
13 available science, but I think also we need to
14 identify where our information and data gaps are, and
15 encourage the various government agencies with the
16 responsibility to give the appropriate funding to
17 develop the new data and new science we need to fill
18 in the data gaps that exist. It's not just using the
19 old information, so I hope that we succeed in trying
20 to find a way to have the proper balance, to have the
21 sustainability that we need. I look forward to being
22 part of this group.

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1 MR. RADONSKI: Good morning. I'm Gil
2 Radonski. Currently, I serve as consultant to the
3 Recreational Fishing Alliance on MPAs. Recreational
4 Fishing Alliance is a recreational fishing advocacy
5 group. I finished my full-time working career in 1994
6 when I retired as President from the Sport Fishing
7 Institute, a National Fishery Conservation Group
8 located in Washington, D.C.

9 During my career, I had the opportunity to
10 serve on many advisory committees. I was a member of
11 MPAFAC, a Marine Advisory Committee which advises the
12 Secretary of Commerce on fishery issues. I was a
13 charter member of the Sport Fishing and Boating
14 Partnership Council, which advises the Secretary of
15 Interior and the Director of the Fish and Wildlife
16 Service on fishery issues.

17 I've been involved in the environmental
18 community. I am past Chairman of the Natural
19 Resources Council of America, a group of 70
20 environmental organizations located here in
21 Washington, D.C.

22 I have a keen interest in MPAs. When I

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1 was a member of the Mid-Atlantic Fishery Management
2 Council, we then called them special management zones
3 when they're applied to fisheries. I've been
4 following this a long time, and I would -- I've been
5 involved in the politics of fisheries for my entire
6 career, and I see this as an extension of that. I've
7 been an advocate of sport fishing issues, and I agree
8 with Mike Nussman. Recreational fishermen need
9 abundant fishery resources, and more importantly, they
10 need access to those resources.

11 I am, like many of the members stated
12 here, I am very impressed with the quality of the
13 representation on this Advisory Committee, and I think
14 we're going to have many spirited debates, and I think
15 we're going to come to some good conclusions for the
16 good of all the public in the use of the marine
17 resources. Thank you.

18 DR. OGDEN: Good morning. My name is John
19 Ogden. I'm Director of the Florida Institute of
20 Oceanography, and also Professor of Biology at the
21 University of South Florida. The FIO is a consortium
22 of the 11 state universities. We operate two small

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1 ships, which are engaged in resource management
2 surveys and as well as science, and we operate a
3 marine laboratory in the Florida Keys.

4 My background is basically in marine
5 laboratories. I began my career in the tropics at
6 West Indies Laboratory in St. Croix in the Virgin
7 Islands, was there for many years, interacted with
8 NOAA extensively there with the Hydrolab Program, an
9 underwater saturation diving facility used for science
10 and resources management. And we built the Aquarius,
11 which is the currently operating facility in Key Largo
12 in Florida. My work on coral reefs took me in this
13 period all around the world.

14 I began my involvement with marine
15 resources and management on the Scientific and
16 Statistical Advisory Committee of the Caribbean
17 Fisheries Management Council at its inception, was on
18 that for many years. When the Coastal Zone Management
19 Act passed in 1972, we engaged in a zoning planning
20 process in the Florida Keys which taught me that we
21 need to plan. We need to plan for use of resources.
22 We need to plan how our lands are used. We need to

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1 plan how our ocean is used.

2 I moved to Florida in 1988, and was
3 immediately appointed by the Secretary of Commerce on
4 the Founding Advisory Council of the Florida Keys
5 Sanctuary, which was a 6 year adventure in
6 participatory democracy, and it had its moments, as
7 you will see, I think, later on in some of the
8 presentations.

9 That taught me that our oceans are a
10 universally valued resource which is, by all of us,
11 universally perceived to be in decline or in danger
12 from uncontrolled and unmanaged human activity. And I
13 think that's what really brings us all to this table.

14 Two caveats that I would put in front of
15 you at the start of our deliberations, is that we have
16 to keep in mind, first of all, that MPAs are only a
17 tool, and various people have used that. They would
18 be ill-applied without an assessment of our resources
19 and some understanding of their -- of the impact of
20 human disturbance on those resources.

21 In other words, that should be part of a
22 planning process. And in recent years, I have

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1 attempted to gather together natural and social
2 scientists and user groups around an idea which we
3 call, for want of a better term, ocean use planning.
4 In which, of course, Marine Protected Areas can be a
5 very important part.

6 And the second one is that MPAs and what
7 we do isn't only about fishing. Keep in mind, for
8 example, that 50 percent of marine pollution is from
9 aerosols that originate not only on the coastline but
10 thousands of miles away. Our problems are general,
11 and we are as a nation all involved in this.

12 I would end on one -- I was appointed by
13 Governor Childs to his Ocean Policy Committee. And
14 when our report sort of landed rather flatly on the
15 desk of the new administration, some of the business
16 people and scientists on that committee said well,
17 gee, we shouldn't really let it sit there. And we
18 formed something called the Florida Ocean Alliance.
19 And that's an alliance, basically, of businesses,
20 scientific people, resource managers. And we have one
21 simple idea, and that is to bring to the Florida
22 legislature and to the governor the message that a

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1 healthy ocean is key to Florida's economic future. I
2 personally believe that that is also key to the
3 economic future of the United States. Thank you.

4 DR. SUMAN: Good morning. My name is
5 Daniel Suman. I'm a Professor of Marine Affairs and
6 Policy at the Rosensteel School of Marine and
7 Atmospheric Science in the University of Miami.
8 Originally, I was an oceanographer, but since then I
9 moved into law, and I teach environmental law,
10 planning, ocean policy, coastal law and coastal
11 management.

12 I'm fortunate to live in southern Florida,
13 where we have every possible marine managed area and
14 Marine Protected Area possible, including national
15 parks, national marine sanctuaries, national wildlife
16 refuges, national estuary research reserves, national
17 estuaries, and EPA's program. And, of course, the
18 plethora of state protected areas, as well. So it's
19 really a wonderful laboratory to study what is
20 happening, to look at conflicts among different uses,
21 and to attempt to recommend conflict resolution for
22 the resource managers and resource users.

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1 I've been involved in work in research
2 regarding the Florida Keys National Marine Sanctuary,
3 and perceptions of different user groups, such as
4 commercial fishers, dive operators, conservation
5 groups regarding the planning process for our
6 sanctuary, and especially the zoning issue. And I've
7 also been very interested and concerned about public
8 participation, mechanisms and processes within the
9 National Park Service, and the National Marine
10 Sanctuary Service, our National Marine Sanctuary
11 Program. And have tried or attempting to work with
12 agencies to encourage an opening or alternative
13 increase methods of public participation, more
14 meaningful types of public participation.

15 I also work with the Caribbean Environment
16 Program in Kingston, Jamaica, and have helped
17 developed a training manual for managers, Marine
18 Protected Area Managers in the Caribbean in the
19 context of the SPAW protocol. I'm looking forward to
20 working with our group, our committee, and think that
21 with all of the interests that we represent, we can
22 reach consensus in our recommendations to the

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1 departments. And these recommendations will help lead
2 to a legacy for future generations in the United
3 States regarding protection of our marine resources.

4 MR. ZALES: Good morning. My name is Bob
5 Zales, II. My family owns and operates five charter
6 vessels in Panama City, Florida. I'm an only child,
7 and we've been in business for over 38 years now. An
8 advantage to having a name that starts with a Z and
9 being tall, is that through my life from kindergarten
10 forward, I've generally been the last one to respond
11 to anything, so I have the advantage of hearing what
12 everybody else has to say before it gets to me.

13 And I'm intrigued by what's been said
14 here, because it's very interesting that everybody
15 seems to be clearly on the same page here, with a
16 common goal in mind to do what's best for the natural
17 marine resources of this country.

18 We also commercial fish a little bit.
19 I've been told in the past that one of my problems in
20 trying to work with fishery management is that I'm not
21 on either side, commercial or recreational. I view
22 myself, and that is an advantage personally because of

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1 the fact that I can see the broad picture, and try to
2 do what's best for all sectors that are involved in
3 fisheries.

4 I'm also Chairman of a National
5 Association of Charter Boat Operators, NACBO, which I
6 represent over 3,400 for hire owners and operators
7 that are diverse from guide boats to head boats. And
8 with membership from Alaska, to Florida, to Maine.
9 And I believe that I'm able to use that membership as
10 a resource of knowledge in this particular arena, and
11 especially in fishery management to get a broad
12 picture of what seems to work best for the nation as a
13 whole.

14 My personal experience comes from the Gulf
15 of Mexico. I've been involved on several advisory
16 panels with the Gulf of Mexico Fishery Management
17 Council, also on the federal level with Bill Fish and
18 HMS Species, and state levels for the State of
19 Florida.

20 My goal here, and the reason why I wanted
21 to be on this panel was I see MPAs, as has been said
22 here already, as a possible additional tool in fishery

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1 management. I agree with several comments that have
2 been said here already. I see the fishery management
3 system that has been criticized lately as a system
4 that, especially in the Gulf of Mexico, seems to be
5 fairly effective. It, like anything, has problems. I
6 think that's why you need involvement, is to try to
7 work those problems out. But I see a system that can
8 work, and I see a system that from my experience has
9 worked in many cases.

10 I'm actively involved in artificial reef
11 projects in the Gulf of Mexico. I'm also on an
12 advisory panel for commercial and recreational members
13 for the Gulf States Marine Fisheries Commission. I'm
14 the commercial representative from the State of
15 Florida on that panel. And I see, with Marine
16 Protected Areas, I see some of the problems that have
17 been out there in my mind are clearly perceived
18 problems in the way that MPAs have been identified.
19 And I think that's one clear area that this panel can
20 try to change, is the perception of what MPAs are and
21 what they do. I think they need to be clearly
22 identified as to their need and their purpose, their

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1 objectives. They need to have basic guidelines, and
2 baseline information so that at some point in the
3 future you can see whether or not they indeed did do
4 what they were designed to do. I think that there is
5 a clear need in some cases for areas to be totally
6 protected, but I also believe that there are areas to
7 where you could use the term MPA, and areas to where
8 everybody can play there, and you can protect what
9 needs to be protected.

10 I come to this panel with an open mind on
11 Marine Protected Areas. I haven't really decided
12 where I am, other than the fact that I definitely
13 believe that they can be used as a tool, and I hope
14 that this committee is able to come to the table. And
15 it appears to me, from what everybody said here, that
16 everybody is definitely on the same page, is trying to
17 work together to do what's best for the nation as a
18 whole, and with natural marine resources. Thank you.

19 CHAIRMAN HOUT: You may have thought you
20 were the last one, but my colleague from American
21 Samoa, Lelei Peau has joined us. Lelei has a
22 permanent excused tardy to meetings in Washington. It

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1 takes him three days to get here. It's about 10,000
2 miles, and he is banking frequent flyer miles like
3 crazy. Lelei.

4 MR. PEAU: Thank you, Eldon, for that
5 introduction. You are absolutely correct. It's about
6 2:45 in the morning in America Samoa. America Samoa
7 is the only U.S. territory south of the equator. It
8 has a population of 70 million lobsters, 25 million
9 turtles, has a population of 60,000 people according
10 to census record, but has about seven unaccountable
11 for. It has a land mass of 76 square miles.

12 My involvement in this committee started
13 way back during I would say mid-90s when the Coral
14 Reef Initiative was first launched in Barbados during
15 the Conference of Small Island Nations.

16 Governor Sumia, whom some of you are
17 familiar with, is or was a permanent member of the
18 U.S. Coral Reef Task Force, and I serve as his advisor
19 to the U.S. Coral Reef Task Force. I am currently the
20 Chairman of the All Islands Committee, and also
21 Chairman of the All Islands Committee that goes to
22 state organizations.

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1 My profession is land use planner. I'm a
2 planner by trade. I'm former manager for the American
3 Samoa Coastal Management Program for over 15 years.
4 I'm currently the Deputy Director for the Department
5 of Commerce.

6 America Samoa has a very strong land
7 tenure systems, which everything is based on community
8 consensus, so my interest with the MPAs is primarily
9 to transform or advocate the experience that we have
10 in the All Island communities, and how we are able to
11 protect and preserve those resources. But primarily,
12 I'm very interested in the inter-linkage between human
13 populations and the ecosystems and fisheries, as well.

14 We do have a lot of challenges upon us,
15 primarily because of the influx of increase in our
16 population growth in the Islands, and with very
17 limited resources.

18 MPAs has been said, and I think I've heard
19 most of you advocate, is seen as a planning tool to
20 enhance our ability to protect our resources. But
21 also is looked at as a challenge, how we could find a
22 common denominator between the land-base and also the

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1 ocean or the wet side of our ecosystem.

2 When the late governor said that the task
3 force, when 20 percent was voted on and approved, one
4 of the very first things he directed myself as the
5 Chairman of our local advisory group, was to meet that
6 20 percent of the MPA Protected Areas. But he also
7 brings in a very interesting point, and that is we
8 also had to also consider that we do not want to
9 alienate our local population, our human population.
10 The important thing was to find -- get them involved,
11 get them to buy into the process and have them be part
12 of the equation. And it's been a very interesting
13 challenge for us in the Islands. We are, I think,
14 approaching really well in that task, but one of the
15 other also important things that I'd like to -- that
16 I'm really interested in, I come from a village in
17 American Samoa that has seasonal fishing within our
18 community. And this involves all ages from young to
19 old, and during the season when we harvest our
20 mackerel, all the students are exempt from going to
21 school, which they had to partake in the community
22 fishing. Everyone has to be in the water at the same

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1 time, and also had to share their catch with the rest
2 of the villages.

3 The important thing here is the sharing,
4 but at the same time, that we are not allowed to
5 market the catch with even our relatives or friends
6 who reside adjacent from our village. It's a
7 community fishing, and it's also viewed as community
8 sharing. That experience has been going on for
9 several thousand years, and has continued to be
10 practiced as we speak. But I think it's an incredible
11 process which you bring the population closer to the
12 resources, at the same time, you help them enforce and
13 promulgate village regulations that will ensure them
14 that they will have enough for future generations. So
15 I look forward to hearing from everyone's experience,
16 and I think it's a great thing that we finally meet
17 today. I was kind of wondering if this ever is going
18 to happen or not, but I'm glad to be here. Thank you.

19 CHAIRMAN HOUT: Thank you all. As a
20 number of you have noted, this is an impressive,
21 diverse, and obviously dedicated assembly here today.

22 And I look forward to hearing the discussions and the

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1 interaction.

2 Joe, do you want to take the break now, or
3 move on to the ex officio announcements?

4 MR. URAVITCH: Why don't we do the ex
5 officios, and I'll see if anybody --

6 CHAIRMAN HOUT: All right. The next item
7 then on the agenda is a similar exercise, in which we
8 will hear from the ex officio members of the
9 committee. And they will engage in a self-
10 introduction, and I believe they are at the table in
11 the front of the room. And I can't see them.

12 COMMANDER KOHANOWICH: Good morning. I'm
13 Commander Karen Kohanowich, the Ocean's Advisor for
14 the Deputy Assistant Secretary of the Navy for the
15 Environment, Mr. Don Sigardus. Mr. Sigardus is an
16 official ex officio member, and he'll be acting on
17 behalf of all the military services of the Department
18 of Defense. He sends his regrets that he's unable to
19 be here today due to previously scheduled travel.

20 The role of DOD's involvement with MPAs is
21 three-fold. First and foremost, the oceans and
22 associated coastal environments are critical to

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1 national security, both for essential training and for
2 deployment and operations. We train, transport,
3 commute, and fight on the ocean. Protection of
4 freedom of navigation rights has been and remains a
5 primary importance to our mission. We are using the
6 marine environment, and have hands-on experience with
7 the oceans.

8 Second, because we require continued
9 access to the oceans and coastal environments, we take
10 seriously our roles as a good steward of both the
11 ocean and the coast. This role is particularly
12 critical for the Navy. In addition to our primary
13 maritime mission, the majority of our installations
14 are located along the coasts. We're involved at the
15 headquarters and the regional levels in all manners of
16 Marine Protected Areas. Sanctuaries, Coral Reef Task
17 Force, Essential Fish Habitats. We play an active
18 role in a number of coastal partnerships, as well,
19 Chesapeake, Peugot Sound, Naraganza Bay and San Diego.

20 We believe our experience in these cooperations will
21 contribute positively to the Marine Protected Area
22 effort.

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1 A third role we have with respect to MPAs
2 is that of research, technology and information. The
3 traditions of oceanography and of ocean research are
4 longstanding within the Navy, as this information is
5 vital to our mission. We contribute significant
6 resources to ocean observations, ship pollution
7 prevention, and research to support marine activity
8 permits. Information and science for sound decision
9 making, as we've heard, is an important piece of the
10 MPA process.

11 The Department of Defense is pleased at
12 the opportunity to work closely with this Committee
13 and with the other agencies, and we look forward to
14 continued successful cooperation on all Marine
15 Protected Areas issues.

16 MS. GLACKIN: Good morning. I'm Mary
17 Glackin. I'm the Assistant Administrator of NOAA's
18 newly formed office of Program Planning and
19 Integration, and I want to start by echoing Secretary
20 Bodman's comments this morning, and thanking you for
21 your participation in this very important committee.

22 NOAA has had significant involvement in

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1 Marine Protected Areas since its inception in 1970,
2 and before that in its heritage agencies. Our
3 programs today span the spectrum of purposes from
4 establishing and managing Marine Protected Areas for
5 both the protection of our natural and cultural
6 heritage, and for supporting the sustained production
7 of important species.

8 We have six management and support
9 programs across NOAA involving Marine Protected Areas.

10 These are our Federal Fisheries Management Zones, our
11 Federal Marine Mammals Protection Program, our Federal
12 Threatened Endangered Species Critical Habitat, and
13 our Federal Threatened Endangered Species Protected
14 Areas. We have our National Marine Sanctuaries
15 Program, and we administer in cooperation with states,
16 territories and commonwealths the National Estuary and
17 Research Reserve System.

18 We also house the National Marine
19 Protected Areas Center, which is hosting the meeting
20 for us today. And we have a number of important
21 scientific technical training and education programs
22 that we use to help evaluate, strengthen and improve

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1 the management of MPAs. So given the spectrum of
2 these responsibilities in NOAA, one of the things that
3 NOAA has been recently doing is trying to improve the
4 coordination of our use and management of MPAs, as we
5 have been doing in a number of our programs. And
6 that's what has actually created the new office that I
7 am in charge of in NOAA.

8 I provide oversight responsibility for a
9 number of cross-cutting NOAA programs, that include
10 NOAA's Climate Program, NOAA's Coral Reef Program, and
11 most recently the Marine Protected Areas Program. So
12 I'll personally look forward very much to the guidance
13 and assistance from this committee as you proceed in
14 your efforts. Thank you.

15 MS. HAYES: Good morning. My name is
16 Maggie Hayes, and I have been for the last two years
17 the Director of the Office of Oceans Affairs at the
18 State Department. Before that, I spent almost 25
19 years in the NOAA Office of General Counsel, where I
20 was both Assistant General Counsel for Enforcement and
21 Litigation for about 6 years, and Assistant General
22 Counsel for Fisheries for almost 13 years, so I think

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1 I can say that I am very well acquainted with the
2 potential benefits, and also the potential
3 complications stemming from the establishment, and
4 implementation and enforcement of Marine Protected
5 Areas.

6 My office at the State Department covers a
7 huge range of marine-related topics, everything from
8 law of the sea, to maritime boundaries, marine
9 pollution, navigation and shipping, marine scientific
10 research. And I should also mention that we work very
11 closely with my brother office in the bureau, that's
12 the Office of Marine Conservation, which along with
13 NOAA, has responsibility for conservation and
14 management of all those fishery resources that cross
15 those jurisdictional lines in the oceans.

16 The State Department has a couple of
17 important interests in Marine Protected Areas. We
18 have certainly supported their use as a conservation
19 tool in a number of international forums, including
20 the United Nations General Assembly, the International
21 Maritime Organization, the Regional Fishery Management
22 Organizations, most recently the World Summit on

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1 Sustainable Development. But we, I suppose, have a
2 particular interest in seeing that Marine Protected
3 Areas, wherever they're established, whether in U.S.
4 waters or on the high seas, are established consistent
5 with international law.

6 That's really an easy matter if you're
7 just talking about perhaps an MPA within the exclusive
8 economic zone to say, protect a spawning area from
9 fishing activities. It can become more difficult if
10 you are establishing a Marine Protected Area, even in
11 the EEZ, that begins to impose restrictions on
12 navigation.

13 Now I've got an MPA anecdote. I wasn't
14 sure whether I should tell it this morning, but I
15 think I will, having heard all the introductions, and
16 heard all the various interests that are represented
17 here on the committee. This had to do with a meeting
18 that we hosted at the State Department last fall. We
19 get together every year with some other maritime
20 nations to discuss a wide variety of subjects that are
21 of mutual interest.

22 At this particular meeting, one of the

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1 other countries suggested that we should put Marine
2 Protected Areas on our agenda. As we always do at the
3 State Department, we got together an inter-agency
4 group to prepare for the meeting, and nobody would
5 volunteer to do the MPA position paper, the MPA
6 talking points, so I did them myself, and circulated
7 them out to the different agencies for comments. And
8 kind of proved difficult.

9 The day of the meeting came and I still
10 had a couple of agencies, I won't mention their names,
11 you know, who didn't really agree with what I had
12 written, and couldn't come to an agreement themselves.

13 We had a break for lunch, and they told me that they
14 could agree on one thing, that I just shouldn't say
15 anything at this meeting. I told them that that was
16 really unacceptable, that I was going to certainly say
17 something about MPAs, that I had to host the foreign
18 visitors for lunch, and that I hoped by the time lunch
19 was over they would have something for me to say.

20 So I took the foreign visitors upstairs to
21 the eighth floor dining room, and I guess these two
22 folks went to the cafeteria. And at the end of lunch

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1 hour, they had worked something out. I had a script.

2 I could participate in the discussion, so I offer
3 that anecdote as both an illustration of the role that
4 the State Department plays in this area, and perhaps
5 also illustrative of some of the challenges that I
6 had, but hope that things can work out.

7 REAR ADMIRAL HATHAWAY: Good morning. I
8 am Rear Admiral Jeff Hathaway. I'm the Director of
9 Operations Policy for the U.S. Coast Guard, and in
10 that capacity, I manage the Coast Guard's Living
11 Marine Resources Program, which supports one of the
12 Coast Guard's strategic goals, which is preserving our
13 nation's natural resources.

14 What does the Coast Guard bring to this
15 forum? Well, I think as most of you know, the U.S.
16 Coast Guard represents a primary at-sea enforcement
17 tool for MPAs. And we also very often find ourselves
18 coordinating both federal, state and local
19 enforcement efforts in that regard.

20 Additionally, we have very active programs
21 of education and outreach to both recreational and
22 commercial boaters in regards to MPAs. And finally,

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1 the Coast Guard is very often called upon to both get
2 data in regards to MPAs, and we very often find
3 ourselves transporting and providing platforms for
4 those doing research in and around MPAs. So we have,
5 in our daily lives, find ourselves in and around MPAs,
6 these folks that wear Coast Guard uniforms, we've very
7 often your direct representatives out there on the
8 sea. We're very happy to be part of this forum.
9 Thank you.

10 DR. PAWLIK: And I'm the last of the
11 members of the orchestra pit. My name is Joe Pawlik,
12 and I'm here representing the National Science
13 Foundation. I am an Assistant Program Officer with
14 the Biological Oceanography Program, and the way NSF
15 works in terms of internal management is it has a
16 program of rotators. These are faculty that are taken
17 from the trenches, that move through the system, and I
18 have recently been recruited from the trenches, so
19 I've only been with the NSF now for about a month.

20 I am also a Professor of Biological
21 Sciences at the University of North Carolina at
22 Wilmington. I'm a Marine Ecologist, and I was NSF's

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1 fairly obvious pick for this position, because I work
2 in the MPAs. I have a research program in the Florida
3 Keys National Marine Sanctuary, so I'm familiar with
4 some of the routine in terms of doing research in
5 MPAs.

6 NSF doesn't have any specific programs
7 that deal with MPAs, but having recently finished
8 bi-yearly panel, where the Biological Oceanography
9 Program picks projects that will be funded from among,
10 about 100 extremely well-qualified faculty from all of
11 the U.S.' research institutions. We pick somewhere on
12 the order of 20 percent of those projects to be
13 funded.

14 I was interested to note that about 30 to
15 40 percent of them specifically talked about MPAs in
16 their narratives as part of the broader impact of
17 their studies. We fund projects having to do with
18 recruitment, retention of species in MPAs, and so this
19 is an issue that comes up frequently in many of the
20 projects that are funded by the National Science
21 Foundation. And so my role here is to provide a
22 liaison between the Biological Oceanography Program

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1 and the issues that are brought up at this committee.

2 CHAIRMAN HOUT: Thank you. You've heard
3 from Patty Morrison representing the Department of
4 Interior as an ex officio member. And it looks to me
5 as if, because of the enormous self-restraint of the
6 panelists, we are well ahead of schedule, and I
7 appreciate this. In a former life, I know that
8 college professors are primed and programmed for 50
9 minutes, and certainly appreciate not using that time.

10 But I think now is the time for us to take about a 20
11 minute break, and we'll be back in this room in 20
12 minutes.

13 (Whereupon, the proceedings in the
14 above-entitled matter went off the record at 10:11
15 a.m. and went back on the record at 11:06 a.m.)

16 MR. URAVITCH: My name is Joe Uravitch.
17 I'm the Director of the National Marine Protected
18 Areas Center filling in for Eldon Hout, who had to run
19 off to another meeting. And with me is Piet deWitt
20 from the Department of the Interior, who's filling in
21 for Patty Morrison.

22 We're running a little bit ahead of

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1 schedule, which is rare for most meetings that I've
2 been involved with, so we thought we'd take this
3 opportunity for the committee to run through the
4 agenda, make sure everyone is clear on the agenda for
5 the rest of the day, and for tomorrow, any changes
6 that need to be made, and answer any questions related
7 to the agenda you might have.

8 Where we are at present is waiting for
9 Alice McKenna from the Department of Commerce, Office
10 of General Counsel, to talk about the Federal Advisory
11 Committee Act. That will be followed by Ethics
12 discussion from Gaye Williams, also from the
13 Department of Commerce. Then there'll be lunch, and
14 when we reconvene back from lunch, we'll be getting
15 into some briefings on the histories of the Marine
16 Protected Area Executive Order, and the context for
17 that Executive Order; sort of how we got to where we
18 are today.

19 Piet deWitt and I will then be going over
20 an overview of the National Marine Protected Area
21 Center, and the work that we're doing, our goals we
22 see them in the Executive Order. A short break after

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1 that, followed by a general presentation from myself
2 concerning the scope of this Federal Advisory
3 Committee, and the charge from the departments to the
4 committee, in brief, so that you have some idea of
5 what we'll be discussing in more detail tomorrow.

6 And as you can see from the 3:30 session,
7 I'm not planning on talking for an hour and 45
8 minutes, so there'll be plenty of time to talk
9 substance about the work of MPA Center, about this
10 committee, about its scope, your thoughts on where you
11 think this ought to go, your views on the sort of
12 general charge that we're giving to the committee from
13 the secretaries. And we'll then be adjourning after
14 that.

15 Tomorrow morning, as I've mentioned to
16 most of you, we're still waiting for the background
17 checks to be completed for six of the members of the
18 Advisory Committee, so unless those can get completed
19 today, we believe it doesn't make sense, since we also
20 have four other members not present, to not have an
21 election tomorrow, but to work with you to set up an
22 electronic process, so that once we have all of the

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1 members approved for the committee, you all can elect
2 a chair quickly after that. And we can then proceed
3 on setting up some of the other things that need to be
4 done.

5 The rest of the day, at least in the
6 morning tomorrow will be focused on sort of the meat
7 of the whole purpose of this committee, and that is
8 the detailed discussion on the specific charges that
9 we are proposed that you all help us address on behalf
10 of the two departments. And those will be presented
11 by Dr. Charles Wahle, the Director of our Science
12 Institute, Dan Farrow from NOAA's Special Projects
13 Office, and Ginger Hinchcliff, who's the Director of
14 our Training and Technical Assistance Institute.

15 That will take up most of the morning, and
16 it'll be followed at 11:00 with time for public
17 statements. Those in the public who did wish to make
18 a statement tomorrow, please sign up for that so we
19 know how many people intend to speak, because there is
20 only so much time available. We, of course, will also
21 be accepting written comments, but if you wish to make
22 a statement tomorrow, we really need to have you let

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1 us know in advance, so please check the registration
2 desk and make sure they know.

3 In the afternoon, we're going to be
4 turning to some very practical matters in terms of the
5 committee related to how you're going to be organized
6 and function in terms of the work plan, how we're
7 going to communicate, you know, whether we're going to
8 set up list serves or phone trees, or whatever the
9 appropriate mechanism is. We'll also be talking about
10 what kind of guidelines you all need to set up in
11 terms of operating principles for the organization.
12 And we're going to have to talk about the practical
13 thing of where we meet next.

14 We called the initial meeting here in
15 Washington because a lot of what we have to deal with
16 for a brand new committee like this is procedural in
17 terms of the requirements of the Federal Advisory
18 Committee Act, as well as some of the other associated
19 administrative details. I would hope, and it's
20 certainly up to the committee to decide that future
21 meetings, for the most part, will not be here in
22 Washington, D.C., but will be in other places around

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1 the country, and that's something we'll work with you
2 all to decide on where you want to meet within the
3 constraints of the operating budget that we have
4 available. And that's also one of the issues that
5 we'll be discussing. Piet, did I leave anything out
6 at this point?

7 MR. deWITT: No, it sounds good to me.

8 MR. URAVITCH: Any questions about the
9 agenda from Members of the Committee? Please.

10 DR. OGDEN: I'm just -- you know, given
11 the constraints of the budget, and the suggestion that
12 this committee would have essentially two meetings a
13 year, it concerns me that it's entirely possible for
14 us to leave tomorrow, and not essentially engage each
15 other for six months. And, you know, it's not -- it
16 may be that within the afternoon's particularly
17 discussion tomorrow, that you've sort of allowed that
18 there would be a way to engage this group in the
19 interim time in some way. I mean, normally that
20 would, I suppose, be through the formation of sub-
21 committees and some kind of process like this, that
22 would -- it seems a little bit difficult to sort of

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1 pull that off. But on the other hand, I guess my
2 concern generally is how to engage the committee in
3 this potentially long period of time that we have.

4 MR. URAVITCH: Other thoughts on that from
5 people? I mean, I have a view but I'd rather hear
6 from others first.

7 MR. deWITT: I'd like to echo that. I
8 haven't spoken with John about this, but given the
9 infrequency of meetings, it seems appropriate to have
10 some kind of actions taking place between the
11 meetings.

12 I'd also like to raise some questions
13 about the Chairman election process. It seems to me
14 that with such a diverse group of stakeholders, it's
15 extremely important to find common ground for
16 leadership. And I'd like to see some mechanism in
17 place whereby we can have some open discussion about
18 that issue, so that everyone is comfortable with
19 whomever ends up leading the group.

20 MR. URAVITCH: Well, one option, and it
21 means a bit of work on our part, is to try and see if
22 we can do a meeting sooner than the November-December

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1 time frame, which would be five or six months from
2 now. That means trying to find a time that 30 people
3 can attend the meeting, and starting to organize that
4 meeting as soon as this meeting is over, basically.
5 But that is a possibility. I have the same concern, I
6 think, that if we're only here for two days and we
7 have some important things that need to be addressed
8 by the committee, that they have time to do that, and
9 do that together before people forget over a half a
10 year what we covered. What do people think?

11 DR. CRUICKSHANK: I think that interaction
12 through the Internet to keep things moving. Now if we
13 do get the smaller groups together, the specifics,
14 they can produce written documentation that can then
15 be circulated to the whole committee for constant
16 update and review.

17 DR. PEREYRA: In my experience, and just
18 sort of a committee -- this is sort of a committee
19 structure, it's always been the subcommittees, the
20 main body that really do the substantive work,
21 together with help from staff and so forth. So the
22 fact that the committee is only going to meet twice a

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1 year doesn't concern me as much as how the
2 sub-committees are going to be established, and how
3 they will be meeting, and how they will do their work,
4 and how that work - as Dr. Cruickshank mentioned - how
5 that work is going to be disseminated to the full
6 committee so that we can come to some conclusions as a
7 body.

8 MR. NUSSMAN: My first observation is we
9 need a sound system that works for everybody.

10 Secondly, I'd say, I think we're exactly correct here.

11 We need subcommittees to work towards specific
12 activities, but I also think to come to some agreement
13 on what those activities would mean, it would, I
14 think, necessitate a fairly quick meeting of this full
15 committee once we go through the sort of formation,
16 which I think is all we're doing at this point, just
17 getting it together, so to speak.

18 And then, if you could agree on some
19 issues that we wanted to divide up in subcommittees,
20 the subcommittees could, in fact, take some activity,
21 and might not need, you know, a year out to meet more
22 than once a year, at least as a full group. But very

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1 clearly, the subcommittees, if they're active, are
2 going to have to meet fairly often, either by phone or
3 in person.

4 DR. FUJITA: Yeah. I'd just like to agree
5 with that last comment, and let me suggest a two-phase
6 process to fill this gap. I think that we need to
7 establish subcommittees first. We need to make sure
8 that there's strong leadership to guide the
9 conversation between meetings to make sure things get
10 done. And that could be supplemented or conducted, in
11 fact, over e-mail once the subcommittee is formed and
12 the mission is clear. And further, you know, there
13 are many different ways to slice this cake. One would
14 be to establish sectoral subcommittees based on
15 different elements of what our task is, you know, to
16 establish the goals and objectives of MPAs, or to
17 develop a consensus on MPAs, or whatever.

18 Another way to do it though, that I think
19 would be more constructive, is that since there is
20 some difference of opinion on how MPAs should move
21 forward and what they should look like, it might be
22 better to establish multi-stakeholder subcommittees to

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1 hash out some of the major issues that divide us, and
2 that might facilitate the creation of a consensus
3 later.

4 DR. GARZA: Thank you. I certainly agree
5 with creating the subcommittees between now and the
6 next meeting. And I'm sure you're thinking of this,
7 but one thing we do have to make sure of is that the
8 six people who have not been seated, have no reason
9 not to be seated. It's my understanding several of
10 them have been cleared through other processes, so we
11 have to consider that their names should be on these
12 lists of subcommittees.

13 MR. RAY: Yeah. I agree with everything
14 that's been said, and would also like to suggest that
15 in dealing with Chair, that this committee may want to
16 think about doing a Vice-Chair, as well, because
17 depending on whatever meeting we go to, whoever is
18 chosen as Chair could have a conflict, and you have
19 nobody to run the meeting, so it's not a position that
20 would be used a lot, but it's one that I think is
21 necessary.

22 MS. ERNST: And at this point, not

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1 allowing us to have a Vice- Chair position, we could
2 go through the step of getting the charter modified to
3 make that possible.

4 MR. URAVITCH: Okay. That sounds like
5 something we need to do. What we ought to do is take
6 a look at the charter and make sure there are things
7 that need to be amended, and maybe do an amendment to
8 the charter so we can cover things like a Vice- Chair.

9 MR. RAY: That brings to mind another
10 question, I guess. I just assumed because of my
11 experience of dealing with councils and other
12 entities, that generally they operate under a Robert's
13 Rules of Order type deal. Is this committee going to
14 operate that way, or are they going to be under a
15 different set of guidelines?

16 MS. ERNST: I don't know that anything is
17 prescribed. That's actually a good question for our
18 attorney, Alice McKenna, when she makes her
19 presentation shortly.

20 MR. RAY: I just had a procedural
21 question. I think we're getting to it later in the
22 agenda. You know, the use of Net Meetings,

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1 Teleconference and e-mail are all very efficient ways
2 to do things, but what restrictions do we have against
3 doing that? I know all of our meetings are open
4 meetings, just like today. So from a procedural
5 standpoint, under the Advisory Committee Rules, are we
6 allowed to have teleconferences within the group, Net
7 Meeting and things to do business in-between the big
8 meetings?

9 MR. URAVITCH: That's a good point. I
10 think we're going to have to raise that with
11 Department Counsel when she comes.

12 DR. AGARDY: This may be simplistic, but I
13 just want to touch on a couple of things that both Rod
14 and Michael said. And the idea of kind of the process
15 that we go to, to actually get to workable units to
16 take on the task at hand. I'm a little concerned that
17 our mandate hasn't been discussed in quite detailed
18 enough terms to know what kind of subcommittees we
19 might need. And I think that's a discussion that
20 needs to be done in full committee, and as soon as
21 possible; hopefully, within the next day or so, so
22 that we can actually start, you know, having

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1 identified our kind of goals, and try to work towards
2 those.

3 MR. URAVITCH: All right. If you look at
4 the agenda, you'll see that that's really part of the
5 1:30 discussion tomorrow, which talks about committee
6 discussion on organizational and functional matters.
7 And before that, we will have had the presentations on
8 the charges from the two departments, and so that
9 will, at least, give us a start as a basis for that
10 discussion on subcommittees.

11 MR. NUSSMAN: Unfortunately, we may be as
12 a whole body or we may not. And I think the scenario
13 I was describing was one that had another meeting
14 fairly soon afterwards, before we set up
15 subcommittees. I'm not sure that in an hour or an
16 hour and a half discussion, we're going to decide
17 where we need to go over the next two or three years.

18 I think we need to do that as the fully body. And
19 I'm not sure if it makes sense to set up subcommittees
20 prior to that decision that we're making, here's a
21 path, there's a path, there's a path, all of which we
22 need to move individually, but in the form of

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1 subcommittees taking the lead. Of course the other
2 side is maybe they get cleared today, and we can
3 actually have those discussions. The federal
4 government usually doesn't surprise me with the
5 quickness with which it does things.

6 MR. URAVITCH: Well, we're hopeful that
7 that will happen, but if it doesn't, what are people's
8 views on holding a meeting sooner than November?

9 DR. CRUICKSHANK: I think it's a good
10 idea, actually, to bring the whole committee together
11 soon after this one.

12 MR. O'HALLORAN: I certainly would agree
13 to a meeting sooner. If we can't get it done in these
14 couple of days here, then I think we have to. We've
15 all committed our time to do this, and to not
16 accomplish the overall picture of where we want to go,
17 because I agree, we can't have subcommittees unless we
18 know where those subcommittees are leading toward.
19 Got to have everybody pointing in the same direction,
20 and I think right now, I'm seeing a lot of different
21 directions that we possibly could go on. And it's
22 going to take this whole committee face-to-face,

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1 including the people in the audience, to do that, so
2 I, for one, I think we -- if we need another meeting
3 sooner, we need to do it.

4 MR. URAVITCH: Mr. Zales.

5 MR. ZALES: It appears to me that we've
6 kind of jumped into the 3:30 scope and charge of this
7 thing, and we must be waiting on the attorney and
8 other stuff to happen, so it may be that you want to
9 go ahead and start jumping into the scope and charge
10 of this committee, so that we can see exactly where we
11 are, we understand what the task is, and how we're
12 supposed to about it, and whatnot. I mean, that's
13 just a suggestion.

14 MR. URAVITCH: Well, she's due here almost
15 in the next couple of minutes. And once we got into
16 the scope and charge, I think that would take a while
17 to do the presentation. I really don't want to get
18 started for like five minutes, and then just have to
19 stop at that point.

20 DR. PEREYRA: I don't like to be raising
21 extra questions, but this is one that's come to my
22 mind, and I think others, and that is, the whole

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1 process of governance of how we proceed in making our
2 decisions. That is not well-defined in my mind, and
3 I'm wondering how will we go about doing it. Is that
4 in the charter? Is this something that will be
5 decided, that once we have a Chairman, or before we
6 have a Chairman? Some of the discussions that we're
7 going to be having supposedly later on today about our
8 charge and the direction we're going is going to
9 require that we have that kind of an understanding in
10 order to be able to proceed.

11 MR. URAVITCH: All right. The intent was
12 that those issues would really be discussed in detail
13 tomorrow morning after you all had elected a Chair,
14 and things were, you know, thrown off kilter by this
15 inability to get six people cleared before this
16 meeting. Again, we can just hope that maybe that
17 happens by tomorrow. But generally, our advice from
18 counsel has been that it's up to the committee to
19 establish its own operational rules. They could be
20 Robert's Rules of Order, they could be some other set
21 of guidelines that you all decide to select for
22 yourself. But the founding document for you is the

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1 charter itself, which is fairly limited in terms of
2 direction. But then because of the Federal Advisory
3 Committee Act, we're sort of bound by that until we
4 amend the charter, for example, so there are logical
5 things like the need for a Vice-Chair, where we will
6 have to go through a process of amending the charter
7 officially, in order for you to be able to elect a
8 Vice-Chair. So those are some of those details that
9 we'll have to pick up as we go along today, and we
10 will commit to moving that forward so we can proceed
11 with this committee.

12 I mean, the difficulty we have, obviously,
13 is this is the first time this committee has ever met,
14 and it's the first committee we've ever put together,
15 so we're sort of constructing as we move along on
16 this.

17 DR. BROMLEY: We seem to be moving towards
18 a consensus for another quick meeting, and I
19 understand how difficult it is to organize these
20 things. And I also worry that having another meeting
21 soon, and sort of getting that set in our mind, will
22 then allow us to relax a little too much during the

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1 remaining day and a half that we're here. And I guess
2 I would like to ask, isn't there time in the schedule,
3 as you put it together, between now and 5:00 tomorrow
4 to come to grips with many of these issues, and sit
5 down and do the hard work, and get ourselves organized
6 now so that we do know where we're going to go? So
7 I'm not -- my preference would be that we not settle
8 on having another meeting in August, so that we can do
9 what we might have been able to do today and tomorrow.

10 So that's my two bits.

11 MR. NUSSMAN: Unfortunately, with the
12 committee not being fully -- I mean, I agree with you,
13 who wants to have another meeting? We all have enough
14 meetings in our lives. That being said, through no
15 fault of any of the members of this committee, we
16 don't have a full committee at this point. And I
17 don't know how we go ahead and act, and make decisions
18 as a whole without a full committee. But I do agree
19 with the sentiments you expressed.

20 MR. ZALES: Yeah. I agree with all of you
21 too. And I would just like to say - and this is just
22 from my viewpoint, because I volunteer for a lot of

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1 advisory panels, and I do that with the understanding
2 that I agree to do that, and it's my time. And I
3 appreciate the fact that there's 30 of us out here,
4 and that people have schedules. I mean, I have a
5 business that I operate with my family, and it's
6 difficult for me to get away. Whenever I'm away, I
7 lose money because I'm not being paid, but I
8 understood that from the getgo. I agreed to it, so
9 whenever you schedule a meeting, in my mind, it's up
10 to me to arrange my schedule to be there if I want to
11 be involved in this process. And so I would just want
12 to suggest that if we need to do a meeting earlier,
13 that's fine, it's whenever you need to do that. You
14 know, if you get a consensus of everybody here, and
15 the most that you can get to that meeting would be
16 great, but I think that like I say, from my viewpoint,
17 it's no problem for me to try to make whatever
18 meeting is scheduled.

19 MR. URAVITCH: Mr. Bendick.

20 MR. BENDICK: Is there anything in the
21 rules that would prohibit, since we have public
22 comment noticed for tomorrow, the Members of the

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1 Committee who are not seated up here, to speak in the
2 discussion after lunch tomorrow, so that we could at
3 least resolve some of the sort of not procedural, but
4 substantive issues that allow us to go forward without
5 voting on the Chairman, or making final decisions? It
6 seems like there's plenty of time to have a
7 substantive discussion, and the only problem is their
8 not being able to participate. Can we overcome that?

9 MR. URAVITCH: I think that's something
10 we're going to have to ask our counsel for. They're
11 just very sensitive about committee's actions being
12 tainted, and that's just not something we can afford
13 to do from a legal perspective, so we'll have to ask
14 Ms. McKenna when she arrives.

15 MS. MCKENNA: Good morning. My name is
16 Alice McKenna. I'm from the Office of General Counsel
17 at the Department of Commerce. I seem to have
18 appeared fortuitously. I've come to give you a short
19 briefing along with my colleague, who'll be along in a
20 moment, Gaye Williams. She's from the Ethics Office.
21 We conferred yesterday. We note that we have about a
22 half hour on the agenda. I'd be kind of surprised if

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1 it took that long. I think we're all going out early
2 for lunch.

3 There was a question on the table. Before
4 I start my briefing, there was a question about what
5 role the unseated members, or what --

6 MS. ERNST: Whether we could take
7 advantage of the period we have in the schedule
8 tomorrow for public comments to get the members who
9 have yet to be appointed engaged in discussions about
10 how the committee will be functioning in the future.

11 MS. MCKENNA: Well, is there a place --
12 let me check the agenda. There is a place on the
13 agenda for the public to make presentations.

14 MS. ERNST: Right. Public comment.

15 MS. MCKENNA: There would be no legal
16 objection to the individuals making presentations.
17 The legal concern I have is participation in the
18 deliberations of the group. But to make a
19 presentation, just as any other member of the public
20 would be allowed to do, would certainly be -- would
21 not violate FACa.

22 MS. ERNST: That was Mr. Bendick's

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1 question.

2 MS. MCKENNA: Does that satisfy your
3 concern, sir?

4 MR. BENDICK: Well, I don't think it
5 really works. It's not fair, and I was hoping that
6 because public -- we've noticed public comment period,
7 that there could be some back and forth with the
8 members to allow us to proceed, but it sounds like
9 that may not be possible with those members who are
10 not seated yet.

11 MS. MCKENNA: Within the context of their
12 presentation, do you imagine you would have questions
13 and they would answer them?

14 MR. BENDICK: I would hope.

15 MS. MCKENNA: Yeah. I mean, question and
16 answer would also be something you would want to do
17 with any member of the public who was making a
18 presentation. Is that not correct? It's just the
19 deliberations of the committee is the concern, or is
20 that the deliberation, with question and answer?

21 MR. NUSSMAN: I think the answer is that
22 is the deliberation.

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1 MS. McKENNA: Then that, unfortunately,
2 cannot occur. Yes, sir.

3 DR. BROMLEY: May I seek clarification?
4 If someone from the public stood up and said I believe
5 you people ought to have a subcommittee to address
6 such and such, which proposition might also be offered
7 by one of the six people who are not yet seated, both
8 parties could make a similar proposition to this
9 group. Is that correct? We could discuss it among
10 ourselves. Is that correct?

11 MS. McKENNA: Discuss among yourselves,
12 yes.

13 DR. BROMLEY: And we could ask for
14 clarification, say exactly what would that
15 subcommittee do, and let that person say well, I think
16 that subcommittee ought to ask these questions, blah,
17 blah, blah. Is that legitimate?

18 MS. McKENNA: If you were to respond to
19 the question.

20 DR. BROMLEY: Yeah. So somebody from the
21 audience says you need a subcommittee on X, and then
22 one of us says well, please, tell me exactly what that

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1 subcommittee would do. Why do we need a subcommittee
2 like that? Well, because. Is that --

3 MS. McKENNA: But the debate on the pros
4 and cons can only occur with --

5 DR. BROMLEY: I understand that. I
6 understand that. But the people who are not yet
7 seated could have a -- they do have the legal
8 opportunity to influence our structure.

9 MS. McKENNA: Any member of the public.

10 DR. BROMLEY: Any member of the public has
11 the opportunity to influence our structure and our
12 functioning.

13 MS. McKENNA: To make suggestions.

14 DR. BROMLEY: To make suggestions.

15 MS. McKENNA: That you would deliberate on
16 as a committee.

17 DR. BROMLEY: That's right, but not to
18 vote on it.

19 MS. McKENNA: No, they cannot vote.

20 DR. BROMLEY: Okay. Yes. Thank you.

21 MS. McKENNA: Clarify a question, but in
22 that sense too, you must make that opportunity

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1 available to anyone who would ask, not just the six.

2 Okay?

3 Now to the structured part of my
4 presentation. There's some basic rules for
5 administering Advisory Committees, which I'm certain
6 some of you are familiar with. You're on other
7 committees. These are governed by several sources.
8 They include the Federal Advisory Committee Act, the
9 General Services Administration's Implementing
10 Regulations, our own internal departmental rules and
11 procedures for Advisory Committees, the Executive
12 Order that established this Advisory Committee, and
13 the charter.

14 This Advisory Committee is established
15 under the Federal Advisory Committee Act, and that
16 sets forth procedural requirements for establishing
17 and operation of committees, the most pertinent of
18 which for today's procedure is these, in general,
19 meetings are open to the public, documents are
20 available.

21 Under the Federal Advisory Committee Act,
22 this committee's functions are advisory only. And

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1 those advisory duties are governed by the Executive
2 Order and the charter. And the charter provides that
3 the committee -- the Executive Order and the charter
4 both provide that the committee shall advise the
5 Secretaries of Commerce and Interior. That sets out
6 the framework of to whom advice may be given.

7 Sometimes issues come up involving
8 legislation, and the committee may not advise entities
9 outside of the Secretary of Commerce or Interior. And
10 within Congress, the committee may not advise Congress
11 directly, or engage in public outreach or grassroots
12 lobbying activities, since these activities are
13 outside the scope of the Executive Order and the
14 charter, and they may implicate other federal
15 prohibitions against what's known as grassroots
16 lobbying.

17 If, however, the committee wants to make
18 advice to the Secretaries of Commerce or Interior
19 about legislation, that's certainly permissible. And,
20 of course, this prohibition does not affect anything
21 you do in your capacity as private citizens. It
22 doesn't influence your First Amendment rights.

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1 There are no quorum requirements in this
2 charter, so a meeting can potentially occur any time
3 two or more of you are gathered to develop advice to
4 be provided directly to the government. It's rather
5 out of the book of common prayer here, but keep in
6 mind that a meeting, if a subset of this organization
7 were to meet to advise the Secretaries of Commerce and
8 the Interior, that may be a meeting.

9 All committee meetings must be called by
10 the Designated Federal Officer. We are required to
11 make sure that they are announced to the public in
12 advance through publication in the Federal Register,
13 and they must be open to the public.

14 Now there are limited exceptions to the
15 open meeting requirement. They are set forth in law.

16 One example is if, for example, classified
17 information would be discussed, and closed meeting
18 must be approved in advance by the Department of
19 Commerce, which administers this committee. And
20 notice of a closed meeting has to be provided in the
21 Federal Register, just as would be the case in an open
22 meeting.

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1 Meetings in general should allow
2 reasonable opportunity for the public to make
3 comments. The public is also authorized to make
4 written statements, file written statements with the
5 committee at any time. Consistent with the open
6 meetings and transparency in government elements of
7 the Federal Advisory Committee Act, all materials that
8 are made available to, prepared for, or prepared by
9 members of the committee, Minutes, transcripts, and
10 such documents will be available to the public in a
11 reading-room format, except for those materials that
12 would qualify for withholding under one or more
13 exceptions to the Freedom of Information Act. Another
14 example would be, for example, classified information,
15 business confidential information, personal
16 information, things like that.

17 Your charter provides for subordinate
18 groups, two kinds. One would be a subcommittee, which
19 consists solely of members of this committee, would be
20 a subset of the existing membership, or working groups
21 which include -- could potentially include people who
22 are not members of this committee. The formation of

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1 these groups is subject to concurrence of officials
2 within the Commerce Department and the Department of
3 Interior, and it's also governed by our Commerce
4 Department Committee Management handbook. So that's
5 an option available to you, but if it's going to be
6 used, there are some procedural steps we need to take
7 to do that.

8 Any preliminary reports, findings,
9 recommendations, preliminary recommendations that are
10 developed by a subcommittee or a working group must be
11 forwarded to the full committee, which must actually
12 deliberate on these materials in a FACA compliant
13 meeting. That's mostly going to be an open meeting.
14 The subcommittees cannot advise the government
15 directly, but they have to advise the full committee,
16 and then the committee must deliberate on it in a
17 meeting like this one.

18 Administrative support for your committee
19 is provided by the National Oceanic and Atmospheric
20 Administration. If you have questions about the
21 committee's function, I invite you to direct them to
22 your Designated Federal Officer, Marjorie Ernst here.

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1 If she has a question about this, and cannot answer
2 your question directly, she will consult with my
3 office and respond to you. Are there any questions on
4 that? Mr. Nussman.

5 MR. NUSSMAN: Yeah. Help me. I think I
6 heard you say at one point that any meeting of a group
7 of us, a small group as low as two could constitute a
8 meeting.

9 MS. McKENNA: Potentially, yes.

10 MR. NUSSMAN: Potentially. So a
11 subcommittee group, if we formalize in terms of a
12 subcommittee, it couldn't be a meeting of the full
13 group.

14 MS. McKENNA: That's correct. That's not
15 a meeting of the full group. The caveat there though
16 is anything that the subcommittee would come up with
17 needs to be forwarded to a full committee meeting, and
18 then deliberated on.

19 MR. NUSSMAN: What if it wasn't a
20 subcommittee, it was a couple of us sitting around
21 saying we want to, this is what we think. How do we
22 avoid that particular dilemma, having that then be the

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1 recommendation to the government. I know there's a
2 lot of folks here that would be uncomfortable with
3 that.

4 MS. McKENNA: Sitting together --

5 MR. NUSSMAN: A small -- not a
6 subcommittee, but a smaller group.

7 MS. McKENNA: You would want to ensure
8 that you brought those issues to the attention --

9 MR. NUSSMAN: How do we ensure that?

10 MS. McKENNA: I think you would want to
11 contact your designated officer, make sure they make
12 it onto the agenda for the next meeting.

13 MR. NUSSMAN: Well, my question really
14 goes to what is a quorum, and I'm trying to understand
15 really the governance of the body.

16 MS. McKENNA: You have no quorum.

17 MR. NUSSMAN: I understand. Is that
18 typical in federal advisory committees?

19 MS. McKENNA: Not to have quorum?

20 MR. NUSSMAN: Yeah.

21 MS. McKENNA: That's correct. We have a
22 number of committees here in the Department of

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1 Commerce, a handful of which have a quorum. But
2 generally -- I've been doing this for about 12 years.

3 My experience is that most committees we have here in
4 the Department do not have quorum requirements.
5 Nevertheless, that doesn't mean that you don't run
6 risk of violating FACA if some subset got together and
7 then directly advised the government.

8 MR. NUSSMAN: Seems like there's lots of
9 room for misunderstanding there. My next question or
10 last question is when do we -- when does the meeting
11 start, or when does the meeting end?

12 MS. MCKENNA: The meeting starts and ends
13 when the Designated Federal Officer calls it to be
14 open. And then it ends when we adjourn. That's the
15 meeting. It's when the public participation is
16 available.

17 MR. NUSSMAN: So if we tomorrow at lunch
18 ended the meeting, and then continued to discuss
19 amongst ourselves, what would be the impact of that -
20 maybe amongst ourselves and five others that were out
21 in the audience.

22 MS. MCKENNA: You would want to ensure --

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1 discuss amongst yourselves -- shop talk.

2 MR. NUSSMAN: So to speak.

3 MS. MCKENNA: I think the answer to that
4 is you would want to make sure that your deliberations
5 are tabled for the next time you can get together in a
6 formal way, and then surface the issue that you've
7 got, and ensure that the deliberations occur in
8 public.

9 MR. NUSSMAN: Thank you.

10 DR. FUJITA: Thank you. Two quick
11 questions. You mentioned that we don't have a quorum
12 formally, but if we, as a group, decided that it was
13 really important to have a substantive proportion of
14 our members present to make any kind of decisions, can
15 we create our own minimum quorum?

16 MS. MCKENNA: To impose upon yourself a
17 requirement?

18 DR. FUJITA: Right.

19 MS. MCKENNA: Not particularly. A formal
20 quorum would have to require amending the charter.

21 DR. FUJITA: That was my second question.
22 Is it possible for us to suggest substantive changes

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1 to the charter, or is that written in stone?

2 MS. McKENNA: Well, a charter amendment is
3 something that can be done administratively by the
4 department. And you're suggesting as part of your
5 recommendation to the department -- you may want to
6 surface those issues, discuss them with the Designated
7 Federal Officer. I don't see that as being advice
8 within the scope of Section 4 of the Executive Order,
9 but you may want to discuss that with the Designated
10 Federal Officer, about whether you need a quorum or
11 not.

12 MS. ERNST: Yes. Alice, one subject had
13 come up before you came, and that was about whether we
14 should go about modifying the charter to create a
15 Vice-Chair position.

16 MS. McKENNA: Okay.

17 MS. ERNST: So that's by way of example.

18 MS. McKENNA: Okay. That's something you
19 can suggest, that seems to have been suggested. We
20 can talk later about modifying the charter. I guess,
21 yeah, that could be advice to the government in that
22 sense. It's not strictly within Section 4, but yeah.

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1 DR. CRUICKSHANK: My question has to do
2 with subcommittees, working groups, which must work
3 independently, I presume, to get the information
4 together and discuss it. Does that require also a
5 Federal Register notice, public meeting?

6 MS. MCKENNA: Under the General Services
7 Administration Regulations, no, it does not. And
8 that's why anything that the subcommittee or the
9 working group comes up with must be discussed at the
10 next open meeting, so that these issues do have an
11 opportunity to be deliberated in public.

12 DR. CRUICKSHANK: Okay. So the
13 subcommittees come up with a shortened version than
14 the regular --

15 MS. MCKENNA: Initial research is what's
16 contemplated there. The case law that provides for
17 that allows for the subcommittees to do the leg work.

18 DR. CRUICKSHANK: It comes onto the agenda
19 until next time.

20 MS. MCKENNA: Pardon me? Yes, it comes on
21 the agenda the next time. And then is actually
22 deliberated in public at the next committee meeting.

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1 MR. ZALES: Yeah. I'm a little bit
2 confused on this. When you're dealing with a charter,
3 and you're talking about obviously this committee can
4 only make advice to the government. What -- how do
5 you -- and it's a suggestion that was made, or
6 discussion that was made for a Vice-Chair, and now the
7 suggestion for maybe having this committee have a
8 quorum. It seems to me that this committee is in the
9 process of trying to determine the logistics of how
10 we're going to operate, and what seems to be best as a
11 consensus here amongst this group as to how they want
12 to do that. So how do you go about amending that
13 charter? Obviously, we talk to the Federal Designee
14 that's here, but I mean, how does that operate? How
15 does that happen?

16 MS. McKENNA: Push talk? Oh. The charter
17 amendment is an internal administrative procedure we
18 do. The charter will be redrafted, resubmitted for
19 legal review, and then if adopted, it needs to be
20 submitted to the Office of the Chief Financial Officer
21 and Assistant Secretary of Administration who has
22 delegated authority to sign the charter. The same

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1 official who signed the original charter, will sign
2 the amended charter, if it is, in fact, amended.

3 MR. ZALES: So it is possible for this
4 committee as a whole, I guess, to suggest to the
5 Federal Designee, this is what we would like to do?

6 MS. McKENNA: That's correct. And if the
7 suggestions are adopted, that would be recorded, and
8 the charter would be reissued. May I take the next
9 question? I think there was one more question over
10 here. Oh, I'm sorry. Did I miss one? Yes.

11 MR. RAY: This is a question I asked
12 earlier. If this committee in the interim between the
13 meetings were to use conference calls and net meetings
14 to discuss issues and to continue to do the work, is
15 that allowed under the Advisory Committee Rules,
16 because in fact, that's not an open discussion with
17 the public present.

18 MS. McKENNA: Well, other -- you're
19 correct. That would not -- a conference call strictly
20 would not be an open discussion with the public
21 present. However, I have worked with other
22 committees. It is possible to hold what we call

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1 conference call meetings. And what you do is you
2 publish in the Federal Register the dial-in number
3 that the public is authorized to have, and it works.

4 Another way to do it too, is to make any
5 document that would be -- another helpful thing would
6 be to make any documents available, for example, on
7 agency website so that the public can consult the
8 website, look at the documents that are being
9 discussed at a meeting, and then via the dial-in
10 number, have contemporaneous access to the
11 deliberations of the committee. And that -- in the
12 committee I'm thinking of, it accommodates busy
13 schedules. It saves on travel expenses. We worked on
14 that.

15 One of the concerns there though is the
16 idea of the public being able to ask questions at the
17 meeting. Usually, with the dial-in number, the public
18 dial-in number, we don't want cranks, and pranksters,
19 and people dialing in and disrupting the meeting, so
20 what usually happens there is that the public dial-in
21 number doesn't allow for the public to make comments,
22 unless we would offer an alternate dial-in number.

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1 But, you know, one of our concerns there is that the
2 meeting would be disrupted by somebody who had no
3 interest in the real business of the meeting. But
4 conference call meetings, teleconference meetings --
5 the GSA regs that were issued in July of 2001,
6 contemplate these new uses of technology to conduct
7 Advisory Committee Meetings. Yes.

8 DR. AGARDY: This is only partly a legal
9 question, but I'm having trouble with the charter
10 itself, and seeing in what way the charter is actually
11 constraining or limiting, both with respect to the
12 mandate of the committee. It very deliberately refers
13 to Section 4 of the Executive Order, which is a very
14 broad outline mandate, and any portion of which could
15 take up the full two years of the full committee
16 working to address any one of those issues. So
17 there's a kind of subsequent question of I think the
18 committee has to deliberate on what exactly it is
19 meant to do, because the charter is written so
20 generally.

21 But also, in terms of Rules of Engagement
22 and kind of operating procedure, I don't see anything

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1 in the charter that would prevent us, for instance,
2 from organizing ourselves in such a way that we wanted
3 to ensure full representation, if it's by a quorum or
4 a majority vote. I think all of us are concerned that
5 the committee doesn't break down into little factions
6 that would then kind of operate in a vacuum away from
7 the rest of the committee. So I don't see where the
8 charter is in any way constraining or limiting us to
9 either -- to a particular specific mandate, or to a
10 way of operating.

11 Maybe it's because I'm a lawyer, but I
12 can't see the writing in this three page charter that
13 would actually constrain us in any way.

14 MS. McKENNA: I'm not certain I understand
15 the question. The charter is drafted broadly to give
16 the government maximum flexibility, or give government
17 a certain amount of flexibility in determining what
18 its needs are from this committee. As I'm sure you
19 understand, I think it goes back to 1826, that
20 entities that are formed by the government have only
21 those authorities that have been expressly given to
22 them. And so we wanted to -- you know, certainly it

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1 was broad enough to ensure that if we need to make
2 course corrections down the road, we still have
3 authority to do that, without necessarily having to
4 amend the charter.

5 Now are you suggesting imposing a quorum
6 requirement, because if that's going to be a
7 procedural requirement - yes, that should be in the
8 charter. Otherwise, we have no way of insisting on
9 it.

10 DR. AGARDY: There are two issues that we
11 need to discuss, I think, initially before we get
12 underway with specific subcommittees or other
13 groupings of the committee. One is, what is it that
14 we're meant to do? What is our mandate specifically?

15 And because the charter refers so generally to
16 Section 4, which is a very broad description of all of
17 the possible things that a group could look at with
18 respect to Marine Protected Areas in the United
19 States, there has to be some way that the committee
20 can discuss what our goal is, and then discuss how we
21 get there. So that's one issue. And I know that's
22 not a legal question, so I'm kind of wasting your

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1 time. But we started -- before you arrived, we
2 started going down a path of discussing kind of the
3 process by which we set up subcommittees or working
4 groups. And I think the thing that needs to precede
5 that discussion is an active engaged discussion of the
6 whole group around what it is that we're meant to do
7 as a committee.

8 But then there's a second issue of kind of
9 how we organize ourselves to get the task at hand
10 accomplished. And I -- my question to you is, how are
11 we legally constrained? If we want to set up our own
12 rules of engagement, are we allowed to do that? And
13 does it really require us going back to amending the
14 charter, or can we just decide as a group, vote as a
15 group that we want to operate in this fashion?

16 MS. McKENNA: I guess as a general matter,
17 I would respond too, that the government -- the
18 departments that are the beneficiaries of this advice
19 determine first what it is they need. And the rules
20 for how you operate, if they're going to be binding in
21 any way, should be in the charter. So if you're
22 saying, for example, we can't meet unless a minimum of

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1 X amount number of us are here. If that's going to be
2 a binding rule, that should be in the charter.

3 Quorums can be difficult though, because
4 even if you have one, for example, and it turns out
5 that something comes up and a number of people cannot
6 attend, simply because logistical matters or
7 something, do you not have a meeting at that time? I
8 mean, perhaps the government still needs the advice,
9 and it can move forward with the members that are
10 present. So I think there's some practical concerns
11 about putting this binding quorum requirements in a
12 charter. They're not forestalled. Certainly, there
13 are committees that have them, but I've also had the
14 experience of having to tell the members of a
15 committee with a quorum requirement that didn't make
16 their quorum, I'm sorry, ladies and gentlemen, not
17 today. And that was not a pleasant experience, and so
18 I'm leery of that. But I think if -- certainly you
19 can suggest to the government how it is you feel like
20 you best want to organize yourself, but then it's up
21 to us, the government, to make sure that happens,
22 because we've got procedural requirements we've got to

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1 follow, and internal requirements. You know, the
2 chartering and things like that, I's to dot, and T's
3 to cross, and we need to make sure we do that. And so
4 that's where I think the limit on your organization in
5 determining how best -- and certainly, if you have
6 suggestions, and advice and recommendations, that's
7 what we're here for. But then we're the ones who take
8 it the next step and actually do the implementing.
9 Yes, sir.

10 DR. BROMLEY: Could we impose upon
11 ourselves a voting rule, let's say a super majority,
12 could we do this in the sense that we really do wish
13 to have consensus. And so rather than simple
14 majority, we will vote as a group on some sort of
15 super majority, 60 percent or 75 percent, so that we
16 have an incentive to work towards a shared vision and
17 consensus of our discussions? Can we do that?

18 MS. MCKENNA: I think that would be
19 something best, again, brought to the government's
20 attention, and then Commerce and Interior will decide
21 whether that's a requirement we want to impose.

22 DR. BROMLEY: So we couldn't just do that

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1 as an operating rule for ourselves. It has to be part
2 of the charter, is that what you're telling me?

3 MS. McKENNA: That you cannot come to
4 consensus unless you have a super majority?

5 DR. BROMLEY: Well, if we define a
6 consensus. I mean, we deliberate and we say for our
7 purposes a consensus shall consist of 60 percent of
8 those present, or 70 percent - kind of a super
9 majority thing in the sense of working hard towards a
10 consensus and avoiding decisions that pass, or issues
11 that pass by a bare minimum majority. I mean, those
12 kind of rules put an incentive on a group to work more
13 diligently towards more widely shared positions. So I
14 just ask can we do that or not?

15 MS. McKENNA: I think if it's going to be
16 a binding rule, it should be in the charter, yes. If
17 it's going to be a restriction on the operations of
18 the committee, yes. If it's going to be a binding
19 rule, yes, it should be in the charter.

20 I'll share with you that we have numerous
21 committees here in the department. I think in total
22 we have about 60 some within the various bureaus

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1 represented in the Department of Commerce. We have
2 numerous committees that end up issuing what I call
3 majority and minority reports. Consensus is not the
4 same thing as unanimity, and it's a qualitative,
5 rather than a numerical function. And oftentimes, and
6 I've seen many committees where no, the interests were
7 diverse and you ended up -- we worked real hard to
8 avoid what you talked about, of having various little
9 pockets of advice, but certainly majority and minority
10 reports have been submitted by other committees. And
11 that ends up being the consensus. The consensus is
12 that you agree to disagree.

13 Some of us think this, the majority of us
14 think this, and the minority thinks that. And while
15 it certainly seems like a goal to have as many people
16 on board the same set of advice, that may get a point
17 where the -- my colleague's favorite phrase, "Perfect
18 being the enemy of the good." Similar. One more
19 question? Oh, two more questions. I'm sorry.

20 MR. ZALES: Well, you answered one
21 question. I guess, obviously, this committee will be
22 able to do something in that fashion, a

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1 majority/minority report, whether there's a vote or
2 consensus, or whatever.

3 MS. McKENNA: Uh-huh.

4 MR. ZALES: The next question, and I guess
5 it's an observation and not a question. But it
6 appears to me that from the discussion that we have
7 right now, that the current charter, this committee as
8 a whole is not comfortable with what's there, that we
9 want a little bit more. I don't know what word you'd
10 use, but a little bit more something to back on it,
11 that obviously, there's concern about whether or not
12 there may be a Vice-Chair or not, quorum or not, or
13 whatever the situation is going to be. So where do we
14 go, and how long does it take for the charter to be
15 amended? If all this has to be put in the charter and
16 be ironclad, I guess, what is the process? How long
17 does it take?

18 I mean, if we make suggestions to amend
19 this charter, is it going to be a year from now before
20 we find out whether or not that's done, or what is the
21 time frame and the procedure?

22 MS. McKENNA: Gosh, I hope not. Yeah, I

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1 know. It's normally - - it depends on the situation
2 in each case. No, it doesn't take a year. If the
3 agency decides to adopt the suggestions made
4 concerning the charter, it's a matter of a couple of
5 weeks to get the paperwork through. I don't want to
6 commit anybody to a specific amount of time, but
7 depending on workloads in the various offices that
8 have to review the charter, it's a matter of weeks,
9 not a year. I think there was a gentleman here.
10 Doctor.

11 DR. PEREYRA: Yes, Wally Pereyra. The
12 question I have sort of flows from the question on the
13 other side, regarding the issue of changing the
14 charter itself in terms of our mandate. This time we
15 have six non-standing members. They're out there, the
16 majority of them are out there. And there are others
17 - I think some of the members that would like to move
18 forward with some potential recommendations to change
19 the charter. Can we, in fact, go forward with that at
20 this meeting, given the fact that there are six
21 non-standing members presently?

22 MS. McKENNA: There's no legal prohibition

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1 against, since you don't have a quorum requirement.
2 Now how, from policy decision- wise, that's a
3 different issue. There's no legal prohibition. Does
4 that answer the question?

5 DR. PEREYRA: Yeah.

6 MR. NUSSMAN: Two questions. We can have
7 subcommittees. Is there any limit on the number of
8 individual that can participate on the subcommittee?

9 MS. McKENNA: No.

10 MR. NUSSMAN: So the full committee could,
11 in fact, be a subcommittee.

12 MS. McKENNA: It reminds me of a
13 procedural device that was used in the Ratifying
14 Convention, or the convention for the Constitution in
15 1787, where they had the committee as a whole, and
16 then they had the convention. The committee as a
17 whole made non-binding recommendations to the
18 convention, which was interesting, because the
19 committee as a whole was made up of the entire 55
20 members of the people who attended the convention.
21 Yes, you can have a subcommittee that is the whole
22 committee. However, bear in mind that one of the

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1 practical reasons for a subcommittee is to save
2 individuals' time, and get discreet individuals to
3 focus sort of surgically on an issue.

4 MR. NUSSMAN: I understand. I'm just
5 asking the questions here.

6 MS. McKENNA: Yes, you can. I'm sorry.

7 MR. NUSSMAN: You've got your rules, and
8 we've got our ways around them. So the second
9 question would be with regard to voting, we talked a
10 lot about a quorum requirement. And I think I heard
11 the answer to this, but I'll ask it anyway. Is there
12 any reason that if this committee wanted to take an
13 action, make a recommendation, we could electronically
14 or over a conference all have a vote?

15 MS. McKENNA: Your voting needs to occur
16 within the context of an open meeting under the
17 Federal Advisory Committee, so you could devote in one
18 of these conference calls that the public has the
19 dial-in, but not outside the context. You can't be
20 engaging in voting or deliberations outside the
21 context of the meeting.

22 MR. NUSSMAN: But there would be a way to

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1 elect -- put us together in a fashion that didn't
2 physically mean we were all sitting in the same room.

3 MS. McKENNA: That's correct.

4 MR. NUSSMAN: Okay.

5 MS. McKENNA: It takes a little time
6 because we need 15 days notice in the Federal
7 Register, and then 3 business days to get the notice
8 over there. And we have to set up the conference call
9 and all that, and put the dial-in number in the
10 Federal Register, but it can be done.

11 MR. NUSSMAN: Okay. Thank you very much.

12 DR. CRUICKSHANK: With regard to the
13 question of adjusting the charter, it seems that the
14 fact there's one page missing from Section 4 in our
15 books for some people. It seems to me that Section 4
16 outlines the function of the committee, and that's
17 stated in the charter. That would be Section 4 of the
18 Executive Order.

19 MS. McKENNA: I think the charter starts
20 -- it talks about -- oh, implementation of Section 4
21 of the order.

22 DR. CRUICKSHANK: Yes. Now I have the

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1 full copy.

2 MS. McKENNA: Oh, good.

3 DR. CRUICKSHANK: We were missing one
4 page.

5 MS. McKENNA: Oh, I'm sorry. Yes.

6 DR. SUMAN: Is it possible for a committee
7 member to vote during a meeting of the full committee,
8 if that person is not physically present by conference
9 call?

10 MS. McKENNA: I imagine. I've never seen
11 this done in practice. Stumped the lawyer. I imagine
12 what could happen is, although more than one or two
13 people -- I'm being creative here. I'm imagining if
14 we had a meeting and one person wanted to participate,
15 but let's say at the last minute they could not, we
16 could almost have a speaker phone sitting there on
17 behalf of the person. Now when we get more than one
18 speaker phone, that gets, I think, practically
19 unwieldy. But from a FACA perspective, I would --
20 legally there's no problem with somebody participating
21 in a public meeting via telephone, just as long as
22 everybody knows that that's them. That's one of the

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1 requirements of the FACA, you have to have
2 contemporaneous access. The public has to have
3 contemporaneous access to the committee's
4 deliberations, and that requires -- well, as a result
5 of that, that requires that the public know who's
6 saying what. And I imagine, you know, one of these
7 days we'll have the speaker phone with a little tent
8 in front of it with a name, and that's the individual,
9 if that's acceptable to the government and we want to
10 do it that way. It doesn't present any legal
11 problems. I think, as I said, after a point, it
12 starts presenting a practical problem. And if there
13 were so many people on speaker phones, maybe we should
14 have done it by conference call to begin with. But on
15 a onesies and twosies basis, I don't think that's
16 administratively unwieldy. Yes, sir.

17 MR. PEAU: I think there's a great
18 consensus among all of us that we would like to
19 proceed forward with the agenda. By the same token,
20 there is an ease on all of us to move forward because
21 of the composition of the membership, and legal
22 requirement.

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1 What would preclude us from going to a
2 subcommittee to allow the non-standing members to
3 partake, and then convene an official meeting of the
4 membership and take actions as a work group?

5 MS. McKENNA: Forming a working group?
6 You mean today?

7 MR. PEAU: Forming a working group today
8 to allow our non- standing members, and then going to
9 an official session to adopt an official position?

10 MS. McKENNA: Well, I think my first
11 response would be since there are no requirements,
12 this is an official session. The problem with a
13 working group is, I think we have some procedural
14 requirements we have to -- working groups. Subject to
15 the provisions of the Commerce Department Committee
16 Management Handbook, and there's a written
17 authorization for a working group that's required,
18 which can be done in a few days, but it can't be done
19 right here and now. It needs to be something in the
20 committee files authorizing the working group. So my
21 response to that is, you are an official group at this
22 moment, even though you don't have all your members o

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1 board. And that's not unusual either. There are
2 numerous committees in the department that operate,
3 notwithstanding the fact that we have vacancies in
4 certain slots. In fact, a committee this size, that's
5 almost to be anticipated.

6 MR. PEAU: Just for clarification. If we
7 decided to go into a subcommittee meeting to allow the
8 non-standing members, then come back tomorrow and
9 adopt whatever decision we decided in the working
10 group --

11 MS. MCKENNA: Oh, I see. Still we have
12 the same procedural requirements. We need to -- the
13 individual to whom the committee reports has to in
14 writing approve formation of a subcommittee, or
15 formation of a working group.

16 Normally also, working group meetings are
17 with a view to doing preliminary recommendation -- oh,
18 I see. You had already assumed that. There are
19 procedural requirements to establish subcommittees and
20 working groups that can't be done within the next few
21 hours, if that's what you had in mind.

22 MR. PEAU: But can we proceed with the

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1 intent that those procedures will be done by tomorrow,
2 but still allow the non- standing members to engage in
3 the deliberations of the agenda items?

4 MS. McKENNA: Let me think about that for
5 a moment. In the meantime, my colleague has another
6 commitment in a moment, and she needs to make a
7 presentation to this group, as well. In fact, if you
8 have a moment, if you wouldn't mind - I'm not sure I
9 totally understand your question. If we could go side
10 bar and discuss it while Ms. Williams makes her
11 presentation.

12 MS. WILLIAMS: Good afternoon. My name is
13 Gaye Williams. I'm an attorney in the Ethics Division
14 in the Office of the Assistant General Counsel for
15 Administration. Our office advises Department of
16 Commerce employees on the ethics regulations. And
17 they primarily consist of some conflict of interest
18 statutes, and some regulations that are codified in
19 the Code of Federal Regulations.

20 Your service on this advisory committee is
21 in the capacity of a representative. And as a result,
22 you are not a federal employee for purposes of those

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1 regulations, so my presentation is going to be very,
2 very short with regard to what you're going to need to
3 know.

4 I will distribute a handout that you can
5 read over whenever you have some time, but very
6 briefly, I want to go over just three quick rules that
7 you need to know.

8 The one thing is that while you are
9 serving on this committee, you want to make sure that
10 you do not use government resources. Government
11 resources would include anything that's been provided
12 to you to do, or carry out the work of this advisory
13 committee from the, you know, the phones, to the
14 supplies and things of that nature. They should only
15 be used for official authorized activities of your
16 committee.

17 The next thing I want to bring up is that
18 you should not misuse any information that you acquire
19 through the work of this committee. Things that are
20 done in private or that have been determined to be of
21 a private nature should not be disseminated in your
22 personal, private capacities. If things are public,

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1 then there's no restriction on you discussing public
2 things outside of, you know, the committee.

3 In addition to that, if you are going to
4 be privy to any kind of trade secret information,
5 privacy information, anything that in and of itself is
6 determined to be, you know, private and protected,
7 that cannot be disclosed.

8 The last thing I want to bring to your
9 attention is that you cannot misuse your position as a
10 representative on this advisory committee to the
11 extent that someone perceives you to actually be a
12 government employee. In other words, you cannot hold
13 yourself out to be a government employee. I know
14 everybody is dying to do that, or suggest to anyone
15 that you can carry any favor with the Department of
16 Commerce or NOAA as a result of your work on this
17 committee.

18 And then the last thing I want to bring
19 up, and I know you have been having this intense
20 discussion about the charter, but your charter is your
21 binding document on how you have to conduct
22 yourselves. And as a result, anything that you want

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1 to implement outside of these rules that I've
2 mentioned, should be identified in the charter.

3 Does anyone have any questions? I told
4 you I was going to be very short, and that's good,
5 because you are cutting into your lunch break. Any
6 questions? With that being said, then I will leave
7 these with Marjorie Ernst to pass out to all of the
8 committee members, as well as my card. The number for
9 the Ethics Division is listed at the bottom of this
10 handout. You want to start with Marjorie with any of
11 your questions, or anything that you want to report
12 that you think might be unethical to your Designated
13 Officer, and then those will be brought to our
14 attention. Thank you very much for your time. Any
15 questions?

16 MS. ERNST: Yes. Alice, before you got
17 here, I believe it was Mr. Zales that raised the
18 question about whether a Chair was obligated to follow
19 any particular protocol, like Robert's Rules, in
20 leading a meeting.

21 MS. McKENNA: No, not unless stated in the
22 charter. I think Robert's Rules have been adopted by

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1 other committees, if you feel that's helpful, but it's
2 -- the Chair is free to lead the meeting as he or she
3 sees fit.

4 MS. ERNST: Okay. I just wanted to make
5 sure that got answered.

6 MS. MCKENNA: If you want Robert's Rules
7 of Order, then we should put it in the charter, or any
8 particular -- but I think in the absence of any
9 particular parliamentary procedure, the Chair has the
10 authority to lead the meeting as he or she sees fit.

11 MS. ERNST: And there was a lot of
12 discussion about how this charter might be amended,
13 and I wondered if you would talk a little bit about
14 the alternative bylaws versus just operational
15 policies, and the kinds of things that belong in an
16 operational policy, and not in an amended charter.

17 MS. MCKENNA: I have seen committees with
18 bylaws. Generally, the charter calls for them, but
19 I'll have to do some research on that as to whether
20 that's a requirement to have the bylaws -- to have the
21 charter refer to bylaws, and then there are bylaws. I
22 guess the housekeeping details -- I'm guessing here

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1 without doing more research, but it just strikes me
2 that that would be more appropriate for the bylaws.
3 And then the big substantive, this is a requirement,
4 that's not a requirement, advice doesn't get provided
5 to the government unless this happens and that
6 happens. That should be in the charter. Yes.

7 MR. RAY: In future meetings, if known
8 items are coming up for a vote by the committee, and
9 the committee member cannot make the meeting, in
10 absentia votes be allowed, or proxy votes be allowed,
11 so that they can cast their vote for an item that's
12 coming up?

13 MS. McKENNA: Participation in an advisory
14 committee is -- let me just say as an initial matter,
15 is more than just voting. It's participation in the
16 deliberation, and you cannot send substitutes. Is
17 that what you were suggesting?

18 MR. RAY: No. There may be cases in the
19 future when, as we get towards the tail-end of this
20 process, where they may be key issues coming up for a
21 committee vote or an action, and a member may not be
22 able to attend the meeting. That committee member

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1 might want to be sure that their opinion is heard in
2 that vote. So the question would be, if they could
3 not physically be at the meeting, could they submit
4 their vote on that particular issue back through our
5 advisor or otherwise, or through a proxy vote to make
6 sure that their vote is heard, and that vote is taken
7 on an issue.

8 MS. McKENNA: I think not. And the reason
9 why is, because part of the function of the advisory
10 committee is to engage in deliberations in front of
11 the public. And when you submit your vote (a), you
12 don't have a chance to gain the benefit of the give
13 and take with the other members at that meeting, which
14 might have an influence on your vote. I mean, that's
15 part of the deliberations and then voting. And then
16 the other concern too, is whether the public has
17 contemporaneous access to your thoughts, to your
18 deliberations as you participate in the business of
19 the committee. That's where the speaker phone
20 attendance may actually be helpful to you. Yes.

21 MR. ZALES: Well, from what Marjorie was
22 asking you, and I guess I understand, if this

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1 committee chooses to use a set of guidelines like
2 Robert's Rules or whatever, the charter has to be
3 amended to do that. Basically, how we decide as a
4 panel that we want to function, if the charter doesn't
5 include it now, we're going to have to give it to
6 Marjorie and --

7 MS. McKENNA: I see the parliamentary
8 aspect as being less significant, you know, which
9 parliamentary rules you choose as being not quite the
10 same thing as a quorum, for example. A quorum is an
11 absolute bar to meeting; whereas, parliamentary
12 procedures, we use these and we use those. It's more
13 in the lines of housekeeping details that would be
14 part of the bylaws. But I think it's -- I can't put
15 my finger on the distinction right now, but I don't
16 see that as being something that requires going into
17 the charter, unless it's going to be binding. You
18 know, we don't have a meeting unless we use Robert's
19 Rules of Order. And we cannot -- I think if that's
20 something -- and that's more up to the Chair, I think,
21 what the Chair wants to use.

22 MR. ZALES: Okay. And the next thing

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1 would be, obviously there's things out here that we o
2 don't have with us, such as the Advisory Committee
3 Act, and the handbook from Commerce and whatnot. Are
4 we going to be provided copies of those so that we can
5 kind of -- I mean, it's extra paperwork for us, I'm
6 sure. But right now I've heard so many things here
7 just sitting here that I want to see these things, and
8 kind of see where I'm at, what I can and can't do
9 according to the regulations or handbook.

10 MS. McKENNA: We can certainly provide you
11 with a copy of the Advisory Committee Act. That's
12 something that's certainly publicly available, as is
13 our handbook. I'm just wondering whether it's worth
14 your time to slide through it.

15 MR. ZALES: Well, other than that, is
16 there going to be general -- a representative of
17 General Counsel at each one of our meetings, so that
18 as we deliberate whatever we're talking about and
19 doing, so that we don't do something that six months
20 later at a following meeting we come to find out well,
21 you couldn't do that. It's not legal.

22 MS. McKENNA: No, I don't attend every

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1 meeting of every Advisory Committee of the Commerce
2 Department.

3 MR. ZALES: No, you, just a representative
4 or whatever. Is that going to go through the --

5 MS. MCKENNA: Generally, the questions go
6 to the Designated Federal Officer, who then brings
7 them to my office. And then there's a number of
8 attorneys in my office - I'm not the only person who
9 deals with Advisory Committees. I deal with them most
10 often, but questions on procedure and how things are
11 supposed to work in the future are to brought to the
12 Designated Federal Officer. And if she can't answer
13 them, she'll bring them to our office, and somebody
14 will work with her on getting the right answer back.
15 Yes.

16 DR. BROMLEY: Some of this conversation
17 reminds me -- the impression I get is that some of us
18 imagine that this our committee, and I would like some
19 clarification on that. I'm under the impression that
20 this will be an ongoing activity. Some of us have
21 been appointed for two years, some of us have been
22 appointed perhaps for one. Am I correct in this, that

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1 this is not really our committee. We are temporary
2 chair holders on an organization that will continue
3 into the future. Am I correct in this?

4 MS. MCKENNA: The Federal Advisory
5 Committee Act contemplates groups advise the
6 government. And the government brings the -- Congress
7 summoned the committee into being.

8 DR. BROMLEY: Yeah.

9 MS. MCKENNA: And directed an Executive
10 Agency to implement guidance. And so the committee --
11 and functions only as an advisory board to the
12 government.

13 DR. BROMLEY: That's right.

14 MS. MCKENNA: But it is sponsored by the
15 government. Its expenses are paid for the government.
16 It is governed by federal statutes. It was
17 instituted by the federal government. It is a federal
18 government committee.

19 DR. BROMLEY: Yes. That will go on until
20 the federal government decides to terminate it.

21 MS. MCKENNA: That's correct. Committee
22 charters have to be renewed every year - I'm sorry -

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1 every two years. But we have a number of committees
2 that have been renewed. Oh, we've got some that have
3 been operating since the 60s and 70s. As long as the
4 federal government continues to see a need for the
5 committee, but it's the government's choice. And we
6 also have committees that have gone out of business.
7 They finished their work, and packed their bags and
8 went home. And that's simply a matter of not renewing
9 the charter after the end of the two years. Now
10 Congress has spoken, and there's a need for this
11 committee. The charter -- the appropriate way to
12 continue the committee in existence after two years is
13 to renew the charter, and that's an administrative
14 matter that we take care of. Yes.

15 DR. MURRAY: One of our first tasks is to
16 elect a Chair of this group. We've had some
17 discussions about this with some of our folks not yet
18 being seated about doing this electronically or in
19 some way after we leave here. Am I correct in
20 assuming that that would be an official action of the
21 committee, and would need to be done with a public
22 deliberation, or at least the opportunity for that?

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1 Or can that be done outside this venue?

2 MS. McKENNA: I think your first
3 assumption is correct. That's committee business that
4 should be done at a meeting, or least at a conference
5 call. Yes.

6 DR. PEREYRA: Yes. If I could, I'd like
7 to go back for a moment to the question raised by Mr.
8 Zales regarding the presence of NOAA General Counsel.
9 During the years I was on the North Pacific Fishery
10 Management Council, we always had a NOAA General
11 Counsel present. And one of the reasons why, was that
12 during the course of our deliberations, we might be
13 moving into areas not so much in a procedural sense,
14 but in a substantive sense, that might or might not be
15 legally permissible. And so having NOAA General
16 Counsel present to provide advice as to whether or not
17 we were kind of getting off line or not, was helpful
18 in preventing us from going down some road which
19 ultimately was found to be a road we shouldn't have
20 traveled on. And so I'm wondering whether the
21 presence of NOAA General Counsel in this building, or
22 if we'll be having away from this building, whether

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1 the presence of NOAA General Counsel away will be
2 accessible to us should questions come up that we need
3 to have an answer on, you know, during the course of
4 our meeting, rather than, you know, weeks later.

5 MS. McKENNA: If there are committees that
6 have legal counsel at every one of them, I'm not aware
7 of that in this department. Although, you know, your
8 example is useful. First off, I'm Commerce Department
9 General Counsel. I don't belong to Jim Wolfals' shop.

10 And second, your concern about having legal counsel
11 present was directed towards the substantive
12 deliberations the committee, was on subject matters,
13 that you didn't deliberate on something that is
14 outside the scope of your substantive authority. Is
15 that your question?

16 DR. PEREYRA: That could be it, or we
17 might be moving into an area of MPA recommendations
18 that might be an area that is just totally outside the
19 purview of the government, for example, or there might
20 be other aspects of it that need to be -- we need to
21 be made aware of, so that we could modify our
22 recommendations so that they wouldn't be legally -- in

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1 a legal area that would make it impossible to
2 implement them, should the government decide to do
3 that.

4 MS. MCKENNA: Generally, the agency
5 representatives who attend the committee meetings, and
6 they're usually programmatic people, not legal
7 counsel, are the ones responsible for making sure that
8 they know where the -- what the bounds of the
9 discussion should be, and making sure that the
10 committee doesn't go down a rabbit hole into a
11 different subject matter area. I'm not certain you
12 need legal counsel to make sure you do that. Okay?
13 Any other questions?

14 Well, I thought this would take me just a
15 few moments. Boy, was I wrong, not the first, nor the
16 last time. Thank you very much for your comments. It
17 indicates to me you're very engaged in what the
18 committee is doing, and if you have questions from
19 here on out, please forward them to your Designated
20 Federal Officer. We'll try to get answers back to
21 you. And thank you very much for your attention
22 during my presentation.

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1 MR. URAVITCH: Okay. Thank you, Alice. I
2 see we're now behind schedule, but I thought it was a
3 very useful discussion. I guess what I recommend to
4 the committee is that we've been taking notes,
5 obviously, and we have a reporter taking notes on
6 potential amendments to the charter, but I think those
7 things need to be put together to make sure that we
8 understand where the committee thinks there's some
9 changes that need to be made, to make it a better and
10 more smoothly functioning group. And I will commit us
11 to working as quickly as possible with the Department
12 of the Interior to make sure that we move these things
13 forward, so that we can help the committee function in
14 the way it should, once the committee is fully formed.

15 Okay. At this time, it's time for a break
16 for lunch. And we will reconvene here at -- we're
17 running a little late, but we want to probably get
18 back on schedule. We'll reconvene in an hour, at
19 1:30, so we'll meet everybody back at 1:30. Thank you
20 very much.

21 (Whereupon, the proceedings in the
22 above-entitled matter went off the record at 12:29

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1 p.m. and went back on the record at 1:47 p.m.)

2 CHAIRMAN HOUT: We're going to start this
3 afternoon's activities by continuing to lay the ground
4 work for your further deliberations. I think we're
5 going to be able to have plenty of time at the end of
6 the day to ask questions and have an interchange, so
7 we're now ready to hear from Charlie Wahle from the
8 Marine Protected Area Science Institute. He's got one
9 of the greatest jobs in NOAA. He's out in Monterrey,
10 which is real tough duty. He's here to give us some
11 of his thoughts on, as you can see, conservation in
12 the U.S. Charlie.

13 MR. WAHLE: Thank you, Eldon. When Joe
14 asked me if I would give this talk, of course, I said
15 yes, and I was very excited. And then I started
16 thinking well, what have I gotten myself into? I feel
17 a bit like those penguins on the ice flow, that they
18 get right up to the edge and no one wants to jump in
19 first because of what's in there.

20 What I'm going to do in the next 20
21 minutes or so is give you a very quick overview of why
22 we're all here, where this effort came from, some of

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1 its origins that may not be all that apparent. And
2 then a little bit about where we're going
3 collectively, which we'll build on later on in the
4 afternoon.

5 So the talk consists of really three
6 parts. One quick overview of what it is we're calling
7 these MPA things. The second part is about the
8 emergency of MPAs in the past decade or so as an
9 important tool in the management and the conservation
10 of ecosystems, and as a super important policy issue
11 in the government's arena. And then finally, some
12 opportunities and challenges for all of us to think
13 about.

14 So let's start with the - what should be
15 simple and never is, which is, what is an MPA. The
16 federal definition, which is what we, of course, have
17 to work within is taken from the Executive Order.
18 It's very similar to the one used internationally, and
19 elsewhere, which essentially says it's a place in the
20 ocean that's protected by some legal mechanism for
21 some duration of time. Obviously, there's a lot of
22 wiggle room in there.

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1 Some familiar examples of MPAs, they're
2 very diverse. There are all kinds of them out there.

3 National Parks, refuges, monuments and marine
4 sanctuaries are all in one way or another focused more
5 on the living resources by diversity. Fisheries
6 closures, critical habitat, and habitat areas are of a
7 particular concern, are a similar kind of entity but
8 sometimes for different purposes. And then at the
9 state level, there are state parks and conservation
10 areas, reserves, and preserves, and almost every other
11 name you can think of.

12 It's also important to get clear, I think,
13 in our work together on what is not an MPA. It seems
14 like it ought to be obvious, but what it really isn't.

15 And the trick is the entity that you're talking about
16 has to have a legal basis, and it has to be
17 established and designed for the purposes of
18 conservation. So although some areas like security
19 areas, and dumping sites even may actually have some
20 conservation benefit, they're not technically
21 considered MPAs. Nor are places that are just
22 difficult to get to, which often means that they're

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1 not fished, and they're probably as productive as some
2 MPAs, but they're not within the scope of what we're
3 talking about.

4 We have a huge diversity of uses and
5 purposes for MPAs in this country, probably many more
6 than you might think. They include maintaining
7 bio-diversity and ecosystem integrity, protecting
8 endangered and threatened species, sustaining and
9 rebuilding fishery stocks, reducing by-catch among
10 non-target species, protecting important fisheries,
11 habitat, and then in a sort of different vein,
12 providing recreational, scientific and educational
13 opportunities, protecting cultural resources, the
14 artifacts of our past, and maintaining cultural
15 connections to the sea, which is critically important,
16 I think, to all of us.

17 You can take all that and more on that,
18 and essentially roll it into three primary overarching
19 purposes for using an MPA in the United States. The
20 first is - these are not in any kind of priority order
21 - to conserve and protect our natural heritage,
22 bio-diversity and ecosystem function, to preserve and

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1 protect our cultural heritage, the resources, the
2 artifacts. And finally, to sustain or to ensure
3 sustainable production of species that are exploited
4 either recreationally or commercially. And those are,
5 of course, fish, but also other living renewable
6 resources, algae, you name it, things that grow in the
7 ocean that may have some value to us economically and
8 socially. So we have all these different kinds of
9 MPAs.

10 We have an equally staggering and
11 confusing array of agencies that manage them. At the
12 federal level, there are really primarily two; the
13 Department of Commerce, and within that NOAA. And
14 then the Department of Interior, who are partners in
15 this endeavor that we've engaged you all in now.

16 Within NOAA, we have National Marine
17 Sanctuaries, we have a variety of fisheries closures
18 which are managed, established and managed by the
19 National Fishery Service. We have areas that are
20 closed to protect marine mammals and endangered
21 species. And in working with the states through their
22 Coastal Zone Programs, we have a series of Natural

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1 Resource Reserves around the coastline of the country.

2 Within the Department of Interior, they
3 have a comparable number of different kinds of MPAs,
4 some of which you're probably very familiar with,
5 national parks, seashores, monuments, recreation
6 areas, and national wildlife refuges. And when you
7 add all these up, they come to a lot. We're looking
8 probably at between 1,000 and 2,000, when we get
9 through with our tally, which Dan Farrow will talk
10 about tomorrow. That's just the federal level.

11 At the state level, and the territorial
12 and commonwealth agencies, there are equivalent
13 diversities of purposes and agencies, and a whole lot
14 of MPAs. The tribes have authorities in some cases to
15 establish protected areas and are considering doing
16 that, as well as local authorities. So when you take
17 all that together, that's a lot of MPAs, and a lot of
18 people and agencies working on them.

19 So why all of a sudden are we all worried
20 about MPAs? It seems like this sort of came on
21 suddenly to most of us, and in some ways, it kind of
22 did. Although this tool has been around for a long,

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1 long time, it's nothing new. We've been doing it on
2 land for well over a century, it's sort of become more
3 prominent in the past decade, and really in the past 5
4 years, through a variety of dimensions, international
5 efforts, scientific research, expert panels making
6 recommendations on how and when to use MPAs, various
7 instruments of federal policy. And then the reaction
8 by MPA programs to create and revise the sites. And
9 then finally, and perhaps most importantly, in
10 reaction to that, growing concerns among the
11 stakeholders about this plethora of protected areas,
12 and its potential impacts on their uses of the ocean.

13 So I'm going to go through those very quickly,
14 because it's important to kind of understand how we
15 got here as we move forward.

16 On the international scene, there's been a
17 lot going on. And in fact, as mentioned earlier, and
18 some of you know from your own work, there's probably
19 more progress being made internationally than in this
20 country, and in some ways we have more to learn from
21 them, than they from us.

22 The IUCN folks have done for some time an

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1 inventory of MPAs to produce guidelines for their
2 design, management and evaluation. The Convention of
3 Biological Diversity has proposed a global system of
4 MPAs of various types. Around the world there are
5 many, many, many innovative uses of MPAs for all kinds
6 of purposes, diversity of fisheries, what have you.
7 In places big, like Australia, New Zealand, and tiny
8 like Balise and other places around the world, where
9 people are using this as a tool, often with the same
10 struggles that we have, but just seen through their
11 own prism.

12 There are a lot of international
13 partnerships with non-profit organizations primarily,
14 and recently there's been some consideration of using
15 MPAs on the high seas, which has a whole other set of
16 issues that you can imagine to deal with.

17 On the science front, which is kind of
18 where I live, there are really two groupings, if you
19 will. One is the natural science, the ecology, the
20 oceanography, the geology of this issue. And the
21 efforts have really spun up a lot in the past decade,
22 and really in the past 5 years. There's a lot of work

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1 going on now on exploration and mapping, and habitat
2 characterization, which is sort of a foundation for
3 anything we might want to think about.

4 There's a lot of work, largely theoretical
5 being done on siting and design of MPAs and networks
6 of MPAs. Related to that, there's intense interest in
7 the concept of connectivity among habitats, are these
8 just isolated little postage stamps, or do they
9 actually communicate with each other with larvae in
10 adults. And there is, of course, a longstanding
11 interest in the fisheries' applications of MPAs, and
12 the implications of using place-based management
13 within our broader system of fisheries management.

14 And finally, there's a growing and
15 well-deserved concern and interest about monitoring,
16 about evaluating effectiveness about these tools. Do
17 they really work? Are they doing what we think they
18 should be doing, and is it worth the pain?

19 The social science side, as often is the
20 case, I think kind of the poor cousin, so far. That
21 may change soon, but we -- there are people interested
22 in working on a whole gamut of issues related to the

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1 human dimension of Marine Protected Areas, including
2 how people -- their attitudes, perceptions and beliefs
3 about the ocean, which is fundamental to many of the
4 issues that drew us here.

5 The structure and composition of coastal
6 communities, by that we mean people. Institutions and
7 governance, a really critical piece of this picture.
8 Cultural resources and heritage, current and
9 historical uses of the oceans. We know -- I was going
10 to say we know a lot about current uses. It would be
11 easier to know that than to know historical, but we
12 really don't know enough about either. And the whole
13 socio-economic question of MPAs is of intense
14 interest, and really kind of wide open right now.

15 We are -- just a little plug. We just
16 developed and released, I think it's here somewhere,
17 our draft research strategy for social science and
18 MPAs, and we're looking for your thoughts on that.

19 A lot of really smart people have been
20 saying for some time, but in the past 5 years, this is
21 a tool we should be thinking about. And some of those
22 groups include the recent National Academy of Sciences

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1 study that came out in 2001, I think it was. A bunch
2 of scientists at the American Association for the
3 Advancement of Science meeting a few years ago signed
4 a consensus statement which, in effect, said this is a
5 useful tool. We should be using it right, and we
6 should use science to do it.

7 Several years ago, the Marine Conservation
8 Biological Institute and the Cousteau Society convened
9 a brief workshop, which resulted in some really quite
10 detailed recommendations on the use of MPAs and the
11 need for a network and system nationally, which became
12 the Executive Order that we're all here to talk about.
13 And then more recently, the Pew Oceans Commission has
14 come out with recommendations on how to use them, as
15 well.

16 Now, you know, a lot of the same players
17 are in these groups, of course, but there is a lot of
18 diversity of viewpoint. But what's common to them,
19 themes that have emerged in all of these reports and
20 elsewhere, are these; that they have to be -- for MPAs
21 to work, they have to be science-based, they have to
22 be designed and supported by stakeholders, they have

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1 to be regularly monitored and evaluated and,
2 therefore, managed adaptively. And perhaps most
3 importantly, and maybe the biggest challenge of all,
4 is they have to be integrated in their design and
5 management within the existing framework of ecosystem
6 and resource management in this country.

7 I did enlist, because as I was typing it
8 up, the little alarm bell went off about don't do
9 this, but these are the same themes that you see in
10 policy positions on all sides of this issue. The
11 enviros say this, the fishermen say this, the rec
12 fishermen. Everyone's consistent theme is these
13 bullets at the bottom. It can work if we do this, and
14 so our job over the coming years is to do that, and
15 see if we can't make this work.

16 This is actually, all this talk, and
17 recommendations, and science and all this stuff is
18 actually having an impact. MPAs are real. They are
19 big players in the U.S. policy arena. There are MPA
20 statutes being reauthorized routinely with language
21 that says use this tool for these purposes.

22 The National Oceans Conference back in '98

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1 highlighted the need for a more cohesive approach to
2 developing MPAs in the national system. Coral Reef
3 Executive Order talks about MPAs, and the Coral Reef
4 Task Force, which many of you are familiar, has
5 actually incorporated MPAs into their action plans.
6 The Congressional Oceans Caucus is very interested in
7 this issue for a variety of reasons, the Executive
8 Order that we're all here to talk about, and then more
9 recently, Secretary of Commerce Evans' statement of
10 endorsement of the work under the Executive Order.
11 And then hopefully soon, the results of the National
12 Ocean Policy Commission which, as we understand it,
13 will address MPAs in some way. So this is -- it's
14 real. It's something that's part of how we manage and
15 use the oceans.

16 There's a lot going on in government
17 agencies dealing with MPAs. It started a long time
18 before this Executive Order. Federal MPA programs are
19 an ongoing effort really to revise their management
20 plans, usually driven by statutory requirements.
21 They're establishing new sites as needed. The states
22 are doing the same thing, as well as looking probably

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1 in a more systematic way at establishing networks of
2 ecologically connected MPAs. It isn't working too
3 well, but it's a good idea.

4 On a regional scale, there are fisheries
5 management councils around the country, as many of you
6 know, who are thinking very hard about how, or whether
7 and when to use this tool within the broader framework
8 of fisheries management. And there is the Tri-
9 National Commission on Environmental Cooperation,
10 which is considering sort of higher level questions
11 about on a regional scale where MPAs might make sense,
12 so there's a lot happening.

13 An example of what that means in real life
14 where I live, is on the west coast, there's a whole
15 lot of MPA activity going on. At the state level,
16 there are just established a series of marine
17 reserves, and they'll take areas in the Channel
18 Islands that the state did. There's the California
19 Marine Life Protection Act, which is intended at a
20 state level to do something like what the Executive
21 Order calls for, and frankly ran into a predictable
22 buzz saw, and is now back at square one, which there

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1 are some lessons that we could all learn from that, I
2 think.

3 In Oregon, the Governor's Ocean Policy
4 Advisory Committee has been deliberating about MPAs
5 for some time. There's an estuarine reserve up there
6 that's revising its management plan and expanding its
7 boundaries. In Washington State, there are at least
8 two agency processes going on, maybe three depending
9 on how you count, to design new sites. And then there
10 is the Northwest Straits Commission effort which is
11 more of a sort of bottoms up approach to identifying
12 areas that need additional protection, so there's a
13 lot happening at the state level.

14 Similarly, at the federal level there are
15 all kinds of things going on on the west coast. Five
16 marine sanctuaries are undergoing management plan
17 revision right now at various stages. In the Channel
18 Island Sanctuary, they're beginning scoping on
19 establishing marine reserves to compliment those that
20 the state established. The Olympic National Park is
21 working on establishing inter-title marine reserves,
22 and the Pacific Fisheries Management Council is

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1 engaged in a number of dimensions, which include
2 area-based management.

3 All of this, if you're interested, or if
4 you're overwhelmed by this, as most people are, if you
5 look at a website that we created in partnership with
6 the COMPASS Program, PacificMPA.org, you'll see a
7 compilation, a sort of real time calendar, if you
8 will, of all the MPA activity that's going on on the
9 west coast. And what that's intended to do is (a)
10 give the meeting-goer an easy mechanism to make
11 decisions and point your car in the right direction.
12 And (b), to begin to reinforce the idea, there is a
13 hell of a lot going on here, and that maybe there's
14 some value in getting a little more cohesion to how we
15 approach it.

16 Now I blew my punchline, but the point
17 here is there's a lot of MPA activity. A lot of
18 people really love them, and a lot of people really
19 don't. And one of the things that we have seen
20 consistently since this picture, which dates back to
21 '96, is there's a lot of stakeholder concern. And
22 frankly, you know, stakeholders broadly defined, there

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1 are a lot of people worried about the use of MPAs, or
2 even how we go about designing and using them.

3 One thing you might -- well, two things in
4 this picture of the hangees. One is, my friend, Billy
5 Causey, who's the superintendent of the Florida Keys
6 Estuary and Sanctuary. The other is the late-George
7 Barley, and one thing that you might want to keep in
8 mind, Members of the Committee, is he was then, I
9 believe, the Chair of their Advisory Committee, so the
10 job comes with some risk. But it has a lot of, you
11 know, aura, as well.

12 Now these stakeholder concerns are more
13 than just hangings. They're real, and they're
14 becoming a serious issue, and we need to confront
15 them. Here's a list, just sort of the latest list, of
16 issues that have been brought up of people who have
17 very legitimate concerns about MPAs. The terminology
18 and goals are often confusing, to say the least.
19 Conservation targets appear to be set arbitrarily.
20 And keep in mind, these are my interpretation of
21 people's concerns. These aren't necessarily sort of
22 the official agency position on how it is.

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1 The socio-economic impacts of MPAs are
2 poorly understood, and often not even really attempted
3 to be understood. Effectiveness of MPAs is rarely
4 monitored, and even more rarely evaluated in a
5 rigorous way, so we don't really know how useful this
6 tool can be.

7 Enforcement is going to be difficult, as
8 we all know. There are complex and overlapping
9 planning and implementation processes. Those slides I
10 showed you of the west coast are an example of how
11 much complexity there is in the governance and
12 planning process of MPAs.

13 And then finally, there is the perennial
14 concern that this is a solution in search of a
15 problem. That's my favorite. It stings because
16 there's a little -- it's not exactly -- I don't think
17 it's true, but it's true enough, that we need to be
18 thinking about identifying a problem more clearly as
19 we pursue the solution.

20 So in response to all that, and these are
21 concerns that have been continuing for some time now,
22 was the Executive Order on MPAs, which has been, you

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1 know -- there are many interpretations on what it
2 really says, but in effect, what it tells us to do is
3 do a better job at using this tool. And it says to
4 develop a framework for the design, management, and
5 evaluation of an effective national system of MPAs.
6 And that system should use straightforward and
7 consistent terminology. It should be built on
8 rigorous and accessible science. It should match the
9 tool with the problem. It should recognize and really
10 embrace the human dimension of marine conservation,
11 and engage stakeholders in planning and management of
12 MPAs.

13 It has to build capacity, not just draw a
14 circle on a map, but to build capacity to plan,
15 management, enforce and evaluate MPAs. And it has to
16 manage adaptively by monitoring and evaluation. And
17 finally, and probably as important, at least, it has
18 to integrate these tools into this broader system of
19 governance that we have. So to do that, that's a lot.
20 That's the Executive Order.

21 The reason why you get a headache reading
22 that is the same reason you get a headache reading

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1 this. There's a lot of it, and it's not organized in
2 any way. So here's what we're thinking is an
3 organizing framework for how we might go about our
4 work together.

5 This framework is, in effect, the way that
6 we would pursue the eventual realization of an
7 effective system of MPAs in this country. It has
8 three big components. The first is knowledge. We
9 really have to understand better both how we currently
10 use these things, and then what their future
11 contributions to conservation and management might be.

12 And that includes, of course, assessing what we have,
13 and comparing that to risks, and threats, and gaps of
14 protection, the whole bit, that will lead you to some
15 sort of understanding of what's happening in the
16 ocean, and are we actually meeting our stewardship
17 responsibilities to conserve it.

18 The second piece has to do with capacity,
19 which is related, but operationally it's really
20 different. And that is, to strengthen the ability of
21 MPA programs, existing programs on sanctuaries,
22 fisheries, and parks, and stakeholders like many of

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1 you to really effectively engage in the design, and
2 the planning, and the management, and the evaluation
3 of MPAs. We need more tools to do that better. We've
4 got the willingness now, I think, but we need more
5 tools.

6 And then finally, we need to foster
7 participation by encouraging innovative and
8 constructive ways to engage diverse stakeholders of
9 all kinds into this national dialogue. We have a lot
10 of dialogue right now. It's getting better, but I
11 think if we put our minds to it, we can devise some
12 ways to make it work a little more effectively toward
13 everyone's common goal. So I drew a little picture of
14 this, just largely for my own amusement, but I thought
15 it might be helpful; is to show how all this stuff
16 fits together, and where we're going with this.

17 What we envision, if you start at the
18 end-point on the right, is some day we have an
19 effective national system of MPAs. And if the phrase
20 national system gives you the pit, then think of it as
21 we've got, in effective, a whole bunch of MPAs, but
22 they're doing something, and they're integrated in

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1 some way through information-sharing, what have you.

2 Now to get there, the blue box on your
3 left is some of the things that the MPA Center has
4 been doing for the past what, two and a half years
5 now, toward that goal, without being pointed at a
6 particular end-point, but knowing that we need to do a
7 better job, and here's some of the things that we're
8 doing. We're working on the terminology question.
9 We're working way overtime on inventory and assessment
10 of what's out there. We're developing strategies for
11 science and analysis. We're developing training
12 programs. We're developing technical assistance
13 products, and we're working very hard at
14 communication, and more recently, at coordinating
15 among agencies.

16 All that is intended to support this
17 framework which has these three components, knowledge,
18 capacity and participation. Now that we finally have
19 you, this is where you guys come in, is to help us
20 think this through. So what we're looking to you to
21 do in many ways is to help us craft this framework
22 that will enable the country to some day reach this

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1 state of an effective national system. And at some
2 point when we have built this framework, or there are
3 enough components of it that it can sort of stand up
4 on its own, that will help guide and inform the MPA
5 program to actually have the independent authority to
6 establish MPA sites.

7 So this is kind of the big picture of
8 where we see this whole effort going, where we've been
9 directed to take it, and how we would like to engage
10 the Members of the Committee in the process. And it
11 seems to me that the important thing to keep in mind
12 here is that all of us have probably very different
13 views on MPAs, and whether, and how, and when to use
14 them. But I think all of us wouldn't be here if we
15 weren't in some way drawn to the ocean, and connected
16 to it in some fashion. And what we need to do is
17 build on that diversity of interests, to build this
18 framework in a way that works for all of us.

19 I think that's it for me. Thank you. And
20 I think -- do I have question time? Five, ten
21 minutes. One note on the questions for the court
22 reporter, because you're no longer sitting in your

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1 identified spot, could you identify yourself just
2 quickly as you ask the questions, the Committee
3 Members. Yes.

4 MR. NUSSMAN: My name is Mike Nussman.
5 Could you go back to that definition please, when you
6 started off. I think it was your first slide or your
7 second slide.

8 MR. WAHLE: Yes. All right. That one?

9 MR. NUSSMAN: That's directly from the
10 Executive Order, I believe.

11 MR. WAHLE: Yes. It doesn't say much.

12 MR. NUSSMAN: Now as I look at that, and
13 many -- perhaps you're aware, I've had a lot of
14 questions about MPAs. But as I read that, that
15 defines our entire exclusive economic zone, does it
16 not?

17 MR. WAHLE: The scope includes that, yeah.

18 MR. NUSSMAN: No, I'm saying as an MPA.

19 MR. WAHLE: Oh, yeah, yeah. You could
20 argue that. I mean, operationally --

21 MR. NUSSMAN: I'm not arguing that. I'm
22 saying any area of the marine environment that's been

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1 reserved by federal, state, territorial, et cetera, et
2 cetera, lasting protection, don't we do that already?

3 I hope we do.

4 MR. WAHLE: There is some baseline, yes.
5 Yeah, we actually, as you can imagine, had that
6 discussion several times early-on and decided okay,
7 yes, but now we're talking about things that augment
8 that really.

9 MR. NUSSMAN: I understand the debate.
10 I'm just suggesting that if we're using that as a
11 definition, and then we provide endorsements on down,
12 it just points out to me the problem with, here we
13 have something we've already adopted for an entire
14 EEZ, just to look at the Magnuson Act. For that
15 matter, I think it applies for EEZ and U.S. fishermen
16 elsewhere, so I would urge that we need to really
17 focus on the piece that says what are we talking about
18 with regard to these areas.

19 MR. WAHLE: I agree.

20 MR. NUSSMAN: Because I think as you get
21 people -- we all use the term MPA to mean a whole
22 variety of different things, and that is my point.

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1 MR. WAHLE: Yeah. I couldn't agree more.
2 In fact, tomorrow morning I'm doing a presentation on
3 the work we've done to try to define this in terms
4 that actually work for people, so 8:30 is the big
5 unveiling.

6 DR. FUJITA: My name is Rod Fujita. I
7 think you did a nice job of laying out the context for
8 our work. I think it's really important that we all
9 agree on the lay of the land, and have some basic
10 assumptions, and so I just wanted to make a couple of
11 comments.

12 When you mentioned that, you know, there
13 are lots of reasons for the increased interest in
14 Marine Protected Areas over the last five years, I
15 would agree that it's scientific research. It's a lot
16 of policy declarations, but I think the overriding
17 reason is there's been a decline in certain species.
18 There's a perception and a reality that marine
19 resources are in some danger if we only stay the
20 course, and so because science is pointed to fully
21 protected marine reserves as an effective tool for
22 protecting biological diversity, that is the primary

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1 motivation for a lot of us, for an interest in marine
2 protected areas.

3 The second comment I would make speaks to
4 this issue of definition. It's true that there are
5 lots of MPAs around, but because the definition of
6 MPAs is so broad, and because MPAs generally allow
7 many different uses of marine resources within our
8 boundaries, I don't think there's that much contention
9 about Marine Protected Areas. The real contention
10 lies around increasingly restrictive kinds of MPAs,
11 like fully protected marine reserves, where extractive
12 uses are not allowed. So I think we just have to cut
13 to the chase at some point, and delineate these
14 different levels of protection within the MPA context
15 so that we can be clear about what we're talking
16 about. Thank you.

17 MR. WAHLE: Just to follow-up on that last
18 point, yes. The whole definitional thing is a
19 nightmare, and it's been my own personal nightmare for
20 ever since we got started. But what we've done, and
21 we'll talk about it tomorrow, but I think it's on Tab
22 10, something. It's in there somewhere, is to do

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1 exactly that; is to clarify using functional criteria
2 what these different types of MPAs really do, as
3 opposed to what we call them, that will allow us to
4 understand them all, and maybe use them all more
5 effectively. But at the very least, know when we're
6 talking about a no-take area versus just all MPAs
7 which, you know, as you all know gets very often
8 confused in the public debate. So what we're striving
9 for is, it is a definition, but what we're really
10 looking for is just a common language, so we can all
11 have a rational discussion. John.

12 DR. OGDEN: Charlie, my comment on this
13 definition is, don't go back to the slide, but the
14 definition of what is an MPA. One way of looking at
15 this, and we talk about ecosystem management,
16 place-based management, area-based management and so
17 on. We have various kinds of tools that could be
18 applied. Taking the broadest definition of what an
19 MPA is, as someone -- as you just said, it could,
20 indeed, be the entire EEZ if that is the area of
21 common interest.

22 In other words, I think the simple

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1 definition, which encompasses all these sizes and
2 scales is, it is the area of common interest. It's an
3 area in which essentially a table has been set up
4 around which stakeholders sit and say look, we've got
5 a problem, and we need to come to a solution about
6 this problem.

7 In the case of the Florida Keys, it was
8 the Florida Keys that was the problem area. It was,
9 again, a universally valued resource, universally
10 perceived to be in decline. The stakeholders got
11 around and butted heads for 7 years, and they came up
12 with what amounts to a plan. That plan includes, but
13 is not limited to, obviously, fully protected marine
14 reserves. There are some of them in there, and not
15 enough in some people's lexicon, too many in others;
16 but nonetheless, those things are -- but I sort of
17 like this more simple-minded approach. And ecosystem
18 management, place-based management, all of this stuff
19 is an area of common concern. It could be a kelp bed.
20 It could be, essentially, the EEZ in the United
21 States.

22 MR. WAHLE: Yeah, that's a good point.

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1 Tundi.

2 DR. AGARDY: Tundi Agardy. Charlie, I
3 like your conceptual framework, and the diagram. And
4 I like the division of kind of tasks or areas of
5 interest for the committee into those three,
6 knowledge, capacity and participation.

7 I would go a little bit farther on the
8 knowledge issue though, and really talk less about
9 understanding the contribution of MPAs, and more about
10 how we can get a better grip on assessing threats,
11 true threats, because that's really where effective
12 marine protected area planning comes from. That's
13 where it originates. And we cannot possibly design
14 effective marine protected areas, and choose which is
15 the best possible MPA model or design to fit the
16 problem until we really understand the problem. And
17 it comes back to your point about, you know, solutions
18 begging for a problem. So I think we ought to be
19 thinking -- if we're thinking about how to get an
20 effective MPA system somewhere down the line, I think
21 we ought to be thinking about how do we harness our
22 current knowledge-base, and our current technology,

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1 and our current ways of thinking to the issue of how
2 do we really figure out what these threats are? What
3 are the real threats that need to be tackled, you
4 know, within our common interest, and then start
5 thinking about what the possible solutions might be,
6 including MPAs, but going beyond sometimes.

7 MR. WAHLE: Yeah. I think that's a really
8 good point, and it obviously would be a major
9 undertaking, hopefully we'll all engage in. Any other
10 questions or comments? Yes, Mel.

11 MR. MOON: Yes. Mel Moon. In your
12 presentation, Charlie, you didn't seem to have an
13 indication of national parks, underwater national
14 parks kind of system. I know in various forums that
15 I've attended that sort of theme of going to that
16 direction has bubbled up sometimes, but it doesn't
17 seem to really uncover itself. To some extent, those
18 examples of some management that's taking place now
19 with the current systems we have in place, and there's
20 some examples of regulations that are trying to
21 address control so that we can have conservation. But
22 then, to me, it seems like if we're looking at, I

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1 guess the end result of an MPA, we may be actually
2 talking about an underwater national park system. Is
3 that something that's been brought up in your
4 discussions too? Has that been sort of a goal that
5 may be the result of this review?

6 MR. WAHLE: I think I understand the
7 question. Let me try answering it, and if I missed
8 it, let me know. What we're ultimately striving to
9 do, as we were directed in Executive Order, and what
10 has been called for for many years in this country, is
11 to have an effective way of using this tool. And in
12 the aggregate to have an effective system of MPAs.
13 And you can define that as just a bunch of them. You
14 can define it as they're all in one agency, which is
15 never going to happen. You can define them as
16 integrated planning and coordination, or what have
17 you. But the result is, the things that are out there
18 in the water are doing their jobs, and also
19 contributing to some maybe larger national
20 conservation goals. And if that's what you mean by a
21 system of underwater parks, then minus the "park"
22 word, that's sort of what we hope eventually emerges

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1 from this work. But that -- the key piece there is we
2 have to know what that is, instead of just rushing
3 into doing it, because that's kind of how we got where
4 we are now.

5 So our work is to figure out what would
6 that look like. And even before that, what are the
7 core pieces of information, and tools, and engagement
8 we need to have in order to get there? And that's a
9 big chunk of work. That's going to last a lifetime
10 really.

11 Now the other important point is that the
12 making of new MPAs is not really our job. We're
13 working on building a foundation of knowledge, and
14 capacity, and participation, so that the parks, the
15 National Park Service, State Parks, sanctuaries, can
16 do their jobs more effectively. And if we're all
17 successful, and if they're successful too, then
18 someday we'll reach that goal. But our initial focus
19 is this middle box on building the ability to do that.

20 Yes.

21 DR. BROMLEY: The committee is in a sense,
22 as you gathered if you were here, is struggling with

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1 what we might do, and how we might be effective. And
2 as I listen to this, tell me if this would be hopeful.

3 If we saw our role as answering the question, is
4 there any coherence here? And, you know, is that what
5 we might do that would be useful that the activities
6 that are going on, is what is underway coherent?

7 You said definitions are inconsistent,
8 monitoring and evaluation is inconsistent. I need
9 some help in terms of what we might do as an advisory
10 body that would be of help to you folks. And the
11 question is -- I mean, my thought would be, we need to
12 make you people come in and explain yourselves to us.

13 Is that -- you see what I'm saying?

14 MR. WAHLE: Yeah, I do see what you're
15 saying. And yes, there is no coherence.

16 DR. BROMLEY: Pardon?

17 MR. WAHLE: Yes, there is no coherence.

18 DR. BROMLEY: Yes, there is no coherence.

19 MR. WAHLE: Now we've got to figure out
20 what we're going to do with the rest of the day.

21 DR. BROMLEY: Yes, there is no
22 consistency.

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1 MR. WAHLE: Yeah. We're probably getting
2 into the discussion that Joe will have later on about
3 what you all will work on. But what we're starting
4 from is, we have some real good stuff out there in the
5 water, but we're trying to do a better job, and we're
6 looking to you to help us do that. Yes.

7 DR. CRUICKSHANK: A further comment on
8 that inconsistency issue, that it's very true that
9 that definition could certainly be regarded as the
10 definition in terms of economic zone. And then,
11 however, if you go down to the three overarching goals
12 of the MPAs, they are natural heritage, cultural
13 heritage, and sustainable production. But it's not
14 sustainable production of the greatest production
15 among the EEZ, and that is non-living resources. It
16 only refers to living resources, and so there is a big
17 inconsistency here. And I assume that the MPAs are
18 not strictly associated with only living resources.
19 And so I think there's a lot to be looked at here in
20 the appreciation of other critical resources, national
21 resources which we're not addressing necessarily.

22 MR. WAHLE: Yeah. That's actually

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1 something we've talked about a lot, and not completely
2 resolved, is how to deal with the - if you will - the
3 non-renewal resources. And I think we probably want
4 to engage the committee in some of that discussion, as
5 well. Anybody have any idea why this thing is looking
6 for victims? It was making me very nervous for a
7 minute there. You see we're talking about the oil
8 thing, and I thought wait a minute. Okay. Any other
9 questions before we move on? Okay. Thank you.

10 MR. URAVITCH: Let's see. Thanks,
11 Charlie. Okay. Let me find my presentation here.
12 What we're trying to do is really sort of work into
13 some of the questions you have, and we thought in sort
14 of a logical, rational manner. And I think part of
15 what's happening is we're getting ahead of some of the
16 presentations we have. What I hope to cover in the
17 next couple of minutes is really to give you an
18 overview of what the MPA Center is doing, and that
19 will eventually lead into the scope and charge of the
20 committee. And what you're going to find is that
21 there's a lot of similarities between the next two
22 presentations, and there's a reason for that; which

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1 is, that both the work that we're doing in the MPA
2 Center, and what we're going to be asking for advice
3 on on behalf of the two departments are both under
4 Section 4 of the Executive Order, so there's almost a
5 one-to-one correspondence between what we in the
6 National MPA Center are charged with, and the tasks
7 that you all are faced. It's really the same section
8 of the Executive Order. So I'm going to run through
9 quickly what it is that we've been doing for the past
10 couple of years in terms of the MPA Executive Order,
11 how we've interpreted Section 4, which has been our
12 charge, and talk about some of the work we've been
13 doing.

14 The next presentation after the break,
15 I'll also be doing, which is the scope and charge of
16 the committee, how that relates to the charter, how
17 that relates to what the Executive Order says the
18 committee is established for, give you a very brief
19 summary of what the Departments' charges are to you in
20 terms of specific tasks, as well as asking for your
21 views on some of this.

22 Tonight I'm sure you're all going to be

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1 chatting about some of these things. And then
2 tomorrow morning, we're really going to dive into the
3 specific charges, with a lot of time for discussion,
4 including some time for discussion this afternoon. So
5 let me get started on the MPA Center.

6 We're basically, as I said, established
7 under Section 4 of the EPA Executive Order 13158, and
8 it requires that a National MPA Center be established
9 in NOAA, in cooperation with the Department of the
10 Interior. We've been officially in business since
11 October of last year, when we became part of NOAA, an
12 official NOAA organization. We have our own line item
13 in the NOAA budget, and we have been working actually
14 on some of these projects for as much as two and a
15 half, and almost three years, right after the
16 Executive Order was signed by the previous
17 administration. We started working, for example, in
18 the inventory, getting the website up, and some of the
19 other things we're required to do.

20 Section 4 of the Executive Order has some
21 very specific tasks. And it's worth - and I don't
22 list them all here - reading through Section 4 of the

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1 Executive Order itself, where it says, for example,
2 carrying out the requirements of Subsection 4(a) of
3 the new order. It goes through a laundry list of
4 analyses, assessments and the like, that federal
5 agencies are supposed to be working together on, and
6 cooperating on, related to Marine Protected Areas.

7 It directs government and non-governmental
8 entities to conduct necessary research, analysis and
9 exploration. And I guess I ought to say one thing
10 here, which is something that's come up in our
11 discussions with the states and commonwealths, and
12 territories in particular. Federal Executive Orders
13 tell federal agencies to do things. They don't direct
14 anybody else to do things, so it's a charge to us, as
15 federal agencies, to take specific actions to do
16 specific work, but it doesn't tell anybody else that
17 they have to do anything. It just tells us we should
18 be going out and partnering with people on things like
19 research, analysis, exploration. It directs us to
20 consult with the various regulatory institutions at
21 various governmental levels, as well as folks in the
22 stakeholder community who are potentially affected by

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1 our actions.

2 It gets into what Charlie had started to
3 describe; which is, the MPA Center is charged with
4 developing the framework for a national system of
5 MPAs. And that's the framework, the design. What is
6 this thing going to be? What is it going to try to
7 accomplish? How do we integrate what we have out
8 there at this 1,000, 2,000, whatever the number
9 happens to be, into a national system that's effective
10 in meeting whatever goals get established through this
11 national system. And that's one of the questions that
12 we're going to be charging you with later on.

13 It also directs us to do something to try
14 and help resource managers at all governmental levels
15 with various information tools, technology,
16 strategies, to help improve their stewardship
17 capabilities. And that's going to be another one of
18 the questions that we're going to be asking you to
19 help us with. What are they? How do we get there?

20 There are certain tools we've already been
21 using to try and solicit that kind of information from
22 people, but we can always do a better job. And given

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1 the various constituencies that you all represent, I
2 would like you to help us do that.

3 In terms of other Executive Order tasks -
4 and again, this is all under Section 4 of the
5 Executive Order - coordinate a website. Okay. That's
6 MPA.gov. That's been up there for two and a half
7 years, so we've got a lot more to do on it, but it's
8 there. Prepare and publish a list of MPAs, that's to
9 some degree turned into, at least initially, this
10 inventory of marine managed areas we've been working
11 on, also available through the website.

12 Publish federal agency reports on that
13 website. There is a requirement that federal agencies
14 - and again, the Executive Order requires federal
15 agencies to do things - federal agencies publish a
16 report on what efforts they are making to implement
17 the federal Executive Order. Now that's not something
18 that's been done so far, and part of what we hope to
19 do is to bring the federal agencies back together. We
20 haven't met for a couple of years now, and start
21 talking about how we can comply with the requirements
22 of the Executive Order, and meet that requirement.

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1 And last, but certainly not least, is
2 support you all as the Federal MPA Advisory Committee.

3 And recently, the MPA Center, at least the NOAA part
4 of the MPA Center, was given the responsibility to
5 start thinking and developing a framework for how we
6 do a better job of coordinating MPA activities across
7 NOAA. And so that's an associated responsibility that
8 the NOAA people in the MPA Center have. And that's
9 actually, I guess, outside the scope of this advisory
10 committee, because that's not part of Section 4. But
11 somehow they intersect, and I'm sure we'll talk about
12 that.

13 A quick comparison of what we do and what
14 we don't do. There are agency programs, such as
15 Marine Sanctuaries, Estuary and Reserves, National
16 Parks, Fish and Wildlife Refuges, that are responsible
17 for designating MPAs, managing them, revising them,
18 improving them. That's their job. We, at the MPA
19 Center, have no authority to designate sites in any
20 way, shape or form. We're responsible for helping to
21 provide information, tools and training, develop
22 strategies, help with science. And as I mentioned, we

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1 have internal coordination role, but in terms of where
2 MPAs are going to be, and who's going to manage them,
3 and how they're going to run, that's the
4 responsibility of those individual programs. That's
5 not our responsibility in the Executive Order, and
6 certainly not under Section 4.

7 Matter of fact, Section 4, if you look at
8 the bottom footnote, says that we're intended to
9 support and not interfere with agencies' independent
10 exercise of their own existing authorities. So we're
11 not supposed to get into peoples' way, we're supposed
12 to be helpful.

13 How we're organized? We have three
14 primary units. Our headquarters operation is based in
15 the NOAA facility here in Silver Spring, and does the
16 usual sort of Washington, D.C.-type functions,
17 including coordination, outreach, policy development,
18 general support. We have a Training and Technical
19 Assistance Institute, which is integrated into the
20 NOAA Coastal Services Center down in Charleston, South
21 Carolina. And you'll be hearing from Ginger
22 Hinchcliff, the Institute Director, tomorrow on one of

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1 the charges to the committee. And the Science
2 Institute, co- located with the National Marine
3 Fishery Service Lab in Santa Cruz, California. And
4 you just heard from Charlie Wahle, who's our Director
5 out there.

6 We also have one person based upon in
7 Boston, Massachusetts, Kate Smuckler, who has been
8 helping with integration and coordination work up in
9 New England.

10 We took a look at the Executive Order back
11 in January, when we finally had a staff. As I said,
12 we're a fairly new organization. If you'd come to us
13 about 18 months ago, as Charlie wanted to say, it was
14 working full time. It was me, Charlie and his dog out
15 on the west coast, and there was no office. So we're
16 a fairly new organization. We finally had enough
17 staff in January to sit down and take a look at the
18 Executive Order, and try and make sense out of it,
19 because it is a bit of a convoluted document.

20 So we came up with a mission statement for
21 ourselves, and we eventually came up with two very
22 distinct goals. One is, enhancing MPA stewardship by

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1 basically helping existing sites do a better job of
2 managing what they have. And the second is to
3 facilitate the development of this framework for the
4 science- based national system of MPAs. And so when
5 we started looking at the work we do, we started
6 looking at how they fit into the goals that we've
7 extracted out of that very complicated Section 4 of
8 the Executive Order. And we really laid it out into
9 three broad categories, communication, science and
10 analysis, and training and technical assistance.

11 On the communication side, in terms of
12 information and coordination, we're pretty busy. In
13 terms of where we want to go, we've been working on
14 strengthening electronic library collections, which we
15 do with NESDI, the National Environmental Satellite
16 and Data Information Service, as well as the Coastal
17 Services Center Library down in Charleston, to make an
18 electronic library of information available via the
19 website.

20 We've been involved in trying to support
21 regional scale MPA coordination efforts, primarily in
22 the Pacific, but with some work up in New England, as

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1 well as some support this year to the South Atlantic
2 Fishery Management Council, for example, who held a
3 series of public meetings that were co-funded by the
4 National Marine Fishery Service, as well as the MPA
5 Center.

6 We're in the midst of trying to address
7 the questions we've had about public access to
8 information about Marine Protected Areas, by setting
9 up a series of web-based regional information centers.

10 And the first of those is PacificMP.org, which is up
11 now, done with the COMPASS Group. We're hoping to set
12 up similar web-based information areas, working with
13 regional institutions so that we could start providing
14 an easy access to information to people around the
15 country on what's happening at different governmental
16 levels within their region, so that if you want to
17 know whether you ought to be going to a meeting next
18 week, you'll know where to go, and find out what that
19 meeting is about, what they hope to accomplish, and
20 who to contact for more information, so you're not
21 always running around trying to figure out what's
22 happening within your own region.

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1 We've been going through a series of
2 synthesis documents on scientific information, and
3 we've had a lot of state participation in the national
4 inventory. We're supporting about 15 to 20 interns in
5 various states this year to try and collect
6 information for this inventory, and get that work
7 done.

8 We're further involved in a variety of
9 other activities. The Training and Technical
10 Assistance Institute basically does a needs assessment
11 at least once every three years, and other specialized
12 needs assessments to help determine what our
13 priorities are in terms of supporting training and
14 technical assistance activities, and some scientific
15 activities.

16 We try and do a lot of our work through
17 partnerships, developing public information. We're
18 looking, for example, at working with the National
19 Education Association on an issue devoted solely to
20 Marine Protected Areas for the Marine Education
21 community. We've supported a variety of workshops and
22 conferences, and symposia, and we're looking at better

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1 ways to build public participation into review
2 processes.

3 In terms of science and analysis, you've
4 heard something from Charlie already. One of the
5 major tasks - and he's been working on this for well
6 over a year - is the whole idea of the common
7 language, and MPA classification system and
8 definitions. And you'll be getting a much broader
9 insight into that tomorrow, as well as time to discuss
10 and debate that.

11 Some science strategies that Charlie and
12 his folks, and a variety of folks, including Mike
13 Aurbach down at Duke have been working on in terms of
14 a national strategy for social science, and tied with
15 a national strategy for natural science, as well, is
16 coming forward. And we're going to be starting soon -
17 or have we already started, Charlie - the regional
18 social science strategies? August. Okay. August, I
19 think in the Caribbean. Yeah.

20 We're taking this draft social science
21 strategy for MPAs on the road through a series of
22 regional meetings over the next year or so, starting

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1 in the Caribbean, so that we can do some ground
2 truthing with this general strategy that was
3 developed, with a fairly large group of about 40
4 people, and start seeing how well it could be
5 applicable, and how well it needs to be changed to
6 meet regional needs.

7 There's a variety of things we're doing in
8 terms of trying to integrate science on fisheries and
9 bio-diversity. We've had some discussions recently
10 with the Pacific Fishery Management Council, the NCEAS
11 Group, the Science Office with the National Ocean
12 Service, and a variety of other folks, including at
13 the state level, to see how we can begin to start
14 coordinating some of the scientific activities related
15 to MPAs.

16 And there's a whole series of other
17 activities, including the national system and
18 framework development, that again Charlie is going to
19 be working on, and giving a presentation tomorrow,
20 along with Dan Farrow, as we get down to specific
21 charges.

22 Training and technical assistance, the

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1 work is primarily done through a group in Charleston,
2 South Carolina, but it also extends to others.
3 They've been busy for the past couple of years doing a
4 variety of things; one of the first of which is a
5 continuing process to develop a national database of
6 existing service providers. We're never going to have
7 enough money to do all the training and technical
8 support that needs to be done to help sites improve,
9 but if we can direct people to the places where those
10 capabilities exist, we see that as a major service
11 function on our part. Meanwhile, the folks in
12 Charleston and other places, are very busy developing
13 a variety of tools that can be applied to specific
14 processes.

15 We've been involved in helping support,
16 for example, the revision of the digital boundaries
17 for national marine sanctuaries, and national estuary
18 and research reserves. A lot of these sites were
19 established before current technology existed, 10, 20
20 years ago. And you'll find cases in which two or
21 three boundaries exist for the same site, and none of
22 them are right. And so there's been a whole series of

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1 how do we make things better on a legal basis for
2 these sites, so they can do a better job of
3 management, and a better job of enforcement.

4 We're also going through a whole series of
5 training courses and looking for integration of
6 training across agencies. A good example of one that
7 we're just about to road test is sort of what we're
8 calling "Understanding MPAs", or "MPA 101". And as
9 has been mentioned several times today, there's a lot
10 of confusion among the public in terms of terms,
11 definitions, what MPAs are, what marine reserves are,
12 what other things are. A basic course has been
13 developed and is about to be tested, that tries to
14 provide sort of fundamental practical information
15 about MPAs, information that we hope will be taken on
16 the road, will be available for conferences and
17 symposia, presentation to different groups, so that
18 there will finally begin to be a sort of common base
19 of information and knowledge, using common terms that
20 can be used around the country.

21 There's a lot of other work we've been
22 doing, as well, in terms of how to do a better job of

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1 sharing information across the community in terms of
2 best management practices. The Training and Technical
3 Assistance Institute just came out recently with its
4 first set of Lessons Learned Case Studies, looking at
5 five particular MPA processes in different parts of
6 the country. They started looking at what works, what
7 doesn't work, what was good about the public process,
8 what didn't work in the public process, and how these
9 things can be improved. So these are just some
10 examples of the kinds of work that we've been doing.
11 And that's all under Goal 1, which is helping improve
12 site stewardship.

13 The other goal is the whole question of a
14 national system, or national network, or network of
15 regional networks, whatever you want to call this
16 thing, because that really hasn't been defined. And
17 that's one of the questions we're going to be asking
18 you to help us think through.

19 What we've been thinking through so far,
20 are just sort of the fundamentals. We need to know
21 what we have out there, so we're in the process of
22 developing an information base. We have basic

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1 information about most of the federal sites there from
2 the Interior and Commerce Departments. We have gone
3 through about a third of the states in terms of
4 collecting information, and in those 12 or 13 states,
5 we found 488 sites that fit under the definition of
6 Marine Managed Area.

7 We'll be having a Federal Register notice
8 published either this week or next week, which will be
9 asking for public comment on the terms and definitions
10 that we're using to place sites on this inventory of
11 marine managed areas. You'll be tying that in with
12 the MPA classification system and definitions when you
13 see Charlie's presentation tomorrow. It'll start
14 showing how you can take that inventory of sites, and
15 start thinking about them in terms of the purposes
16 they were established for, and their protective
17 capabilities. And start making sense out of what we
18 have around the country, so you can compare sites in
19 California and Ohio, and Florida, and know that they
20 either are doing something different, or something
21 very similar. So at least at a basic level, you've
22 got some understanding of what we have in the United

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1 States, in terms of resources and regulatory systems.

2 That will give us some ability to do some
3 assessment of uses and threats. We'll have to tie
4 that in with resource characterization efforts, so
5 that as we start thinking about what a national system
6 looks like, where are the resources that need to be
7 protected, how do we pull in the existing sets of
8 information that are out there, that have been put
9 together by various universities, federal, state and
10 other agencies. And ultimately, how does that fit
11 into this design for the framework of a national
12 system? Because until we know what we have, until we
13 understand where the resources are that we may want
14 to, or not want to protect, it's going to be hard to
15 think about how you can even consider putting together
16 a national system, other than conceptually, because we
17 may not know what it is we want to protect, or whether
18 we can just adapt what it is we have.

19 And so that in brief, I believe - no, that
20 isn't quite it - but that's a summary of the work
21 we've been doing. Our current operating budget for
22 the National MPA Center is \$4 million. We've been

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1 spending about a third on communication-related
2 activities, slightly over a quarter to a third on
3 training and technical assistance, about a quarter to
4 basically the national system inventory and
5 framework, a lot of that going to get the data
6 collected for the inventory, and about 20 percent on
7 scientific activities.

8 In terms of staff resources, we're manned
9 by five federal positions in NOAA, and a number of
10 contractors, and post docs, interns, and others around
11 the country, so we're a fairly small institution, but
12 we've got a lot of people working on a lot of things,
13 but not a whole lot of feds.

14 And finally, our basic operating
15 principles which we established for ourselves again in
16 our retreat in January, that we set our priorities
17 based on the requirements of the Executive Order,
18 which has some very specific tasks as you saw up
19 front, such as setting up a website and supporting the
20 Advisory Committee.

21 We used the needs assessment process,
22 talking to resource managers to see what it is they

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1 actually need. We believe in working across agencies,
2 and working with interested stakeholders. We work
3 with the public sector, the private sector, any place
4 where we see a commonality of need and interest in
5 terms of operation. That's the way we work.

6 We tend to focus on national and
7 regionally-based activities. We rarely work at a
8 site-specific level, unless it's some kind of a pilot
9 project where there is some potential to take that
10 capability and maybe apply it elsewhere. One of the
11 most recent ones is a discussion we've had with
12 Stellwagon Bank National Marine Sanctuary, who's
13 interested in looking at how they, for example, can
14 use radar technology to deal with enforcement and
15 monitoring issues out in Stellwagon Bank. So we're
16 going to be helping co-sponsor that project next year.

17 So there's a case where we're working with a site,
18 but it's to test out a technology and a pilot project,
19 to see whether that can work as an effective new tool
20 for management.

21 As I said earlier, we have no
22 responsibility for actually designating and managing

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1 sites, and we do have a responsibility to respect the
2 mandates and authorities of others. And when we work
3 with people, we certainly respect their authorities,
4 and work within that framework. And again, we don't
5 manage the sites, but we are certainly willing to help
6 people improve it.

7 And that, I believe, is the end of that
8 presentation, and I'd be happy to answer any
9 questions.

10 MR. RADONSKI: Gil Radonski. Joe, you are
11 obviously way ahead of us, as far as the Advisory
12 Committee goes. You've already had to, and decided on
13 program initiatives, and where you're going. It's
14 going to take us a while to find out what you guys
15 have done, so that we can give you our opinions on how
16 good they are, or if they're going in the right
17 direction. Particularly, this thing you have
18 developed, a program you called "MPAs 101".

19 MR. URAVITCH: Right.

20 MR. RADONSKI: And you've done other
21 things that you're informing the public. I think
22 you're going to have to tell us, and show us what

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1 you've been giving to the public, and what you've been
2 telling them, so that we can make a decision. I think
3 we're behind the curve as far as what's going on with
4 those five positions in the MPAs. So I think for a
5 future meeting, we're going to have to be better
6 informed about what you people have said, and what
7 you've done to-date. I'm not criticizing what you've
8 done, but we have to be brought up to speed.

9 MR. URAVITCH: Sure. No, I think you're
10 absolutely right. And we're going to do a couple of
11 things. One is, obviously we'll lay out the three
12 tasks that were developed between the two agencies, so
13 you can see that there's one direction for focus. But
14 the other is, and you'll see that in the next
15 presentation, we're going to ask you to tell us where
16 we think we ought to be focused. We might think about
17 some of the next meetings, or information transferring
18 between focusing on specific issues, where you think
19 it made sense.

20 I've already heard today from some Members
21 of the Committee, that in terms of helping with
22 outreach to the stakeholder community, that's

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1 something that we need to be better involved with.
2 Some of these, for example, are -- we're just getting
3 started, so there's plenty of opportunity to help us
4 set priorities, and do some course correction. And
5 we'd certainly look to you to help us do that sort of
6 thing.

7 This whole concept, for example, of
8 regional information centers. There's one out there
9 right now, that's PacificMPA.org. We have not set up
10 the rest. We have not yet designed the specific
11 framework beyond that prototype that's sitting out
12 there, so there's a potential tool which can be
13 modified, changed, or if it doesn't seem like it's
14 going to work, dropped. So we're very flexible about
15 working on it.

16 I think what it's up to the committee to
17 decide is where they want to go with some of this.
18 And I think that would fall under that whole charge of
19 how do we improve our products, and services, and
20 support for stewardship and for stakeholders. So
21 we're ready to help you there and make it work.

22 As you said, what we've had though is,

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1 we've had appropriations for fiscal 2002 and 2003, so
2 while waiting to get the committee set up, we've been
3 busy spending the money we've gotten, and focusing on
4 the Executive Order and such. But now you folks are
5 here, and you're certainly going to be part of the
6 process.

7 MR. BENDICK: Bob Bendick. To what extent
8 does the inventory include mapping of the resources in
9 GIS form, or some other form?

10 MR. URAVITCH: Each site, we hope, will
11 have a GIS map. A lot of them don't, a lot of them do
12 at this point, and you'll hear a presentation tomorrow
13 from Dan Farrow from the NOAA Special Project Office
14 who's been working on that, along with his staff. We
15 have GIS boundary maps for most of the federal sites,
16 but not all. And we're hoping as we work with the
17 states, and the territories and the commonwealths,
18 where they don't have those boundary maps, to help
19 them do the same.

20 The rest of the data is not probably going
21 to be GIS data layers though. It's going to be more
22 Alphanumeric data. We've got about 80 data fields,

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1 and that's part of the Federal Register notice going
2 out, is here's the information we're seeking about
3 these different sites, and we're seeking some comment
4 on that, as well.

5 MR. BENDICK: Could some of that be
6 translated into GIS data layers as you go along?

7 MR. URAVITCH: Dan, are you here? Sure.
8 Would you --

9 MR. BENDICK: Yeah. The question is, I
10 guess you're mapping the boundaries through GIS, but
11 could -- is it possible to relate the database to a
12 GIS format, and make some pieces of the data layer
13 into map form?

14 MR. URAVITCH: Dan, would you state your
15 name and use the mic, please, because the court
16 reporter has to take the information down. Thanks.

17 MR. FARROW: Hi. My name is Dan Farrow,
18 and I'm the coordinator for the MMA Inventory. The
19 answer to your question is, all the sites that we have
20 -- for the federal sites now we have all but two.
21 There's I think 276 federal sites, and we have 274
22 boundaries, and we're really close to getting the

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1 other two. Those are all in a GIS system. We're
2 intending to make those available on the website in an
3 interactive GIS system, hopefully by this fall. And
4 also, make the boundaries available for download for
5 people, but there's also other data layers that we
6 want to associate with those boundaries to help with
7 the assessment process.

8 MR. BENDICK: Thanks.

9 MR. URAVITCH: Please.

10 DR. SUMAN: Daniel Suman. I'm curious
11 whether the inventory will -- is reporting the
12 objectives and goals of Marine Protected Areas, or
13 whether you're taking a more critical assessment and
14 looking at unexpected benefits, or also at limitations
15 and problems with implementation? Is the inventory
16 also a critical analysis of this data of the different
17 sites?

18 MR. URAVITCH: Well, we're not really at
19 the critical analysis stage. At present, we're just
20 trying to collect information. We are asking
21 questions about perceived threats on behalf of the
22 site managers, specifically. What we're hoping is to

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1 collect the information so there'll be some ability to
2 start doing an evaluative function, whether it's
3 within a program so the program can evaluate for
4 itself how effectively it's doing, because it'll have
5 a common data set for all of its sites, or across
6 programs. Or you could start thinking of okay, assume
7 we set up this framework for a national system of
8 Marine Protected Areas that does X, Y and Z, how
9 effective are those existing sites or existing
10 programs in meeting those specific goals? So we hope
11 to be able to get there, but we're not there yet.
12 We're more in the data collection stage right now.

13 MR. URAVITCH: Rod.

14 DR. FUJITA: Rod Fujita. In your
15 discussion of the MPA Center's activities, you focused
16 a lot on improving the information base, and
17 inventorying the nation's Marine Protected Areas,
18 which is understandable with the training and so
19 forth. I wonder if you could describe for us the
20 mechanisms or strategies that the government as a
21 whole is taking to implement the other parts of the
22 Executive Order, which include a strengthened and

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1 expanded network of Marine Protected Areas. And also,
2 that the clause that calls upon federal agencies to
3 not harm resources within existing MPAs through
4 federally funded or sanctioned activities.

5 MR. URAVITCH: Yeah. That's something we
6 hope now that we exist as an organization, to finally
7 get started on. Those discussions have been taking
8 place for the past couple of years, but as part of
9 setting up this Federal Advisory Committee, we built
10 into the charter ex officio federal members
11 representing the major federal agencies that are
12 involved with this, so we hope to resume soon the
13 meetings with the Federal Inter-agency Working Group
14 that existed a couple of years ago.

15 We've really been sort of internally
16 focused on this Executive Order for the past couple of
17 years, just setting up the institution and getting
18 some basic projects underway. And we're ready to move
19 ahead on the rest of it.

20 DR. AGARDY: Tundi here again. Joe, I
21 wondered if you could elaborate a little bit. You
22 mentioned the task of resource assessment as being

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1 critical to understand what it is that we have to
2 protect, before we start moving to protect it. And I
3 -- it might be a problem that I had in interpreting
4 what you said, but it raised a little bit of a red
5 flag for me, because there tends to be a pattern in --
6 not just in this government, but in many, many
7 governments' response to the problem, that there's
8 always a feeling that we don't know enough about
9 what's there before we can take action.

10 And I wonder whether the investment of
11 energy and time wouldn't be, again, better directed
12 towards understanding threats, and trying to avoid
13 things that are irreversible, or very large scale
14 impacts of threats, as opposed to a full complete
15 understanding of resources.

16 MR. URAVITCH: Well, you'd still have to
17 relate those threats to something very specific. I
18 mean, the country whether -- depending on your
19 governmental level, has invested who knows how much
20 money in what we think are between 1,000 and 2,000
21 sites around the country. And, you know, we sort of
22 need to know that institutionally, I think, because we

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1 still are working through governmental institutions.
2 And once we have that, then we can start trying to
3 assess threats to what, and how can you -- you know,
4 how can you adapt these institutions to address those
5 specific threats? So I guess you could start on the
6 problem a lot of different ways but, you know, I guess
7 being a government institution, we're trying to deal
8 with it from the governmental level. Because
9 ultimately, it's those governmental structures that
10 are going to have to deal with that problem, but I
11 think we'll be dealing with the threat issue.

12 DR. AGARDY: I'm just reminded of the 28
13 or whatever number it is currently of federally
14 managed fisheries, and the amount of investment that
15 NMFS has put into assessing those stocks. And what
16 we've gotten as an end-result in terms of managing
17 those fisheries well. And I would just hate to see
18 very limited resources and limited time directed at
19 what could be an endless, you know, open-ended
20 activity of resource assessment.

21 MR. URAVITCH: We hope not. We intend to
22 have a first draft of the inventory, we hope completed

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1 by the end of this December. So this isn't an
2 infinite process, though obviously, there are certain
3 sites that are -- there's always going to be changes
4 in that inventory at some level, but I think it will
5 be at a level where it can be used for some analytical
6 purposes, maybe rudimentary at first by the end of
7 this year.

8 The issue at this point has really been
9 collecting the state-based information, because we
10 are dealing with 35 different states, territories,
11 commonwealths, and numerous agencies within those.
12 And so it's been a process just trying to engage all
13 of those different governmental levels, but we hope to
14 at least get a first shot at that by the end of this
15 year. But meanwhile, we'll be running on some of
16 these other tracks, as well. We're not going to just
17 sit and just do the inventory, and nothing else.

18 DR. OGDEN: Thanks, Joe. John Ogden. My
19 question has to do with the word "system". The
20 Executive Order says that -- essentially says to build
21 a national system of Marine Protected Areas. And the
22 language of the MPA Center implies that there already

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1 is a national system of MPAs. And I can see where one
2 would want to build on what one has, but it strikes me
3 that the real meat of this committee's work is
4 essentially in this framework on how to proceed. I
5 mean, we're not going to -- is that a fair assessment?

6 Am I right on all these --

7 MR. URAVITCH: No. What I'd say is we
8 have a national collection of marine --

9 DR. OGDEN: It said system in the order.

10 MR. URAVITCH: Well, the system is where
11 we're heading. Maybe I misphrased it on the -- well,
12 I'd say it's a collection of existing sites. And, you
13 know, how well they interact, don't interact is fairly
14 obvious in most parts of the country. I mean, South
15 Florida, where you do a lot of your work, is probably
16 where you see some of the most integrated activities
17 taking place down in the Keys, between the state and
18 the marine sanctuary, and the Fish and Wildlife
19 Service, and the National Park Service, and to some
20 degree, some of the land-based issues. But that's
21 more the exception than the rule, so what we've got is
22 a large collection. And the question is, how do you

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1 take that, since we do have this huge institutional
2 investment, and at least consider how it can
3 contribute to a national system, whatever that is.
4 And that's the framework task.

5 Now what the Executive Order specifically
6 says is, "Develop a scientifically-based comprehensive
7 national system of MPAs, representing diverse U.S.
8 Marine Ecosystems in the nation's natural and cultural
9 resources." And so that's ultimately where we're
10 heading but, you know, what is it we want it to do?

11 DR. PEREYRA: Thank you, Joe. This is
12 Wally Pereyra. I'm curious, earlier Dr. Wahle
13 characterized the MPAs as a solution looking for a
14 problem. And with that in mind, has any thought been
15 given at all in the process of developing this
16 framework strategy, in looking at the alternatives to
17 MPAs? And I'm attesting to this from a NEPA
18 standpoint, while in this case here we're not
19 concerned about establishing MPA, but certainly when
20 you get to that point, you are, within that context
21 are charged with having to look at other alternatives
22 that may or may not satisfy the problem that's trying

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1 to be resolved. Has any thought been given to this,
2 or are you just more or less focused entirely on MPAs
3 separate to themselves?

4 MR. URAVITCH: Well, I'd say two things.
5 First, that I don't think Charlie's position is that
6 it's a solution looking for a problem. What that was,
7 was how some people characterize it. In terms of our
8 responsibility, our charge under the Executive Order
9 is to work with Marine Protected Areas. That's a
10 Marine Protected Area Executive Order. I think the
11 question gets down - - and we're not the resource
12 managers. It comes down to what the resource manager
13 thinks is the right tool to use, whether it's an MPA,
14 or whether it's some other kind -- you know, gear
15 closure, or gear restriction or whatever. What's the
16 problem we're trying to solve, and what's the right
17 tool to solve that problem?

18 That's not our responsibility, to
19 determine what the right tool is. Our responsibility
20 is to help those that are using Marine Protected
21 Areas, if that's what they determine is the right
22 tool, to help them do a better job with it. Mike.

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1 MR. NUSSMAN: Mike Nussman. Joe, first
2 thing, just on your structure. Help me understand
3 exactly where is the Center housed within NOAA? I
4 assume it's within NOAA.

5 MR. URAVITCH: Yeah. It's a NOAA Center
6 managed in cooperation with the Department of
7 Interior, that's administratively located in the
8 National Ocean Service.

9 MR. NUSSMAN: Very good. Thank you.

10 MR. URAVITCH: There's some Washington
11 bureaucracy for you.

12 MR. NUSSMAN: And my next question is,
13 obviously, we're fairly new, even if we consider the
14 sanctuaries and estuaries and reserves, we're still
15 fairly new at this designation process, while our
16 friends over in the Department of Interior, for
17 example, the Fish and Wildlife Service with their
18 Refuge Program have been doing this sort of thing for
19 100 years now. Have you and your staff spent time
20 with them understanding the designation process, sort
21 of what they've been through, how they catalogue, all
22 the things you're going through now? Have you had a

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1 good exchange with them, and what have you learned?

2 MR. URAVITCH: Yeah. The Interior
3 Department has been involved with this since day one.
4 They were some of the major co-drafters of the
5 Executive Order. They've been co-chairs. Piet deWitt
6 is here, is my counterpart from the Assistant
7 Secretary's Office for Land and Minerals Management,
8 and it's been routine. We have folks from the Park
9 Service working with Charlie out in California on the
10 sort of scientific analysis side of things. And then
11 within NOAA, we have folks from the National Marine
12 Fishery Service who work with us on a regular basis,
13 as well as people from NESDI and from OAR, so we're
14 cutting across the agencies.

15 And, you know, in terms of collecting
16 information, basically each program has been
17 responsible for collecting its own, so the Park
18 Service pulls together its data, the Fish and Wildlife
19 Service its, the Fishery Service pulls together its
20 information, and the NOS Programs do the same. And
21 then it's pulled together in this common group.
22 There's a working group on the inventory that consists

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1 of anywhere from oh, 15 to 25 people, depending on
2 when we meet. We meet on a monthly basis, and it's
3 people from all programs, and all agencies.

4 MR. RADONSKI: Gil Radonski. I'd like to
5 follow-up on what Mike just asked. And in my
6 estimation, you didn't answer the question to my
7 satisfaction.

8 MR. URAVITCH: All right.

9 MR. RADONSKI: What I understood Mike to
10 say was, that they were looking at setting these
11 things up, the very on-the-ground problems in looking
12 at regulations and everything else. Have you been
13 involved with that? And I have one other question.
14 As an Executive Order, are there regulations written
15 to implement an Executive Order?

16 MR. URAVITCH: No, there are not
17 regulations to implement Executive Order.

18 MR. RADONSKI: Could you go with the first
19 part of my question.

20 MR. URAVITCH: In terms of the designation
21 question, that really gets down to the programs.
22 Where we would get involved is, we might do an

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1 analysis through one of our groups of the different
2 kinds of designation processes that are out there done
3 by various programs. You might do an analysis across
4 what the process is for national parks or refuges, or
5 for Marine Mammal Protection Act, or Marine
6 Sanctuaries, or the reserve system under the Coastal
7 Zone Management Act, and look for commonalities and
8 differences across those. So we could do a synthesis
9 analysis, but the actual process itself is whatever
10 has been put in law and regulation for the individual
11 program, and that's not something that we control.
12 That's done by the programs themselves. Does that
13 answer your question?

14 MR. NUSSMAN: Part of my question was more
15 of not what's going on right now, but what over 100
16 years has the reserve - excuse me - the refuge system
17 learned. I know there must be lots of lessons there
18 to be learned from the whole designation process, and
19 I guess I would hope we wouldn't go out and relearn
20 all of those in this process.

21 MR. URAVITCH: Okay.

22 MR. NUSSMAN: That was my point, merely

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1 wondering if you've gone and sort of delved through
2 the archives and talked to the people that have been
3 there for 30 years.

4 MR. URAVITCH: We're going through a
5 couple of sets of lessons learned activities. There's
6 one set of publications that just came out recently on
7 five sites. I can't remember if there were any
8 interior sites on that one, but that could certainly
9 be part of some of the processes we could go through
10 in terms of looking at how some of those sites have
11 been established. That's certainly something we could
12 put on the table.

13 Okay. Let's see. In terms of agenda, I
14 think we were -- any further questions from the
15 committee at this point? I think we're due for a
16 short break at this point, so why don't we break for
17 -- let's look at the agenda here, about 15 minutes,
18 and we'll get back together at 3:30, and get back on
19 schedule. Thank you.

20 (Whereupon, the proceedings in the
21 above-entitled matter went off the record at 3:16 p.m.
22 and went back on the record at 3:42 p.m.)

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1 CHAIRMAN HOUT: The last formal
2 presentation for this afternoon will be Joe Uravitch
3 again, talking about the scope and the charge to the
4 committee. After Joe has finished, we would plan to
5 move back to the table so we can have a roundtable, or
6 in this case a U-table discussion, and Q&A on things
7 that you've heard so far today, so I'll turn it back
8 over to Joe.

9 MR. URAVITCH: Thank you, Eldon. I'll try
10 and keep this short. The committee is going to find
11 this somewhat redundant. As I said earlier, both the
12 Advisory Committee and the MPA Center are focused on
13 Section 4, so you're going to see an amazing amount of
14 commonality. What I'm going to run through here is
15 because I'm trying to focus on the Advisory Committee,
16 and your responsibilities and our charge, is a shared
17 list of things about other committees,
18 responsibilities out of the Executive Order, what the
19 charter says, what Section 4 says, and you've already
20 seen that, what we're looking at in terms of meeting
21 long term charges from the Department of Commerce and
22 the Department of the Interior, some short-term

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1 charges, and a brief discussion of resources available
2 to you, which should lead into a discussion tomorrow
3 about numbers of meetings, committees, what we can
4 afford to support and not support.

5 Okay. Most of you have been on advisory
6 committees before, so you know there's lot of advisory
7 committees out there. I just wanted to provide some
8 examples, and note that what they have in common is
9 most of these fall under the Federal Advisory
10 Committee Act, and they have some very specific
11 responsibilities. They have their own charter, as
12 well. And as you heard in talking with the Department
13 of Commerce General Counsel, these vary from committee
14 to committee, so there are some things we're going to
15 have to work out in terms of the charter.

16 The specific responsibility for this
17 committee, this Federal Advisory Committee comes out
18 of the Executive Order, and it basically says, as you
19 can read there, "Seek the expert advice and
20 recommendations of scientists, resource managers and
21 other interested persons and organizations, the Marine
22 Protected Area Federal Advisory Committee, in carrying

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1 out the requirements of Section 4 of the Executive
2 Order." And I do ask you to take a look at Section 4
3 of the Executive Order, because it is quite lengthy.
4 It has some very specific tasks. And as you saw
5 earlier, it has some very general tasks in it, as
6 well.

7 Then there is the committee charter, and
8 the committee charter basically says give us
9 recommendations on how to fulfill the responsibilities
10 under Section 4 of the Executive Order, as may be
11 requested by the Secretaries of the two departments.
12 And these, again, are the specific requirements under
13 the Executive Order, Section 4. One is to set up an
14 advisory committee, which we have done. Second, again
15 I said there are some very specific charges here - the
16 website, the list of MPAs, publishing agency reports,
17 establish and operate the MPA Center, develop the
18 framework for a national system. And then some more
19 general requirements, which tells federal agencies to
20 coordinate and share information, tools and
21 strategies, for us to consult with various
22 governmental levels, and to provide this kind of

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1 information and support to these governments in terms
2 of improving the ability to manage Marine Protected
3 Areas and their resources.

4 We formed this out. These are the goals,
5 as you saw earlier, from the MPA Center, and so we've
6 organized our work basically under these two goals.
7 You all might want to think about them in different
8 ways. What I will say is that we spent a fair amount
9 of time sort of thinking through Section 4, and
10 essentially digested it down to these two goals. You
11 can expand further and into more detail, but
12 ultimately they come down to either working on the
13 framework design, or in some way improving the
14 capabilities of sites.

15 In terms of the specific charges from the
16 departments, we've come up with fairly short list.
17 The first one is the whole question of improving MPA
18 stewardship. How do we do a better job identifying
19 and addressing program implementation needs? And
20 you're going to hear from Ginger Hinchcliff tomorrow
21 on this specific activity. How do we do a better job
22 of helping site managers improve their stewardship

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1 capabilities, and she'll give you some background on
2 the needs assessment process that they've gone
3 through, and what we've heard from the various
4 constituencies. And then also, how do we make this
5 work? That's going to be one of her questions.

6 The second big issue, and this relates to
7 the whole question of the national collection or the
8 national network, or the national system, is how do we
9 do a better job of using what the country already has?

10 How do we go through this process, and Charlie
11 outlined a bit of that for you today, and you'll be
12 getting some more from him tomorrow, of developing
13 this national network or national system. How do we
14 make use of what we have? What else needs to be done?

15 So those are some of the long-term issues we'd like
16 you to help us think through.

17 Short-term there are a variety of things.

18 One is this MPA definitions and types, and helping us
19 get input from the various stakeholder communities.
20 We spent a lot of time over the past year or so, and
21 Charlie will be presenting this tomorrow, trying to
22 help address the questions that have been raised to us

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1 about the confusion, and types and terms, and
2 definitions.

3 We have a draft that we think is worth
4 looking at at this point, that hopefully takes out
5 some of the value laden words, and let's us start
6 thinking about what is it these sites do, and over
7 what period of time, and at what level, so that we can
8 get out of the sort of emotional discussion of what a
9 word means when somebody else thinks it means just the
10 opposite. And get more into okay, let's agree on
11 terms, and then let's have a reasonable discussion on
12 where we go from here. And this is something we see
13 as short of short-term. We'd like to see this done
14 over the next, you know, six months or so, because we
15 think it's been thought through a bit, and we'd like
16 to be able to come to some sort of final agreement on
17 this, so that even if we're not setting a national
18 standard, because obviously, people could do whatever
19 they want, and there are terms of definitions in every
20 program's law that's established. At least we'll
21 start to set up a set of common terms and definitions
22 that people can use, that hopefully will lead us to

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1 some standardization throughout the various
2 communities that are involved.

3 The other one, the second one is really
4 sort of an open-ended question. You know, take a look
5 at Section 4 and the charter, and give us your ideas
6 on what you think is important. You know, what are we
7 missing here? We've come up with three ideas in terms
8 of the framework, in terms of stewardship
9 improvements, in terms of MPA definitions and types,
10 but there's probably some things out there, a weakness
11 or some pressing issues you think that we ought to be
12 addressing. And we'd like you to let us know what
13 your ideas are on these subjects, so that we can raise
14 them to our leadership, and hopefully put some of
15 these on the agenda, as well. Because I would hope
16 some of these like terms and definitions we might
17 knock off fairly quickly, so we can move onto other
18 things. But we definitely are interested in hearing
19 your views on what some of the other important issues
20 are that we ought to be addressing.

21 Other things in the short-term, obviously,
22 is discussing the establishment of the Science Working

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1 Group and other groups. What kind of groups do we
2 need, how many are they, how big are they? And
3 there's obviously some constraints to those. And we
4 ask that you consider priorities and resources
5 available to you as we sort of think this through.

6 And this is what we've got in terms of
7 resources for the committee. The charter basically
8 says that the annual cost of operation for the
9 committee is a quarter of a million dollars, and that
10 includes about two years worth of staff time from our
11 office, including Maggie Ernst and other folks on our
12 staff. And the balance has to be spent basically on
13 all the costs of convening a meeting. And that's one
14 of the big restrictions that we have in terms of the
15 numbers of times that we can meet in a given year. If
16 we all decide to go to American Samoa and meet there,
17 we may be meeting once a year, just given the cost of
18 travel. You know, if we go to St. Louis, it might be
19 cheaper. You may not want to be there, but it's, you
20 know, an option, so we're going to have to think about
21 where we want to go, and how much it's going to cost.
22 And that's something we need to think about. If two

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1 meetings are enough, or should there be three meetings
2 a year, that's something we'll have to think about.

3 Where is the next meeting going to be?
4 That's something that's really up to you all in terms
5 of where you want to hold your meetings, because this
6 is -- you know, you guys are responsible for this
7 committee, so that's one of the issues we'll have to
8 come up with in terms of location of the next meeting,
9 and the meeting after that. And we're going to need
10 some input from you so we can plan out in terms of
11 doing logistical support it's going to take to make
12 this committee a success.

13 And finally, there's the cost of the
14 various working groups that may or may not be set up,
15 and how much we can afford to do, because that money
16 is going to come out of the MPA Center's operating
17 budget, and so we have to decide how much could be
18 available over and above that 250 to support working
19 groups.

20 And as I note there, you know, what are
21 the other ways we could communicate electronic, other
22 means of communication to help advance the work of the

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1 committee over the coming years. And that's really
2 it. As I said, it was a very short presentation, and
3 if you'd all like to come back on stage, we can sit
4 and discuss this for a while. Any questions? Okay.
5 Why don't we come up, and let's see if I can figure
6 out how to get this thing back up. Good. I don't
7 have to figure it out.

8 CHAIRMAN HOUT: Joe and Charlie are on tap
9 here to answer questions, but there may be people who
10 have some observations, statements or questions at
11 this point. We have a fair amount of time. You can
12 use all or part of it. I believe we're scheduled to
13 adjourn at 5:15, but we do not have to use all of the
14 time available. Yes.

15 DR. GARZA: Thank you. Before we get
16 started with this, it's difficult to phrase this, but
17 if we were using the agenda as Robert's Rules of Order
18 as a guide, then we would have the opportunity to make
19 some changes. And trying to bring in the
20 consideration that Mr. Peau brought in earlier,
21 perhaps if we called for some public testimony now, we
22 could hear from our six colleagues who aren't seated

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1 here.

2 CHAIRMAN HOUT: Two questions, I guess.
3 What's the wish of the group, and what is the
4 procedure under FACA rules for doing that, since there
5 has been an announced time for public comment? Is
6 there a problem in proceeding? Joe, do you think
7 there's a problem in proceeding with public comments
8 for people that have been patiently sitting in the
9 audience today? Okay. So it would be an additional
10 opportunity for oral communications from the public,
11 which is always a good thing. And there are -- is
12 there no objection to that? Seeing none, we shall
13 proceed then to see if there are oral communications
14 from the public to the committee, or comments, points
15 of view, responses to the presentations that were
16 made. The microphones are in the audience. Is there
17 anyone that would like to make a statement? I see
18 there are. On my right. Could you please identify
19 yourself for the record.

20 MS. REISCH: Sure. My name is Sheri
21 Reisch. I work with the Ocean Conservancy. And I
22 just have a procedural question, I was just sort of

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1 debating with a colleague. As Joe and Charlie, and a
2 number of you are already aware, there are a lot of
3 materials that may or may not be helpful to the
4 committee as you go through your deliberations.
5 Things that occur to me, for example, are the recent
6 Special Version of Ecological Applications that
7 outlines some of the recent studies of the Science
8 Marine Reserves. A recent paper in the journal
9 "Nature", that talked about the decline of large
10 predatory fishes. I'm sure you all have heard of
11 that, and it's my sense that it would be great if that
12 material is available to you, if it's useful. I have
13 some - -

14 CHAIRMAN HOUT: We're having some
15 difficulty hearing you back here. You might need to
16 get closer to the microphone.

17 MS. REISCH: Is it on? Okay.

18 CHAIRMAN HOUT: Now we got it.

19 MS. REISCH: I'll get closer, speak from
20 the diaphragm. Materials, so can I just ask Joe and
21 Charlie what materials you're making available to the
22 committee? Are there others who can help you with

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1 that? I, for example, have a stack, but a limited
2 stack of the special issue of "Ecological Applications
3 on Marine Reserves", that kind of thing. How are you
4 sourcing the committee in terms of reference material?

5 MR. URAVITCH: There we go. Basically,
6 the material has been gathered by staff within NOAA
7 and the Department of the Interior people, both part
8 of the MPA Center and our cooperative programs that
9 work with us. And so it's been a mixture of people
10 who have been involved with this process.

11 MS. REISCH: Is it possible for you to
12 publish a list of these kinds of major materials that
13 are available, so that those of us who are aware of
14 things that might be useful can bring those to your
15 attention, or to the attention of the committee?

16 MR. URAVITCH: I'm sorry. I couldn't --
17 somehow this -- I can't hear you.

18 MS. REISCH: This has never been a problem
19 for me before. So, gentlemen, what I'm wondering --
20 okay. Try this again.

21 MR. URAVITCH: Great. You've got it.

22 MS. REISCH: Are you going to provide a

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1 list of materials you are making available? So, for
2 example, if I'm sitting here wondering whether to give
3 this committee part of my stack of "Ecological
4 Applications", I can try and figure out whether that's
5 redundant, or useless, or useful?

6 MR. URAVITCH: All the materials being
7 provided to the committee will be posted on our
8 website, MPA.gov.

9 CHAIRMAN HOUT: On my left. Please
10 identify yourself.

11 MR. GILMAN: Hi. My name is Eric Gilman.
12 I'm one of the six committee members waiting for the
13 security clearance to process. I just wanted to ask
14 the existing committee members to consider proceeding
15 with selecting a Chair, and identify subcommittees at
16 this time, and not waiting for the additional six
17 members to be cleared, just so we can get something
18 accomplished during this two-day meeting.

19 CHAIRMAN HOUT: Thank you. Consideration
20 tomorrow morning. Additional questions, comments?

21 MS. McCAY: Yes, hello. My name is Bonnie
22 McCay. I'm also one of the people awaiting approval,

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1 but in the meantime I have appreciated listening to
2 the presentations, and look forward to learning more
3 about what's going to happen here.

4 I do also want to say that I think that we
5 should wait until everybody has been approved before
6 you go ahead and make very fundamental decisions about
7 leadership, and also about structure and process of
8 this committee.

9 And finally -- well, that's -- I think
10 I'll stop there. I have all kinds of things in my
11 mind, because it was very frustrating listening to
12 these presentations and not being able to talk, but
13 I'm sure I'll have plenty of time in the future.
14 Thank you.

15 CHAIRMAN HOUT: Thank you for your
16 comments, and we hope that you're up here very soon.

17 MS. STEVENSON: Wow, I'm way taller than
18 you all now. I'm Barbara Stevenson. I'm also one of
19 the six. While I very much wish that we could get on
20 with business, it is very frustrating being in the
21 audience. And you don't know what issues we might
22 have. For instance, I have one with the charter that

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1 I thought was extremely important that no one had
2 mentioned. I would have been just epileptic if you
3 had voted to say we want these changes in the charter,
4 and I hadn't even gotten a chance to mention the issue
5 that I have. I realize it's a difficult situation. I
6 realize that none of you all are at fault, but nor are
7 we. Thank you.

8 MR. MORAN: Good afternoon. I'm Bob
9 Moran, also one of the gang of six. I just wanted to
10 add to what you just heard. I commend the
11 conversations and the discussions that have been going
12 on, but I would recommend, or I'd urge the committee
13 to wait until the six of us will be able to sit with
14 you and deliberate some of the questions that are
15 coming up tomorrow, both on the charter, and the
16 future structure and direction of the commission, or
17 I'm sorry, of the committee. Thank you much.

18 CHAIRMAN HOUT: Are there additional oral
19 communications from folks in the audience? If not,
20 then the floor is open for comments and observations
21 from the members of the committee.

22 DR. CRUICKSHANK: I have a question for

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1 clarification in the Science Working Groups and other
2 working groups. They said that it competes with other
3 Executive Order projects and activities, and does that
4 mean only within this particular Executive Order, or
5 is it talking about other Executive Orders?

6 MR. URAVITCH: That's just within our own
7 Executive Order.

8 DR. CRUICKSHANK: Okay.

9 MR. URAVITCH: Right. We have an
10 appropriation. The President's budget requests \$3
11 million for next year, and so any money we spend will
12 have to come out of that \$3 million, over and above
13 the \$250,000.

14 DR. CRUICKSHANK: Okay. Because that was
15 my concern, that some of these working groups might be
16 kind of obscure, and things like that. Thank you.

17 DR. AGARDY: Joe, I wondered if you could
18 explain a little bit with respect to the Science
19 Committee, Subcommittee, or Working Group, whatever it
20 is, are you envisioning that to be something that gets
21 around the question of knowledge, as Charlie broke out
22 the three main kind of themes or tasks for the

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1 committee?

2 MR. URAVITCH: Yeah. Actually, I'm going
3 to let Charlie handle this, because Charlie is going
4 to be our lead for working with the Science Working
5 Group. Charlie, are you there?

6 MR. WAHLE: Yes.

7 MR. URAVITCH: Oh, there you are. Okay.

8 MR. WAHLE: Yes. Of course, the scope of
9 such a group hasn't been worked out, but the idea is
10 that they would work with us, and probably other
11 partners, depending on how it's set up, to tackle some
12 of these fundamental science questions about what are
13 the MPAs doing, are they effective, what are the gaps
14 in protection, what do we need to do in the future,
15 this kind of thing. Because actually, I've been
16 waiting for this for quite a while, so it will be fun
17 to get it going.

18 DR. OGDEN: Charlie, just a comment on the
19 Science Working Group, the idea of having a Science
20 Working Group. It is the only working group that's
21 identified, which clearly isn't, I hope, a statement
22 of priority or importance in terms of the whole issue.

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1 I thought it interesting that the way in which the
2 Commission on Ocean Policy set itself up in working
3 groups; that is, essentially crosscutting disciplines
4 and people across more - - well, different types of
5 topics, governance, investment and implementation,
6 research, education and marine operations, and
7 stewardship, as an example. And there was a Science
8 Advisory Panel associated with the Commission, which
9 also divided into those same working groups as
10 scientists, not as, you know, the science of MPAs.

11 I'm not advocating one position or the
12 other at this point, but I think it's worth thinking
13 about, that science of MPAs, and I guess I'm thinking
14 of natural and social science, is going to impact all
15 of these areas. And that we might think of the
16 traditional way, of course, would be to have a science
17 working group, and that would be fine perhaps, but
18 there might be other ways of thinking about it.

19 CHAIRMAN HOUT: Additional?

20 DR. FUJITA: Thanks. I wanted to speak to
21 the charge of the committee, drawing on what Joe said
22 in his presentation. I appreciate the way you framed

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1 the goals of enhancing MPA stewardship, and facilitate
2 and design of a science-based national system. Is
3 that your charge to us, to provide input on those two
4 goals?

5 MR. URAVITCH: No. That was basically the
6 way we defined the goals for the National MPA Center,
7 and I thought it would just a useful shorthand to
8 provide that to you. This is -- you know, we spent a
9 lot of time analyzing those many paragraphs and
10 subparagraphs and clauses, and ultimately, they seemed
11 to digest down to these two basic functions or goals.
12 But, you know, it's possible for those to be revised.

13 DR. FUJITA: Okay. Well, something
14 occurred to me, you know, in reading the Executive
15 Order, which calls for strengthening and expanding the
16 nation's array of Marine Protected Areas. One useful
17 specific thing that this committee could do with the
18 diverse stakeholder representation, and the scientific
19 expertise we have is to provide you with some input
20 and advice on how we think the array of Marine
21 Protected Areas is currently working to achieve their
22 objectives to protect living and non-living resources,

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1 to achieve sustainable yield, and all the other
2 objectives that are in law, that drive the
3 establishment and management of these protected areas.

4 And once we give you advice on how we think they're
5 performing, then the logical next step is to provide
6 some advice on how to make improvements so as to align
7 the current array. And indeed, suggest an expansion
8 of the system, perhaps with the fully protected marine
9 reserves, to actually achieve the mandates for which
10 they've been established.

11 CHAIRMAN HOUT: Sounds like an emerging
12 agenda topic to me, maybe for the next meeting. And
13 given the -- what I picked up today is that that next
14 meeting ought to occur sooner rather than later,
15 perhaps within the next three months or so. Is that
16 -- does anybody else share that feeling, that this --
17 we need to make a fast start here? I take that as a
18 consensus position.

19 MR. ZALES: Yeah, I would agree with that.

20 And looking at the information that we have in front
21 of us, because I've heard comments talking about two
22 meetings a year; that it doesn't say you only have

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1 two, it says you have at least two. And I think the
2 initial, like any initial startup in any kind of a
3 situation like this, that a committee like this is
4 probably going to need more meetings than just the
5 minimum to start off. Hopefully, at some point you
6 get to where you level off, where you can only do the
7 two a year, but the initial startup with all the
8 logistics and everything that we obviously have to do
9 here, you know, I would agree with something in the
10 next three months or so, around in there.

11 CHAIRMAN HOUT: Bob.

12 MR. BENDICK: I'm interested in the issue
13 of the systematic, or the system of protected areas.
14 And I think maybe it would be very helpful for us to
15 do more with mapping. And I would like to see a map
16 of existing Marine Protected Areas by type or however
17 you want to categorize them, the ability to also map
18 resources, and however you want to categorize them,
19 and a map that indicated human activity or intensity
20 of human activity, all in a way that they could be
21 overlaying now. Maybe that's too ambitious a project
22 for the country as a whole, but it might be able to be

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1 done, if it is too ambitious, on a couple of sample
2 regions, so we could better visualize what the
3 existing system or non-system of preserves does, how
4 it relates to critical living marine resources,
5 cultural resources, sacred areas for native peoples.
6 And how those two data sets intersect with intensity
7 of activity, you know, fishing, mineral exploration,
8 et cetera.

9 I think only if we do something like that
10 can we address the reality of a system in an
11 appropriate way. And if it's too much work to do it
12 everywhere, as I said, then maybe some sample areas to
13 see how the system is working in a couple of places
14 would be very, very useful. The Nature Conservancy
15 about two years ago did a eco-regional plan for the
16 North Gulf of Mexico that seemed daunting at first,
17 but actually revealed discreet areas of biological
18 importance. And things like that could provide one of
19 those data sets.

20 DR. PEREYRA: I think an exercise of this
21 type could be useful, but if it is done, I think it is
22 has to be done properly, because we could be misled if

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1 it's done in too simplistic a way, because you can
2 draw conclusions from one, or two, or three
3 observations that may or may not be correct in terms
4 of the entire range of areas that we're talking about
5 here. For example, I think if you were to select some
6 of the MPAs that have been in placing in the Bering
7 Sea, for example, and look at the resources that are
8 at play in the Bering Sea, and then contrasting that
9 with say some of the areas where there's -- in the
10 Southern Oceans, in the Southern United States sense,
11 where there's much more localized coral-type species.
12 And so the results that you get might be quite
13 different, and so I think that you have to, I believe,
14 think about this before we sort of jump into it to
15 make certain that the result that we get is going to
16 be helpful to us, and not put us in sort of the wrong
17 direction in terms of conclusions we might draw.

18 CHAIRMAN HOUT: Lelei.

19 MR. PEAU: Thank you, Eldon. Just an
20 observation. I certainly commend Charles and Joe on
21 the work up to this point, but there's also a caution
22 on the -- I think I can certainly appreciate the

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1 framework that has been presented for us, but I want
2 to remind both Joe and Charles that there are also
3 some initiatives that have already been in place, or
4 have been started for quite some time. And one that
5 comes to mind is the U.S. Coral Reef Task Force, which
6 is the very same issues have been discussed at the
7 forum in reference to the MPA.

8 I see a disconnection between what we're
9 talking about today, and also what was discussed at
10 the forum, primarily in the sense that there was
11 reference made to key threats between the
12 jurisdictions. I certainly would like to see -- I
13 said, it's not really -- there's no place order within
14 the framework. And if there is, and I saw there's
15 reference to the Ocean Commissions and Pew
16 Commissions, but it looks good on paper, but I fail to
17 recognize the connection and the linkage between some
18 of those initiatives that's going on.

19 I think in terms of making -- whether it's
20 any disagreement or whatever, but I think there's got
21 to be some recognition of some of those efforts, so
22 that it does not be -- it would not lead us to a more

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1 -- I think the point that was made earlier by one of
2 my colleagues that, you know, we do not want to draw
3 conclusions too fast, too quick and too fast that will
4 fail us to see the national objective of the mandate
5 which brings us all here today.

6 So I would like to see, and would like to
7 suggest that for the Center to consider some of those
8 experience, some of those examples that are already --
9 that have already been in existence for quite some
10 time. And be able to draw some lessons learned from
11 those experience, and make that aware, and make that
12 known to this group.

13 I think there are some really important
14 lessons and connection that we can really draw from
15 those exercises. And like I said, I've been involved
16 with the U.S. Coral Reef Task Force from the start,
17 and the last thing I'd like to see is for us to repeat
18 what's done there. But I'd like to see some
19 connection made to the task force. Thank you.

20 MR. RADONSKI: Joe, you alluded to the
21 fact that we have a loose collection of MPAs, but not
22 -- it doesn't reflect a system, a system called for

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1 under the Executive Order, a system of MPAs, a
2 national system.

3 This is going to fly in the face of
4 existing legislative authority, which you also pointed
5 out in your presentation. But I think for this group
6 to make some decisions, we're going to have to
7 identify the conflicts between an Executive Order
8 calling for an action that may be in conflict with
9 existing legislation.

10 I understand that the Executive Order just
11 directs federal agencies to take federal actions, but
12 that's not quite the same as a law that has
13 regulations and everything else in the implementation.

14 As we get into a national system, start identifying
15 MPAs, and they take on -- identifying characteristics
16 of an MPA, we're going to run head-long into the
17 Magnuson Act, and the Marine Mammal Protection Act,
18 the National Sanctuaries Act, a whole bunch of things.

19 Now we've alluded to that, but I think as we get into
20 the decision making process, or not the decision
21 making process, but in offering advice, that we are
22 going to have to outline where those impacts are going

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1 to be. And I hope that the committee will be given
2 presentations on the hierarchy of laws, as opposed to
3 an Executive Order, what conflicts we are going to see
4 in the future as we go down the line.

5 MR. URAVITCH: Yeah. I guess I'm not sure
6 why you see a potential conflict there, since we don't
7 have legal authority to establish sites. I mean,
8 that's going to be done by the individual programs,
9 whether it's under Magnuson or the Sanctuaries Act, or
10 the Parks Act. I mean, that's -- we're not going to
11 affect those existing laws or authorities at all.
12 What we're looking for is the connectivity across
13 these different programs, how can they help each
14 other, how can they accomplish, or help each other
15 accomplish their own particular missions? I'm not
16 sure that there's an issue there.

17 MR. RADONSKI: Well, I think there is
18 definitely an issue, because we're going to get into
19 those discussions. And we have to be made aware of
20 the authorities of those existing pieces of
21 legislation.

22 MR. URAVITCH: Sure. Well, that's no

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1 problem. We'll make that available.

2 CHAIRMAN HOUT: Dr. Garza.

3 DR. GARZA: Thank you. This further adds
4 to the concerns. When I was listening and we were
5 talking about reviewing programs, and are we looking
6 at successes? And coming from a small town, and
7 trying to represent the interests of fishermen and
8 users, their question would be success by whose
9 standards? If the result is to, as in Glacier Bay, to
10 kick all the fishermen and the local users out so that
11 you have something that looks pristine, they obviously
12 will not think that is successful. And so I think we
13 need to keep in mind who the local people are.
14 Following that, when we are talking also about
15 science, and what I had heard about science and
16 introductions with science and good data, but I think
17 that we need to expand that definition of science,
18 that it does include social science, that it does
19 include users, and their evaluations of this area.

20 And then the final confusing point as I
21 was thinking about this, is that many of these areas
22 are often actually in state waters. And I came with

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1 the narrow definition - and I apologize, I didn't do
2 my homework - that MPAs serve to exclude, and that
3 certainly is one of the concerns for Alaska people.
4 And so we certainly need the education in that area,
5 but we also need to educate as to whether -- what
6 opportunities states have in regards to conserving
7 their resources, and opportunities that may be
8 beneficial, rather than being on guard and wondering
9 when they're going to be hit by something else from
10 the federal government.

11 DR. BROMLEY: I'm still trying to get my
12 head around the challenge that we face. And earlier
13 back there, I asked Charlie. I said, "Is the issue
14 here for us to ask whether there's coherence here"?
15 And I won't quote Charlie's response to me, but I --
16 as I look through the presentation and all of these
17 different kinds of MPAs, and things that are called
18 MPAs that I would not call MPAs. And things that
19 perhaps are not MPAs that I think might be, it seems
20 to me that -- and as I have heard, different agencies
21 are establishing a variety of places, let us call
22 them, by different names. And as a member of this

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1 committee, I would like to know whether there's
2 coherence here. I mean, what is NMFS doing when it
3 sets aside a closed area for fishing? Is this an MPA
4 or not? Do they think they're setting up an MPA or
5 not?

6 And it seems to me, one of the very first
7 tasks is to ask all of the agencies that have the
8 power and the capacity to create these zones, these
9 spaces, to come before us, and to explain what they're
10 doing, why they think they're going it, what purpose
11 they believe is served by identifying an area in this
12 way? That's what I would like to hear - all right.
13 And out of that, we will individually form opinions
14 about whether we think this collection of rather
15 independent activities add up to something. Do they
16 give us value or not?

17 I would hope our next meeting would have
18 some time wherein we would ask these people to come
19 before us and explain themselves. That's what I'd
20 like to hear.

21 DR. CRUICKSHANK: I support the suggestion
22 that was made to map these existing MPAs as we know

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1 them now, and GISs can be done very easily, and
2 overlays can be put on or taken off. And if you're
3 classifying the MPAs into different categories, then
4 the overlays can show where there's a bundle of them,
5 and where there's some totally isolated, and those
6 obviously which have a number of overlaps, the ones
7 which you could easily go after and see what the
8 overlaps were, and whether they interfere with each
9 other. I think that's a basic need, is just to get
10 the stuff down on paper and look at it. One picture
11 is worth a thousand words. Thank you.

12 MR. NUSSMAN: Thank you. I was taken by
13 the comments of Dr. Garza, and it sort of rang a bell
14 with me. It made me reflect, Joe, back to one of the
15 presentations that Dr. Wahle - and I don't know you
16 well enough to call you Charlie, but I'm going to call
17 you Charlie, if you'll forgive me - that Charlie made.

18 He had a growing focus on MPA science, was the slide,
19 the title of the slide. And it was divided into two
20 parts. One, the Natural Science themes, and there we
21 went through a series of things. We seem to be paying
22 a lot of attention to the Natural Science part of the

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1 equation. And I believe by your own statement, the
2 Social Science piece of it had received a lot less
3 attention. And I'll read into that - could use more
4 attention.

5 The point I picked up, Dr. Garza, from you
6 was that how would - - what can be our role in this?
7 Joe, you know me, and have known me long enough to
8 know that I tend to focus on the economics, on who's
9 using the areas, what they're using them for. We've
10 got a huge coastal zone in this nation, and we have
11 very, very poor knowledge about what's going on there,
12 particularly as it relates to recreation. And that's
13 not to say anybody else says we have great knowledge
14 about it, and I'm not going to say that. But I know
15 because my business is to know recreation.

16 I know in the recreation arena, we have
17 very poor knowledge about what's going on. And I
18 wonder what can be our role as an Advisory Committee
19 to try and stress the importance of these Social
20 Science themes. Thank you.

21 MR. URAVITCH: I'm glad you asked that
22 question. Actually, if you look at the work that

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1 we've started doing over the past couple of years, our
2 emphasis is actually starting with the Social
3 Sciences. Charlie's group has been working
4 essentially on two draft strategies for MPAs, Natural
5 Science and Social Science. And it's the Social
6 Science side that's been done first, for just the
7 reasons that you've raised. That's been sort of the
8 poor relation in the scientific community related to
9 MPAs. We formed a working group with Mike Aurbach
10 from Duke, Charlie and a bunch of folks from around
11 the country. It was about 40 people, Charlie, I think
12 on that? Let Charlie fill you in on this, because
13 he's really been the team lead on this project. But
14 that's really where we've started.

15 MR. WAHLE: Sure. We have -- we recognize
16 that, as well, that although we probably don't know
17 enough about the natural world, we know a lot more
18 than we do about the human component, which is
19 probably why we're all here in one way or another. So
20 we developed this strategy for research which is, in
21 effect, a menu, if you will, of all of the big
22 questions that one would need to know to one degree or

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1 another about the human dimension of place- based
2 marine conservation. And then from that, which is now
3 out in draft. It's on the web, and I believe there
4 are copies here. From that, we'll be going around to
5 regional workshops to work with groups that I hope you
6 can help us identify, to make them real in real
7 places. You know, this is a very general strategy
8 with big questions, and you can't do anything with it
9 other than build budget initiatives and things like
10 that. So what we want to do is then go to the regions
11 and say okay, northeast or Caribbean, what of these
12 questions are the most pressing to you, and how do we
13 go about answering them?

14 And our intention is that this will then
15 form the basis for research collaborations, budget
16 initiatives within agencies, funding priorities for
17 outside funders. And in time, start to fill this gap,
18 which is really pretty wide.

19 MR. NUSSMAN: I appreciate that response,
20 but is there a role in that for us as committee
21 members?

22 MR. WAHLE: Yeah, I could see several

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1 roles. One is actually to look at the draft strategy
2 and give us your comments on its adequacy, and scope,
3 and what have you. And what you'll see is it's
4 intentionally very general, so you may find yourself
5 wondering, okay, where's the meat? And the meat is in
6 the regional discussions.

7 The other thing we would benefit from is
8 the committee's help in reaching out to broad
9 stakeholder interests to inform those regional
10 research plans. And then potentially to help us find
11 ways to implement this stuff, because we can't -- you
12 know, there will never be enough money internally to
13 do this, so we're going to have to cobble together
14 sources of funding and capability from outside the
15 government to get it done.

16 MR. URAVITCH: What we can do is provide
17 you with the schedule of upcoming meetings, and I
18 think it might be useful if there are members of the
19 committee that happen to live in that region, there's
20 an opportunity for them to be part of that process on
21 a regional basis, as well as a national basis, so
22 we'll make sure that you all get a copy of the

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1 schedule that's being put together now.

2 MR. O'HALLORAN: This topic we're talking
3 about right now is one that, when I was hearing the
4 presentations, was concerning me a bit. And it seems
5 that we're starting to address it, and that is the
6 linkage between the actual stakeholders. And I come,
7 as you know, I come from Hawaii, and there exists
8 right now a perception of MPAs that is not good.

9 It concerns me that we're embarking on an
10 effort where there are certain words in this effort I
11 know will trigger opposition before people really
12 understand what the effort is about. Such words as
13 "expand MPAs", and "national system." These efforts
14 will be - now that this committee has been partially
15 formed - the word is really going to go around
16 quickly. And my concern is our outreach, and how do
17 we, or how does the Center, or how do we as a
18 committee reach the stakeholders at the earliest
19 possible time so that they become franchised, rather
20 than disenfranchised, they become included, rather
21 than excluded. Because whether I think we like it or
22 not, at least in my experience, MPA is perceived as

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1 exclusionary. And we -- I think that effort is going
2 to be worth a lot to us down the road in terms of the
3 success of what we're embarking on.

4 So I'm putting that out as a question,
5 about how we can help, but also a concern about the
6 need to get to the stakeholders at the earliest
7 possible date so that they can understand what is
8 going on here, and how they might participate, and how
9 they can feel that this is an effort that they can get
10 involved with. Thank you.

11 CHAIRMAN HOUT: Response to that, as one
12 who's been down that road at a state level and had to
13 stop, I understand exactly what you're saying in terms
14 of the initial good impression and involvement.
15 Question?

16 MR. ZALES: Well, I've got several
17 comments on several things that have been mentioned
18 here already, and I agree with what was just said. I
19 definitely think you need to involve stakeholders
20 fairly quickly. And I've got a question, I guess, to
21 -- and I'm like Mike. I just met Charlie, but I'm
22 going to call him Charlie. And the decision for the

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1 meeting times and location, where is that decision
2 coming from? Because in my experience in dealing
3 especially with the Fishery Service and the Councils,
4 very seldom do they take stakeholder locations and
5 availability for those people to get out to make
6 comments in consideration. It's more often than not
7 appears to the public that the meetings are set up for
8 the benefit of the people holding the meeting, not for
9 the people that they're trying to get. So where is
10 that decision coming in, and who have you discussed
11 all that with, the various locations?

12 MR. WAHLE: I can see Sarah Lyons staring
13 at me with boring holes with her eyes. Well, just to
14 reassure you that we haven't chosen it solely for our
15 benefit, because our first meeting is in the Caribbean
16 during Hurricane season, so we've already got off on
17 the wrong foot.

18 We're trying -- this is actually very
19 early days. We have the one meeting that's in St.
20 Croix scheduled for late August. That we've talked to
21 several people in the region, and looked at the
22 Council's schedule and stuff. But other than that,

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1 they're not scheduled, and we would like to work with
2 you all to make sure that we don't work them such that
3 the right people can't come, because that's what we're
4 looking for, is informed input in these things.

5 MR. ZALES: Okay. Then that's good, and
6 so I would suggest to you that you use this panel for
7 that, and share that with us so that this panel could
8 share that information.

9 The other thing is the suggestion about
10 getting an idea of the various - whether you call them
11 MPAs, SMZs, whatever that are currently out there. In
12 my mind, I know from dealing with the Gulf Council,
13 and specifically I guess the southeast region, I would
14 think that that information for the various areas that
15 they have under current regulation is readily
16 available. And I wouldn't -- I don't know what the
17 problem would be in gathering that information. They
18 may not have the exact location done, but they could
19 surely tell you, like the Florida Keys Sanctuary, the
20 Tortugas, the Madison Swanson Areas, the Ocalona
21 Banks, this kind of thing, various Gear closures, Time
22 closures, things that go on, I would think could be

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1 out there. And I think that would be useful to us.

2 And one other comment, and the comment
3 about whether or not some regulations would be
4 considered MPAs or not. I think, in my mind anyway,
5 that's one of the purposes that we're here, is to
6 identify the term MPA. Because in my mind, MPA is a
7 broad term, that if you have a Gear Closure, that
8 works on saving or reducing a certain percentage of
9 take of marine resources that, to me, is an MPA. It's
10 not a -- an MPA in my mind is not a total closure. It
11 just depends on how they're defined. And I think that
12 this committee is tasked with trying to make that
13 decision, and try to get advice on making the
14 definitions on what the particular definition is for
15 various MPAs, or whatever you're going to call them.
16 So I think the identification of the various efforts
17 that have been made to-date is a good idea to provide
18 to this committee.

19 MR. URAVITCH: If you look at Tab 11 in
20 your notebook, what you'll see is the latest that we
21 have available on federal sites. And the sites that
22 are on there were basically provided to us by the

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1 various programs in the departments. And what it
2 doesn't provide yet are specific sites down at the
3 state level. And obviously, these are hard to read,
4 but we do have larger ones, but we couldn't really
5 post them in this room. The walls won't take it. But
6 this is sort of the beginning of some of the products
7 out of this inventory that we're working on.

8 One of the next steps is to use the
9 classification system and start looking at these
10 sites, and classifying them based on that system, so
11 we can start to see what different types we have
12 around the country. These are based on the different
13 programs that have identified federal sites around the
14 country.

15 We're also now, as I said, in the process
16 of collecting state data. We have three, maybe four
17 states soon to be completed in terms of going through
18 quality control, quality assurance. It looks like
19 we'll have Oregon, Washington, California done first,
20 so we may actually be able to show you the west coast
21 at a federal and state level within the next few
22 months.

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1 What we don't necessarily have are the
2 data layers beneath that in terms of resources, in
3 terms of resource characterization. That's actually
4 something we've started talking across various NOAA
5 programs, and state programs about in terms of
6 collecting existing data, and doing some resource
7 characterization work, so we can start to do some
8 other overlays, as well.

9 DR. CRUICKSHANK: Marine Managed Area,
10 that's a nice name. I was thinking MPA was a little
11 bit one-sided, but MMA is very excellent. Because
12 what you don't want to get into in this situation is
13 we and they, the developers and the protectors, which
14 is so common in any natural resource management. I
15 think we're very aware of the potential for
16 disruption, and adversarial issues when we talk about
17 these areas. Thank you.

18 MR. RAY: A lot of the focus today has
19 been on evaluating Marine Protected Areas we have,
20 building inventories, and developing that information,
21 coming up with a better way to integrate and manage
22 those Marine Protected Areas. One of the areas I

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1 think that's of a lot of interest and a lot of concern
2 to people are how are we going to proceed in the
3 future? What will become our criteria for the
4 selection and designation of new Marine Protected
5 Areas? And so my question is in the overall charge to
6 this committee over the next two years, is there also
7 a role for us to play in providing advice or input as
8 to how we proceed down that road? Or do you strictly
9 see us limited to trying to help us manage what we've
10 already got?

11 MR. URAVITCH: Well, I think that's part
12 of looking at the broader framework development
13 process. You know, it's looking at the existing
14 sites, looking at what they accomplish, looking at
15 what we want the country to accomplish as a whole, so
16 I see this as a broader question.

17 DR. AGARDY: I have a couple of comments
18 based on a few of the tidbits that have been thrown
19 out. I'm a little bit perplexed about the feeling
20 that we are missing stakeholder representation. I
21 think this committee is highly balanced in stakeholder
22 representation. I think, you know, our mission for

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1 each of us personally is to not only present our own
2 opinions, but also represent to the best we possibly
3 can, the stakeholder group from which we come, whether
4 that be the scientific community, or a fisher
5 community, or oil and gas interest, or anything. So I
6 don't think we can do much beyond actually making sure
7 that all of us are involved to the maximum extent
8 possible, and any kind of a subgroup, or any kind of a
9 task that's given to the committee, a specific task.
10 And for that reason, I am wary about setting up --
11 about just a priori accepting the fact that we're
12 going to have, for instance, a scientific
13 subcommittee. I think that's a way to again
14 marginalize certain kinds of value systems and
15 stakeholder interests, and it doesn't really get us
16 towards the goal possibly of, you know, interactive
17 kind of consensus building discussion.

18 I also -- you know, I think if you look at
19 the Executive Order, it's quite clear that our mandate
20 really isn't to take a look at what's going on
21 currently, but to think a little bit more ambitiously
22 about the future, and how we can actually get at a way

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1 of using Marine Protected Areas to their fullest
2 possible potential, to guide us towards more
3 sustainable use of ocean resources and space. And I
4 was a little bit curious about the reference to system
5 as being a kind of red flag amongst some stakeholder
6 groups.

7 I think perhaps we ought to be careful not
8 to articulate "system" as a purely federal or national
9 level thing. If you look at the Executive Order, it's
10 very clear that the whole purpose of this is to bring
11 the federal agencies together with the state, the
12 territorial, the tribal, all of the authorities and
13 non-governmental institutions to discuss a kind of
14 coordinated and cooperative approach to managing ocean
15 resources; which, in fact, are part of a commons.
16 They don't belong to any single entity, but actually
17 are shared among all.

18 So I think there are real opportunities
19 here to suggest as a committee, and I don't want to
20 throw out a task because I think this will kind of
21 grow out of our discussions over the next few days,
22 and next few meetings. But I do think there's an

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1 opportunity here for us representing a lot of
2 different backgrounds and stakeholder groups, to
3 suggest a kind of generic planning process for future
4 Marine Protected Areas of all types, not necessarily
5 only fisheries reserves, but of all types, that that
6 planning process ought to really get at the question
7 of how to represent stakeholder interests, not only in
8 the planning process but in setting objectives. And I
9 think that's been one of our great failures in the
10 past, is that the objectives seem to be handed over to
11 the stakeholder groups. And then the stakeholder
12 groups tend to be brought in to help achieve
13 objectives that are articulated by someone else. So I
14 think we can, I think, come to some kind of an
15 understanding about how to get at a planning process
16 for marine reserves that is going to take maximum
17 advantage of stakeholder interest and concern, and
18 reflect people's concerns, that will really go through
19 the important steps of outreach, and of building on
20 our existing knowledge. And that will really get at
21 this question of how can we understand threats not
22 only to the environment, but also to livelihoods.

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1 I mean, that's what we're really on about,
2 is really getting to know what is it that's affecting
3 the marine environment, and affecting people's ability
4 to utilize the environment. And if we can get at
5 those questions, then we can start developing Marine
6 Protected Area responses.

7 I think it would be very difficult to do
8 that, certainly at the scale of the United States and
9 territories. But I think we could articulate a
10 planning process without any specific mention of sites
11 or regions even, that we could all buy into.

12 MR. RADONSKI: I just want to follow-up my
13 discussion earlier with Joe on existing authorities.
14 It concerns me very much, and I think we need -- the
15 Advisory Committee has to be informed what it is
16 possible for us to do, because in the Executive Order
17 it says, "The national system framework and the work
18 of the MPA Center is intended to support, not
19 interfere with agencies' independent exercise of their
20 own existing authorities." So what does that leave us
21 to do outside of their existing authorities?

22 MR. URAVITCH: I would think quite a lot.

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1 I mean, there are different types of MPAs that
2 overlap, as has been pointed out before. There are
3 common issues of information and resource- based
4 information people need to know. There may be common
5 interests in resource protection, conservation and, yo
6 know, replenishment of stocks, for example, that could
7 cut across a number of programs. How do we do a
8 better job of, you know, getting rid of stovepipes
9 across printing, and start working across programs to
10 meet some common goals, because there are some
11 commonalities out there. And I think that people
12 could certainly cooperate together without somehow
13 violating the integrity of their own individual
14 programs, so there's got to be a way for us to start
15 looking at what makes sense to work in an efficient
16 and an effective manner across these different
17 programs. And it may mean new sites, it may mean
18 getting rid of sites. It may mean strengthening what
19 some people do.

20 One program may be able to do the work
21 that three used to do. I guess it just depends on
22 what, you know, makes sense and what's legal. I just

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1 feel like -- and right now what we have is a sort of
2 collection or aggregation, if you will. And the word
3 "system" has come up in a negative context, and I can
4 say in going to a number of coastal states to talk
5 about the whole inventory information collection
6 process, a lot of states have looked at the word
7 "system" as meaning federalization. And that's
8 certainly not what we're interested in, and so we've
9 internally started talking about a sort of national
10 network, if you will, or a network of regional
11 networks really that have some interaction, some
12 relationship where people can share skills and
13 information, and capabilities. Or if you go in places
14 again like the Florida Keys, which I'm familiar with.
15 There's cross deputation across different programs.
16 NMFS, for example, is responsible for enforcement down
17 there, but they're also cross deputized with the Park
18 Service, and the Fish and Wildlife Service, so how do
19 we look for those ways to support one another in
20 what's a less than resource rich environment?

21 DR. FUJITA: Right. I think that's a
22 really good example of what a planning process could

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1 help with. If we could agree on a planning process
2 for improving existing MPAs, and establishing new
3 MPAs, then each new site wouldn't have to reinvent the
4 wheel every time it wanted to do something. And it
5 can not only work to include all the stakeholders
6 early on in the formulation of objectives, and in
7 setting criteria, and examining the socio- economic
8 impacts of Marine Protected Areas, it can also help
9 facilitate federal agency coordination if, for
10 example, we use the example of the Florida Keys
11 National Sanctuary, where the Fishery Service, the
12 State Fish and Game Commission, and NOAA all work
13 together to develop a coherent plan to zone the
14 sanctuary and to manage fisheries and other resources
15 within that MPA.

16 I think it is possible, but if we don't
17 articulate a planning process that can be applied in
18 other parts of the United States, we're going to
19 dissipate a lot of effort at reinventing that planning
20 process over and over again.

21 DR. PEREYRA: In listening to the debate
22 that's been going on over the last hour or so, I can't

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1 help but go back to a couple of comments that I made
2 earlier. And that is, that I think that we are
3 deceiving ourselves if we think we can blindly go
4 forward with just establishing a network of MPAs, or
5 the framework for a network of MPAs without fully
6 understanding where we've been, and where we're going
7 from that standpoint.

8 I know that in the North Pacific, and
9 again I apologize for referencing the North Pacific,
10 but that's where I have most of my experience. We
11 established some MPAs that turned out to have
12 unintended consequences from them. One area up around
13 Round Island, which is up in the northern part of
14 Bristol Bay, an MPA was established ostensibly to
15 provide protection to walrus that haul out on Round
16 Island, and to eliminate disturbances in that area.

17 It turned out that the fishery that was
18 displaced from that area, which operated during this
19 time of the year, moving into another area resulted in
20 an increased by-catch of crab. Again, an unintended
21 consequence from this MPA.

22 Now learning from that, I think that we

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1 would go about establishing such a closed area in a
2 more inclusive way, so we better understood what is
3 going to be happening. And I think that a lot of the
4 debate that's been going on regarding the
5 establishment of MPAs has been done without any
6 consideration at all of what happens with all of the
7 displaced fishing effort, whether it's commercial
8 fishing effort or recreational fishing effort. It's
9 got to go somewhere.

10 It can result in increased by-catch. It
11 can result in effort that's displaced in a way that
12 has negative consequences. And we're always talking
13 about the positive benefits from MPAs, but we never
14 seem to look at the other side of the equation. I
15 think that's a very important part of the heart of the
16 whole debate that we have to go through.

17 The other aspect of it, which has been
18 touched on lightly, and that is this whole issue of
19 efficacy of MPAs. When we do establish them, what
20 kind of a process will be followed to determine
21 whether they, in fact, are achieving the objectives
22 that they're being set up to achieve.

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1 Lastly, is the whole issue of information
2 and knowledge as it grows. In the last 10 years or
3 so, there's been a growing interest in the whole issue
4 of regime shifts, Decataur regime shifts in the north
5 Pacific. It's now finding that resources are cycling
6 up, and they're cycling down totally independent of
7 any activities of man. These have an overhang on what
8 happens in MPAs, and so the -- but there's a potential
9 to misinterpret what's been going on.

10 These are sorts of issues that I feel have
11 to be discussed and included in any sort of final
12 determinations that our committee may come forward
13 with.

14 MR. O'HALLORAN: The discussion on a
15 planning process, I think is an excellent idea, that
16 will go a long way to serve the needs of the
17 stakeholders that we are, and the resources that we're
18 going to serve.

19 One of the things that I found in my
20 experience is that there are a lot of different
21 processes, a lot of different planning processes. And
22 a lot of the stakeholders don't understand what those

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1 are, because it depends on who's trying to protect
2 what, and how they're going to do it. The processes
3 are all different, and they don't understand it. And
4 when we don't understand something, there is some fear
5 involved. And if there's fear involved, we say no.

6 And this universal or generic planning
7 process, I think could go a long way to helping them
8 understand how they fit in the process, because they
9 can see exactly where it's at, and give us an
10 opportunity to find out what works and what doesn't.

11 I think Dr. Bromley said something about
12 bring the different groups up here and have them tell
13 us what they've done, what they're doing.
14 Particularly, in my mind, what's worked and what
15 hasn't worked, so that we don't have to recreate the
16 wheel. We can start from that body of knowledge that
17 I'm sure is out there, because we know a lot of
18 things, I'm sure that hasn't worked, but I'm sure
19 there are a lot of things that have worked pretty
20 well, that we can incorporate.

21 So I would just like to lend my support to
22 that concept of a planning process that is clearly

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1 articulated, that can be done essentially anywhere,
2 and that will give us an opportunity to really tweak
3 it as we go along.

4 DR. BROMLEY: Well, I want to just make a
5 comment on Dr. Pereyra's unintended effects. The
6 issue, it seems to me, is what we take as the baseline
7 or the status quo against which unintended effects are
8 to be measured. And your story about Round Island the
9 shifting of fishing effort away from Round Island to
10 someplace else, and then the creation of an unintended
11 effect somewhere else, would make it seem as if it was
12 the shifting of fishing effort that is to blame, or
13 the creation of an MPA, or a closed fishing area which
14 is, therefore, the blame for the unintended effect.
15 But in fact, if one takes a broader look at it, what
16 is the baseline against which unintended effects are
17 to be judged? Fair enough, and so what is the
18 reference point by which you then would attribute the
19 unintended effects? Is it the creation of the MPAs,
20 or is it the existence of the fishing industry there
21 in the first place that got moved away, and then
22 created what you now would call unintended effects?

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1 Isn't this part of what we have to address here?

2 DR. PEREYRA: Well, I've got to respond.

3 We could --

4 DR. BROMLEY: I can't imagine he wouldn't.

5 DR. PEREYRA: Since it was directed at me,
6 I guess I have to respond. First of all, I think
7 we've been very fortunate in the North Pacific from
8 the very getgo back when the FMCA, at that time it was
9 the Magnuson Act, was formed. We established some
10 fairly conservative guidelines under which the
11 fisheries would be managed in North Pacific. And as
12 a result of that, and I think also because of the
13 underlying interest of the industry itself to work
14 with the Councils and with the National Fishery
15 Service, and with the state agencies to operate in a
16 sustainable manner over the long haul.

17 The resources in the Pacific are -- the
18 ground fish resources which we're talking about in
19 this case, are all in good shape. There's not one
20 species of ground fish which is considered to be in
21 over-fish state. The abundance of some of them is an
22 all-time high right now.

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1 In the case of Yellow Fin Sole, it's a
2 very under-utilized resource, so that's what's being
3 fished in the Round Island area, so it wasn't a
4 question of the Yellow Fin Sole Fishery itself is
5 causing an impact on Yellow Fin Sole. The problem is
6 the by- catch of crab. That's the problem. And in
7 this particular area, Round Island area, the Yellow
8 Fin Sole congregate in large quantities there because
9 we believe from observations of stomach samples,
10 they're feeding on herring spawn that happens to be in
11 the area.

12 The catch of Yellow Fin Sole is quite
13 high. The catch punitive effort is very high. When
14 that fishery was displaced to another area, the CPUE
15 dropped down to a point where the catch per unit
16 effort of crab went up, if you will. And that, I say,
17 was the unintended consequence, because if, in fact,
18 the MPA had not been there in regards to the Yellow
19 Fin Sole fishery, those fishermen that were operating
20 in that area would have had a very high catch rate of
21 Yellow Fin Sole, would not have had their nets in the
22 water for as long a period of time, so their by-catch

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1 of crab would have been lower. In a simplistic way,
2 that's sort of the situation that occurred up there.
3 So in that context, I would say that the MPA when it
4 was put in place, it was not I think fully understood,
5 that particular unintended consequence of an increase
6 crab by-catch in the Yellow Fin Sole Fishery.

7 DR. FUJITA: Well, I think Wally's brought
8 up a really fundamentally important issue. And it's
9 one I hear a lot, when MPAs are discussed, and that's
10 the question of what fisheries is it going to
11 dislocate, and what are going to be the negative
12 effects of that? And I just don't think it's true
13 though that MPAs are proposed in a vacuum, without
14 context.

15 For example, on the west coast with the
16 ground fish fishery, MPAs were proposed within the
17 context of reducing fishing capacity, which everyone
18 agreed was a serious problem related to over-fishing
19 and habitat damage. And it's also within the context
20 of establishing a good by-catch control mechanism,
21 with perhaps transferrable by-catch quota, so that
22 that's the way that you prevent or mitigate against

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1 any dislocation from an MPA. You have to think
2 comprehensively about how to integrate good fishery
3 management practice, so that you don't have negative
4 consequences of MPA formation. So I think it's a myth
5 really that, an oft repeated myth that MPA advocates
6 are just proposing these things with no context
7 whatsoever, and without considering any fishery
8 impacts. I think there is a comprehensive way to think
9 about these things, and they are being thought about
10 in that way.

11 Secondly, on the issue of possibly
12 misinterpreting the performance of Marine Protected
13 Areas because of changes in ocean productivity, the
14 scientists on this board I think will agree with me
15 that there are ways to tease-out those variables, so
16 that you are not misled in that. For example, the
17 changes in the Pacific Decadal Oscillation, or El Nino
18 effects would be expected to affect, you know,
19 organisms similarly, both within and outside the
20 Marine Protected Area. So you look at relative
21 abundance, or you look at relative productivity inside
22 and outside to answer the hypothesis that the Marine

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1 Reserve is actually doing something. So you can
2 correct for the effects of fluctuations and
3 environmental productivity, and not be fooled, I would
4 think.

5 DR. MURRAY: I'm going to break away a
6 little bit from this dialogue. When I look at the
7 Executive Order in Section 1, it starts out, at least
8 number 8, indicating that the purpose is to strengthen
9 the management, protection and conservation of
10 existing MPAs, and establish new or expanded MPAs.
11 And we've already heard in presentations and in
12 discussions, I think that have gone on for a while
13 here, some debate about what is and what is not an
14 MPA. So I would submit that one of our first jobs is
15 to tackle that particular issue, is to have some
16 conversations about what is and what is not an MPA.

17 We also go back to the Executive Order and
18 see that another purpose is to develop a
19 scientifically based comprehensive national system of
20 MPAs. And so I would submit that a second particular
21 task that we need to discuss and debate is what is a
22 comprehensive national system. We have certain

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1 science views on that, and we have other views on
2 that. I think we would all agree, that at least my
3 experience in California and with other inspections of
4 federal MPAs suggest strongly that most of what exists
5 has arisen in a rather sort of haphazard way. And so
6 the term "collection" is probably the most appropriate
7 term to describe what currently exists, and how are we
8 going to move from a collection to what we might
9 discuss and argue is a comprehensive system, from
10 whatever viewpoints we come from.

11 Now having said all that, I would like to
12 argue that increased information is essential to any
13 process that emanates from here forward. Echoing
14 Bob's comments about information in a form where it
15 can be used, this is real important if, in fact, there
16 are going to be other agencies, regions or groups that
17 take off on whatever comes out of this particular
18 process, and begin examinations of how to move
19 regionally to make improvements in MPAs. Information
20 is going to be critical, and that information has to
21 come across all disciplines or persuasions. It needs
22 to be biological. It needs to be Social Science

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1 information, it needs to be economics, and we also
2 need to include traditional knowledge with regard to
3 how we look at and examine information needs with
4 regarding to examining existing, or potentially
5 strengthen systems of MPAs.

6 So I think that we would have maybe a
7 third task, which is to at least energize the need for
8 our agencies to begin compiling effective information
9 sets, so that actual MPA analyses can be rationally
10 informed.

11 The reality is, is that information is
12 available at variable levels from region to region,
13 and usually it's scales that don't match the actual
14 MPA process that might go on, an analysis process. I
15 mean, you may have fishing data gathered over large
16 blocks of one nautical mile, actually 10 nautical
17 miles or larger, and you may be looking at trying to
18 analyze something that's a 10 percent subset of that,
19 and you're stuck with not having the information scale
20 match the need scale. So I think that we do have some
21 real viable things that we can look at, and begin
22 dialoguing over. And I would submit that again,

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1 looking at MPAs, what are they, what is a
2 comprehensive system, and finding ways to energize
3 better and more available information needs to take
4 into multiple disciplinary-type of information would
5 be critical starting points.

6 MR. PEAU: Thank you, Murray, for those
7 comments. I was actually also going to suggest that
8 given the time constraint, was to bring the focus back
9 to the agenda and see how we could move forward from
10 there on as far as the next step.

11 Joe, you represented to us earlier through
12 these Powerpoint presentations some short-term and
13 long-term charge for the Advisory Committee. At the
14 same time, we continue to have a dilemma with the six
15 members. And also, given that I was looking at the
16 schedule for tomorrow, there are some tasks that we
17 cannot receive given the complications that we have
18 with the legal interpretations on membership.

19 I was going to suggest that there's been a
20 real healthy debate in discussing that that's going
21 on, and I'd like to make sure that we -- maybe if we
22 could focus our charge to maybe capture some of those.

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1 And I agree with my colleague, Murray, for focusing
2 on a real tangible task for us to undertake from here
3 on.

4 My dedication certainly is not in favor of
5 having another, at least immediate Advisory Meeting,
6 given that there's some complications. And I'd really
7 like to capsulize on the presence of all the members
8 are here. There's no assurance that we will have the
9 same representative present at our next meeting, so my
10 dedication would like to focus on how we could make
11 use of the remaining time this afternoon, and also
12 tomorrow to engage the group of six in our
13 deliberations and come to some sort of consensus in
14 terms of how to proceed forward.

15 There's a really good dialogue that's
16 going on, and I don't know how we could -- maybe, Joe,
17 you and Charlie could assist in bringing some of this
18 pertinent information to closure, or bring it back to
19 us tomorrow so we could focus, and then we can
20 prioritize our course of action. Time certainly is of
21 the essence. And as I said, I'm not in favor at this
22 time to have another meeting, but would like to see

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1 how we would capitalize on the presence of all of us
2 up here and the group of six during tomorrow's
3 deliberation. So I submit to the organizer if we
4 could have some sort of report of what transpired
5 today, and allow the membership to deliberate further
6 at some point before either early tomorrow, and then
7 prioritize how do we charge our work plan from here
8 on. But the issue I'd really like to see resolved is
9 how we could engage the rest of our group who are all
10 present during this meeting. Thank you.

11 MR. ZALES: Thank you. I'm agreeable with
12 what you just said, but I want to get into something
13 else. I want to be sure that I'm beginning to
14 understand this process, and where we are.

15 In reading the Presidential document thing
16 here, it appears to me that, Joe, the MPA Center,
17 you're not one of the federal agencies that's going to
18 establish MPAs. What you are, you're an agency that
19 basically is going to be a clearinghouse, so to speak,
20 that you're going to get advice from us. You're going
21 to kind of establish a baseline criteria for what
22 these federal agencies need to use in order to

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1 establish MPAs. Is that a fair analysis?

2 MR. URAVITCH: No. We wouldn't be
3 deciding for agencies. How an MPA is --

4 MR. ZALES: No, not deciding, just giving
5 advice.

6 MR. URAVITCH: Yes, sharing information,
7 helping to do cross- agency analyses, hopefully
8 helping work across agencies.

9 MR. ZALES: But the actual agencies would
10 be like the councils, the Fish and Wildlife people,
11 states, whoever.

12 MR. URAVITCH: Right.

13 MR. ZALES: They're going to come to you
14 and say okay, we may want to do an MPA here. What is
15 your advice? You know, what is your guidance? This
16 is how we want to do this. Is this okay? Is this
17 whatever?

18 MR. URAVITCH: I could see us becoming a
19 source of information, but obviously, each agency has
20 its own programs, and they're going to proceed under
21 whatever their legal authorities happen to be. But
22 we're certainly available for that purpose. That's

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1 one reason why we have federal ex officio members, is
2 to try and engage the rest of the federal family in
3 this process.

4 MR. ZALES: And so what we're going to do,
5 we're going to give you advice on how to proceed. And
6 that essentially is what we're supposed to do.

7 CHAIRMAN HOUT: Mary Glackin, response.

8 MS. GLACKIN: Thank you. I perked up when
9 I heard that ex officio. Actually, I was paying close
10 attention there. I just want to -- and it's nice to
11 have an opportunity to jump in, because I really just
12 want to clarify that what we heard this morning is
13 that this committee is advising both the Secretary of
14 Commerce and the Secretary of Interior. And with
15 those two agencies, you have covered a large portion
16 of the federal jurisdiction for either establishing
17 MPAs, so you're not really advising Joe. Joe is here
18 running a center that's assisting the federal
19 government in the implementation of the Executive
20 Order. Did I do that kind of right, Joe? And we're
21 here, very much, the ex officio members are here as
22 representatives of the two secretaries and the other

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1 federal agencies that have stakeholders in this. And
2 one of our roles is really to be tracking this whole
3 process along, providing you assistance and
4 information, making sure that you get responses from
5 the agencies. And also, you know, we'll look forward
6 to the deliberations of this, and factor that into how
7 we carry out the legislative mandates that we have.

8 MR. ZALES: Okay. Well, to an extent
9 then, so the advice goes to the two secretaries. But
10 this panel is not -- we're not going to be saying
11 well, we need to put an MPA in the middle of the Gulf
12 of Mexico, or the middle of -- we're not doing that.
13 We're just kind of giving advice on how to establish
14 criteria for those various agencies, which the
15 secretary is going to determine if they want to do
16 this. This is our advice on how they should do it.
17 Okay?

18 And going further then into that, and
19 reading in here in Section 1, where you see where it
20 talks about the enhancing, and creating or expanding
21 MPAs. Also, you get into Section 3 where it talks
22 about MPA establishment, protection and management.

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1 And there in my mind, it clearly says each federal
2 agency whose authorities provide for the establishment
3 or management of MPAs, shall take appropriate actions
4 to enhance or expand protection of existing MPAs, and
5 establish or recommend, as appropriate, new MPAs. So
6 that tells me the conversation we had early-on in this
7 session here, about an hour ago, to identify the
8 current efforts that are out there, and the current
9 Marine Protected Areas, or Marine Reserves or
10 whatever, to me says that you all obviously are on the
11 right track because you've gone through and you've
12 tried to identify them. But we need to work with that
13 information, and to me it's baseline, to say okay,
14 here it is, and what are these areas doing?

15 And if, in fact, in some areas where these
16 things are located, do we even need to do anything
17 else to accomplish the goal of conserving the natural
18 resources? Or if they're not doing enough, what do we
19 need to do to go further with it? So I think I
20 understand.

21 MS. GLACKIN: I would just like to make
22 one further comment, because I feel it's important; is

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1 to kind of reinforce the point that in fulfilling our
2 legislative mandates, a lot of times MPAs are a tool,
3 that we have other tools that we consider in using to
4 do that, for example, under Magnuson-Stevens and
5 things like that. And I think Dr. Bromley had
6 mentioned before, maybe the need to get more in-depth
7 briefing about how we carry out some of our
8 responsibilities, so we look at this in the cases of
9 some of our legislative mandates as just one option
10 that we have.

11 CHAIRMAN HOUT: Thank you. Dr.
12 Cruickshank, and then Dr. Garza.

13 DR. CRUICKSHANK: Yeah, this is kind of
14 deja vu. I'm again reminded of 1979 when NEPA was
15 passed. And every industry, every reaction taken by a
16 government agency, which included overseeing many of
17 the industry activities was required to file an
18 Environmental Impact Statement, and look into areas
19 that nobody even thought of looking into before,
20 because it pretty well covered the board. And this is
21 a very similar issue here.

22 I guess I'm asking, do you have to file an

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1 EIS to set up an MPA at this time? Have any of these
2 MPAs had an EIS written about them?

3 MR. URAVITCH: That's a fundamental
4 federal requirement. It's a major federal action, an
5 Environmental Impact Statement has to be prepared.

6 DR. CRUICKSHANK: So there are EISs for
7 each of these MPAs?

8 MR. URAVITCH: Yes. If it's a new marine
9 sanctuary or, you know, a new national park, an EIS is
10 a requirement.

11 DR. CRUICKSHANK: So there's a pretty good
12 database.

13 DR. GARZA: Thank you. Before we wind
14 down today, I'd like to either hear from Joe or from
15 Marjorie in regard to the list of final candidates.
16 Under Tab 5, if we could just go through, and I'd like
17 to get a feel for who is not here but passed the bar,
18 and so they're just not here because they have
19 something else going on, or if there are other people
20 not here that are still seeking clearance, just to get
21 a better feel for the big picture.

22 CHAIRMAN HOUT: That's a fair request.

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1 MS. ERNST: David Benton, who couldn't be
2 here today has had his security pending since March
3 4th. Anthony Chatwin, of course, is in the audience.
4 Let's see. George LaPoint could not make our meeting
5 today; however, he had a clearance that was on file
6 from the early 90s, which allowed him to bypass the
7 process, so he is a legitimate member on the committee
8 right now, who just had a scheduling conflict with our
9 meeting today. Okay. I skipped Ernesto because he
10 lags behind in terms of submitting his forms for the
11 background check. And Eric Gilman was expected to
12 attend today, and again, his clearance went into OPM
13 on the 16th of January, and we have not heard back
14 that he is allowed to be confirmed. Eric Gilman. He
15 was part of the group of six, and so you were talking
16 about the ones beyond that. Carol Dinkins. Let's
17 see. Her clearance has been pending since early
18 February. And let's see, Captain Thomas Thompson has
19 had a clearance pending since the middle of February.
20 He had a conflict, but he is not yet considered to be
21 an appointed member. And then we have Ms. Williams,
22 who was approved in April, so I guess she's -- I think

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1 I touched on the people that -- well, I assumed when I
2 sent information forward about you in our discussions,
3 you were - - I let them know that you've been
4 approved, unless they have a discrepancy in the
5 information. Then we'll have to put our heads
6 together really quickly to make sure we rectify that.
7 So we are still waiting for Ernesto's status and
8 paperwork to be completed.

9 DR. GARZA: Max Peterson.

10 MS. ERNST: Max Peterson has had his
11 clearance approved, and he had a scheduling conflict.

12 And Bob Moran, I recall coming to get fingerprints
13 done in our building in the middle of the winter, and
14 he turned his forms in around the middle of January,
15 and the forms are still pending. I believe there are
16 eight members that have their clearances in a state of
17 flux.

18 CHAIRMAN HOUT: Thanks, Maggie. One last
19 question, Bob.

20 MR. BENDICK: This is maybe a pragmatic
21 question, but I'd be really interested in the staff
22 tomorrow telling us the three most important things,

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1 the three most useful things for them that this group
2 could accomplish over the time we're going to be here
3 in fairly concise bullets. And how could we really be
4 helpful in moving your process along.

5 CHAIRMAN HOUT: Thank you. A fair
6 comment. It'll be responded to. Now the logistics
7 for this evening's social function in the Aquarium in
8 this building require you to go outside and come back
9 in. There will be less of a security problem I think
10 getting into the Aquarium than there was to get into
11 this building, but that's the drill. And the time has
12 expired. This has been a very robust conversation,
13 and I assure you that it will continue. I know you
14 will want it to, so we will see you at the reception,
15 and again here tomorrow.

16 (Whereupon, the proceedings in the
17 above-entitled matter went off the record at 5:21
18 p.m.)

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