

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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MARINE PROTECTED AREAS
FEDERAL ADVISORY COMMITTEE

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THURSDAY
OCTOBER 12, 2006

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NEWPORT, OREGON

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The Committee met at Oregon Coast Aquarium, located at 2820 S.E. Ferry Slip Road, at 8:00 a.m., Dr. Daniel Bromley, Chair, presiding.

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MARINE PROTECTED AREAS FEDERAL ADVISORY
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Mr. Charles D. Beeker - Indiana University
Mr. Robert Bendick, Jr. - The Nature Conservancy
Dr. Anthony Chatwin - The Nature Conservancy
Dr. Michael Cruickshank - Marine Minerals Technology Center Associates
Ms. Ellen Goethel - Fishing and ocean education
Dr. John Halsey - Michigan Department of State
Dr. Dennis Heinemann - The Ocean Conservancy
Dr. Mark Hixon - Oregon State University
Mr. George Lapointe - Maine Department of Marine Resources
Dr. Steven Murray - California State University
Dr. John Ogden - Florida Institute of Oceanography, University of South Florida
Mr. R. Max Peterson - International Association of Fish and Wildlife Agencies (Retired)
Mr. Gilbert Radonskli - Sport Fish Institute (Retired)
Dr. James P. Ray - Oceanic Environmental Solutions, LLC
Mr. Lelei Peau - American Samoa Department of Commerce
Dr. Daniel Suman - University of Miami
Mr. Robert Zales, II - Recreational Fishing

LAUREN WENZEL, Designated Federal Official

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Mr. Randal Bowman - Department of the Interior
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A-G-E-N-D-A

PUBLIC COMMENT

Carolyn Waldren	5
Director, Oregon Ocean	
Commissioner John Griffith	21
County Commissioner	
Ralph Chuck	29
California Fisheries Coalition,	
Recreational Fishing Alliance	
Peg Ragan	43
John Sherman	48
Commissioner Bill Hall	57
Lincoln County Board of	
Commissioners	

CASE STUDY: IMPLEMENTING THE CALIFORNIA MARINE
LIFEPROTECTION ACT..... 63

Melissa Hansen for Dr. John Kirlin

WEST COAST PILOT..... 145

Dr. Charles Wahle
Susan Fisher
Dr. Rikki Gruber-Dunsmore
Dr. Brian Jordon

ELECTIONS..... 220

CONFERENCE CALL FOR REACTION ON

FRAMEWORK 234

SUBCOMMITTEE REPORT OUT

Subcommittee 3, Steve Murray	270
Subcommittee 1, Max Peterson	315
Subcommittee 2, Anthony Chatwin	322

LOGISTICS FOR NEXT MEETING..... 354

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

8:00 a.m.

CHAIRMAN BROMLEY: Call us to order.

We have four people signed up for public comment, so we will take those first. And given the flexibility in the schedule you can have five or six minutes if you would like that much. But at the five minute mark I'll signify that you should wrap it up.

So the first person on the list is Ms. Carolyn Waldren. Ms. Waldren, are you here?

MS. WALDREN: Yes.

CHAIRMAN BROMLEY: Carolyn Waldren.

MS. WALDREN: Good morning Chair Bromley and members of the Committee. My name is Carolyn Waldren. I'm Director of Oregon Ocean.

And I wanted to comment on two things today. Mostly, to thank you for the work that you're doing and try to express to you how important it is to those of us who are working

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1 on the ground here at the state level, and then
2 secondly share with you some perspectives in
3 addition to what you've already heard from those
4 who have presented to you from Oregon.

5 First again I want to just mention
6 that Oregon Ocean is an alliance of 14
7 organizations. This is a new NGO that was just
8 formed last year specifically dedicated to the
9 protection and restoration of Oregon's marine
10 resources. And again, I wanted to really express
11 on behalf of Oregon Ocean our gratitude for the
12 work that you're doing that is really galvanizing
13 support for establishing marine protected areas
14 around the country, but certainly here in Oregon
15 as well.

16 Your work really is providing
17 substantial policy contributions and we greatly
18 appreciate that support in our efforts to try
19 to establish a network of marine reserve here
20 off the coast of Oregon.

21 I mentioned that our group was just

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1 formed last year and our efforts really are to
2 build on the current regional and national and
3 worldwide momentum to advance ocean policy. And
4 we were launched and conceived right on the heels
5 of the issuance of the Ocean Commission and the
6 U.S. Ocean Commission Reports.

7 Our protection really is focused on
8 habitat protection, protection of special places,
9 significant habitat areas in the territorial sea.
10 And that includes, of course, as part of eco-based
11 management the establishment of marine protected
12 areas and marine reserves in the Oregon near shore
13 waters.

14 Again, I wanted to just comment on
15 some of the perspective that I wanted to add to
16 some of the things that you've heard and also
17 give you a bit of a framework of some of the policy
18 background for Oregon, but also then to try to
19 wrap that into today's present opportunities and
20 challenges. Mostly I would underscore challenges
21 for up here in trying to do this work.

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1 As you know, in May 2000 the
2 President's Executive Order which directs your
3 work I wanted to share with you that that also
4 had an impact here in Oregon. Because I believe
5 that Executive Order was a catalyst for
6 Oregonians to say rather than have a top down
7 approach as to how we're going to manage our ocean
8 resources, we really need to get involved and
9 start getting serious about having our own
10 influence in managing those.

11 You know, basically the history in
12 Oregon is very rich. It goes back about a 100
13 years beginning in 1913 with Governor Oswald
14 West's declaration of the state beaches as a
15 public highway in Oregon to protect one of our
16 most spectacular natural resources that you've
17 all had the benefit of appreciating this week.
18 And that was expanded upon in 1967 with Governor
19 Tom McCall's bold and far-reaching vision to
20 establish the Beach Bill to protect Oregon's
21 coast.

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1 And I think that you can all
2 appreciate that the face and culture of Oregon
3 is certainly identified by the wild and open beach
4 access that we have along our entire coastline.
5 It's providing a tourism-based economic engine.
6 It's certainly a big part of the state's identity
7 and pride and a successful outcome of these two
8 Governor's vision.

9 We now have more than 70 parks along
10 the coast. And at the same time we have no similar
11 protections in the marine waters. So today we're
12 trying to move this vision from the coastline,
13 beyond the wading line, into the territorial sea.

14 And with your substantial guidance we are
15 working to try to advance this vision into the
16 marine waters.

17 I want to share with you that public
18 opinion polling in Oregon shows that a healthy
19 ocean with abundant marine life is important to
20 the economic and environmental future of Oregon.

21 In 2002 Edge Research did a poll that 7 in 10

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1 Oregonians, about 75 percent, support having some
2 fully protected areas in Oregon's ocean waters
3 and only 16 percent opposed the idea.

4 I think it's important to note that
5 this support included the need to establish fully
6 protected areas. And this included support from
7 all segments of the population, meaning
8 independents, Democrats, Republicans, marine
9 recreational fishers, coastal residents,
10 Portland residents, surfers, snorkelers and
11 divers.

12 So despite this rich policy history
13 that I just outlined for you and public opinion
14 in Oregon, we are facing significant challenges
15 here. I would suggest that the perspective of
16 the current Ocean Policy Advisory Council, for
17 example, is corollary to public opinion in Oregon
18 with perhaps three of 16 members holding the same
19 values as Oregonians for supporting protection
20 of fully protected areas in Oregon's territorial
21 sea.

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1 You've heard from some members of
2 OPAC this week. It was a year ago June that our
3 Governor charged the OPAC to begin work, resuming
4 the recommendations of the 2002 OPAC to establish
5 a network of marine reserves in Oregon
6 emphasizing the need that this should be of
7 immediate importance. And it was just this week,
8 a year and four months later, that a work group
9 convened for the first time to discuss the charge
10 from the Governor to establish a network of marine
11 reserves.

12 So I think as you picked up in some
13 of the discussion the other day, what we learned
14 this week is that what is being considered is
15 perhaps a couple of small test sites over a short
16 duration to determine if research reserves in
17 Oregon would provide the ecosystem protections
18 achieved with marine reserves around the world.

19 This is unacceptable. It is not fitting with
20 the federal advisory committee's 2005 report.
21 And I want to thank you for your questions and

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1 feedback to that discussion the other day,
2 because I think it was particularly helpful to
3 our efforts here.

4 So aside from sharing with you a
5 glimpse of some of the challenges that we face
6 here in Oregon in establishing a network of marine
7 reserves, again, I wanted to take the opportunity
8 to personally thank each of you for your
9 contributions and let you know that your June
10 2005 report and your current draft framework are
11 really important policy guidance that we're using
12 here in Oregon and have shared with our advisory
13 committee.

14 Thank you.

15 CHAIRMAN BROMLEY: Thank you very
16 much.

17 Are there questions for Mr. Waldren?

18 I have one. Did I hear you correctly that out
19 of the 15 members of OPAC three share the views?

20 How did you put it? Three share the views of
21 Oregonians in general?

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1 MS. WALDREN: That's correct.

2 CHAIRMAN BROMLEY: And the other 13
3 don't represent the views of the people of Oregon?

4 MS. WALDREN: Well, I said they're
5 not reflective of the polling that I cited.

6 CHAIRMAN BROMLEY: The polling? I
7 see.

8 MS. WALDREN: Where we had 78 percent
9 of Oregonians supporting fully protected areas
10 across all sectors of the population. With the
11 polling and the report of establishing fully
12 protected areas in Oregon, I would suggest that
13 the current Ocean Policy Advisory Council in
14 contrast to the Governor's vision, is not
15 supportive of that. Hence, it's been one year
16 and four months to even convene a work group to
17 have a first discussion about establishing
18 reserves here in Oregon.

19 CHAIRMAN BROMLEY: Thank you.

20 Are there other questions? John
21 Ogden and Steve Murray?

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1 MEMBER OGDEN: Thank you very much.
2 That was interesting and an interesting addition
3 to yesterday's presentations at which one slide
4 was shown which essentially looked at, for want
5 of a better term, the entire coastal shelf of
6 Oregon to the break as essentially a management
7 unit of some kind, that is we'll call it an area
8 of concern for Oregonians. I suppose this
9 question might be superfluous given the
10 deliberately slow process of establishing even
11 the smallest MPAs. What sort of resonance does
12 that concept of essentially looking at the whole
13 of Oregon's EEZ to the shelf break as a management
14 unit, does that have any resonance within the
15 public in Oregon?

16 MS. WALDREN: Well, I think it depends
17 on how you look at it. I think the way you
18 characterized, John, which is to consider that
19 the entire area has tremendous natural resource
20 values and all of it should be considered in terms
21 of which area should be protected, I think yes.

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1 I think, unfortunately, it's been mostly
2 perceived as we're going to lock up the entire
3 coast from the shore to out 25 miles. And that,
4 in fact, I think was intended to kind of move
5 this

6 Ocean Policy Advisory Council to action. I think
7 instead it kind of slowed things down a bit.

8 So I think that, again, there's
9 tremendous support for this in Oregon. But
10 unfortunately as you point out in your June 2005
11 report, when you're facing largely fishing
12 interests, coastal interest, those who view this
13 ocean as really their resource as opposed to a
14 public trust, it's that kind of challenge that
15 we're facing. And as you know, the challenges
16 of working through all the different stakeholder
17 interests in establishing these areas is not
18 unique to us. It's a universal challenge.

19 I would just like to also offer that
20 one of the things that you are doing that's
21 helpful to us but I would encourage you to

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1 consider being attentive to, and I heard it
2 mentioned in some of your committee meetings and
3 some of your plenary discussions, is the
4 challenge we face and the sense of economic
5 valuations. I mean, again, the biological
6 science we have Mark Hicks and we are endowed
7 with a tremendous scientific community here in
8 Oregon. But when it comes to working through some
9 of the kinds of things that John was alluding
10 to, the socioeconomic values, the real tough
11 problems in establishing policy, all the support
12 that you can give and the staff at the National
13 MPA Center are doing a terrific job. And we
14 encourage you to continue to tackle that need
15 and challenge for all of us in advancing this
16 work.

17 CHAIRMAN BROMLEY: Thank you.

18 Steve Murray and then maybe we should
19 move on.

20 MEMBER MURRAY: We heard yesterday
21 and you referred as well to the fact that the

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1 goals for these reserves in Oregon were to be
2 test reserves. And so the scientific goal in
3 terms of outcomes that would be used for form
4 further processes. So my question I guess is
5 who is the science group and how are they involved
6 and linked into this process since this is a real
7 driver for what Oregon is trying to do?

8 MS. WALDREN: Yes. Well, formally the
9 Ocean Policy Advisory Council even by statute
10 has established a science and technical advisory
11 team. That was formed through a process. I think
12 that committee has been in place now for six or
13 eight months. They still have not been convened.

14 They have not been offered a charge. They will
15 be coming together for the first time in November
16 and we look forward to their active participation
17 and involvement with the OPAC.

18 I mentioned that the Marine Reserves
19 Work Group just met for the first time this week.

20 And I think they have begun formulating some
21 questions and some opportunities to engage the

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1 science and technical advisory team. But that
2 has to begin.

3 CHAIRMAN BROMLEY: So OPAC is a
4 creature of the legislature and the Governor's
5 office has his own objective?

6 MS. WALDREN: That is the Governor's
7 Advisory Council?

8 CHAIRMAN BROMLEY: It's the
9 Governor's Advisory Council?

10 MS. WALDREN: Yes. And just quickly.

11 After the recommendation of the first OPAC in
12 2002 to establish a network of land reserves we
13 had tremendous political backlash from that
14 recommendation. We had 2½ years of hiatus of no
15 OPAC. We had legislation that changed the nature
16 of OPAC to now just be a stakeholder group. It
17 does not include the Cabinet members and the
18 agency had sat at the table of OPAC, but they
19 are no longer voting members.

20 So the nature of the change, the 2½
21 year lapse in time has kind of set us back a bit

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1 in terms of advancing the work of the 2000 to
2 2002 group.

3 CHAIRMAN BROMLEY: Could you define
4 the stakeholder for me?

5 MS. WALDREN: I would say a
6 stakeholder would be every --

7 CHAIRMAN BROMLEY: Not in general,
8 but I mean on OPAC? I mean the OPAC consistent
9 stakeholders? Could you tell us quickly who those
10 are? Not their names, but--

11 MS. WALDREN: Yes. County
12 Commissioners, for example, three
13 representatives from the north central and south
14 posts. It includes recreational representatives,
15 conservation representatives, commercial and
16 fishing --

17 CHAIRMAN BROMLEY: Somebody from your
18 organization might be on it?

19 MS. WALDREN: Yes.

20 CHAIRMAN BROMLEY: Might be. Okay.
21

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1 MS. WALDREN: Hence the three votes.

2 CHAIRMAN BROMLEY: Pardon me?

3 MS. WALDREN: Hence the three.

4 CHAIRMAN BROMLEY: Oh, yes. Okay.

5 It's early. Okay.

6 Other questions for Ms. Waldren?

7 Okay. Thank you very much.

8 MS. WALDREN: Thank you.

9 CHAIRMAN BROMLEY: The next person
10 is Walter Chuck. Are you here, Mr. Chuck?

11 MR. CHUCK: Actually, you know, could
12 I go after Mr. Griffith here?

13 CHAIRMAN BROMLEY: All right.

14 MR. CHUCK: He was a former member
15 of OPAC.

16 CHAIRMAN BROMLEY: It depends on what
17 Mr. Griffith has to say about that. Would you
18 like to go now, Mr. Griffith?

19 MR. GRIFFITH: I think Mr. --

20 CHAIRMAN BROMLEY: I see. Okay.

21 We've got a bunch of reluctant testifiers.

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1 MR. GRIFFITH: I'll be happy to --

2 CHAIRMAN BROMLEY: No, we'll be happy
3 to have whoever is up for it. Okay. Who are we
4 hearing from? John Griffith. Okay. Thank you.

5 MR. GRIFFITH: Okay. Good morning.

6 My name is John Griffith. I'm a second term
7 County Commissioner from Coos County. Life long
8 ocean person except from 1968 to '71 when I was
9 in college in Portland where there is no ocean.

10 I still surf and fish and dive. After college
11 I moved to Coos County in 1972 to log and cut
12 timber. I was an outdoor writer for 14 years,
13 a newspaper reporter for 11. Ten of those was
14 for the *Portland Oregonian*. I lived in Coos Bay,
15 had the zone from the California border to here,
16 Newport. Nice area to report on the news.

17 In 1998 Governor John Kitzhaber
18 appointed me to the Ocean Policy Advisory Council,
19 which I'll call OPAC hereafter. In 2002 he fired
20 me. Jim Good spoke to you a little bit yesterday
21 about it and what happened back then, but I kind

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1 of know -- I like to think I know more because
2 I pretty much was at the center of it all.

3 My firing finally got the state
4 legislature interested in OPAC, and one of them
5 asked me to draft legislation that I think that
6 it needed to make it more, say, balanced and hear
7 more from actual stakeholders. Before it had
8 23 people on it and if the coast hung together
9 and everybody showed up, which never happened,
10 we'd always get rolled 15 to 8. The state agencies
11 all had votes and the chief executive officer,
12 of course, is the Governor. So it would always
13 get the outcome that the Governor wanted. So
14 we got it changed. Anyhow, I wrote the first
15 two drafts of it and then went up to Salem, that's
16 the state capital, 10 to 12 time to help the
17 legislator who carried it, get it through. And
18 I got fired because in 2002, as Ms. Waldren talked
19 about, the OPAC came up with a recommendation
20 for how to establish marine reserves. And it was
21 resisted. There were five meetings on the coast.

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1 At Brookings, for example, over 200 people
2 showed up who were vehemently opposed to it.
3 They said leave us with fishing regulations, work
4 with us, go look at it.

5 You all saw that movie, I think,
6 Tuesday night. It's pretty out there. That's
7 really the way it looks.

8 We think of these marine reserves as
9 a solution in search of a problem. We're talking,
10 of course, OPAC in state waters, which is only
11 out to three miles. Beyond that, for example,
12 yesterday Scott McMullin was talking about those
13 rockfish conservations areas and stuff. We don't
14 see any sincerity from what I'll call the other
15 side. They could go out and do some research
16 once in awhile and see if all these closures and
17 sacrifices have any ecological effect. But we
18 ain't seen that either. They just want more and
19 more all the time.

20 I got fired because in 2002 I, albeit
21 rather coarsely, suggested the Governor would

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1 force the 2002 marine reserve recommendation on
2 the coast against our resistance. Since then
3 Oregon's current Governor has filled all but one
4 of the seats on the new OPAC, and he kicked it
5 into gear in June '05 when it had its first
6 meeting.

7 The law says that there's seven
8 coastal counties. The three on the north have
9 one county commissioner, the four on the south
10 are represented by another. And they're to be
11 selected by the majority of the members of the
12 county commissions. My county, Curry County,
13 Douglas County those are the three southern ones,
14 each have three commissioners apiece. There's
15 nine. Lane County has five.

16 Twelve of the 14 of those
17 commissioners have told the Governor in writing
18 that I'm to be their choice. He's saying, nope,
19 I'm going to do it even though the law says send
20 me another vote or I'm just going to leave the
21 whole south coast vacant, which is what he's done.

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1 To say OPAC is bogged down is a true
2 remark. He said go do that 2002 OPAC resolution.
3 Well, the folks on that OPAC sheet they know that
4 2002 OPAC resolution is what caused the statutory
5 death of the old OPAC. To go out on that damaged
6 ground and bring people back into meeting halls
7 and say trust us this time; I'm an elected
8 official, that ain't going to work. You got to
9 kind of do a little fence mending and build a
10 little trust before you go back out there and
11 say this time I'm really not kidding, this is
12 for real.

13 This Governor's never spoken to me
14 about his reluctance on this or any other point.
15 We've never had any words at all.

16 Oh, and then in December of '05
17 without talking to any local governments or state
18 legislators he asked Congress to bring Oregon
19 into the National Marine Sanctuaries Act. He's
20 apparently unaware of Clinton's 2005 signing the
21 moratorium on any new sanctuaries, the 2004 NMFS

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1 statement to Congress that they can't afford to
2 add any new sanctuaries, et cetera.

3 Back in 2001/2002, part of the
4 misfoundation of our mistrust of the
5 recommendation for marine reserves was that when
6 we kept asking for science data, something to
7 indicate that it might be a good idea, we didn't
8 get it. And ultimately, and remember it's take
9 recorded meetings, the Ph.D said that they wanted
10 us to go along with the idea as a leap of faith.
11 I told them that they're nice folks, but I
12 couldn't really very well go back and face my
13 people, my employers, and tell them that I went
14 ahead and voted against their wishes because I
15 was asked to do it on faith. I think we can expect
16 a little more than that.

17 There's also the problem of money.
18 NMFS is currently on the book to responsibly
19 manage fisheries. It always comes up they don't
20 have enough money. I don't think it makes real
21 good policy sense to syphon what little research

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1 money there is off of onto to sort of experimental,
2 and I would say, less essential projects like
3 this.

4 CHAIRMAN BROMLEY: We're close to the
5 time.

6 MR. GRIFFITH: Okay.

7 Ecosystem-based management, I think
8 Mr. Peterson will know about this, our big
9 experience here in Oregon with EBP has been the
10 Clinton Forest Plan, which has failed miserably
11 to keep communities going, and I believe it's
12 also going to fail even on behalf of the spotted
13 owl.

14 Somebody mentioned stakeholder. I
15 read in the definition in your plan where it's
16 everybody, regardless of whether the rules and
17 concepts that are being worked on have any effect
18 on them. So I would say maybe there should be
19 a category for stakeholder and then another just
20 for, say, citizen or public.

21 Thanks.

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1 CHAIRMAN BROMLEY: Thank you. Are
2 there questions for Mr. Griffith? Yes, Mark?

3 MEMBER HIXON: John, would you please
4 clarify? You said something about a Ph.D. asked
5 for a leap of faith. Who is that?

6 MR. GRIFFITH: Asked us to go ahead
7 and vote along with the recommendation as a leap
8 of faith.

9 MEMBER HIXON: And who was that Ph.D.?

10 MR. GRIFFITH: I think if you review
11 the tapes you could find that out, Mark. You want
12 me to say so right now?

13 MEMBER HIXON: Well, I'm just curious
14 this Ph.D. Tell me about this Ph.D. This was
15 a person who was on the OPAC?

16 MR. GRIFFITH: No, no. They were
17 coming and talking to OPAC. Think about it.

18 CHAIRMAN BROMLEY: Okay. Other
19 questions for Mr. Griffith?

20 Good. Thank you very much.

21 Okay. Who now would like to come

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1 forward? We have three candidates. John Sherman,
2 Peg Ragan and Ralph Chuck.

3 Mr. Chuck?

4 MR. CHUCK: Yes.

5 CHAIRMAN BROMLEY: Good. Thank you.

6 MR. CHUCK: Thank you. I want to thank
7 you for the time to sit down and I want to also
8 commend you folks for picking probably three of
9 the nicest days we've had here during the summer
10 and during the fall. And you really do get a chance
11 to see the beauty of the area.

12 CHAIRMAN BROMLEY: We brought the
13 weather with us.

14 MR. CHUCK: Well, then can you come
15 back in January sometime?

16 CHAIRMAN BROMLEY: We're from the
17 Government. We're here to help you. How did we
18 do?

19 MR. CHUCK: You did great this time.

20 I'm a member and also the Co-Chair
21 of the Ocean part of RFA Oregon Anglers. Mainly

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1 what I would like to do is just pass out a little
2 bit of information. This is regarding -- this
3 was sent to me by our California contingent. This
4 is a critique of the MLPA from the California
5 Fisheries Coalition. I'll pass out some copies
6 and pass them through. If there's not enough,
7 I can get some more.

8 I'd just like to read you a statement
9 from one of our Southern California Chairs and
10 if you have a few questions, please do.

11 CHAIRMAN BROMLEY: So you're reading
12 this Southern California Chair but this
13 represents your views as well?

14 MR. CHUCK: Yes. Yes. This is from
15 our Southern California Chair of the Recreational
16 Fishing Alliance.

17 CHAIRMAN BROMLEY: Yes.

18 MR. CHUCK: In a state that does not
19 yet have an act like California's MLPA, I would
20 argue that the MLPA is a poor and outdated model.
21 Drafted in 1998 and passed into law in 1999, the

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1 MLPA came into being at a time when traditional
2 fisheries management was viewed as a failure by
3 proponents of the Act primarily the National
4 Resource Defense Council. This was only two years
5 after the federal enactment of the
6 Magnuson-Stevens Act and before this entirely
7 new regime of fisheries management had a chance
8 to take effect. That was then, this is now.

9 Since then, as well know, the PFMC
10 and Alaskan Councils responded with extremely
11 cautionary regulations including federal MPAs
12 that have severely curtailed fishing effort and
13 by most accounts are working well.

14 One of the greatest flaws of the MLPA
15 is that it failed to adequately prioritize
16 integration of fisheries management with MPAs,
17 especially federally created ones. Instead it
18 was predicated on the fact that while the State
19 of California had already established 84 MPAs
20 in state waters, it had done so in a haphazard
21 manner lacking clear goals and objectives that

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1 could translate into scientifically measurable
2 monitoring and evaluation. So the overarching
3 goal of the MLPA was to fix California's
4 apparently broken system.

5 In the political climate MLPA
6 implementation has become less about fixing what
7 already exists, even less about integration with
8 existing successful fisheries management and
9 mostly about creating new MPAs to satisfy folks
10 who simply want to stop fishing.

11 I'm also a Newport resident. I serve
12 an advisory committee with ODNF. I'm the sport
13 fishing representative for the Newport area.

14 CHAIRMAN BROMLEY: Good.

15 MR. CHUCK: Okay.

16 CHAIRMAN BROMLEY: Do you want to
17 elaborate in your words from what you just read,
18 or is that it?

19 MR. CHUCK: The one thing that we as
20 a group would like to understand is that we feel
21 what the PFMC and all the other regulatory

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1 commissions, that we feel --

2 CHAIRMAN BROMLEY: The PFMC, Pacific
3 Fisheries Management Council?

4 MR. CHUCK: Yes. Yes. Is that our
5 fisheries are being managed and a way with the
6 quotas and such that the need for these MPAs needs
7 to be looked at more closely and the actual
8 benefit and need of them needs to be addressed.
9 And also, the fact that we do have quite a few
10 government agencies around here already. We have
11 BLM, we have Parks, we have the Official Mile
12 High Service that already manage quite a few of
13 these lands out here. And my wife works for Fish
14 and Wildlife Service, and I think that she does
15 a very good managing what's here.

16 The rocks that was in your slide
17 yesterday that one of your members said it would
18 be great if these things were protected, it's
19 already protected under the National Wildlife
20 Refuge system.

21 And the addition of another

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1 government agency or, you know, layer of
2 regulation might instead of help the environment,
3 would impede it by adding another regulatory
4 measure that they already have to deal with so
5 many.

6 CHAIRMAN BROMLEY: Okay. Good. Thank
7 you.

8 Are there questions for Mr. Chuck?

9 Steve Murray, Bob Zales and Dennis.

10 MEMBER MURRAY: The annual fee
11 process was brought into place by law. And the
12 law has as its principle goals and objectives
13 to protect ecosystems, health, biodiversity, et
14 cetera.

15 MR. CHUCK: Yes.

16 MEMBER MURRAY: Do you have any
17 specific measures in Oregon designed
18 specifically to protect the ecosystem health or
19 biodiversity in the marine environment? Any
20 particular area in those places?

21 MR. CHUCK: Well, sure. We have the

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1 rock -- we have the RCA, which is off the coast,
2 which Mr. McMullen brought up. We also have
3 seasoned closures on areas. We have marine parks
4 that are also state areas that are managed.

5 Next year we are going to have the
6 high relief areas of the Stonewall Banks area
7 is going to be closed to all bottom fishing by
8 recreational and commercial. It's been closed
9 commercial for quite a while. The only method
10 that we will be able to fish over the area is
11 with noncontacting trolling gear for salmon.

12 CHAIRMAN BROMLEY: Bob Zales?

13 MEMBER ZALES: Do you feel in this
14 whole process, and obviously you've been involved
15 a little bit in this stuff, but in this whole
16 process and scheme of things from a state level
17 and also a federal level, do you feel like that
18 you or the people you represent have been
19 adequately represented and listened to in this
20 process, or that you all got adequate input and
21 what you say makes a difference or is it ignored?

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1 MR. CHUCK: I would say in California,
2 no. In Oregon I would say. I'd be to differ with
3 Ms. Waldren behind me. I think OPAC does a very
4 good job of actually representing all of its
5 stakeholders. And I'm sorry she feels that
6 they're dragging their feet. I think that a
7 precautionary measure, and one thing that I've
8 found refreshing since moving is Oregon is that
9 we do take time here, and it may seem slow to
10 some people, but to look at things and make sure
11 the right thing for the benefit of all and not
12 just a few who think that things aren't doing
13 well in their perception.

14 California for one thing, if you'll
15 read the handout I gave you, the RFA, the one
16 big problem they had was some of the studies done
17 by the RLFF was funded by Ecotrust and there was
18 quite a few conflicts of interest on that we feel
19 on some of how some of the findings were taken
20 to the Fish and Game Commission.

21 MEMBER ZALES: A copy didn't ready

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1 me, so if you would be --

2 MR. CHUCK: Yes, I'll bring you
3 another one. I can make some more copies.

4 CHAIRMAN BROMLEY: Thank you.

5 Dennis Heinemann?

6 MEMBER HEINEMANN: You mentioned that
7 you were concerned that the possible benefits
8 of marine reserves and MPAs be examined more
9 carefully. I was wondering if you had examples
10 of situation in which you feel that proposals
11 for MPAs and marine reserves had not been examined
12 adequately from a scientific standpoint or some
13 other standpoint?

14 MR. CHUCK: Well, I would say that
15 California's a good example.

16 MEMBER HEINEMANN: All right. Let me
17 specific. In Oregon.

18 MR. CHUCK: In Oregon, I would say
19 that the way that OPAC is looking at it right
20 now is very good. The fact that they want to
21 establish nonpermanent temporary research

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1 reserves, I think that's a good idea. Because
2 I was reading from your draft proposal that it's
3 very easy to join your proposed group, but to
4 get out of it is quite hard.

5 And Mr. Good when he testified
6 yesterday, said that this isn't Missouri, but
7 it's a show me state. And so I would like to be
8 assured that if it didn't work and it wasn't the
9 right thing, it would just no and get out of it.
10 And what proof to get out of t. And I'm not saying
11 that my group is against marine protection or
12 against ocean conservation. I'm just saying that
13 the way that it is looked at by some groups doesn't
14 meet our criteria or we feel that it is unjustly
15 biased.

16 MEMBER HEINEMANN: Could you clarify
17 one thing in your perspective. Yesterday the
18 Governor's representative Mr. Hamilton said that
19 the reserve proposals was explicitly designed
20 to answer scientific questions about the benefits
21 of marine reserves. They're meant to be research

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1 reserves to be examined. And I'm wondering why
2 that doesn't meet your concerns about determining
3 whether or not marine reserves provide benefits
4 and/or a help to conservation resource
5 management?

6 MR. CHUCK: Okay. I didn't say that
7 these -- the way that they proposed it was wrong.
8 I'm just saying that by your criteria the fact
9 that they're experimental in nature would not
10 apply under your criteria for marine protection
11 agent --marine protection area.

12 Your statutes want them to be
13 permanent and they have to be permanent. And I'm
14 just saying that the fact that Oregon has chosen
15 to look at the issue, we would like to make them
16 experimental nature. So if there are not true
17 benefits of them to all stakeholders involved,
18 that they can be rescinded. That's all.

19 CHAIRMAN BROMLEY: Okay. Good.

20 Gil and then I have one more question.

21 MEMBER RADONSKLI: I really don't

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1 have a question, just a little bit of a
2 clarification. The group that this gentleman
3 represents, RFA Recreational Fishing Alliances,
4 has a policy statement, a position statement on
5 MPAs. I know they have the policy, because I
6 wrote it. And it was posted on their website.
7 I don't know if it's still there. But if you're
8 interested in it, you can contact the RFA through
9 their website and get a copy of it.

10 CHAIRMAN BROMLEY: Good. Thank you.

11 I have one quick question for you.

12 I'm under the impression that the Pacific
13 Fisheries Management Council put in a buy out
14 program for west coast ground fisheries, \$46
15 million of which 10 million came from the
16 taxpayers of the United States to help deal with
17 distress in the ground fish fishery.

18 Does RFA have a position on these
19 kinds of programs where this kind of money of
20 is mobilized to -- the impression one would get
21 is that fisheries management on the west coast

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1 is in good shape. I think one might infer that,
2 and yet \$46 million was mobilized to buy out
3 groundfish fishermen. Could you help me
4 understand this a bit?

5 MR. CHUCK: Well, I won't -- I
6 probably cannot. We are mainly a recreational
7 fishing.

8 CHAIRMAN BROMLEY: Okay. So you have
9 no comment on the commercial side?

10 MR. CHUCK: No, I don't. But I feel
11 it's fine -- personally if they're seen as over
12 harvesting and to protect the resource, that that
13 is a much better way to give them -- to buy them
14 out of their business than to just shut them down.

15 CHAIRMAN BROMLEY: So you see that
16 as RFA might consider that as a management tool?

17 MR. CHUCK: That was personally. I
18 won't speak for -- I won't say that.

19 CHAIRMAN BROMLEY: Okay. We should
20 move on. Are there other -- okay. Thank you.

21 Now we have John Sherman or Peg Ragan.

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1 Who wants to go next? I'm confused about the
2 order. You're going next. Is this Peg Ragan?

3 MS. RAGAN: Yes, it is.

4 CHAIRMAN BROMLEY: Okay. I thought
5 you were not John Sherman.

6 MS. RAGAN: No, I'm not.

7 CHAIRMAN BROMLEY: Thank you.

8 MS. RAGAN: Thank you. My name is
9 Peg Ragan. I live on the south coast and have
10 been working to advocate for marine reserves in
11 Oregon since 2002.

12 First, allow me to say that it's been
13 a pleasure to see all of you working together
14 toward a common goal. And, yes, I understand there
15 are differences of opinion and I imagine some
16 of you are frustrated with all the talk. But it's
17 clear from an outsiders perspective that you're
18 working together and that you're all hoping to
19 establish an effective system of MPAs. I wish
20 I could say the same for Oregon.

21 My perception of what's happening in

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1 Oregon is not the same as what the speakers
2 indicated to you yesterday. I believe OPAC is
3 doing whatever it can to avoid establishing
4 marine reserves in Oregon. For example, during
5 Jim Good's presentation he had a slide that
6 indicated the 2002 OPAC recommendation to the
7 Governor called for research reserves, and he
8 verbally underscored, you may remember him saying
9 "I'm underscoring the word 'research.'" And on
10 several occasions he emphasized that these were
11 to be research reserves.

12 On one slide he carefully put
13 quotation marks around several sections of the
14 language from the 2002 recommendations. You might
15 not have noticed that there were not quotation
16 marks around the word "research." That's because
17 that word is not in the 2002 recommendation.

18 What that recommendation actually
19 said was, and I'm quoting this now, "After nearly
20 two years of study of marine reserves and
21 protected areas in the U.S. and worldwide, the

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1 Oregon Ocean Policy Advisory Councils finds that
2 sufficient evidence exists to recommend that:

3 (A) Oregon establish a limited
4 system of marine reserves in order to test and
5 evaluate their effectiveness in meeting marine
6 resource conservation objectives."

7 There was also a (B) which then
8 addressed that public process and the need for
9 more information.

10 I think Oregon's problem is that the
11 members of this OPAC do not support marine
12 reserves, do not support marine protected areas
13 for conservation purposes and are an ineffective
14 group of stakeholders without strong leadership,
15 financial resources or adequate staff support.

16 They were reformed, as you heard, in June of
17 2005. And first there was talk of revisiting
18 the 2005 recommendation with an eye to negating
19 it.

20 The Governor gave them clear
21 direction at that first meeting that they were

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1 not revisit the decision, but to implement the
2 recommendation.

3 Shortly after that he proposed the
4 National Marine Sanctuary idea and OPAC then used
5 that as an excuse for why they couldn't do
6 anything on marine reserves.

7 So now we're 16 months late and
8 OPAC has a committee for marine reserves, which
9 has held one meeting. That was Tuesday. And
10 at that meeting the idea of the experimental
11 reserve first came up.

12 Jim Good has talked about research
13 reserves since June. That's a particular interest
14 of his. It has grown, at least in his mind, into
15 what you heard yesterday. OPAC has not voted on
16 the concept and has not stated that they are not
17 going to follow the Governor's directive. But
18 if there was a vote, I do believe OPAC would vote
19 in favor of the research reserve as another way
20 to postpone real reserves and real protection.

21 I imagine you are well aware that

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1 during yesterday's presentation neither the
2 Chair or the Vice Chair of OPAC had any ideas
3 short of funding as to any benefits to
4 participating in a national marine protected area
5 system. And that demonstrates what those of us
6 who do support marine conservation and do
7 recognize the benefits of marine reserves and
8 the MPAs are up against in Oregon.

9 I agree with Dave Hatch when he told
10 you yesterday that as a former OPAC member he
11 thought it was useless and ineffective.

12 You heard a little bit earlier this
13 morning that Oregonians, and I agree, in general
14 are way ahead of OPAC on marine conservation.
15 Marine reserves were controversial in 2002 when
16 OPAC made its recommendation, but now we've had
17 the Peer Report and the U.S. Commission on Oceans
18 Report, both of which advocate for marine
19 reserves. And even in 2002 most of the public
20 comment throughout the state was in favor of
21 marine reserves.

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1 So where does that leave us? It
2 leaves us frustrated, depressed, watching the
3 years go by without giving marine life the chance
4 we know it needs to recover. And any suggestions
5 that you might have to help us move Oregon forward
6 would be more than welcome. And I think you'd
7 get a positive response to any opportunities we
8 might have to help you at the federal level
9 because we think it could then in turn help
10 Oregon.

11 So I do thank you for work and for
12 allowing me this opportunity to comment.

13 CHAIRMAN BROMLEY: Thank you.

14 Are there questions for Ms. Ragan?

15 Sounds like you wants us to be a
16 marriage counselor, a role we would resist.

17 Okay. Thank you.

18 The last person is John Sherman. Mr.
19 Sherman, are you here? Good.

20 MR. SHERMAN: First of all, good
21 morning.

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1 CHAIRMAN BROMLEY: Good morning.

2 MR. SHERMAN: And I hope you've
3 enjoyed your stay here on the Oregon coast.

4 Can you hear me all right now?

5 CHAIRMAN BROMLEY: Yes, you're fine.
6 Yes.

7 MR. SHERMAN: I hope you've enjoyed
8 your state on the Oregon coast. And I want to
9 thank you for being here and listening to the
10 comments of Oregonians.

11 I haven't seen your document until
12 just now so I can't make any comments on the
13 particular parts of the document. So I'm going
14 to make general comments.

15 And my comments are very personal.

16 I'm a member of Oregon Shores Conservation
17 Coalition and part of the Coast Watch program
18 of the coalition. But I am speaking strictly for
19 myself and not for the organization.

20 You heard from various commercial
21 interests and business interest who seem to be

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1 doubtful, to say the least, about marine
2 protected areas and regulations of their
3 commercial activities. But I wonder if you heard
4 from very many private citizens such as myself
5 who are deeply concerned about the marine
6 environment, just in a general way not a
7 professional way, not a commercial way.

8 I'm not a marine scientist but I love
9 the ocean. I love the tide pools. I love the whales.

10 And by the way, while you're here I hope you
11 have an opportunity to do some whale watching.
12 The whales are still here.

13 I haven't had access to your document
14 until the draft document I have in my hands now.
15 But I notice it's available on the web, but not
16 everybody has a computer and not everybody's
17 hooked up to the web. So I hope there's some
18 way for people who are not computer literate or
19 have computer access to acquire the document for
20 their comments.

21 I want to say something that everyone

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1 knows, but sometimes it slips their mind. The
2 oceans are the basis of life. A billion years
3 or more before there was life on the surface of
4 this earth, there was life in the ocean. And
5 our bodies are partly water, our blood is partly
6 water. And our sweat is salty. We are derived
7 from the oceans. And the oceans are precious to
8 all our life on this earth.

9 The oceans to me, they're awesome,
10 they're majestic, they're beautiful and they're
11 mysterious. And I agree with Herman Melville,
12 the author of *Moby Dick*, they're magnificent.
13 And I hope very much that you will listen to people
14 who do not have any commercial interest in the
15 oceans and the ocean environment.

16 Now reserves, marine protected areas
17 I hope will not suffer the fate of marine
18 sanctuaries. From what I've read, from what I
19 heard marine sanctuaries are terribly under
20 funded, terribly under staffed. If you have any
21 kind of regulations, guidelines for marine

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1 protected areas, whatever agency is responsible
2 for marine protected areas, I hope it's fully
3 funded and fully staff and can do the job they
4 are responsible for.

5 I hope the reserves will be large
6 enough so that they are meaningful for all the
7 marine life affected so they can generate new
8 generations of depleted stock of fish and
9 crustacean and other marine life and not just
10 bits and pieces and fragments here and there
11 disconnected so they get large enough to support
12 marine life and renew the marine life.

13 I hope that there will be some strict
14 enforceable regulations of activities that could
15 adversely effect marine life and marine reserves.
16 And I'm thinking in particular of trolling. I
17 have lots of films, some here and the Hatfield
18 Marine Science Center showing the before and
19 after seabed before trolling, after trolling.

20 Before trolling the sea is
21 biologically diverse and productive with many

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1 marine animals, plants and animals. After
2 trolling it's like strip mining the lands, it
3 turns into a desert devoid of marine life. I
4 hope trolling will be prevented in marine
5 protected areas.

6 There may be other fishing activities
7 which deserve some regulations. But whatever
8 regulations you have, I hope they'll be based
9 on the science, on the facts and the loving care
10 of a marine environment and the creatures of the
11 marine environment.

12 CHAIRMAN BROMLEY: Can we ask you to
13 wrap it up?

14 MR. SHERMAN: That's about all I have
15 to say. I want to emphasize once again that I
16 hope you will seriously consider the -- I don't
17 know what you call stakeholder, but stakeholders
18 seem to be people who have commercial interest
19 of some sort. The fishermen, the urchin divers,
20 the charter boat operators, the port officials.
21 I hope your definition of stakeholders includes

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1 people like myself who have no commercial
2 interest in exploiting the marine environment.

3 CHAIRMAN BROMLEY: Okay. Thank you
4 very much.

5 Are there questions for Mr. Sherman?

6 MR. SHERMAN: Could I ask a question.

7 CHAIRMAN BROMLEY: Could you ask a
8 question? Surely.

9 MR. SHERMAN: About the makeup of and
10 purpose -- well, purpose I think I understand
11 of your commission. But who exactly do you
12 represent? You represent the federal agencies
13 or who exactly do you represent?

14 CHAIRMAN BROMLEY: Well, a quick
15 answer is a list of our membership, and we'll
16 make that available to you.

17 I think in general the representation
18 of this body is private individuals. I don't think
19 there's a government official as a voting member
20 of the body. There are government officials who
21 are ex-officio that are here.

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1 So the membership is individuals
2 drawn from the NGO community, conservation
3 oriented people, from the fishing industry, from
4 academia. Yes, thank you, Lauren. The state
5 government, tribal government.

6 Does that I help you?

7 MR. SHERMAN: I wonder which tribal
8 government?

9 CHAIRMAN BROMLEY: Our current member
10 is Macaw from the Point Olympic Peninsula from
11 Washington. Others? That's it.

12 Jim Woods. Jim is I think not feeling
13 well, he's here today. But we heard from Jim
14 yesterday on a panel along with David Hatch, whom
15 you may know David Hatch.

16 MR. SHERMAN: Yes, I know David Hatch.

17 CHAIRMAN BROMLEY: Okay. We had a
18 panel yesterday on tribal issues we've always
19 had. And I've always had representation from
20 the tribes, native communities.

21 And Lelei, I don't know how you

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1 classify yourself. Are you a representative of
2 American Samoa or what Mr. Griffith might regard
3 as the first people?

4 MEMBER PEAU: Yes.

5 CHAIRMAN BROMLEY: How's that? Have
6 I answered your question, Mr. Sherman?

7 MR. SHERMAN: Yes. Thank you very
8 much.

9 CHAIRMAN BROMLEY: Yes. And I don't
10 know if it's on the table, Lauren, but we can get
11 you a list of the members of this Committee and
12 a short description of their biographical
13 information.

14 Pardon me? Oh, Tony.

15 MR. SHERMAN: I would appreciate
16 that.

17 CHAIRMAN BROMLEY: Okay.

18 MEMBER CHATWIN: Thank you.

19 I'd just to point out that we do have
20 a definition of stakeholder, and it's in the
21 glossary. And we worked pretty hard to make it

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1 inclusive as possible. I hope you see yourself
2 in it.

3 MR. SHERMAN: I'm glad to hear that.

4 CHAIRMAN BROMLEY: Yes. It has always
5 been our sense that almost everyone is a
6 stakeholder, including you, Mr. Griffith.

7 Okay. We do have one more person who
8 has asked to speak. Bill Hall are you here?

9 MR. HALL: Yes, sir.

10 CHAIRMAN BROMLEY: Okay. I think
11 since you came in late, the rules of engagement
12 here are five minutes, more or less. Can you
13 do that?

14 MR. HALL: Yes, sir.

15 CHAIRMAN BROMLEY: Yes, good.

16 MR. HALL: Okay.

17 CHAIRMAN BROMLEY: You're a county
18 commissioner, you understand those things,
19 right?

20 MR. HALL: Yes, sir.

21 CHAIRMAN BROMLEY: Okay. It's yours.

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1 MR. HALL: On behalf of my colleagues
2 on the Lincoln County Board of Commissioners I
3 would like to welcome you officially to Newport,
4 the seat of Lincoln County. I hope you have
5 enjoyed your visit and certainly we are glad that
6 you are here.

7 We recognize the importance of
8 protecting habitat and establishing a well
9 managed system of marine reserves. We have no
10 designated marine reserves in Oregon and few
11 actual marine protected areas.

12 Both reserves and MPAs if properly
13 managed can play an important role in sustaining
14 fisheries. We know this firsthand here on the
15 central coast. Our fishing fleet has faced
16 significant challenges in the past few years.
17 We are continuing to feel the impacts of the
18 groundfish closure, which has closed large areas
19 of the ocean to fishing.

20 The state's commercial groundfish industry
21 has lost half its value in the last decade.

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1 As you know, two distinguished panels
2 of experts including the U.S. Commission on Ocean
3 Policy have told us our oceans are in trouble
4 facing unprecedented stresses from the human
5 activities. Marine reserves and marine protected
6 areas as part of a big picture ecosystem-based
7 approach to managing our oceans can go a long
8 way to help bring our waters back.

9 I see a few things as essential to
10 establishing an effecting system of reserves or
11 protected areas. The areas set aside should be
12 chosen on the basis of the strongest possible
13 scientific data. Local communities and
14 industries that are affected should have a strong
15 voice in the process. And mechanisms must be
16 put in place to monitor their effectiveness.

17 I believe that your recommendations
18 and guidelines can provide useful guidance to
19 Oregon's Ocean Policy Advisory Council, which
20 was directed by Governor Kulongoski, to recommend
21 a linked system of marine reserves in 2005.

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1 We look forward to the day that Oregon
2 establishes marine reserves.

3 Thank you for being here.

4 CHAIRMAN BROMLEY: I can see why
5 you've been elected to office. I wouldn't want
6 to run against you.

7 Other questions for Mr. Hall? Okay.

8 Thank you very much.

9 Max, did you have your hand up?

10 MEMBER PETERSON: I just wondered
11 what Mr. Hall, how much thought you'd given to
12 how establishing areas or MPAs or marine reserves
13 would interface with existing mechanisms such
14 as the Marine Fisheries Commission or Oregon Fish
15 and Game and so on? How would they interface to
16 establish management of those areas and how do
17 you see that working? I don't have an answer,
18 by the way.

19 MR. HALL: To be honest, I'm not sure
20 of the mechanics. I've been educated on this
21 issue by a lot of people including one of my

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1 colleagues on the Commission, Gary Thompson, who
2 has spent about 50 years in commercial fisheries.
3 I know that kind of inspiration has to happen
4 or really I believe should happen. And as as
5 to the mechanics, I think that's just got to be
6 part of the process.

7 MEMBER PETERSON: Okay. Thank you.

8 MR. HALL: Thanks.

9 CHAIRMAN BROMLEY: Good. Thanks very
10 much.

11 Okay. We ran over a bit, which is
12 fine. We'll make it up.

13 We will now move to the 9:00 part of
14 the program. Before we do that, I want to announce
15 in terms of the elections that will take place
16 just before lunch, we have had -- I have received
17 or Lauren have received an indication of interest
18 on the part of Mark Hixon to serve as your chair.
19 And George Lapointe to serve as your Vice Chair.

20 Are there other interests that Lauren
21 and Joe and I have not picked up from the Committee.

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1 Are there others who wish to play that role.

2 Yes, John?

3 MEMBER LAPOINTE: I'd like to enter
4 the name of Bob Zales for consideration for Vice
5 Chair.

6 CHAIRMAN BROMLEY: Okay. We have Bob
7 Zales name's put forward as a new candidate for
8 Vice Chair.

9 Others? Okay. Thank you, John.

10 Bob, would you be willing to run if
11 elected? Okay. Thank you. All right.

12 So now we'll go forward with the
13 program. You know who the contenders are and
14 you can mull that over. And the election we will
15 hold at the end of these two panels. We have a
16 9:00 panel for an hour and we have a 10:00 panel,
17 and then we'll do the election to get that out
18 of the way.

19 So Melissa Miller Hansen is going to
20 talk to us as a substitute for John Kirlin about
21 the Marine Life Protection Act Initiative.

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1 Melissa, welcome.

2 MS. HANSEN: Thank you, Chair
3 Bromley.

4 CHAIRMAN BROMLEY: Qualifications
5 for being Chair, Mark, is that you can manage
6 the microphones.

7 MS. HANSEN: Certain technical
8 capabilities required.

9 CHAIRMAN BROMLEY: Yes.

10 MS. HANSEN: Thank you, Chair Bromley
11 and members of the Committee for allowing me to
12 speak today. Given that the MLPA model apparently
13 is outdated, I probably should just say thank
14 you and go home now. However, I do think that
15 there are some that we can share with you. Whether
16 you consider it outdated or not, there are lessons
17 that we've learned from our experience that we'd
18 like to share with you.

19 Dr. Kirlin was scheduled to speak
20 today. He is ill. Unfortunately, I was here and
21 can replace him.

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1 You should have in your packets, I
2 believe, Dr. Kirilin's original presentation, a
3 hard copy of it. This presentation is primarily
4 the same, but there are some changes and additions
5 and if you want an updated copy of the
6 presentation, I'm sure we can get it to you.

7 MS. WENZEL: We can post it on the
8 website, too.

9 I am Melissa Hansen. I'm Operations
10 and Communications Chair of the California Marine
11 Life Protection Act Initiative.

12 Prior to being assigned to this
13 project I was with the California Resources
14 Agency for approximately 11 years working
15 primarily in the Ocean Resources Management
16 Program with the infamous Brian Baird.

17 I also spent a number of years as the
18 Resources Agency State Wild and Scenic Rivers
19 Coordinator and also the California Mexico Border
20 Affairs Liaison.

21 So this morning I'm going to tell you

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1 a little bit about California's Marine Life
2 Protection Act, the legislation, a little bit
3 about the initiative, which is California's third
4 attempt to implement that legislation, the
5 process that we used and then highlight some of
6 the lessons we learned that could potentially
7 help other highly complex multi-stakeholder
8 processes.

9 To start, I want to mention that
10 California has a slightly different way of
11 defining marine protected areas. And I noticed
12 you were defining marine protected areas in your
13 draft framework document.

14 Shortly after the MLPA was enacted
15 another piece of legislation, the Marine Managed
16 Areas Improvement Act was passed which created
17 the six classification of marine managed areas;
18 reserve, parks, conservation areas. You'll
19 notice there's the three at the bottom, water
20 quality, recreational and cultural preservation.

21 If you take those bottom three out, you are left

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1 with marine protected areas.

2 The primary differences in
3 California between a marine managed area and a
4 marine protected area doesn't have anything to
5 do with timing, it has to do with what's being
6 protected.

7 So the previous six is a pretty broad
8 classification. Everything from water quality
9 issues to a reserve that protects everything.
10 If you just take these three, their primary
11 purpose, not their only purpose, but their
12 primary purpose is to protect living marine
13 resources.

14 So in California the difference
15 between a marine managed areas and a marine
16 protected area; marine managed areas is the
17 broader group of classification. Marine
18 protected areas are strictly these three to focus
19 on living marine resources. No time issue
20 involved.

21 The expectation actually in

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1 California is that once a marine managed area
2 is established, it is not permanent necessarily,
3 but certainly enduring.

4 CHAIRMAN BROMLEY: Lasting,

5 MS. HANSEN: Lasting. Some degree of
6 indefinite duration, but certainly not something
7 that would change on an annual or even every few
8 years. That there would be times given to allow
9 it to achieve its goals and objectives and then
10 at that point in time if there was a need to make
11 changes, those changes would be made.

12 So California's Marine Life
13 Protection Act. California a number of years
14 ago went through a very lengthy planning process
15 and created a strategy for ocean protection. In
16 that we have identified the need to reexamine
17 California's array of marine managed areas. We
18 had a number of them in California, but they had
19 been established over about 75 years in an ad
20 hoc fashion. Many of them had no specific goals
21 or objectives for what they were trying to achieve.

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1 Often times they were created because someone
2 wanted a marine managed area in their backyard.

3 So we had identified the need to reexamine the
4 system. So this legislation was designed to
5 improve the design and management of the state's
6 MPAs.

7 It was enacted in 1999 and it does
8 apply only to state waters only out to the three
9 mile mark.

10 Some of the things that it requires.

11 The first and most significant is a master plan
12 for marine protected areas. A statewide plan
13 that not only identifies the specific boundaries
14 of marine protected areas, but also identifies
15 guidelines for how you would go about
16 establishing them, changing them, deleting them
17 if necessary. The managements plans guidance on
18 enforcement actions, education, et cetera. It
19 was envisions to be an extensive document that
20 not only identified specific MPAs, but everything
21 else that goes along with it from a management

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1 perspective.

2 This one was key. In developing the
3 aster plan they actually used the best readily
4 available science. It doesn't say use the best
5 science. It doesn't say whatever science is
6 available. Best readily available science
7 meaning that we were not mandated to go out and
8 create new data to collect new information. We
9 weren't mandated to take datasets that required
10 extensive amounts of manipulating or evaluation
11 to make them useful. We were to go out and identify
12 that information that was readily available that
13 was the best and utilize in creating this master
14 plan.

15 To assist in the process the Act
16 requires a master plan team. A group of scientists,
17 the specific fields of expertise were identified
18 in the Act, including three state representatives
19 for agencies that have MPA management
20 responsibilities in California. That team
21 is appointed by the California Department of Fish

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1 and Game Director.

2 Also key to developing the master
3 plan is the involvement of stakeholders and other
4 interested parties. Stakeholders is very widely
5 defined. It includes anyone with local knowledge,
6 anyone who has an interest in protecting our ocean
7 and coastal resources who live in the communities
8 that could be effected by this, these actions,
9 et cetera.

10 And finally, the other major
11 component is the adoption of an actual marine
12 life protection program by the California Fish
13 and Game Commission. The Commission is identified
14 as the formal authority decision making body.
15 The Department of Fish and Game is the lead agency
16 that implements. And the Act requires a marine
17 life protection program within that department
18 to actually implement the master plan for MPAs.

19 That protection program has six
20 specific goals identified in the Act. The first
21 three, I'm just going to highlight a few of the

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1 words here. Natural diversity, structure
2 function integrity of marine ecosystems,
3 sustained, conserve protect marine life
4 populations, improve opportunities while
5 managing uses in a manner consistent with
6 protecting biodiversity, protecting marine
7 natural heritage, ensuring clearly defined
8 objectives, management measures, et cetera and
9 ensuring that the MPAs are designed and managed
10 to the extent possible as a network.

11 You'll notice here that the focus is
12 primarily on protecting the ecosystems. It's not
13 about fisheries management, and that's an
14 argument that we've heard over and over. We
15 actually requested in the legal analysis through
16 our process for an interpretation of how this
17 Act fits in with the other recent legislation
18 in California as well as the existing fisheries
19 regulation. And what we received from this
20 independent legal analyst as well as a
21 concurrence from the California Department and

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1 Fish and Game legal counsel was that this Act
2 was an independent piece of legislation that had
3 already taken into consideration other
4 regulations currently in existence. That this
5 Act was to be implemented on its own and that
6 other regulations that could be affected by
7 should be potentially changed as a result of the
8 implementation of this Act, should be conducted
9 on a separate basis.

10 So in essence implement MLPA, design
11 or improve that system of MPA and then determine
12 what other regulations need to be changed in
13 response. Not the other way around.

14 However, I also want to note that
15 while this Act, the goals of this program in this
16 Act focus on ecosystem management, this is not
17 ecosystem management. And a good example of this
18 is water quality is not attached to this
19 legislation. If you're truly going to manage an
20 ecosystem, you obviously have to look at water
21 quality that effects the living marine resources

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1 of those areas. And this Act does not do that.

2 So this is just one piece of the bigger
3 ecosystem-based management puzzle.

4 As I mentioned before, California
5 twice tried to implement this legislation. And
6 it failed both times. The first time was primarily
7 because the Department of Fish and Game did not
8 include stakeholders in its initial development
9 of proposed MPAs. They us a science team. And
10 came up with a set of maps for the entire state
11 of California and brought those to the public
12 without first engaging them in the conversation.

13 And then secondly, the second attempt
14 failed primarily failed because of inadequate
15 funding and staffing. They had attempted to
16 implement the Act statewide with seven regional
17 working groups, all working concurrently and the
18 staffing and funding necessary to do that was
19 enormous.

20 So the third effort, which is what
21 I've been involved with the MLPA Initiative has

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1 several key design components.

2 Leadership. It's not that we didn't
3 have leadership the first two go- arounds. It
4 just was not as significant. There wasn't as much
5 political will as we've seen in this particular
6 process. The Governor, Secretary for Resources,
7 Mike Chrisman and Director Ryan Broderick from
8 the California Fish and Game have all personally
9 and publicly made a commitment to implement the
10 legislation.

11 The Governor released a year and a
12 half ago his Ocean Action Plan and specifically
13 identified the Marine Life Protection Act as one
14 of the objectives in that action plan.

15 Public private partnership. Clearly
16 the State of California did not have the funding
17 necessary to implement this legislation. A
18 private foundation, the Resource Legacy Fund
19 Foundation arranged funding from three other
20 foundations. They solicited, I believe, about
21 a dozen different foundations, three responded

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1 and provided funding for this project to help
2 the state.

3 \$7.2 million over 2½ years. And what
4 that funding did was provided us with flexibility
5 that didn't exist, not only the money obviously,
6 but also flexibility that didn't exist within
7 your traditional state bureaucracy.

8 Another key design component was
9 policy advice. As I mentioned before, the primary
10 decision maker in the legislation is the
11 California Fish and Game Commission, a body of
12 political appointees. Implementation of it is
13 through the California Department of Fish and
14 Game, which for a number of years has been lacking
15 in public trust in their ability to follow through
16 on their mandates. In part because of their lack
17 of funding, the lack of staffing necessary to
18 do everything that they are required to do. But
19 also the previous failed attempted at
20 implementing this particular piece of
21 legislation.

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1 So policy advice was created with a
2 board of task force. These were all individuals
3 who had a proven track record in creating results
4 and a breadth of experience in statewide and
5 national policy making issues.

6 Another key design component is
7 stakeholder input. Not only an extensive public
8 process, but specifically a statewide interest
9 group was created. Approximately 30 individuals
10 representing organizations statewide who had an
11 interest in marine issues to advice the task and
12 staff as we moved through this process.

13 In addition, there was a central
14 coast regional stakeholder group. One element
15 of the initiative is a pilot project along the
16 central coast. And so a regional stakeholder
17 group with over 50 --50 primary and alternate
18 members was created to help us design packages
19 of marine protected areas along the central
20 coast.

21 And those regional stakeholders

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1 represented everything from commercial and
2 recreational fishing to instrumental
3 organizations, research institutions, the
4 general public. We had a couple of general seats,
5 et cetera.

6 And then also the other key component
7 was an expanded master plan advisory team. The
8 Act did specify a master plan team. We expanded
9 that to include additional areas of expertise
10 and a larger number of members to that team who
11 could participate.

12 So some of the elements of the
13 initiative began with an MOU. The resources
14 agency of the Department and the private
15 foundations. As I mentioned, 2½ years, August
16 '04. We are expected to go out of business
17 December of this. That's when the MOU expires.

18 It also features an independent task
19 force, as I mentioned. Independent meaning that
20 they're not a state agency. They don't answer
21 to the Governor. They didn't even answer to Mike

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1 Chrisman. Mike Chrisman appointed them and he
2 walked away and said now do your job.

3 We have private funds to supplement
4 the small amount of state funds that existed.
5 We used those to hire professional staff and
6 consultants to compliment state personnel.

7 And some of the deliverables that are
8 identified in the MOU are a master plan framework,
9 which is essentially that master plan that I
10 identified previous that I had identified in the
11 Act without the individual lines on that and the
12 goals and objectives for each of those individual
13 MPAs. But all of the other components, the
14 framework, the science advice, the management
15 plan advice, the monitoring evaluation, et cetera,
16 all of those components have been created in a
17 framework.

18 Another document was a long term
19 financing strategy that the task force hired a
20 couple of former directors of finance to develop.
21 And those were delivered to the Secretary and

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1 the Department.

2 And then the pilot project, which is
3 the alternative proposals for MPAs along the
4 central coast.

5 There were a total of five
6 deliverables, all of which clearly if it's a 2
7 year 4 months process, had some pretty tight
8 deadlines for delivering those products.

9 We also, while not required in the
10 MOU, determined that it was important as we
11 approached the end of our process that we reflect
12 back on what worked and what didn't work. And
13 that it wasn't sufficient for staff or folks who
14 had been intimately involved in the process to
15 make those kinds of evaluations. So we created
16 a formal lessons learned project. A number of
17 reports came out of that. It was lead by three
18 independent consultants, who that's their job.

19 That's the kind of work that they do;
20 negotiations, facilitation, process analysis,
21 et cetera.

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1 And they interviewed almost everyone
2 who was involved in this process from the task
3 force to staff, regional stakeholder group
4 members, science team members, et cetera, as well
5 as members of the public who had just been
6 intimately involved in the process from the
7 beginning.

8 The results of those, there were two
9 external reports. There was a facilitator's
10 report and then there was an administrative
11 report. All of which are on our website if you'd
12 like to read all of the details. And there are
13 several hundred pages worth. You're more than
14 welcome to do so.

15 And then the last key element was an
16 extensive communications mechanism and
17 opportunities for the public involved.

18 There are lots of ways for engaging
19 the public. Here are many of the ways that we've
20 done that. Traditional website with servers,
21 email, et cetera. Workshops. Task force meetings.

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1 We would actually have stakeholder panels where
2 we'd have five to six stakeholders representing
3 different interests come and speak to the task
4 force and talk about their experiences, talk
5 about their knowledge, their understanding, et
6 cetera.

7 Traditional public comment periods
8 not only at meetings but on documents that we
9 would post to our website.

10 This one is relatively new for most
11 government agencies, but simultaneous webcasts
12 of meetings. For those people who could not be
13 there in person, they could watch the meetings
14 as they took place. Not only the task force
15 meetings, but also the science advisory team
16 meetings. And then we would archive all of those
17 videotapes. So any of you at any point in time
18 could go back and review the video and audio
19 archives of every meeting that was held.

20 And then we don't ever want to leave
21 out the individual conversations. Because often

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1 times those are much more important than the group
2 meetings. So those were key as well.

3 This is a visual description of our
4 communication network. There was a lot of
5 dialogue taking place among a number of different
6 bodies from the general public providing input
7 to all of these -- general public over here to
8 the left. And then all of these other individual
9 bodies represented from the Commission to the
10 Department, to staff, to the statewide interest
11 groups, et cetera.

12 It was incredibly complicated and it
13 was quite a task. I wouldn't say that we managed
14 that communication network. We just attempted
15 to get our arms around it and understand how it
16 was working and try to facilitate as much as
17 possible communication among and between these
18 groups whenever possible.

19 So how is it that then through this
20 initiative and the pilot project, how did we go
21 about creating or designing alternative packages

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1 of proposed MPA?

2 It started primarily with our central
3 coast regional stakeholder group. These were not
4 MPAs that were designed by staff. They weren't
5 designed by outside consultants. They weren't
6 designed by the Department of Fish and Game. The
7 stakeholders came up with the ideas and began
8 piecing together packages.

9 To assist them in that process,
10 obviously, we had the science advisory team. We
11 had initiative staff and we had a blue ribbon
12 task force all providing advice and support as
13 packages were developed and evolved.

14 The black lines here indicate the
15 flow of information. And the orange lines
16 represent the flow of information and specific
17 proposals. So you'll note that there's an orange
18 line from the regional stakeholder group to the
19 task force. There were proposals that came
20 directly from the group up to the task force.
21 And then the task force at one point in time had

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1 asked staff, given what the stakeholders had
2 developed, will you also provide us with your
3 interpretation. Take that information and design
4 your own package, which we did.

5 Critical to this process was,
6 obviously, the California Department of Fish and
7 Game. They are the natural resource managers on
8 the coast, primarily for living marine resources
9 in California. And their knowledge and their
10 expertise was critical to assisting the
11 stakeholder process and assisting initiative
12 staff as well.

13 And then ultimately packages were
14 forwarded to the California Fish and Game
15 Commission.

16 The Blue Ribbon Task Force is
17 advisory only. The Task Force is not a policy
18 making body. They don't have any authority other
19 than to provide advice to the Department and to
20 the Commission.

21 So the packages that ultimately came

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1 out of the Task Force were forwarded to the
2 Department for their consideration and for their
3 review in what would ultimately be forwarded to
4 the Fish and Game Commission.

5 PARTICIPANT: Could you just clarify
6 the direction different packages went to Fish
7 and Game?

8 MS. HANSEN: Yes. What came from the
9 Task Force to the Commission is what was developed
10 Task Force process and was informational only.
11 It wasn't this is what we are recommending that
12 you do. We said this is what we have recommended
13 to the Department just as an information piece
14 only.

15 So what you received from the
16 Department may be different than what we have
17 recommended, and in fact it was.

18 MEMBER PETERSON: Is the Resources
19 Agency in that loop? I don't see it.

20 MS. HANSEN: The Department of Fish
21 and Game is part of the Resources Agency, but

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1 formally they were not in that loop.

2 MEMBER PETERSON: The Resource Agency
3 was not in the loop?

4 MS. HANSEN: Not formally.

5 MEMBER PETERSON: Okay. Thank you.

6 MS. HANSEN: Informally in an
7 advisory capacity to the Department.

8 MEMBER PETERSON: I would think
9 Secretary Chrisman would be.

10 MS. HANSEN: Well again, Mike
11 Chrisman put a lot of faith in the Task Force
12 members and he said here's your charge. I trust
13 you to do your job.

14 MEMBER PETERSON: Okay. Thank you.

15 MEMBER CHATWIN: Could you just
16 clarify for those who don't know, Mike Chrisman,
17 who he is?

18 MS. HANSEN: Secretary for Resources.

19 MEMBER PETERSON: Secretary of
20 Resources.

21 MEMBER HIXON: I just wanted

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1 clarification to follow up with Bob's question.
2 The arrow leading from the Blue Ribbon Task Force
3 to the Fish and Game Commission, is the document
4 that went forward the same document that went
5 to the Department.

6 MS. HANSEN: Yes.

7 MEMBER HIXON: Okay. Thanks.

8 MS. HANSEN: Again, what we sent to
9 the Department we also sent to the Commission
10 on an information basis. And, again, the
11 Department by law has exercised its independent
12 judgment in determining what would go to the
13 Commission. That was an important legal step.

14 So, and ultimately I would say what
15 went to the Commission was different than what
16 was recommended by the Task Force.

17 So out of this process, I'm just going
18 to quickly go through this, and I'm not going
19 to spend a lot of time on it. But just to give
20 you an idea of what came out of that and what
21 the packages ended up looking like, this is a

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1 comparison to the far left is package 0. That
2 means existing MPAs, which is always required,
3 the status quo.

4 Then we have packages 1, 2, 3, package
5 P which came from the Department and then
6 ultimately what was selected by the Fish and Game
7 Commission, which is package FGC.

8 Here they're being compared by what
9 are called levels of protection. You'll note that
10 at the beginning I said there were three
11 classifications for marine protected areas;
12 reserve, park and conservation area.

13 Reserve essentially no take or extraction
14 of any sort, whether it's living marine resources,
15 cultural, geological, sand off the bottom;
16 nothing can be taken.

17 In a state park nothing can be taken
18 commercially. There's no commercial extraction
19 allowed.

20 State marine conservation area, on
21 the other hand, can run the gambit from protecting

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1 a single species to protecting all species with
2 one exception.

3 So the degree of protection in that
4 classification was so extreme or varied so
5 extremely, that the science advisory team created
6 three subcategories, so to speak. What they
7 called SMPA low moderate and high, which
8 identifies the level of protection in that
9 category.

10 So by comparison here it shows you
11 each package using those five different levels
12 of protection.

13 PARTICIPANT: I'm sorry, but it's the
14 percentage of the California state waters, is
15 that what the total percent is?

16 MS. HANSEN: The total percent is the
17 California state waters in that region, which
18 is the central coast from Pigeon Point to Point
19 Conception. Yes.

20 And this one just quickly just shows
21 you how the packages evolved over time. So to

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1 the far left you see package 1, how it started
2 as far as just the three general classifications,
3 the amount that was in reserve, the amount in
4 conservation area and the amount in park. And
5 how that changed over the evolution of the
6 package.

7 Initial packages were shared with the
8 public in November and then they were three more
9 iterations before March 15 of the following year.

10
11 Same thing with package 2, how it
12 varied, package 3 and then on the far right we
13 have three packages. AC was a package that was
14 actually developed by stakeholders outside of
15 the CCRSG process, but delivered to the regional
16 stakeholder group and given to them for
17 consideration. And ultimately they chose not to
18 accept it and the Task Force also chose not to
19 forward it as part of the final package.

20 We also have package P and the package
21 ultimately selected by the Fish and Game

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1 Commission.

2 Here you see the Commission's
3 preferred alternative. This is what they actually
4 selected. This is the map, this is the final where
5 do they go, what does it look like. And the map
6 on the left is just the far north portion of the
7 region and the map on the south is the southern
8 portion of the region. And you'll notice that,
9 you know, every few miles down the coast there's
10 a marine protected area of some sort, whether
11 it's a reserve, park or conservation area.

12 So what are some of the lessons that
13 we learned through this process?

14 As our esteemed Chair, the Honorable
15 Phil Esenberg would say, such a process can lead
16 to a lot of headaches for a variety of reasons.
17 However, all kidding aside, there were a lot of
18 big lessons that we learned through this process.
19 And while there are those who would argue that
20 this model is outdated, our independent
21 consultants who evaluated the process said it

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1 was a good model. There are some things that
2 should be changed, but in general it was a good
3 model.

4 So what are some of the things that
5 we learned? The clear mandate, our purpose,
6 was essential. It allowed us to address
7 uncertainty that inevitably creeps into a process
8 by focusing on that mandate. We were constantly
9 going back to the legislation. What is the
10 legislation mandate? What are the goals that
11 we're trying to achieve here and how do we best
12 go about doing that?

13 What this also does is it also allowed
14 us to recognize that not everyone was involved
15 in the process for the same reason. But if we
16 could continually go back to the mandate and say
17 okay who may not be at the table for the same
18 reason, and I can't change their perception and
19 they can't change my perception and we can't
20 change one another's realities, but what we do
21 know is not changing is this mandate and these

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1 goals, so let's focus on that.

2 Transparency and accuracy. These
3 were absolutely critical to eliciting trust in
4 the process. There was a lot of distrust coming
5 in. Folks had experienced the first two rounds.
6 They didn't believe that this was going to be
7 inclusive. They didn't believe that decisions
8 were going to be made in a public forum. They
9 thought there was going to be a lot of back room
10 dealing. And that eventually nothing would come
11 out.

12 So everything from how the decisions
13 were made to where the money was spent, we were
14 as transparent as possible. We shared -- if
15 someone requested information, we provided it.

16 And generally we had already provided it on the
17 website before they even asked.

18 The focus on policy decisions, and
19 again on that mandate and policy decisions that
20 resulted from that are necessary because that
21 allowed us to structure the science of

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1 stakeholder processes around those mandates and
2 those purposes.

3 Communication. This was a big one.

4 As I'm sure many of you know effective
5 communication can mean the difference between
6 a slightly annoyed crowd and an angry mob. So,
7 communicate, communicate, communicate. However,
8 when we talk about communication that doesn't
9 just mean sharing information, sharing messages.

10 Another critical, not as important, more
11 important element is listening. That is
12 absolutely essential. So we've done a lot of
13 listening.

14 As I mentioned, each of us has
15 different perceptions of reality and we found
16 that it was really important to sit down with
17 those who have the biggest differences of
18 opinions with us. So whoever we disagreed with
19 most or whoever we felt like we misunderstood
20 the most, those were the people we felt like we
21 had to spend the most time with.

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1 Provide authority to participants
2 and the decisions will be forthcoming. We found
3 that stakeholders really have a tremendous
4 capacity to accomplish things. And we believed
5 and we shared with them that we trusted them to
6 do the job that they were given. What it required,
7 though, was adequate education and support,
8 technical resources, staff, et cetera. Without
9 those they would not have been able to do their
10 jobs.

11 There were a lot of folks who
12 committee. They were volunteering their time.
13 And they committed hundreds of hours to this
14 process, even without our assistance. And so it
15 would not have been possible for them to do their
16 job without that additional assistance and
17 adequate support.

18 The prior funds. Those were critical
19 for hiring professional staff and consultants
20 who could compliment the handful of state
21 personnel who were involved in this process. It

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1 also allowed a singular focus on this project.

2 Most state agency staff have to
3 juggle multiple projects, multiple
4 responsibilities. And by having these project
5 funds for professional staff it allowed us to
6 hire folks who could focus strictly on this
7 process and help move it forward quickly.

8 Additional lessons. Deadlines,
9 encourage action. We had deadlines and our Chair,
10 Chair Esenberg, who was adamant that they were
11 not going to be extended. Secretary Chrisman
12 said you need to do these things, here's the time
13 frame in which you need to do that. And Chair
14 Esenberg said we're going to do, and so we did.

15 Deadlines encourage action, but
16 combined with the tight time line they also
17 necessitated that dedicated staff that I referred
18 to. I'll give you an example here.

19 This is the MLU organizational chart
20 that was in the original MLU. This is what was
21 envisioned when we thought of this initiative.

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1 We said, well okay, and the last you've got the
2 resources agency and the department and you see
3 the department staff along here. On the right
4 hand side you have the task force, a handful of
5 staff in the middle and then a few contractors
6 down at the bottom. Same thing under the
7 department, a few contractors and other
8 miscellaneous staff. And in the middle you have
9 the finance team, the Central Coast stakeholder
10 group and a science subteam that focused on the
11 central coast. So this is what was envisioned.

12 This is reality. Quite a bit
13 different and quite a few more staff and
14 consultants that we had originally anticipated.
15 So, again, you still over here on the left have
16 the agency, the department and the handful staff
17 that were involved. That whole center section
18 and off to the right were the staff and the bodies,
19 the volunteer bodies. And then I'm not sure that
20 you can read this or not, but within each of these
21 little squares there's a number in parenthesis.

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1 And each of those numbers represents the number
2 of contracts that were let within that square.

3
4 So, for instance, this is in support
5 tools. There were two contracts there. We had
6 four different studies on socioeconomics. We had
7 several on monitoring plans for our concerned
8 project, et cetera.

9 So each of those boxes is not one
10 individual. They're multiple contracts. So
11 there were a lot of people. And at one point in
12 time just day-to-day individual staff involved
13 in our daily operations and our weekly conference
14 calls was about 15. So it was a huge endeavor.

15 So, deadlines encourage action, but
16 they also require staff. That was an important
17 lesson.

18 The commitment from participants
19 includes risks. As I mentioned, we have the three
20 primary volunteer bodies on the central coast.
21 We also have the fourth that was on the statewide

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1 process. But three primarily on the Central Coast
2 Project.

3 Individuals within that group
4 literally spent hundreds of hours on this. Chair
5 Eisenberg alone has estimated that he spent over
6 1,000 hours on this project. So the time
7 commitment by these individuals was huge. A huge
8 commitment. But the important thing was that
9 the risks involved for certain members or
10 participants really varied. For some people
11 there was almost no risk involved. For others,
12 there was a tremendous amount. And recognizing
13 that that for some of these people the decisions
14 that came out of this process could effect
15 potentially their passions, in some cases their
16 livelihood. And that was important to recognize
17 and acknowledge that some people risked more in
18 this than others.

19 Flexibility. We really had to learn
20 and grow as this process evolved. As you can
21 see just from the org chart there was a lot of

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1 change that took place. There were changes in
2 the way we did things. And for some people that
3 was very frustrating, but it also allowed us to
4 adapt.

5 Our staff joked a number of times
6 about being a great case study for adoptive
7 management because we were constantly adapting
8 to the change in situation.

9 So flexibility was important. At
10 times we felt like we were practically making
11 it up as we went.

12 Significant resources. I talked a
13 little bit about this. But the resources were
14 primarily focused on supporting the process.
15 Originally the vision was that the bulk of the
16 Central Coast Project funds would be spent on
17 data collection, biological socioeconomic
18 research, GIS, mapping, databases, et cetera.
19 In reality about 55 percent was spent on overall
20 direction and management, facilitation, outreach,
21 meeting expenses, public access, et cetera. Very

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1 different from what was originally envisioned.

2 So a number of things that I've
3 referred to in my presentation; the initiatives,
4 the legislation, the Marine Management Areas
5 Improvement Act that creates the classification
6 system that we're using. And the related pieces
7 of legislation that I didn't mention, the Marine
8 Life Management Act I also put the reference put
9 here just because there is in that Act records
10 to marine protected areas as well. And so there's
11 some cross realization going on there.

12 Anyway, these are all references.
13 They're in your packet. If you want to look at
14 any of the legislation or information about the
15 initiative, that's where you can find it. And
16 then, obviously, our contact information for any
17 further questions or follow up that you would
18 like to make.

19 CHAIRMAN BROMLEY: Okay. Thank you
20 very much, Ms. Hansen.

21 Are there questions or comments for

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1 her? Yes, Gil?

2 MEMBER RADONSKLI: Just an
3 observation. This was a good outline on how to
4 create a bureaucracy.

5 MS. HANSEN: A bureaucracy that goes
6 away in a month and a half.

7 MEMBER BENDICK: Well, I have a
8 question on that. Bob Bendick.

9 Why does it go away?

10 MS. HANSEN: The MOU was August of
11 '04 to December of '06. So the funding that was
12 provided by the Bryer Foundation to implement
13 this legislation identifies specific time frames,
14 specific products and we were given until
15 December of this year to complete that.

16 MEMBER BENDICK: But don't you have
17 two other sectors of the coast to do?

18 MS. HANSEN: Actually, we have
19 several sectors of the coast. But there's no MOU
20 currently in place to do that. So the resources
21 agencies and the Department of Fish and Game are

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1 working currently with the Fish and Game
2 Commission to determine: (1) Where they go next,
3 (2) What that process will look, and; (3) How
4 they will fund it.

5 MEMBER BENDICK: So does that mean
6 you have to start over on the other sectors of
7 the coast?

8 MS. HANSEN: I wouldn't say that you
9 have to start over. Clearly there have been some
10 capacity developed within the Department of Fish
11 and Game. That was one of the goals of the MOU.
12 Specifically outlined was that the state would
13 work to increase the capacity of the state
14 agencies to implement this legislation without
15 assistance from the private sector. That has
16 occurred. It hasn't been sufficient to take on
17 the entire process alone. And so it's envisioned
18 that if in fact they move to the next region in
19 the very near future, they will still need some
20 private funds.

21 There are additional state funds that

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1 have been dedicated to implementing an LPA in
2 this current budget year. But it's not sufficient
3 to do it all.

4 CHAIRMAN BROMLEY: Okay.

5 MEMBER BENDICK: Who was the Bryer
6 Foundation?

7 MS. HANSEN: There were three
8 foundations, The Marisla Foundation contributed,
9 I believe, \$1.5 million. The Moore Foundation
10 contributed 2.5. And the Packard Foundation
11 contributed 2.5.

12 CHAIRMAN BROMLEY: Okay. Him Ray and
13 -- yes, Jim?

14 MEMBER RAY: Well, this is a follow
15 up to that last question that it requires a drive
16 in funds to work the process. Has the state
17 earmarked any new money to actually manage, set
18 up and run these various marine protected areas
19 which are up and down the coast?

20 MS. HANSEN: Yes. That was what I
21 was just referencing. There was monies not only

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1 for implementing the next region, but also to
2 begin implementation on the central coast once
3 the Commission gets the decision on the final
4 package, which is expected until February or
5 March, there are funds in the Department of Fish
6 and Game's budget that are ongoing that would
7 begin that implementation process.

8 MEMBER RAY: Do you think those others
9 will be adequate?

10 MS. HANSEN: The estimates that have
11 come out of our initiative indicate that the
12 Department is going to need additional funds as
13 each additional region comes on board. So while
14 the funds that they're received now may be
15 adequate to begin implementation on the central
16 coast, clearly as additional regions are added,
17 they'll need additional funds.

18 CHAIRMAN BROMLEY: Okay. I have Tony,
19 Dennis, Max and Charles. Tony?

20 MEMBER CHATWIN: Thanks for the
21 presentation. I think it offers a lot of value

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1 lessons for us as we think of developing this.

2 One question I have is you mentioned
3 that there was the Act, you mentioned a few Acts,
4 but created six categories, six classes or
5 protected areas?

6 MS. HANSEN: Marine managed areas.

7 MEMBER CHATWIN: Marine managed areas.

8 And so I'm interested to hear, actually there
9 were existing areas that had to either be
10 reclassified or somehow -- how did that work given
11 that there were existing areas with their own
12 categories or names? Was there a
13 reclassification?

14 MS. HANSEN: Yes. Absolutely. We
15 previously had, I think it was 17 or 18 different
16 classifications that were used in the marine
17 environment. And so in the legislation that
18 created the six marine classifications, it also
19 required that the state look at the existing
20 marine managed areas and determine given existing
21 regulations could it change the regulations the

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1 existed. But given the existing regulations,
2 which of these classifications would all of those
3 existing sites fall into. So they were all, I
4 would say renamed would be better. Because, again,
5 the regulations didn't change at all.

6 CHAIRMAN BROMLEY: And their
7 management didn't change?

8 MS. HANSEN: Management? Well, in
9 the case where there was management, it didn't
10 change.

11 CHAIRMAN BROMLEY: Yes.

12 MEMBER CHATWIN: If I may just follow
13 up.

14 CHAIRMAN BROMLEY: Yes.

15 MEMBER CHATWIN: But the existing
16 sites were they created, managed by different
17 authorities or was it one authority managing all
18 of them?

19 MS. HANSEN: No, it was different
20 authorities. We had two different departments,
21 Parks and Recreation and Fish and Game as well

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1 as a board, State Water Resources Control Board.

2 They have water quality protection area. And
3 we also have a number of classifications that
4 were statutorily established by the legislature
5 and didn't really have a managing agency.

6 MEMBER CHATWIN: Thank you.

7 CHAIRMAN BROMLEY: Okay. I have
8 Dennis, Max, Charles. Dennis?

9 MEMBER HEINEMANN: One of the
10 individuals who made public comment earlier, a
11 representative from the RSA left us another
12 document here entitled "A Critique of the MLSP
13 Initiative Process." And it's signed by a large
14 number of stakeholders. And almost all of them
15 do belong to some group called CCRSG, which I
16 assume is Central Coast -- what, Recreational
17 or Resources?

18 MS. HANSEN: Regional.

19 MEMBER HEINEMANN: Regional
20 Stakeholder. They're part of the stakeholder's
21 group. And beyond that they seem to be

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1 representatives or stakeholders from
2 Recreational and sports fishing and commercial
3 fishing groups, industry groups, guide groups
4 and ports and harbors.

5 They make a rather serious claim or
6 representation here that the scientific advisory
7 board was: (1) both biased in its representation,
8 and (2) that there were conflicts of interest
9 on that board. And they make recommendations
10 about the advisory board that resulted from that
11 and some other criticisms. I'm wondering if you
12 could address these criticisms? Because clearly
13 most marine reserve, marine protected area
14 processes that have taken place in the United
15 States do the best they can to try and be science
16 based. And so these are serious allegations about
17 this process and that it could have been flawed
18 because of problems with the science advisory
19 board.

20 MS. HANSEN: Absolutely. We're well
21 aware of the California Fisheries Coalition

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1 critique. In fact, there are two critiques that
2 they made, one of the overall process for the
3 central coast and they also made a critique of
4 the socioeconomic data that was gathered by
5 Ecotrust that we have requested -- in response
6 to requests from our consumptive regional
7 stakeholder group members.

8 Both of those critiques are available
9 on our website. I can make the other critique
10 available to you as well.

11 In response, our science advisory
12 team responded to that initial critique about
13 the science, and I can provide that document to
14 you as well. It's very detailed. And in addition,
15 we contracted with an outside -- two different
16 contracts. One was with Oregon Sea Grant Program.

17 We provided the fundings, the department
18 contracted with them to do a peer review of the
19 science advisory team's work, which they
20 conducted. They went out and found three
21 independent scientists from around the country,

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1 one from Canada even. And also available on our
2 website. They critique what the science team
3 had done and they found that the science team's
4 work was valid and sound.

5 We also had California Sea Grant do
6 some follow up assessment. Again, same response
7 was that it was good solid foundation upon which
8 the work of the initiative was conducted.

9 The initiative also contracted with
10 an independent consultant to look at the second
11 critique that CSG did which was related to the
12 socioeconomics and we received a similar response.
13 That while they identified some areas that could
14 have used some improvement, in general the
15 process used a good one and that with a little
16 bit of clean up work could be used in future
17 processes.

18 So, again, documents that I'd be more
19 than happy to share with you in response, and
20 I'd also like to provide you with the
21 socioeconomic critique that CSG did, and again

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1 our independent consultants report on that.

2 MEMBER HEINEMANN: Thank you. I'd be
3 interested in seeing those. I'm sure the
4 Committee would.

5 CHAIRMAN BROMLEY: Okay. Max,
6 Charles.

7 MEMBER PETERSON: Two questions. One,
8 does it take legislation to implement the
9 recommendations that comes out of this group?
10 And number, have you written anything that says
11 that if we had to do over, we'd do it differently
12 and this is the way we'd do it differently?

13 Because I think it is important for
14 people to balance in a process to-- if you could
15 share your thoughts on if you would do it over,
16 how you did it better, differently? Okay.

17 MS. HANSEN: First of all, just to
18 backtrack for a moment. I don't know if Steve
19 wants to add anything about the response to those
20 two critiques. Because obviously as a science
21 team member, you know, he would be a great

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1 resource for you.

2 In response to your question it does
3 not require legislation to implement. It does
4 require regulation. And at the California Fish
5 and Game Commission, that's the process we're
6 in now is developing the regulations.

7 MEMBER PETERSON: Were there any new
8 areas, though? Would new areas require that
9 legislation? Are there any new areas recommended?

10 MS. HANSEN: In the Central Coast
11 packages that are being proposed, the one
12 selected by the Commission, yes, does have new
13 areas. There are amendments to existing MPAs and
14 I believe there are one or two that are being
15 deleted. And then there are some new areas
16 proposed.

17 MEMBER PETERSON: The Commission has
18 that?

19 MS. HANSEN: I'm sorry?

20 MEMBER PETERSON: The Commission has
21 the authority to do that?

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1 MS. HANSEN: The Commission is the
2 one who has the authority to do that.

3 MEMBER PETERSON: Thank you.

4 MS. HANSEN: Yes. I don't know if
5 Steve has anything he'd like to add on with the
6 critique.

7 MEMBER MURRAY: I don't know if I have
8 anything specific add to what you said, other
9 than to say that guidelines were developed by
10 science team, which I believe had a consistent
11 about 18 members who were participatory. And as
12 some science guidelines were developed, they were
13 developed in pieces. And each of those pieces
14 was presented publicly, brought before the Blue
15 Ribbon Task Force Commission. Public input was
16 given. And essentially those pieces of
17 guidelines were approved.

18 And as one worked through the process,
19 guidelines related to size and spacing issues,
20 they were advanced, vetted. And the peer review
21 of the overall effort that was carried out through

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1 the Sea Grant contract. And at the end of the
2 process when the map had been produced, the
3 stakeholder inputs had been produced, that was
4 the time when the Commission, the Fisheries group
5 that had produced their overall review which came
6 back again to address some of the initial
7 guidelines that had worked their way through the
8 process.

9 And the science team received that
10 report and we sat down and we looked at it and
11 analyzed it. We had some differences of opinion
12 with the report and produced essentially our view
13 on that and submitted that into the process. And
14 so that document's available as well as all the
15 others.

16 I'll make one comment on this as
17 somebody who was involved with this process from
18 the very beginning. I was one of the initial
19 members of the science team that was appointed
20 in 1999, I believe. And I think one of the lessons
21 to be learned is that the legislative mandate

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1 for this, the law, when it was originally passed
2 basically said do all this, it had dates in the
3 law. You can do all this, do it for the whole
4 state and do it in two years.

5 And when we entered the process as
6 an appointee for the master plan team, we entered
7 the situation where the Department charged with
8 essentially doing all this, the Department of
9 Fish and Game, was given zero dollars additional
10 to their budget to carry out this effort and had
11 little capacity. And by capacity I mean not only
12 few staff to allocate, there were two at the time,
13 and essentially no real big events of information
14 from which one could determine what the habitat
15 distributions were like along the coast.

16 So some of the lessons learned and
17 the applause and the reactions to the initial
18 attempts to do this were all involved with trying
19 to work and adhere to the law, the dates and time
20 lines set in it with essentially no staff and
21 no capacity to move forward. And I think that

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1 is one of the main lessons learned and one of
2 the reasons why when we got into this last process
3 you saw an enormous effort to fill in those holes.

4 So now the capacity for the whole
5 state has been brought up considerably. There
6 are detailed maps for large regions of the state
7 that indicate for any areas you can fill it into
8 a GIS template, you can figure out how much rock
9 you have at this and that depth within the areas.
10 And so you're looking at a databank that now is
11 enormously valuable for this or any other kinds
12 of management activities that can be carried out.

13 That's what I'll say for now.

14 CHAIRMAN BROMLEY: Thank you.

15 Yes, we have some questions.

16 MS. HANSEN: Can I just follow up
17 quickly.

18 CHAIRMAN BROMLEY: Let's do it
19 quickly.

20 MS. HANSEN: Just quickly two things.
21 One, just to follow up on what Steve just said

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1 about the data that was collected. That was a
2 real issue the first rounds not having that
3 information readily available. And so, you know,
4 clearly there was a lot of work that we engaged
5 in in this process. But because we do have some
6 funding left over from this Central Coast process
7 and we have until to December to spend it, we
8 are using some of our remaining funds to begin
9 that process for the remaining regions. So for
10 the rest of the state we've already begun to do
11 some of that cleanup work to the databases and
12 information that's already out there that doesn't
13 necessarily overlay cleanly on a GIS. So that
14 when they do move to the next study region, they
15 can quickly begin to do the work they need to
16 do.

17 And then the second item was in
18 relation to the science guidelines that Steve
19 mentioned. The critique, you know, it
20 specifically indicates there are flaws in the
21 science guidelines. And I want to emphasize

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1 something that Steve said. Those guidelines were
2 developed in a public process. They were
3 developed to the science team. They were
4 presented to the task force. They were presented
5 to the regional stakeholder group. They were
6 opportunities for public comment in every one
7 of those. They were then sent to the Fish and
8 Game Commission and the California Department
9 of Fish and Game. And ultimately they were adopted
10 by the Fish and Game Commission in the draft
11 master plan framework that was eventually
12 adopted.

13 So those guidelines weren't
14 developed in a vacuum. They were developed in
15 a very public process.

16 CHAIRMAN BROMLEY: Okay. Thank you.
17 Charles?

18 MEMBER BEEKER: Yes. Thank you for
19 the presentation. I was looking forward to some
20 clarity myself. I've been working a lot in
21 California with California State Parks. But I

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1 have to say when you had your six marine protected
2 areas and pulled out the shipwrecks, the culture
3 resources dropped off the presentation it
4 bothered me a little.

5 You know, we've worked hard in
6 California to establish California Parks to
7 incorporate shipwrecks. And I've been involved
8 in two processes where we've gone to the public
9 stakeholders and increased existing park sites
10 to incorporate the shipwreck, which then also
11 protected the biological resources, and so it's
12 a cultural and biological resource protective
13 tool in that case.

14 But I was just curious to see -- I
15 didn't see, you know, of course the California
16 Parks Department of Parks and Recreation
17 mentioned. And what we've done is get the land
18 from the Lands Commission. So I'm familiar with
19 the process of Parks leasing the land from
20 California State Land, which owns the bottom
21 lands so it becomes managed by the park that's

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1 adjacent to a shipwreck site.

2 We've also seen many shipwrecks in
3 California surveyed that aren't next to parks.

4 And we haven't effectively been able to protect
5 them because we can't incorporate them into a
6 park system.

7 But could you just briefly explain
8 to me how Department of Parks and Lands Commission
9 relate to this process?

10 MS. HANSEN: Actually the legislation
11 identifies State Parks as being a member of the
12 science team. Because they have lacked funding
13 and staffing -- and you may know Jim Berry. He
14 was the staff person who had all of their lands
15 managed area experience and expertise. So they
16 lost him to retirement and they haven't been able
17 to replace him. And so they were not able to
18 actively participate on the science team. They
19 also were not able to actively participate in
20 the development of packages on the Central
21 Coastal.

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1 We're attempting to fix that. We're
2 trying to identify some funding and get a staff
3 member, or at least a consultant, to come in and
4 help represent them in the process.

5 But the MLPA, the Marine Life
6 Protection Act focused on those first. That's
7 why the other three dropped out. It focuses on
8 the first three marine protected area
9 classifications. And again, marine protected
10 area in California is defined as primarily, not
11 only but primarily protecting living marine
12 resources. The other three classifications are
13 marine managed areas. And not that you can't
14 protect living marine resources in a cultural
15 preservation area, but that's not the primary
16 purpose. The primary purpose in that
17 classification is to protect the cultural
18 resource.

19 So the MLPA is focused is focused on
20 those first three classifications. It does not
21 involve cultural areas, recreational areas or

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1 water quality protection areas. Those eventually
2 at some point in time we will focus on those as
3 well.

4 I do Chair the State Interagency
5 Coordinating Committee, which is the body that
6 will ultimately look at the overall system of
7 marine managed areas, not just marine protected
8 areas. But we have limitations on staff and time.
9 We're focused on MLPA at this moment, but
10 eventually we'll focus on the other three
11 classifications as well.

12 MEMBER BEEKER: One final comment.

13 CHAIRMAN BROMLEY: Yes, let's keep
14 it -- we're a little bit late now.

15 MEMBER BEEKER: I did a lot of Jim
16 Berry, know him very well and he's worked an awful
17 lot with this new park system. So I think it
18 is important you replace someone like Jim to be
19 involved in this process because I don't see any
20 representation from the parks. That's what I see.

21 MEMBER MURRAY: Dan, can I make a

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1 quick comment that really relates to this?

2 CHAIRMAN BROMLEY: Yes.

3 MEMBER MURRAY: Can you put up the
4 figure that shows the graphs from the different
5 areas.

6 One of the protections of the -- one
7 more back.

8 One of the percussions of the main
9 system that has been used, which is to create
10 three categories; marine reserves, marine
11 conservation areas and marine parks is to
12 minimize the number of places along the coast
13 that can actually be called in this
14 classification system a state marine park. The
15 reason for that is that you cannot have a state
16 marine park if you have any commercial take in
17 that area.

18 And when you look at the coast and
19 you really sit down and analyze it, there are
20 very, very few places along the whole state
21 coastline where there is zero commercial take.

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1 So you'll notice the yellows up there.
2 That's the amount of area that's state park.

3 Go back to one more and you'll see
4 these -- looking at the yellows, those are state
5 marine parks. So some places that were in the
6 past called state marine parks for the purposes
7 of this exercise and for current terminology will
8 now either be called state marine conservation
9 areas.

10 So at first blush when you look at
11 this you're going to see very little area that
12 will be designated as state marine parks because
13 of some commercial activity going on in that area.

14 It can be as simple as a small amount kelp
15 harvesting.

16 CHAIRMAN BROMLEY: Okay. Good. Dan
17 Suman?

18 MEMBER SUMAN: Just a couple of short
19 questions.

20 I noticed that the network of
21 reserves on the central coast corresponds with

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1 Monterey Bay National Marine Sanctuary. And I
2 wonder if you could comment if there are any
3 lessons or if you could comment interagency
4 cooperations between National Marine Sanctuary
5 program and your experience? That's one little
6 short question. And I have another one, too.

7 MS. HANSEN: Short answer is our
8 experience has been very positive. The National
9 Marine Sanctuary Program in California has been
10 very helpful for the State of California, not
11 only in this process by providing a
12 representative to the Central Coast Regional
13 Stakeholder Group to actively participate in
14 developing these packages and act as a liaison
15 between their efforts looking at zoning in
16 federal waters in that area, but also they
17 provided staff for some of our meetings to assist
18 with the note taking and GIS work, et cetera.
19 But in general the relationship between the State
20 of California and the National Marine Sanctuaries
21 has been very positive. They've been very helpful

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1 with education and outreach and enforcement, et
2 cetera.

3 MEMBER SUMAN: Could there be in the
4 future efforts from the Fisheries Management
5 Council or the Sanctuary to extend these zones
6 into federal waters? Is that a possibility or
7 thought?

8 MS. HANSEN: Absolutely. I mean in
9 Channel Islands we have a state process in Channel
10 Islands, not part of MLPA but similar looking
11 at establish marine reserves. The primary focus
12 there was establishing marine reserves around
13 the Channel Islands, but it was a proposal that
14 had come to the Fish and Game Commission that
15 ended up being a joint process between the State
16 of California and the Channel Islands National
17 Marine Sanctuary. And the final outcome that
18 was proposed was an integrated system in state
19 waters and federal waters.

20 The State of California we
21 established our areas several years ago. And the

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1 National Marine Sanctuary is just now completing
2 a process that would establish and extend those
3 out into the federal waters. So the second half
4 of what was proposed.

5 MEMBER SUMAN: So it could end in here,
6 too?

7 MS. HANSEN: It could, but in this
8 case we did not -- that was a joint process.
9 In this case we bifurcated the processes. We
10 learned that Channel Islands different time line,
11 different budgeting processes, et cetera. It
12 wasn't going to make sense for us to try and force
13 our two processes together. So they're continuing
14 on a separate but parallel process.

15 MEMBER SUMAN: And then my other
16 little question focuses on the Legacy Fund. Could
17 you comment at all when the funding came into
18 for this project?

19 MEMBER MURRAY: The private funding?

20 MEMBER SUMAN: Yes, through the
21 foundation. The Legacy Fund, the Resource Legacy

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1 Fund.

2 MS. HANSEN: The Resource Legacy Fund
3 is the fund that gathers the other pots of money.
4 And it basically is our fiscal agent. They pay
5 all our bills.

6 MEMBER SUMAN: And when does the
7 Foundation begin to support this project for
8 this? Initially back in the 1990s or was it after
9 the --

10 MS. HANSEN: August of 2004.

11 CHAIRMAN BROMLEY: So they came in
12 quite late?

13 MS. HANSEN: They came into this as
14 a result of -- we created that MOU so that we
15 could utilize those funds. They identified in
16 2004 that they wanted to participate and provide
17 funding to the State of California if in fact
18 the state was truly interested in implementing
19 the law. They said we'll find foundations who
20 will fund this to help compliment and supplement
21 what the state is doing. You just need to tell

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1 us that you want to do it. And so RLFF was
2 established in August of '04 and that's when the
3 money began to pay our bills.

4 CHAIRMAN BROMLEY: I have two quick
5 questions, if I may. I was intrigued by the
6 adjective "readily available science," and I'd
7 like to ask whether that was helpful in moving
8 forward or was it not at all useful? You see
9 it as rather than "the best science?" Did that
10 help the process?

11 MS. HANSEN: Well, I think there's
12 some who would argue that it didn't help the
13 process. I would argue that it did.

14 CHAIRMAN BROMLEY: Okay.

15 MS. HANSEN: Because it created
16 constraints. It didn't -- we had a time frame
17 within in which we had to accomplish these goals.
18 And this wasn't matter of spending the next five
19 or ten years going out and creating research
20 projects and studying and evaluating and
21 collecting data. We knew that there was some

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1 relatively good information out there. And
2 obviously the legislature knew it when they
3 passed the law. They said, look, there's some
4 information out there, use that information and
5 go from there.

6 CHAIRMAN BROMLEY: It sounds a lot
7 like our industry pollution policy where we don't
8 say the best technology, we say the best
9 practicable technology, right, or the best
10 available technology to accomplish an end.

11 MS. HANSEN: Right. Steve might want
12 to add to that.

13 CHAIRMAN BROMLEY: Briefly, Steve.

14 MEMBER MURRAY: First of all, I think
15 in a process like this science includes not only
16 the natural and typical sciences, it includes
17 the social sciences and economics. And I think
18 that when you ask what's best available, when
19 you enter a process like this, you're kind of
20 -- at least I was, somewhat surprised at how
21 little available data there really are on the

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1 socio and economic side of things.

2 And so to do a socioeconomic type of
3 analysis puts you into a hole in terms of what
4 you have available. So what you have available
5 is what you have available. And in this process
6 there were efforts made where there were
7 significant holes and gaps to try to get new
8 information. But you couldn't do that and do
9 it in a way that would full and complete and stay
10 on track with the process.

11 The other part of it is that I think
12 best available science certainly recognizes two
13 things. It recognizes uncertainty in the
14 knowledge that we have, and it recognizes that
15 science is a dynamic process. In other words,
16 we're learning things as we go and much as they
17 become available. And I think that if you track
18 the science team, for those who would like you
19 can go look at all those DVD recordings, if you
20 track that you will see that there were constant
21 new things being brought up that were being

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1 determined and assessed and evaluated in units.

2 And that process is still going on.

3 CHAIRMAN BROMLEY: Yes.

4 MS. HANSEN: And Steven really raises
5 a very important point that, yes, natural science
6 wise we had quite a bit of information to work
7 with. But on the social and cultural or economic
8 side there was a tremendous lack of information
9 available. And that was, in part, where the
10 expertise and the local knowledge from folks who
11 participated on the original stakeholders group
12 were absolutely critical to accomplishing these
13 goals. Because it was just information that
14 wasn't otherwise available.

15 And we did attempt to gather some of
16 that information through Ecotrust, and that's
17 where there were folks who were unhappy process.
18 It wasn't perfect. Clearly some improvements can
19 be made. But it was sort of a quick and dirty
20 how can we gather up a little bit of information
21 as quickly as possible to help this process.

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1 CHAIRMAN BROMLEY: Okay. One final
2 question. I have been an advocate for taking a
3 category of MPA as being too broad and needing
4 some elaboration underneath that label. If I
5 kept pushing for this structure of reserves and
6 parks and conservations areas, could I count on
7 your for support in that thing or not? I mean
8 do you find that that classification system was
9 helpful?

10 MS. HANSEN: Well, I would say it
11 depends on how you plan on using it.

12 CHAIRMAN BROMLEY: All right. I mean,
13 you folks obviously thought that there were
14 importance attached to different terms to imply
15 different levels of protection or something?

16 MS. HANSEN: And that was a decision
17 that was made by, well, a two part process. One
18 there was a state --

19 CHAIRMAN BROMLEY: Quickly. Yes. Yes.

20 MS. HANSEN: -- committee made up of
21 state agencies that all came together and said

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1 okay, we all manage marine areas and we all have
2 marine protected and managed areas of some sort.

3 What would an ideal classification system look
4 like. And they worked for many, many months, about
5 eight months on trying to develop this
6 classification system and then they went to the
7 legislature with that as a proposal and
8 ultimately --

9 CHAIRMAN BROMLEY: Was it politically
10 -- I mean my point is once they had done this,
11 did the politicians find it useful to help them
12 think about what this yellow colored thing would
13 do and this little blue colored thing would do?

14 MS. HANSEN: It was easy to
15 understand.

16 CHAIRMAN BROMLEY: Easy to
17 understand?

18 MS. HANSEN: That was one of the key
19 criteria. They wanted that for the public, for
20 the legislators, for whoever was looking at it.
21 We had resource managers telling us with the

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1 18 classifications I sometimes don't even know
2 what I'm managing or how I'm supposed to be
3 managing it. I can't keep track of it all.

4 CHAIRMAN BROMLEY: Okay.

5 MS. HANSEN: So ease of
6 understanding.

7 CHAIRMAN BROMLEY: Clarity.

8 MS. HANSEN: Clarity was helpful. But
9 what we have found is that with the conservation
10 area classification what that interagency group
11 did we say, you know, this is obviously a reserve,
12 we can't do anything there actually other than
13 research. And we had this park classification
14 which says you can't extract anything
15 commercially. And then we have all these other
16 --

17 CHAIRMAN BROMLEY: The conservations
18 areas where everything else --

19 MS. HANSEN: -- things and we do all
20 sorts of things and we don't know what to call
21 them. We'll just call them conservation areas

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1 and throw them all into one big group. And so
2 that one has become a bit more complicated. And
3 for the public that means on an individual basis
4 every single area they have to look at, what are
5 the regulations for this particular area. Much
6 more clear cut for parks and recreation.

7 CHAIRMAN BROMLEY: There is no doubt
8 about what a park means and there is no doubt
9 about what a reserve means?

10 MS. HANSEN: Where you have to
11 allocate -- identify as a conservation area.

12 CHAIRMAN BROMLEY: Okay. Yes, Steve?

13 MEMBER MURRAY: An important point.

14 I mean, it's why the science team was criticized
15 about, which was to distinguish among marine
16 conversation areas by level of protection. So
17 if you look at that map up there, for example
18 some of the blue spots could be a place where
19 everything else is protected from being extracted
20 except for salmon. One could troll for salmon
21 that would necessarily be a state marine

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1 conversation area.

2 CHAIRMAN BROMLEY: Sure.

3 MEMBER MURRAY: And in that broad
4 category that would be treated as equivalent to
5 another area where multiple types of commercial
6 extraction plus recreational extraction could
7 go on.

8 CHAIRMAN BROMLEY: Yes.

9 MEMBER MURRAY: So the science team
10 thought that in all fairness we needed to break
11 those down into levels of protection within the
12 state marine conservation area. There's
13 criticism in the document that was passed around
14 and we received that criticism throughout the
15 process. But we thought that that category itself
16 needed to be subdivided a bit to be more
17 informative.

18 CHAIRMAN BROMLEY: Exactly.

19 MEMBER MURRAY: So that --

20 CHAIRMAN BROMLEY: Right. So maybe
21 three is not enough? I mean maybe three

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1 categories --

2 MEMBER MURRAY: Yes. Well, you could
3 argue that alone. But I think that an area that
4 protects all living resources except for normal
5 migratory species such as salmon that move
6 through it. It's significantly different than
7 in the area that allows bottom trolling,
8 extraction of rockfish, extraction of
9 recreational fishing, salmon trolling, whatever
10 you want to say. And so I think you need to tackle
11 that. But the marine conservation area is the
12 area that's a designation of the great latitude
13 and greatest uncertainty with regard to what's
14 really --

15 CHAIRMAN BROMLEY: I think my
16 question to Melissa was does this classification
17 system help the political process understand what
18 is being done. You know, did it turn out to be
19 useful or did it obfuscate?

20 MEMBER MURRAY: I think what you're
21 looking at with the science team has settled on,

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1 it is very important.

2 CHAIRMAN BROMLEY: Yes. And the
3 politicians could understand this.

4 MEMBER MURRAY: You can see the three
5 different colors of blue, and I think they're
6 good and clear.

7 CHAIRMAN BROMLEY: Yes.

8 CHAIRMAN BROMLEY: Okay.

9 MS. HANSEN: The *Reader's Digest*
10 version of the policymakers, the Commissioners
11 and the folks like Mike Chrisman can look at this
12 chart and they understand it.

13 CHAIRMAN BROMLEY: They understand
14 it, yes. All right.

15 Yes? I look at my brain for help and
16 she says it's my decision. And I look at you,
17 and I don't think I want to decline the
18 opportunity for you to speak. So you go right
19 ahead. Quickly, please. This is a bit
20 unprecedented but -- yes?

21 PARTICIPANT: Very quickly.

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1 CHAIRMAN BROMLEY: You going to ask
2 a question of our speaker. Okay.

3 PARTICIPANT: Two questions of the
4 speaker.

5 CHAIRMAN BROMLEY: Okay.

6 PARTICIPANT: Number one, folks who
7 are planning process include tidal estuaries?

8 MS. HANSEN: Yes.

9 PARTICIPANT: Number two, I believe
10 California has a Coastal Commission under the
11 Federal Coastal Management Act. Where does that
12 enter this planning process?

13 MS. HANSEN: The Coastal Commission
14 has been following the process very closely.
15 Generally my understanding is that they plan to
16 review what's being proposed through the normal
17 process and that they will provide comment
18 through that process. But they do not plan to
19 exert any specific jurisdiction or take any
20 action other than that, I believe.

21 PARTICIPANT: But the Federal Coastal

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1 Management Act once a state plan is approved by
2 the Federal Government why any action by any
3 federal agency must apply comply with the state
4 plan. But your program here for the marine
5 protected area, would that follow that legal
6 mandate where the federal people once you have
7 a marine protected area?

8 MS. HANSEN: This isn't federal. It's
9 a state project.

10 PARTICIPANT: I understand. Under
11 the Coastal Management Act the federal matter
12 under which you have a state -- program, this
13 marine protected area planning process come under
14 that mandate that the federal agency once you
15 have your designated protected areas the federal
16 agency would have to be guided in their actions
17 by that.

18 MS. HANSEN: I'm not an attorney so
19 I probably shouldn't and answer that question.
20 I don't have an answer.

21 MR. URAVITCH: I used to actually have

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1 the Federal Coastal Zone Management Program.

2 The State of California could choose
3 to incorporate these authorities, network them
4 into the State Coastal zone Management Program.
5 It has to submit that to NOAA for review, it would
6 have to go through a public comment process to
7 either change or amend the state's Coastal Zone
8 Management Program.

9 But until those were officially
10 incorporated in a state's Coastal Zone Program,
11 they would not apply. And so federal consistency
12 would not apply.

13 Does that answer your question, sir?

14 PARTICIPANT: Thank you.

15 MR. URAVITCH: Yes, indeed.

16 CHAIRMAN BROMLEY: Okay. You know,
17 we've been here for an hour or so. And I think
18 the break is scheduled to follow the next panel,
19 but I think seeing people squirm, we should take
20 a break now and do the panel at 10:00.

21 (Whereupon, a recess.)

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1 CHAIRMAN BROMLEY: Can we begin?

2 Okay. We're mostly here. Everybody
3 who matters is here, right? Those who are here
4 know better. Don't tell them that.

5 Okay. I think we're here. We should
6 proceed so we don't slip too far behind.

7 We're going to hear about the West
8 Coast Pilot, and I'm going to ask Charlie to
9 introduce the people. Some of them you know well,
10 but Charlie if you would do that. And on the
11 program you have 45 minutes. If you need 46, take
12 it. Even if you need a bit more. 43, whatever.

13 I think what we'll do is we, you know,
14 we're trying to have the election before lunch.

15 The agenda that you have in front of you is a
16 little bit fluid now. You have 45 minutes,
17 something like that, Charlie, and then we'll do
18 the elections and then lunch.

19 DR. WAHLE: All right. Thank you,
20 Dan.

21 For those of you who don't know me,

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1 my name is Charlie Wahle. I'm the Director of
2 the Marine Protected Areas Center and --

3 PARTICIPANT: Can you speak up,
4 please.

5 DR. WAHLE: -- Science Institution
6 in Monterey and Santa Cruz, California. I am
7 leading the panel today on our West Coast Pilot
8 Project. And with me are to my right Dr. Rikki
9 Dunsmore, who is our national ecologist based
10 in Santa Cruz, Sarah Fisher, who is our Pacific
11 Regional Coordinator based in Monterey and Dr.
12 Brian Jordon, who is our cultural research
13 coordinator and archeologist based in our Silver
14 Spring, Maryland headquarters office.

15 What we want to talk to you about
16 today is how we get there from here. You know,
17 we've been together several years contemplating
18 what a national system might be, what it would
19 do for the country and for regions and for states
20 and for users of the ocean. And at the same time
21 we've made a lot of progress there, and I think

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1 we'll make while we're still here. At the same
2 time we began to think about well, how do we make
3 that real someplace. And when we looked around
4 the country the west coast seemed to be the more
5 opportune region to begin trying out some of the
6 steps that we might take to ultimate end up with
7 an effective national system of these things we
8 call marine protected areas. And that system
9 would serve many purposes in the conservation
10 of biodiversity, of habitat, sustainable
11 fisheries, protecting cultural resources and
12 heritage and a lot of other things

13 We call this effort on the west coast
14 the West Coast Pilot. And it is a multipartner
15 growing endeavor that involves federal and state
16 agencies. We hope we have, in fact, engaged the
17 tribes. And we will soon be bringing in folks
18 from outside various parts of government.

19 Its goals are to enhance the use of
20 marine protected areas in spacial management
21 within the broader context of ecosystem based

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1 management.

2 We have two basic elements of it. One
3 involves coordination of MPA agencies and other
4 resource management authorities to try to better
5 manage collectively the shared resources. And
6 then the other piece is largely science and
7 analysis, one that our group will be talking to
8 you about today. And that has to do with figuring
9 out what's out there, is it doing the job that
10 we set it out there to do and what might be needed
11 in the future.

12 All around the room are maps of marine
13 managed areas on the west coast. And what you
14 see without getting into detail is there are a
15 lot of them. There are over 250 MPAs of various
16 kinds on this coast.

17 What we've been trying to do and we'll
18 give you a glimpse into today is so what. Are
19 they doing anything? Why were they there? How
20 big are they? What kind of areas do they cover?
21 And we'll begin to lay out an example, if you

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1 will, of the kinds of analysis we'll be going
2 through in pursuant of this national system.

3 What we're doing on the regional
4 scale here is very similar in concept to what
5 the state did in the Marine Life Protection Act
6 with some very broad goals, a lot of analysis
7 and ultimately leading to the identification of
8 conservation priorities.

9 So without any further ado, let us
10 move us into the panel. The way we've structured
11 this is each of the speakers will go for ten
12 minutes, more or less. And then at the end of
13 that period we'll have questions to the panels,
14 either to the individuals or to the group of us.

15 Have I left out anything? Okay. Well,
16 we'll start then with Sarah Fisher who is going
17 to talk about an overview of the West Coast Pilot
18 followed by Rikki Dunsmore, who will give you
19 an example of the insights that we've gained and
20 the information basis that we've built from our
21 inventory of marine protected areas that we'll

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1 use to evaluate what's in the water. And then
2 Brian Jordan, who is the cultural archeologist
3 will take a slightly different take and allow
4 us to look at how the pattern of cultural
5 resources in the water matches up or not with
6 the pattern of marine protection in the water
7 and begin to get a flavor for how that analysis
8 might go.

9 Sarah?

10 MS. FISHER: Thank you.

11 Well, as Charlie said I'm going to
12 give you an overview of the West Coast Pilot.
13 And this is an initiative that's lead by the MPA
14 Center but it involves many partners throughout
15 the region. And I'll try to highlight some of
16 them and the different components as I talk to
17 you about them.

18 First I'm going to talk to you a
19 little bit about the goals and scope, although
20 Charlie covered of that. Then I'll tell you
21 about the core components of the West Coast Pilot

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1 which pertain to the science side of things. And
2 I'm also going to talk about agency coordination,
3 that other goal that Charlie talked about.

4 So as Charlie said, these are our two
5 goals. To facilitate the effective use of MPAs
6 as an ecosystem management tool to conserve and
7 protect important marine areas and resources on
8 the west coast, and also to support the
9 development of a regionally based national system
10 of MPAs.

11 So we're looking at enhancing the
12 stewardship of existing MPAs and also helping
13 folks to plan for new MPAs if that's what they're
14 doing.

15 The geographic scope of this project
16 is from Washington down to California and
17 includes the coastal marine waters from zero out
18 to 200 miles.

19 For each of the goals we have we
20 expect a result for them. The first one is on
21 the science side. We're hoping to develop a suite

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1 of tools, methods and information for regional
2 MPA planning and adaptive management that may
3 be transferred to other regions. We're hoping
4 that this region can kind of act as a model or
5 can provide lessons learned for the rest of the
6 nation.

7 And the coordination and we're to
8 have an ongoing regional forum for west coast
9 state federal and tribal programs to better
10 coordinate and more efficiently coordinate their
11 management of the existing MPAs and plans for
12 the future also.

13 So just to give you a quick overview,
14 here are the core components of the West Coast
15 Pilot. I'm giving you just a quick, kind of a
16 taste of each of them because Rikki and Brian
17 are going to talk in more detail about two of
18 them. And I'll build out the data later, I guess
19 that's best. I wanted to give you an overview,
20 a picture I guess of where we're going.

21 So the first data layer is the

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1 ecological characterization. And the goal of this
2 is pretty straightforward. It's to provide an
3 ecological characterization of the west coast
4 looking at both biological and physical
5 oceanographic data.

6 I don't know if any of you are
7 familiar with the biogeographic work that NCOF
8 has done for the sanctuaries out on the west coast
9 of California. This will be very similar to that.

10 A lot of it we'll be working with them on this
11 along with sanctuaries also. A lot of the data
12 sets they had collected were actually regional
13 in nature and were just cropped to the sanctuaries
14 and we'll be able to expand those out and then,
15 hopefully, fill a few other gaps in that data
16 as we move along.

17 I guess you're not going to talk about
18 this.

19 Not only we'll have the
20 characterization, but we'll have the data
21 available, too. Where the data was found. And

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1 so where we stand with that some preliminary data
2 sets have been collected. And I guess on Monday
3 when we get back there should be a new person
4 there that will be dedicated for this project.

5 And I should say each of these
6 components is also moving at a slightly different
7 speed just because, you know, some already had
8 a lot of data available. Some have more steps
9 than others, that kind of thing. This one is just
10 about to get off the ground.

11 The next component in our data layer
12 is the cultural resource characterization. I'm
13 going to be very brief about this because Brian's
14 going to talk about it a little bit more. But
15 basically we're building an inventory of cultural
16 resources on the west coast. And with that
17 inventory we're going to be able to assess the
18 historical and cultural conductivity for these
19 marine resources and also try to identify which
20 ones are sensitive to natural or human impacts
21 or changes and if there's any gaps in protection

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1 to those sensitivities.

2 Brian's built the database and it's
3 populated and he's done an initial analysis
4 that's underway. And I think that's what he's
5 going to be talking to you about in a few minutes.

6 The next section focuses on the
7 social side specifically on human use patterns.

8 We're looking at doing a characterization of
9 human use patterns up and down the west coast.
10 We want to document the spacial patterns of use
11 activities in the marine environment and begin
12 to build a space science socioeconomic
13 information for the region. And so the outputs
14 for this section we have a directory of secondary
15 data that is in review right now, of available
16 secondary data. A lot of times it takes a long
17 time and a lot of money to collect, as you all
18 know, the socioeconomic data. So what we decided
19 to do was to go out and see what's actually already
20 out there, if there's any readily available
21 secondary data that has already been collected

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1 about the different species in the marine
2 environment on the west coast.

3 And then eventually we'll be
4 developing models predicting use,
5 compatibilities and resource threats. And also
6 once we got all that done, ultimately we'd like
7 to develop a method for collecting the primary
8 data on these use patterns where there's no
9 secondary data available.

10 And as I said, the data directory is
11 in review and we've begun to test drive some of
12 that data that's in there with doing some initial
13 maps.

14 And also I should say we're going to
15 be working with the MPA Initiative that Melissa
16 just spoke about, helping them using our
17 secondary data directory that we've developed
18 and doing a much more detailed for the California
19 state waters as to help them with our next
20 regions.

21 The next component is the governance

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1 emphasis. This is really aimed at understanding
2 the legal framework that's out there. There's
3 a lot of different authorities and we're not
4 trying to analyze them, we just want to understand
5 what's where. So we're developing and we're
6 looking at the international, federal, state and
7 tribal levels. And I think we've got about a 155
8 different pieces of law in there right now. And
9 so ultimately we're going to tag that with spacial
10 data and be able to map it and see how you could
11 protect or how it is already being protected.

12 So we'll have a searchable database
13 of existing legislation and then a GIS for west
14 coast MPA laws.

15 And the database has been built and
16 populated. We're doing an initial QA/QC on that
17 data. The data for that a lot of it came from
18 the inventory that we've been building over the
19 years. And the inventory is site based. And
20 so you can imagine the tangled web of laws that's
21 in there right now because each site may have

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1 several laws that pertain to it, but then one
2 law may pertain specifically only to one site.
3 And so we're trying to sort that out and have
4 this be just unique laws in the database.

5 And then the last section is the
6 contribution of existing MMAs and MPAs which
7 Rikki is going to talk about, so I'll be brief
8 on that one also. But this component is basically
9 trying to identify what's out there and how
10 contributes to the current protections on the
11 west coast. And we're working on a national
12 report for this and then we have a lot more
13 detailed data for the west coast, though, as you
14 can see. So we're also doing a west coast report
15 and then we'll be doing a de facto MPA report
16 also.

17 So let me explain to you why these
18 classes are color coded the way they are. The
19 first, the blue ones are looking at identifying
20 the resources that are there. The second one --
21 the yellow ones are looking at the uses and the

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1 stresses to the resources out there. And then
2 the last section is looking at how these resources
3 are protected or could be protected. And so this
4 is our view of the world, MPA Center's view of
5 the world.

6 And so when you combine all those data
7 layers together you can begin to identify gaps
8 in protection and also conservation priorities
9 and look at how you can better enhance the
10 stewardship of existing MPAs.

11 And so as we've been talking to our
12 partners in the region about doing this project
13 it turns out there's actually a lot of
14 applications for this integrated set of data.
15 Once you have all the components together you
16 can overlay them and you can actually apply it
17 in a variety of ways. So as we talk to our partners
18 throughout the region everyone's been very
19 excited about selecting this space data
20 information. And whether we all go on to use it
21 for the exact same thing, that's probably not

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1 going to be the case. But people can use
2 regardless of what their mandates are, I guess,
3 we can still use the same data. They can just
4 apply it in different ways when they're done or
5 when we're done collecting it. And you can see
6 the applications really run the gambit from
7 sitting and design of new MPAs to emergency
8 planning and response and so on.

9 So that's an overview of the science
10 side of things.

11 I only have one side for the
12 coordination side of things. I thought I'd
13 translate time and just tell you about everything
14 instead of have different sides, so we'll see
15 how that goes.

16 In the near term what we're doing is
17 in June we held an MPA government partners meeting
18 for our west coast government partners. We had
19 representatives there from the federal, state
20 and tribal governments.

21 And we have, I don't know if any of

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1 you have seen it, but we have a full report from
2 this meeting available on our website. But there
3 were a couple of things that the region decided.

4 We asked the region if you were
5 working together what would the region look like
6 in five years and what would priority actions
7 be to get there. And a couple of things that we
8 heard about from this region were they would like
9 to have regional messages and a score card to
10 see how the region is doing. They thought it
11 would be good if the region could try to speak
12 with one voice about things or have a common
13 message and then use a score card to evaluate
14 how things are going and communicate with the
15 regional message to the public about that.

16 The other thing was communication
17 mechanisms for the different government offices
18 to communicate with each other.

19 On the science side side mapping and
20 monitoring, regional monitoring program are very
21 important.

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1 And then also in a couple of the
2 different groups they came up with a regional
3 kind of MPA working group from a body yet to be
4 named. But Dr. Health coordinated this effort
5 on the west coast.

6 Other things that we're working on.
7 We're hoping to hold a data workshop for the
8 science side of things in FY '07. This is all
9 budget dependent.

10 We'll be working to share information,
11 develop project partnership over the next couple
12 of months. And we're working on establishing that
13 steering group or committee that was recommended
14 in the work group. Now we're just going through
15 kind of a scoping process to see what the group
16 could or should be doing and who should comprise
17 that group.

18 In the long term we're hoping to
19 identify and develop opportunities for state
20 program involvement, identify regional science
21 and technical assistance and other stewardship

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1 priorities and identify opportunities for
2 projects and activities to address priority
3 needs.

4 And that's all I have.

5 This is the website for the West Coast
6 Pilot. You'll find not only the regional reports
7 there but all the presentations that were given,
8 each of the governments. We had a state panel,
9 a tribal panel and a federal panel and they all
10 gave overviews of what the state of MPAs, I guess.

11 There's several really good presentations there
12 available.

13 And then Charlie, Charlie does the
14 science side and I do the coordination side.

15 And that's it. And I think we're
16 doing questions at the very end, right?

17 DR. WAHLE: Thank you, Sarah.

18 Next up is Dr. Rikki Dunsmore who will,
19 as I talk slowly, make some sense out of what
20 all these MMAs are up to.

21 One thing I wanted to add in response

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1 to Dan, are you here still?

2 CHAIRMAN BROMLEY: I'm here.

3 DR. WAHLE: Okay. Your insightful
4 interest in nomenclature and the need for a
5 consistent way of describing these things is
6 something that we recognized long ago and have
7 been struggling with for years. And we have
8 developed and I think all of you have seen in
9 various forms a classification system that does
10 just that. It's functional rather than name based.

11 We don't things arc, we call them what they
12 really are. And that is the basis for all the
13 analyses that we've done and will show up in
14 Rikki's presentation as she's describing these
15 MMAs by various functional criteria.

16 So we have a version of that, and it
17 was derived from the same common need.

18 So, are you ready?

19 DR. GRUBER-DUNSMORE: Yes.

20 DR. WAHLE: Okay.

21 DR. GRUBER-DUNSMORE: Good morning.

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1 I'm Rikki Gruber-Dunsmore. And I'd like to
2 acknowledge my co-presenters, Lisa Vonick with
3 the National Marine Fishery Service and Charlie
4 Wahle.

5 And I'd like to thank you all for
6 being here and contributing your thoughtful
7 comments to this very challenging process.

8 I'm going to give you an overview of
9 west coast marine managed areas trends in place
10 based ocean management.

11 Well, currently along the west coast
12 there are 269 MMAs. Off of Oregon we have three
13 percent of the Oregon State waters in some form
14 of MMA and two of those are no access and one
15 is no take. But along the west coast you see
16 a combination of federal, state and local sites.
17 There's many MMAs that span that both the state
18 and federal waters. That red line out there is
19 the EEZ 200 nautical mile line.

20 And the recent addition of the
21 essential fish habitat sites has radically

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1 changed the marine landscape of spacial
2 protection. If you look here prior to June of
3 2006 what you see is that there's a much smaller
4 area that was in MMAs along the west coast. Most
5 of the MMAs along the west coast were established
6 after the 1970s. WE see a peak. And then we see
7 a second peak during the decades of the 2000.

8 So currently we have 47 percent of
9 the west coast waters are in some form of MMA.
10 So there's 47 percent. If we now look within
11 that 47 percent what are those, we see that 86
12 percent of that area is dominated by one single
13 closure. It's called the Trawl Footprint Closure
14 and it's one of the 52 essentially fish habitat
15 sites that were nominated during June of 2006.

16 So this recent designation has had a dramatic
17 effect on the landscape and it's changed the
18 percent area of MMAs for the west coast from 2
19 percent to 47 percent.

20 So who manages west coast MMAs? If
21 you look on the left you see the number and on

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1 the right you have area. There are twice as many
2 state MMAs currently as there are federal. But
3 if you look at area, the federal MMAs cover vastly
4 more area than state or other MMAs. So 99 percent
5 of the west coast MMAs are managed at the federal
6 level.

7 One of the reasons for this is if you
8 look at the differences in size among
9 governmental levels. You see that the federal
10 average size is what is in the blue areas and
11 the median size is on the bottom. And federal
12 MMAs on an average are greater than 5,000
13 kilometers squared compared to 29 kilometers
14 squared for state, 6 kilometers squared for
15 partnerships such as the Nears programs and local
16 are less than typically less than .1 kilometers
17 squared. And you see the same trend. They're
18 different numbers, but the median size of MMAs.

19 What types of protection do these
20 marine managed areas along the west coast have?

21 Well, 99.9 percent of MMAs on the west coast

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1 are multiple use. They vary in the types of
2 restrictions that are allowed, but there is use
3 allowed. Less than .1 percent of all the MMAs
4 along the west coast are no take.

5 So now if we look within that box of
6 that little tiny sliver of less than .1 percent
7 that are no take, who is managing those sites?

8 Whose responsible for those sites? And we see
9 that it's the state that's actually 95 percent
10 of those no take areas are managed at the state
11 level.

12 We can also look at the size of no
13 take various multiple use MMAs. So what you see
14 here is on the X axis you have going from smallest
15 to the left to largest to the right. And you have
16 use, multiple uses in green and no take is in
17 the red. And number of MMAs is your Y axis. And
18 what you see is that most MMAs on the west coast
19 are in the smaller three size classes. And I
20 have the size classes over here starting at less
21 than 1 kilometer squared out to 10,000 kilometers

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1 squared.

2 All of the no take MMAs are in these
3 smaller three size classes and we have no large
4 MMAs along the west coast.

5 So you'll recall again, 47 percent
6 of the west coast is in some form of MMA, which
7 is a very large. Well, if we take all of the no
8 take MMAs for the west coast and we try to compress
9 them into one geographic location and then we
10 illustrate that and put that on the map on the
11 scale of the west coast, this would be the area
12 that it would cover. It is less than 312
13 kilometers squared. It would fit inside one tiny
14 portion of San Francisco Bay.

15 Well what are these west coast MMAs
16 intended to protect? And here you see our
17 classification system is being applied. NH
18 stands for natural heritage, SP is sustainable
19 production and CH is cultural heritage.

20 And what we see is that many MMAs have
21 more than one conservation focus. So they might

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1 have one main focus, but they also have very many
2 secondary focuses as well.

3 National heritage is the most common
4 focus if we look in terms of numbers. But in
5 terms of percentage of area, these dual natural
6 heritage and sustainable production MMAs cover
7 the majority of the waters of the west coast.

8 Well, what types of fishing are
9 allowed in west coast MMAs? What we see both
10 in terms, again, number on the left and area on
11 the right is that fishing is managed in most MMAs,
12 both in terms of the number and 95 percent of
13 MMAs have some type of fishing that's managed.
14 But fishing is prohibited in a very small fraction
15 of the MMAs. Less than .1 percent of the area
16 of MMAs prohibit all types of fishing.

17 Well, what types of fishing are we
18 talking about? What you have here is I'm looking
19 at commercial fishing prohibited, commercial
20 fishing restricted, recreational fishing
21 prohibited or recreational fishing restricted.

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1 And what we see again number on the
2 left and percentage of area on the right is that
3 MMAs regulate commercial fishing to a much larger
4 extent than they do recreational fishing. And
5 if you look on the right hand side, that it is
6 commercial fishing that is typically restricted
7 but rarely is it prohibited.

8 Again, this is applying our
9 classification system in terms of the permanence
10 of protection. We see that a 100 percent of the
11 west coast MMAs are permanently protected. 99
12 percent of these provide year round protection.

13 There are four seasonal MMAs on the west coast.

14 And that 44 percent of the MMAs target a focal
15 resource as a fish stop like the groundfish areas.

16 So in summary we have almost half of
17 the west coast waters are in some form of MMA.

18 But the overwhelming majority, 99.9 percent,
19 are multiple use areas. The federal MMAs are
20 typically large and they're the multiple use
21 sites. State MMAs are typically small. And the

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1 no take MMAs are primarily these state sites.
2 And the largest MMAs are federal and they have
3 this dual conservation focus with both natural
4 heritage and sustainable production.

5 So finally these patterns confirm
6 some and yet refute other widely held
7 misperceptions or perceptions about how MMAs are
8 used regionally. And, again, you can find some
9 of this information on our West Coast Pilot
10 website. And here are our contact information
11 if you have questions.

12 And I'd also like to acknowledge that
13 this inventory has been a immense undertaking
14 and collaboration with the MMA Center staff and
15 the Special Projects Office. And there's been
16 extensive contributions from state, tribal,
17 federal agencies who have helped put this
18 information together.

19 MEMBER RADONSKLI: Rikki, put your
20 last slide back up there. Thank you.

21 DR. WAHLE: Thank you very much,

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1 Rikki.

2 MEMBER RADONSKLI: We can't read it.

3 DR. WAHLE: Sorry. I believe all of
4 these presentations in your book.

5 DR. GRUBER-DUNSMORE: We'll
6 distribute this one afterwards as well.

7 DR. WAHLE: Yes. The last slide is
8 on the previous presentation. And it'll be posted
9 on our MPA Center website as well.

10 Just one little follow up on Rikki's
11 talk. Our plan with all this information is to
12 have this report on the west coast done within
13 the next couple of months, this calendar year.

14 Similarly an equivalent report on the
15 national's picture, which is different in some
16 ways, in some interesting ways. And then we'll
17 begin to walk our way through the different
18 regions throughout the next.

19 Brian, you ready?

20 DR. JORDAN: I'm ready to go.

21 DR. WAHLE: Okay. Our next speaker

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1 is Brian Jordon who will take us into the world
2 of those things that slipped of Melissa's slide,
3 the dead stuff. So without further comment there.

4 DR. JORDAN: Well, I think Jim Woods
5 would disagree with it being dead stuff all the
6 time. There's a lot of cultural connectivity,
7 people have traditions.

8 Cultural resources is defined in the
9 framework as very inclusive. I know Jim Woods
10 made a comment yesterday about it being all about
11 shipwrecks, and that's not the intent of the MPA
12 Center or this process at all. In fact, we look
13 at cultural resources as a cultural heritage as
14 resources that reflect a nation's maritime
15 history and traditional cultural connections to
16 the sea. And we intend that to be inclusive if
17 possible.

18 Unfortunately at this time we simply
19 don't have the data to support that right now
20 and we're looking to work eventually with our
21 federal, state and tribal partners to collect

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1 that data and add it to this effort.

2 So today what I'm going to talk to
3 you about primarily is submerged watercraft and
4 aircraft which we do have a considerable amount
5 of data about.

6 Basically there's two main datasets
7 that I looked at for this and it includes over
8 10,000 shipwrecks on the west coast that have
9 been historically reported over time. That's a
10 vast number. And what I did is I took that
11 information and I basically looked at the ones
12 that have been located with a high degree of
13 accuracy. This means they've either been located
14 through a systematic survey or there's spacial
15 location is reported with a high degree of
16 accuracy. And so we have about 286 that we're
17 reasonably sure where they are. And most of these
18 are historical. Some of them also represent
19 vessels that may pose a threat to the ecosystem
20 through cargo ordinance, fuel, that type of stuff
21 also that we're trying to track. So we're looking

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1 at that type of information.

2 So 286 sites is what we're talking
3 about during this presentation.

4 And what I'm going to talk about is
5 basically how this relates to location within
6 the maritime zone, state waters, territorial sea
7 that kind of thing and how they relate to the
8 MMAs on the west coast.

9 If you look at the picture to the left,
10 the pink line represents the three mile mark,
11 the dark green line represents the 12 mile mark,
12 light blue is 24 mile mark and the dark blue is
13 the 200 mile mark, nautical mile mark.

14 And if you look at the pie charts on
15 the right, basically 72 percent or 270 sites are
16 in state waters on the west coast. The rest of
17 them, as you can see, it goes as you get further
18 out to sea there are less wrecks. That's because
19 most of the marine activity, the watercraft
20 activity is normally closer to the coast. There's
21 also more hazards closer to the coast and so

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1 you're going to have more shipwrecks in that area.

2 Plus, it's much more difficult to
3 locate ships the further you get away from shore
4 with depth and things like that.

5 If you break down the state area
6 there's 170 sites off California coast in state
7 waters. Fourteen in Washington and 14 in Oregon,
8 and that's just within this dataset that we have
9 now. So that may be inaccurate. But it gives
10 you a sense that California, we know of a lot
11 more wrecks in California than we do in Washington
12 and Oregon. And that may reflect that a lot of
13 the activity in the national marine sanctuaries
14 and other state parks in California they've been
15 looking more carefully at these resources.

16 But this is also important because
17 outside of state waters we basically have no
18 protection of cultural heritage on the U.S.
19 Continental Shelf except for within national
20 marine sanctuaries. They are the only ones who
21 manage these resources and have the legal

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1 authority to do it, and they have successfully
2 prosecuted the destruction of cultural heritage
3 within their boundaries.

4 So it's important that these
5 resources are located within state waters because
6 they can be protected. The Abandoned Shipwreck
7 Act in 1987 transferred ownership of historic
8 shipwrecks over to the states for them to manage.

9 Now, they really, not all states have managed
10 these resources. Most of them after this have
11 passed some kind of broad legislation that say
12 yes we own these wrecks and they're to be
13 protected. But these are pretty much unfunded
14 statutes.

15 The State Lands Commission of
16 California has one person in their office and
17 they mainly handle salvage permits. And so
18 there's not a lot of regulation, there's not a
19 lot of enforcement so in fact these resources
20 are not really protected.

21 Now if you look at the marine managed

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1 areas that can protect underwater cultural
2 heritage in California, state marine reserves
3 and state marine conservation areas both have
4 prohibitions for injury to cultural heritage
5 within their boundaries. State parks and
6 seashores can also protect these resources. And
7 state marine parks can protect these resources
8 or they can limit human uses that make impact
9 these resources, but that has to be added on after
10 the designation process.

11 For this purpose only state marine
12 reserves and state marine conservation areas
13 really have a conservation focus. They can have
14 and they do have for California.

15 If you look at Oregon there are no
16 marine managed areas that focus on cultural
17 resources.

18 In fact, looking at the legislations
19 there really is no way to set up an MMA to protect
20 cultural heritage off the Oregon coast. During
21 the OPAC process I originally, I believe this

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1 is true but I may be wrong, that there were two
2 lines. There was marine reserves proposed but
3 there is also underwater parks that were
4 originally proposed as a system. And those could
5 focus on cultural heritage. But those kind of
6 dropped off the radar now. And so there's really
7 no mechanism to protect cultural heritage through
8 using place-based resource management off of
9 Oregon.

10 Washington you have underwater parks.

11 They have been directed to actually look at this
12 and actually make high priority of those
13 resources that are unique. Either they're unique
14 or a natural heritage or a cultural heritage such
15 as shipwrecks. But there have not been any
16 designated for the protection of cultural
17 heritage in Washington.

18 National resource conservation areas
19 in Washington can also protect these. They do
20 not have anything designated. And aquatic
21 preserves, they have a cultural quality statement

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1 within their management plan and some of them
2 do recognize the importance of it. But they don't
3 really manage these resources either.

4 So what we're really looking at here
5 is if you look at west coast marine managed areas
6 with a cultural heritage focus there's 34.
7 Predominately these are all state, 68 almost 70
8 percent are state, and those are California. And
9 the rest, 30 percent are federal. Most of those
10 are split between National Park Service sites
11 such as national park, national monument,
12 seashore, recreation area or national marine
13 sanctuary. And by far the natural marine
14 sanctuaries encompass the most area out of any
15 of these.

16 The State of California you have two
17 broad groups, again the marine conservation areas.
18 There's 36 percent of all the sites are marine
19 conservation areas or marine reserves. And so
20 that represents 12 marine conservation areas out
21 of, I believe, 38 that actually have some focus

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1 on cultural heritage management. And that's 11
2 state marine reserves out of 21 that have some
3 form of focus on cultural heritage management.

4 So basically what that looks at is
5 out of the 269 sites, 99 of the shipwreck sites
6 and aircraft sites that I've looked at fall within
7 an MMA. So that's 35 percent. And that's a
8 misleading number. If that's all you say is okay
9 there is 35 percent of these sites are with MMAs,
10 job's done. It's not really accurate at all
11 because if you look here, a lot of these sites
12 fall within national marine fishery zones, a lot
13 of them fall within water quality sites, that's
14 the one on the far left California water quality.

15 Very few fall within the marine reserves and
16 marine conservation areas. A few fall within
17 California special closures. A lot in national
18 marine fisheries. Fortunately a lot within the
19 national marine sanctuaries. And then you have
20 National Park Service, National Recreation area
21 and National Seashores also have a number of sites.

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1 And then Washington has a few within a marine
2 biological reserve.

3 So now if you look at this as just
4 on those sites that focus on cultural heritage,
5 there's 60 percent of the sites that fall within
6 an MMA fall within one that ha a focus on cultural
7 heritage. That's actually less than a quarter
8 of all the sites out there that we know of
9 shipwreck sites actually fall within an area that
10 actually has a management focus on cultural
11 heritage. And that if you come down to it,
12 actually encompasses 11 sites. And that's it.

13 So it kind of shows you the picture
14 that there's a lot of room for improvement on
15 cultural heritage management by the state and
16 federal agencies. And part of what we're trying
17 to do here is look at what these sites are and
18 what their significance is so that people can
19 actually look at this stuff spacial and actually
20 in relation to protected areas and areas that
21 aren't protected, and then they can set

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1 priorities for things that are significant to
2 the region or to the state for them to protect.

3 So really what we're going to be doing
4 next is working with our federal, state and tribal
5 partners to look at this data, make sure it's
6 correct and to add the data that we're missing.

7 We also want to look at this database
8 to begin looking at this maritime landscape theme.
9 There are places like San Francisco Harbor that
10 have a multiple layer overtime of historic wrecks,
11 historic ports and wharfs and things like that
12 that are very important to that region and tell
13 a story about over time a longitudinal look at
14 how history has played out. And the underwater
15 cultural heritage can play a very significant
16 part in that.

17 We also look at the thematic
18 connectivity of sites, sites that may not be
19 located in the same area but may be related
20 because of trade, like a fishing area, regional
21 fishing craft is very important for specific

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1 things. We have whaling craft, indigenous craft.
2 So these are all look at thematic connectivity
3 because watercraft are mobile. They make wreck
4 in different places. We have these sites in
5 museums in some cases.

6 So compiling all this together tells
7 you a story of how people who use these watercraft
8 to impact history to look at the cultural and
9 historic and economic development of the west
10 coast. And so by looking at this you can actually
11 set priorities for pieces that may be missing
12 that we don't know enough about or that are very
13 significant to the past of this region that we
14 need to protect.

15 And, that's again, to basically look
16 at how to protect these significant sites. And
17 then also provide a tool for site managers to
18 actually relate to these resources and be able
19 to look at them spacial with what else is going
20 on on their coast and with what else is being
21 managed, as well as looking at the threats to

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1 these resources and conversely the possible
2 threat from these resources. There's a lot of
3 World War II craft around the world that are
4 sitting there that have been probably sunk for
5 over 50 years, and looking at types of these types
6 of wrecks that may, you know, eventually release
7 whatever hazardous materials they have. It's
8 important to know where those are and come up
9 with contingency plans. So that goes into how
10 we develop methods to monitor these craft for
11 their preservation. And also look at what's
12 happening to these craft over time.

13 And just kind of illustrating an
14 example, a spacial example. This is also Humboldt
15 County, California. The yellow sites in that
16 area alone there's 54 wrecks, of which 41 of those
17 date from 19th century.

18 But this gives you kind of a view of
19 what's actually out there and one way we can start
20 looking to help improve the management of these
21 type of resources.

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1 And that concludes my talk. Thank
2 you very much.

3 DR. WAHLE: Thank you very much, Brian
4 for that fascinating glimpse into the other
5 dimension as to the human element is not only
6 there, but that it goes back a long way and
7 hopefully will go forward a long way as well.

8 I think we have some time for
9 questions.

10 CHAIRMAN BROMLEY: We do. About 15
11 minutes or so.

12 DR. WAHLE: So I would advise you to
13 direct your questions directly to the intended
14 victim. And then if they don't want to answer
15 it, I'll try. And if I can't, I'll ask Joe to
16 do it.

17 Steve?

18 MEMBER MURRAY: My question is
19 directed for Rikki. Rikki, I'm just curious
20 whether you have run those same analyses with
21 the removal of the really large closure? And

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1 I'm not sure you would find dramatically
2 different results. The percentage would change,
3 but --

4 DR. GRUBER-DUNSMORE: Correct. We
5 have run all the analyses with and without the
6 designation of June 2006 the EFH sites. While
7 the numbers change, the patterns remain the same
8 across the board.

9 MEMBER MURRAY: I think it would be
10 important to show both of those kinds of details.
11 Because that's my suspicion as well is that the
12 percentages don't really change at all.

13 DR. GRUBER-DUNSMORE: Yes.

14 DR. WAHLE: Gil?

15 MEMBER RADONSKLI: First question to
16 you. When you introduced the panel you talked
17 about the problems with nomenclature, where the
18 MPA Center hit the only thing you talked about
19 MMAs. It's started to get confusing.

20 DR. WAHLE: Yes.

21 MEMBER RADONSKLI: And, you know, at

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1 some point we're going to have to decide what
2 we're going to talk about.

3 DR. WAHLE: Yes.

4 MEMBER RADONSKLI: If it's confusing
5 to us, to the people that aren't as deeply
6 involved in this process as we are, it's really
7 going to be mess. So that's just that.

8 I have a question for Rikki. Did you
9 do a matrix listing the MMAs and then the three
10 themes, the natural and cultural heritage and
11 sustainable production and just list those?

12 I realize that some of these MMAs may
13 have multiple uses or multiple themes, but did
14 you look at that? Is my question clear or not?

15 DR. GRUBER-DUNSMORE: Yes. I have
16 the data available so that I can look at what
17 the primary conservation focus is and what the
18 site says their conservation focus is. So what
19 I presented was that if a site had sustainable
20 production and cultural heritage, yes, you could
21 see that it feels that it has both of those as

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1 a conservation purpose. So I can look at the
2 data anyway you want to. If you want to look at
3 the names at all the natural heritage sites that
4 have natural heritage as a conservation focus
5 or that have it as a primary focus.

6 MEMBER RADONSKLI: And a final
7 question, too, Rikki. You said that almost all
8 the MMAs have permanent protection. Almost all
9 of them.

10 DR. GRUBER-DUNSMORE: I think all of
11 them.

12 DR. WAHLE: 100 percent.

13 MEMBER RADONSKLI: Then why aren't
14 we calling them MPAs?

15 DR. GRUBER-DUNSMORE: Charlie?

16 MR. URAVITCH: Let me answer that.
17 The reason is we don't yet have an official
18 definition of MPA. That's in the framework. So
19 once we go through the framework process, we will
20 have a formally established definition of marine
21 protected area. So right now the only official

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1 definition we have is marine managed area because
2 we went through that
3 *Federal Register* noticed process to get public
4 comment.

5 And so we've since started to -- the
6 work based on what we heard from the Committee
7 on what an MPA ought to be and that proposal is
8 what is in the framework now.

9 MEMBER RADONSKLI: Okay. Thank you.

10 MEMBER PETERSON: Joe, a follow up,
11 though. Even if you had the criteria, wouldn't
12 there be a process requiring nomination by the
13 agency managing it for it to become a part of
14 the national system of MPAs?

15 MR. URAVITCH: Yes. I mean that's
16 part of the framework and then part of Jonathan's
17 presentation yesterday, which it will go out to
18 the agencies. We will review sites on the
19 inventory against the criteria. That will go to
20 the managing agency for their review. And then
21 there will be public notice for public comment.

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1 And only at that point will sites become an MPA
2 as part of a national system.

3 MEMBER PETERSON: I guess I would
4 suggest we quit creating new categories. I think
5 we've got lots of categories out there now and
6 I'm not sure creating new categories is going
7 to reduce confusion. I think we got four
8 categories now at least or five or six.

9 DR. WAHLE: Bob and then down that
10 side, I see you guys.

11 MEMBER ZALES: This is for Brian. The
12 shipwrecks and whatnot, all those numbers, those
13 were in addition to the numbers of MMAs off the
14 west coast? In other words, that's just a number
15 of those types have been identified within that
16 number --

17 DR. JORDAN: That are within the
18 boundaries of those types or specific MMAs.

19 MEMBER ZALES: And some of those are
20 within the MMAs themselves? So that's not the
21 200 plus added to the 200 plus on the MMAs on

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1 the list -- you got 260 some odd or 200 some odd
2 MMAs identified off the west coast?

3 DR. JORDAN: Yes.

4 MEMBER ZALES: Then you've got 260
5 shipwrecks, aircraft wrecks and stuff like that?

6 DR. JORDAN: Yes. The sites
7 themselves, the actual shipwrecks themselves
8 are not MMAs. So it's within the boundary. There
9 is no mechanism for setting one up on a specific
10 shipwreck just out there, I mean unless you
11 actually create like a national marine sanctuary
12 like a monitored national marine sanctuary. So
13 it's just looking at which ones fall within the
14 actual boundaries of those existing MMAs.

15 MEMBER ZALES: Okay. And this is for
16 Rikki. On one of your things, I think I saw this,
17 I'm not sure, but there's an area somewhere on
18 the west coast or some areas where there are no
19 regulations on fishing period? Or did I misread.

20 DR. WAHLE: No area base.

21 MEMBER ZALES: What?

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1 DR. WAHLE: No area specifically.

2 DR. GRUBER-DUNSMORE: No spacial
3 protection. So there's no place based management.

4 MEMBER ZALES: I'm not sure I
5 understand. And just a suggestion because you
6 keep referencing the website as an outreach thing.
7 Surely, you all have an outreach, especially for
8 state agencies and places like that that are
9 trying to get involved in MPAs. You all might
10 want to send out something like the Fisheries
11 Service and organizations send out little email
12 that says here's this information on this website.
13 You may do that already.

14 MR. URAVITCH: We actually do that
15 routinely. We have a state advisory group. We
16 have a distribution list for our newsletters and
17 information that's about 3200 people including
18 agencies of all levels of government right now.
19 So we're pretty -- we keep trying to push the
20 information out, whether it's received as news
21 is another question.

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1 MEMBER ZALES: But does it go to
2 stakeholders like me, too, because if it --

3 MR. URAVITCH: Sure.

4 MEMBER ZALES: -- does somewhere I'm
5 not on that list. I think I used to be on it,
6 but I haven't gotten anything from MPA Center
7 for a long time.

8 MR. URAVITCH: We'll check the list.

9 The other thing on that, though, we just totally
10 redesigned our website, MPA.gov went up this
11 week. And because of the importance of both the
12 West Coast Pilot and the framework process we've
13 taken sort of a newspaper approach to the front
14 page. And we will try and keep as up to date
15 as possible information about both the framework
16 process and the West Coast Pilot on that front
17 page so you get an easy view of what's happening.

18 DR. WAHLE: And we'll be sending
19 copies of these reports as they come out to all
20 of you directly.

21 I have Dan, Tony, Mike and then Ellen.

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1 MEMBER SUMAN: Yes, I have a question
2 for Charlie, actually. I'm curious whether --
3 I know what your mission is, but
4 I'm curious whether you're beginning to gather
5 spacial information on munitions dumps,
6 decommissioned nuclear submarine sites, dredge
7 spoil sites, oil and gas leases and all of these
8 other human activities that might relate to
9 Section 5 in the future?

10 DR. WAHLE: Yes, we are. In fact,
11 we're beyond beginning. There's two answers.

12 One is in the data layer that Sarah
13 showed on the ecological characterization we're
14 just sort of encountering some information like
15 that which will be incorporated. We also have
16 now finished the gathering of a nationwide
17 inventory of de facto MPAs, all those areas that
18 are restricted for reasons other than
19 conservation. And Rikki can explain exactly where
20 we are with that.

21 DR. GRUBER-DUNSMORE: Yes. I have

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1 the data all analyzed and I could give the same
2 type of analysis and report that we just gave
3 for the west coast for all the de facto sites.

4 So there's over 1200 what we've referred to as
5 de facto MMAs that include oil and gas transfer
6 sites, anchorage areas, naval bases

7 MEMBER SUMAN: Right. Yes. No, my
8 concern was and my interest wasn't so much in
9 de facto MMA sites, but more in hostile impacts
10 or the avoidance. Avoid harm.

11 MS. FISHER: Well, some of that
12 information is being collected and they use
13 patterns in the secondary uses. We haven't
14 collected any primary data. But if there are
15 datasets out there already about this, we have
16 tried to include those in the directory. But,
17 I mean, it's just a first cut right now. And
18 we actually -- I think we only included things
19 in that directory that has spacial data,
20 accessible spacial data attached to them also.

21 DR. JORDAN: And just for your

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1 information, Dan, the National Marine Sanctuary
2 Program has a project they're working on called
3 Resourcing Undersea Threats that looks at this
4 type of stuff, the ordinance dumps and things
5 like that in their relation to the national marine
6 sanctuaries. And so that's something that's
7 being populated now and they're looking at that.

8 And they also have a contract with the Navy to
9 help support a project over in the Pacific islands,
10 the Hawaiian Islands right now looking at some
11 of these ordinance dumping grounds and things
12 like that.

13 DR. WAHLE: Okay. We have Tony on
14 my list.

15 MEMBER CHATWIN: Yes. Thanks to the
16 team. I think it's really important to be able
17 to see these preliminary results of the system
18 that's being developed. And I am particularly
19 interested in understanding better the process
20 that you guys go through deciding what area counts
21 towards natural heritage and what area counts

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1 towards sustainable production. Because I will
2 be very frank and say I'm very worried about
3 seeing how those huge areas count towards natural
4 heritage and sustainable production.

5 I'd just like to understand how you
6 make those decisions?

7 DR. WAHLE: Okay. Let me give you
8 the area of historical perspective, because it
9 is a very complicated and I think a significant
10 issue for which there is no good solution.

11 You may remember when we started with
12 the classification system there were three
13 choices. You were a natural heritage MPA only,
14 you were a sustainable production MPA only or
15 you were a cultural heritage only. That worked
16 for me. It didn't seem to work for the National
17 Park Service, the National Marine Sanctuary
18 Program and others who, in their statute, have
19 very long sentences with a lot of commas in them.
20 And in those sentences are conserved by other
21 support, sustainable fisheries, protect cultural

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1 resources.

2 Now what happens on the ground varies
3 widely and there is often a reflection of
4 day-to-day management priorities, budget, what
5 have you. But we can really only go -- in our
6 analyses we used as much objective information
7 as we can find. And that in this case took us
8 to the statute into the programs. And what the
9 programs say and what the laws says is these are
10 multipurpose statutes that probably in practice
11 have a, one, or maybe two primary focus, but they
12 have all these purposes.

13 So this level of the analysis
14 reflects that complexity.

15 It's a mess, I agree. And I think
16 that the challenge for us is to now go look more
17 critically at NEFA's side and say well to what
18 extent is this really about a diversity function
19 versus a fisheries management function. And I
20 think that's a very good question and one that
21 we have to struggle with.

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1 MEMBER CHATWIN: Yes. Because I think
2 -- my reaction when I saw that up there is that
3 -- two gut reactions. One is because 100 percent
4 of them are permanent, they will all be MPAs.
5 That was one thing that I think. And to lead
6 this discussion we had in subcommittee, too, this
7 is the central issue on subcommittee, too. It's
8 what gets into the national system and how, given
9 that we are charged with sort of a successful
10 development of the national system, how that
11 affects the success or the long term success of
12 the national system. And I'll give more details
13 about that when subcommittees report back.

14 But the other thing is, and this is
15 now not wearing the subcommittee hat but my
16 personal hat as someone whose career is dedicated
17 to conservation of marine biodiversity, I would
18 say that in fishery management areas that have
19 a focus on one species for production levels do
20 not have value as a biodiversity conservation
21 site. So I see problems there that we do need

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1 to focus.

2 And I will add that I am concerned
3 that now that this framework even though it has
4 a very long comment period, that we as a Committee
5 won't have an opportunity to comment on it because
6 supposedly it was built upon work that we produced.

7 And we are now, as a Committee, are only going
8 to meet again after the comment period closes.
9 So I think that's something that we can address,
10 too.

11 But, again, these are concerns that
12 are raised. But I want to congratulate you
13 because finally we can see sort of results of
14 what we're producing here. And that has helped
15 the process.

16 MR. URAVITCH: Let me just respond
17 that we've talked to the Chair and the MPA Center
18 staff talked among ourselves last night and
19 realized that there are ways to get official
20 comments from the Committee. We can do this via
21 a conference call. We can go to our formal notice

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1 process, set up a specific call to deal with the
2 question of formal responses to the framework,
3 and that was something that Dan and I talked about
4 this morning. And that's something that perhaps
5 you guys can talk about later today.

6 But there is going to be a way for
7 this Committee to formally respond to the
8 framework. You don't have to get it all done
9 today.

10 DR. WAHLE: Tony, let me just follow
11 up a little bit on the ecological substance of
12 your question.

13 This really troubles us a lot, too.

14 You know, maybe we all have different reasons
15 for being troubled, but I think we all see what
16 the flaws are.

17 What are we necessarily have to do
18 in everything we do is to stick to the facts,
19 right. So we have to classify these sites by what
20 the law says they are for.

21 Now, we all know that there is a real

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1 world out there that's different. And what we
2 need to do, and I'm hoping we can do this together,
3 is figure out a robust and a transparent way of
4 making some sense out of that initial pattern.

5 So we need to do what Steve described and what
6 the MLPA did is you take the marine conservation
7 area box that has everything from nearly full
8 protection to nearly no protection and put some
9 kind of criteria in there. We can do that. But
10 the first story we have to tell is this is what
11 the law says, and that's where we are right now.

12 So I'm looking forward to you guys
13 helping us solve this problem.

14 Okay. Mike, you were next?

15 MEMBER CRUICKSHANK: Yes. You know,
16 I hate to beat on a dead horse, but I think it's
17 risen up again. This is the question of whether
18 the oil and gas and mineral leases under the west
19 coast are included or excluded from this whole
20 procedure. And it's my understanding they've
21 been excluded, but really in the documents that's

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1 not apparent.

2 The oil and gas and mineral leases
3 still are defined in the document of MMAs. And
4 if they're not, then we should say so somewhere
5 up front so that the whole MMA's leases section
6 is excluded in some way. Because it's confusing.

7 Talk about confusing language, this is one of
8 them when you read all this stuff and you say
9 well where's the oil and gas leases. There's
10 over 2,000 oil and gas leases.

11 MR. URAVITCH: I don't know, there's
12 somewhere between 3500 and 4000 structures.
13 Actual leases, I don't know what the number is.

14 MEMBER CRUICKSHANK: Okay. Each
15 structure is on a separate lease, I believe.

16 Anyway there's so much goes on out
17 there that really if is not going to be considered
18 in this area that it should be definitely excluded
19 somewhere up front so you're not worried about
20 it. Bucksaws it's a hard issue, really. It's
21 a controversial issue. Controversial really in

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1 this Committee. I haven't seen the controversy
2 anywhere except MMS. But there is also that you
3 don't -- when you're collaborating with
4 everything, agencies, MMS is not one of them.

5 MR. URAVITCH: No, MMS has been a part
6 of this process since the whole program started
7 in the year 2000. As a matter of fact, that side
8 of Interior was the lead for the Department of
9 Interior until this year.

10 We did look at lease sites and some
11 of them might show up as de facto sites. There
12 are also potentially some sites that could be
13 marine managed areas, that the areas that are
14 hard bottoms and the like in the Gulf of Mexico.

15 We actually had approval to put them on our
16 inventory and then Hurricane Katrina destroyed
17 the MMS office in Louisiana, and that was the
18 end of the information at that point.

19 So we do recognize the ecological
20 value of a number of these sites down in the Gulf
21 for the work that the OCS Lands Act provides the

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1 protection it provides for certain of these
2 resources. But right now those data aren't
3 available. We do recognize that.

4 MEMBER CRUICKSHANK: Well, in that
5 case I would strongly suggest there be something
6 written up front to say that these are not part
7 of the listing of MMAs.

8 DR. WAHLE: Okay. Thanks, Mike.

9 MEMBER ZALES: Charlie, to that point
10 didn't the Pacific Fisheries Management Council
11 designate the platforms off of California as EFH?

12 DR. WAHLE: No. No. I don't think
13 they did.

14 MEMBER ZALES: No, they did. I
15 thought they did. There was a proposal I know
16 because it's come up in the Gulf a couple of times
17 and they haven't, and I thought that they did
18 and especially because of the rockfish thing
19 because there's a lot of rockfish around the
20 habitat.

21 DR. WAHLE: Right. Right. Mark, do

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1 you know that?

2 MEMBER HIXON: I don't know.

3 MEMBER OGDEN: I don't think so. There
4 was a presentation at CWO on that, and it is a
5 proposal but I don't think it's been done yet.

6
7 MEMBER ZALES: Okay. Well, I thought
8 it was done, so that's why I'm asking.

9 DR. WAHLE: Yes. Okay. I have Ellen
10 and John and --

11 CHAIRMAN BROMLEY: We're getting low
12 on minutes. Maybe five more minutes.

13 DR. WAHLE: Okay. Ellen, John, Lelei
14 and then we're probably out.

15 MEMBER GOETHEL: Okay. And thank you
16 for that presentation. It was very informative
17 and I had a couple of points and a question.

18 As I've been sitting here I see a
19 growing problem with the lack of economic and
20 social impact statements and data. And to that
21 point I would suggest very highly that you try

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1 and retry to make sure that the MPA Center gets
2 an anthropologist on staff. I really think that
3 that's imperative because once you get down to
4 the ground level if you don't have that
5 information for the specific sites, you're going
6 to come up against a brick wall. And you need
7 to have an anthropologist to help you analyze
8 what's going on in the communities and the effects
9 that the possible MPAs are going to have.

10 MR. URAVITCH: Yes, we recognize that.

11 We had one until two months ago and our budget
12 reduction, that was one of the people that got
13 hit. So we'll see what happens when
14 appropriations come through.

15 MEMBER GOETHEL: I just wanted to make
16 that statement.

17 I guess also I had a question about
18 Rikki referred to the different regions. I think
19 it was Rikki. I just was wondering what the
20 regions are, just for my knowledge?

21 DR. GRUBER-DUNSMORE: We have an

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1 imagine which I can put up. I think we have Alaska,
2 the west coast, Gulf of Mexico, Great Lakes, New
3 England, Mid-Atlantic, South-Atlantic,
4 Caribbean and Pacific.

5 MEMBER GOETHEL: So it's basically
6 the councils?

7 DR. WAHLE: Yes, very similar to the
8 councils.

9 DR. GRUBER-DUNSMORE: Very similar.
10 Not exactly.

11 MEMBER GOETHEL: Okay. It's close.

12 DR. WAHLE: Yes.

13 MEMBER GOETHEL: Okay. Could you get
14 me that information at some time? That would be
15 great.

16 DR. GRUBER-DUNSMORE: Sure.

17 MEMBER GOETHEL: And my last question
18 was are the LNG offloading facilities included
19 in your de facto -- I'm sorry liquid natural gas,
20 the ocean unloading facilities? I know they have
21 like a two mile -- actually five --

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1 DR. GRUBER-DUNSMORE: They are the
2 de facto database. They are not in what I
3 presented.

4 MEMBER GOETHEL: They are the de facto.
5 Right. That's what I wanted to know if they were
6 included in that or not.

7 Thank you.

8 DR. WAHLE: All right. John and
9 Lelei.

10 MEMBER HALSEY: Okay. I have a couple
11 of comments in regard to Brian's excellent
12 presentation. One, although I'd characterize
13 shipwrecks as being dead things yesterday, it
14 doesn't mean that they're not still lethal. And
15 I think it's important to realize that the fact
16 that they're going to release hazardous materials
17 isn't something that we can put off into the
18 indefinite future. It's happening now and it's
19 only going to speed up particularly as the World
20 War II wrecks really begin to reach their final
21 level of disintegration.

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1 And, again, I can't emphasize enough
2 how devastating that can be on certain sites that
3 are intended to sustainable production or natural
4 heritage.

5 Second is that, Brian, what
6 percentage of found wrecks in relation to total
7 reported wrecks did you have?

8 DR. JORDAN: I had 286 out of 10,000.

9 MEMBER HALSEY: Yes. So we're talking
10 single digit percentages. I don't think that's
11 unique to the west coast. I think that's the
12 same kind of figure that you would see all around
13 the country and across the planet it's going to
14 be even more. Although they can't run, they can
15 still hide. But there's a lot more things out
16 there than we're having to deal with at this point,
17 and they're going to be very expensive to locate
18 and assess.

19 DR. WAHLE: Okay. And finally Lelei,
20 last but not least.

21 MEMBER PEAU: Charlie, thank you.

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1 I'd like to commend the Center for
2 this pilot project. I think it's really good
3 baseline information that will help us. But I'd
4 also like to thank you acknowledging the fact
5 that the mandate is often time is not the --
6 doesn't have a true representation of reality
7 at the ground level.

8 And I'd like to take up on your offer
9 to work closely with the region to improve on
10 the classification of data.

11 So my question is what time frame you
12 have for the Pacific region? And please don't
13 say you do not the funding.

14 DR. GRUBER-DUNSMORE: If we have
15 funding --

16 DR. WAHLE: Can you extend your stay
17 for the week?

18 DR. GRUBER-DUNSMORE: Yes. The
19 Pacific region, is I think we have 100 percent
20 spacial coverage. So it's one of the high priority
21 sites and we'll be getting to -- if the data are

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1 available and analyzed, but we'll be moving there
2 rather quickly.

3 MEMBER PEAU: Great.

4 PARTICIPANT: Could I just add
5 something to that. Let me just, you know, OCRM
6 in which the MPA Center sits, also as the corral
7 program. The corral program is doing an MPA
8 report that goes along with and includes all the
9 Pacific islands and the Caribbean and they're
10 using the classification from the MPA Center.
11 So much of what we're doing here is being done
12 through the corral program.

13 DR. WAHLE: Okay. Good.

14 Okay. Well, thank you. And please
15 join me in thanking my colleagues.

16 CHAIRMAN BROMLEY: Yes, thank you.

17 Okay. Lunch is scheduled to arrive
18 approximately 12:30. It's a quarter to 12:00.
19 I propose that we hold our election now, elections.
20 And let's just look at the agenda for the rest
21 of the day.

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1 On the assumptions that the elections
2 take 15 minutes or less, we will have some time
3 maybe even before lunch arrives for the
4 subcommittees if you wish to get together briefly.
5 And maybe if you're agreeable to this you could
6 ahead and start your meeting and then when the
7 lunch arrives, you can come and pick it up.

8 Again, I think we don't want lunches
9 to be transported through the lobby and so on.

10 So I'd ask your good judgment in that.

11 The classroom is available today,
12 which is over by the cafe. So one group go to
13 the classroom, if you wish. If you find that you'd
14 rather stay close and eat your lunch and then
15 go over, that would be fine.

16 Who had been over there. Group 1?
17 Do you want to keep going there or would you rather
18 force someone else there?

19 PARTICIPANT: If they know where it
20 is, send them there.

21 CHAIRMAN BROMLEY: If they know where

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1 it is, send them there. Okay. So all we ask
2 is that somehow you don't transport your lunches
3 there. And then Groups 2 and 3 would stay here.

4 The idea would be that we report back
5 at 1:30. We'll have a break. We will have, I
6 think, some brief Committee business because the
7 election is part of that, we're going to do that
8 now. So if things work, and
9 I'm not trying to push it down, but you know we
10 might be able to get out of here by 3:00, 3:30
11 and that would help those of you who want to go
12 out to Portland tonight or must drive Portland.

13 So I think that's the rest of the day.

14 So, is that okay?

15 MEMBER CHATWIN: Mr. Chairman, a
16 clarification. So are you saying -- I don't know
17 if I was hearing correctly. But the Subcommittees
18 have an hour and a half and you're saying that
19 the hour and a half includes lunch?

20 CHAIRMAN BROMLEY: Yes.

21 MEMBER CHATWIN: Well, I object to

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1 that. I think that we should have our break,
2 have our lunch and give the Subcommittee at least
3 an hour and half to discuss without the
4 distraction of food and to not close the meeting
5 early.

6 CHAIRMAN BROMLEY: Okay.

7 MEMBER CHATWIN: Because I think it's
8 extremely important. In Subcommittee 2 we need
9 every minute of that hour and a half.

10 CHAIRMAN BROMLEY: Okay. That's fine.

11 I'm sorry if it seemed like I was trying to shut
12 us down early. I'm not. I'm just saying, you know,
13 we'd like to have people report back at 1:30.
14 And I'm even open if that's not enough time, we
15 can push that back to 2:00. I'm open on that.

16 I can't outlaw the eating of lunch
17 on the part of one of your members as you work.
18 So that will have to be up to you.

19 MEMBER PETERSON: I'd suggest we move
20 maybe to 2:00. We're going to have to eat here
21 since we can't carry it over there.

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1 CHAIRMAN BROMLEY: Yes. Okay. So
2 we'll have -- if you'll look at your schedule
3 for today, the Subcommittee report out, so let's
4 change that 2:00, is that right? Does that help
5 you, Tony.

6 MEMBER CHATWIN: Thank you, Mr.
7 Chairman.

8 CHAIRMAN BROMLEY: And, Max, that's
9 your intention, 2:00?

10 MEMBER PETERSON: Yes.

11 CHAIRMAN BROMLEY: Okay. Just a
12 moment, please. Okay.

13 Lauren was reminding that we have
14 some time before lunch, and we do have to think
15 about how we want to handle the comments on the
16 framework. So let's do that after we have the
17 election, is that okay? So let's do the election
18 now. Bonnie has distributed a card to you.

19 So let's do the election and then
20 we'll have a little bit of time here to think
21 about how you'd like to coordinate and carry out

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1 Joe's offer, or at least possibility, of a way
2 to react to the framework.

3 Okay. I'm going to propose that we
4 move into a section where we elect new leaders
5 to take over at our next meeting, which we will
6 discuss later in the day, right? I'm still
7 implicated until the end of this meeting, is that
8 correct? Okay. Fine.

9 So we will elect people but they don't
10 take over until you pound the gavel next time,
11 right? Or maybe they take over the minute this
12 meeting ends. I think that's probably the law,
13 right? Okay.

14 So once we adjourn today, the people
15 that you elect as your new leaders will be your
16 new leaders.

17 As you know, Mark Hixon has declared
18 a willingness to serve as Chair. I have not
19 received nominations or inclinations from anyone
20 else. Is there any last minute interest in
21 nominating someone or yourself? Hearing none,

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1 it seems to me a proper approach is to by
2 acclamation declare Mark Hixon our new Chair,
3 unless there's an objection.

4 Max?

5 MEMBER PETERSON: We vote we elect
6 Mark as our Chair.

7 CHAIRMAN BROMLEY: Okay. Okay.

8 PARTICIPANT: Second.

9 CHAIRMAN BROMLEY: Okay. So it's been
10 moved and seconded. Thank you.

11 Mark?

12 MEMBER HIXON: I'd like to say a few
13 words.

14 CHAIRMAN BROMLEY: Well, yes. That's
15 right. But I wasn't going to give you the floor
16 until we were sure someone was going to put you
17 there.

18 So, yes, I had told Bob and Mark and
19 unfortunately George has left, but I've told Mark
20 and Bob that each of them should make a brief
21 statement. So I think now is the time to hear

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1 from Mark.

2 MEMBER HIXON: Thank you. I almost
3 felt railroaded there for a second.

4 CHAIRMAN BROMLEY: Yes. I'm not eager
5 to hand off the baton, am I?

6 MEMBER HIXON: Just a little
7 background. When I heard that Dan was stepping
8 down as Chair, I had no inclination to step up
9 as a candidate. I'm quite satisfied certainly
10 on my Subcommittee.

11 When I arrived at this meeting,
12 though, quite a few of you have come to me
13 individually and in groups and encouraged me to
14 step into this position. And I very much
15 appreciate that support. And I'm taking it with
16 a little reluctance at the same time.

17 After doing some research and a huge
18 amount of soul searching I've decided that I am
19 willing to serve. And I want you to know the
20 reasons. The reasons are, first, that support
21 that people have given me. But more importantly

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1 I have just been amazed by how well this group
2 works together. I recall when we came together
3 such a huge diversity of world views and I have
4 found that everyone has the ability to listen
5 to each other and learn from each other, and have
6 continued to do that. And it's been absolutely
7 remarkable to me, especially compared to some
8 other processes in which I've been involved.

9 So I am doing this with a bit of
10 apprehension and a bit of fear and a bit of
11 reluctance, but I do feel supported. And I have
12 tremendous faith in this Committee, so that's
13 why I'm willing to do this.

14 Thank you.

15 CHAIRMAN BROMLEY: Thank you, Mark.

16 Okay. So it's been moved and seconded
17 that Mark be elected as our Chair.

18 Max is the parliamentarian. Is this
19 the point at which one does it by acclamation
20 or do we say all in favor to say aye.

21 MEMBER PETERSON: Well, you can

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1 actually ask if there's any further discussion.

2 CHAIRMAN BROMLEY: Yes, I did that.

3 MEMBER PETERSON: Okay. Then you're
4 ready to vote.

5 CHAIRMAN BROMLEY: Ready to vote?

6 All right. Let's do it the old fashioned way.

7 All in favor of Mark Hixon to be your next Chair,
8 please say aye.

9 ALL: Aye.

10 CHAIRMAN BROMLEY: Anyone opposed?

11 Okay, Mark, congratulations

12 (Applause).

13 CHAIRMAN BROMLEY: Okay. We have two
14 individuals who have expressed in interest and
15 been nominated to be Vice Chair. And I would
16 ask Bob to make a statement and then Bonnie has
17 passed out a card and at that point if there's
18 anyone here to who has deputized by George at
19 a point to say something on his behalf; Mark,
20 have you? Not yet, but yes or no.

21 MEMBER HIXON: Not officially.

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1 CHAIRMAN BROMLEY: Not officially.

2 MEMBER HIXON: I think I can express
3 George's viewpoint.

4 CHAIRMAN BROMLEY: That's fine. Okay.

5 Let's let Bob have his statement and then Mark,
6 that would be nice. Yes.

7 Bob?

8 MEMBER ZALES: Yes. And I, too, you
9 know didn't make any outward notices that I was
10 interested in running. John Ogden approached me
11 the other night and talked to me a little bit.
12 And I told him that I would be interested in
13 serving as his Vice Chair. Part of the reason
14 is because of time constraints and the other
15 is, you stated the reason, one of the reasons
16 why you want to step down as Chair you can't really
17 accept but as Vice Chair you still have that
18 option of it. And you can also serve on committees
19 and stuff like that. So that's my interest.

20 And, you know, I appreciate Mark
21 running because Mark's done an excellent job.

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1 And also like, he, you know when we first started
2 this process there's -- you know, I've stated
3 several times that it seemed to me that there
4 were factions out there that really didn't want
5 to see this Committee succeed. And in Portland
6 when we finished up our framework, I made the
7 statement that, you know, I was proud to be part
8 of that process that we had all come together
9 as a group and in my mind succeeded at this. And
10 I think that we can continue

11 And, you know, I've been placed on
12 here until 2009, I guess it is. So I'm going to
13 be here a while. So, you know, if you all see
14 fit to put me in as Vice Chair, I'll appreciate
15 it.

16 CHAIRMAN BROMLEY: All right. Thank
17 you, Bob.

18 Mark, good. Go ahead. I mean, again,
19 you're saying this is not an official thing from
20 George, but --

21 MEMBER HIXON: Correct. These are my

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1 impressions on where George is coming from.

2 George was reluctant, like me, and
3 also had individual support by people. I believe
4 that George would be happy to not be Vice Chair.

5 And I believe it -- and this is just my impression
6 right now, I believe if he knew there was another
7 willing candidate, he would have just said no
8 flat out. So, I think that's where George is
9 coming from.

10 And, again, these are just my
11 impressions. He did not say this to me per se.

12 PARTICIPANT: But when you had his
13 hand behind his back on this?

14 MEMBER HIXON: Yes. Well, I was kind
15 of saying, gosh, I don't know what to do.

16 CHAIRMAN BROMLEY: Okay. Gil?

17 MEMBER RADONSKLI: I did talk to
18 George about this. And George was reluctant, and
19 I think Mark expressed it correctly. If he knew
20 there was another candidate, he probably would
21 not be interested. Because he is slated to become

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1 Chairman of the ASMFC, which is a big job and
2 he didn't know that he wanted to take on two tasks
3 at the same time. But he wanted somebody to be
4 in that position, so it didn't look like we'd
5 have to draft somebody.

6 CHAIRMAN BROMLEY: Yes. Yes. Okay.

7 Any other discussion? I believe we have a
8 card from Bonnie in front of you. Would you
9 express your preference for Vice Chair and we have
10 a ballot box. The ballot box is not made by Depot,
11 it's not electronic. It's reasonably tamper proof.
12 This is not Ohio. And it's not Florida.

13 MEMBER ZALES: Could I say something
14 while we're doing this?

15 CHAIRMAN BROMLEY: Yes.

16 MEMBER ZALES: I just wanted to say
17 that since you've only got a couple of hours to
18 remain as Chair that from my viewpoint I think
19 you've done an excellent job. I know that the
20 very first meeting that we had in D.C. when we
21 first got together were talking, you and I kind

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1 of went back and forth a little bit with Dr.
2 Bromley and Mr. Zales and you straightened me
3 out pretty quick that we're going to be on a first
4 name basis.

5 And I've learned a lot from this
6 process, and I think you've done an excellent
7 job as Chair. And I've appreciated your advice
8 and your counsel. And I just wanted to thank
9 you.

10 (Applause).

11 CHAIRMAN BROMLEY: Thank you, Bob.
12 Max?

13 MEMBER PETERSON: I'd like to follow
14 up Bob's good statement by saying that I would
15 move that the FAC officially express appreciation
16 to you for being a very effective, a very fair
17 and a very proficient Chair. I'd like to move
18 that.

19 MEMBER HIXON: Second.

20 CHAIRMAN BROMLEY: I guess I have to
21 call for the question.

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1 All in favor of this motion, say aye.

2 ALL: Aye.

3 CHAIRMAN BROMLEY: All opposed? I
4 promise not to listen.

5 Thank you, Bob. Thank you, Max. Thank
6 you, everyone.

7 As I said in my email it's been
8 tremendous fun. You know, I think the worst part
9 of being Chair, Mark, is that it's hard to get
10 away to the bathroom. Because you know, you have
11 to sit up here all the time. That's the worst
12 part of the job. Other than that, it's great fun.
13 And I think you and Bob or George, whoever, will
14 go forward and we'll continue to work together.
15 So thank you both.

16 Mark?

17 MEMBER HIXON: Is there a rule that
18 says the Chair cannot serve on a Subcommittee?

19 CHAIRMAN BROMLEY: No. There is no
20 rule that says the Chair cannot serve. To my
21 knowledge there's no rule about that. I choose,

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1 and as you and I talked, I choose not to because
2 I wanted to move around and see what they were
3 doing and provoke and challenge and encourage.
4 But there's no rule that says you can't be on
5 a subcommittee. You are a member of the FAC and
6 it's up to you and Bob or George to allocate your
7 time as you wish.

8 You know Bonnie did serve on a
9 subcommittee. So that's my understanding.

10 So the ballots are being counted.

11 Let's have a little conversation
12 about --

13 MS. WENZEL: They're ready. I was just
14 double counting.

15 CHAIRMAN BROMLEY: You're ready?

16 MS. WENZEL: Yes.

17 CHAIRMAN BROMLEY: Okay. Do you want
18 to announce the results?

19 MS. WENZEL: And the new Vice Chair
20 is Bob Zales.

21 (Applause).

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1 MS. WENZEL: And actually before we
2 go on, I'd like to recognize Joe and Max Peterson.

3
4 MEMBER PETERSON: You can see that
5 MPA Center and others are always prepared, so
6 they even prepared a little token to give to our
7 Chairman. Joe and -- can join me in presenting
8 this.

9 Where's our photographer?

10 I think we got almost everybody to
11 sign this. So if you haven't signed it, you have
12 to do so before we leave here. It's got
13 everybody's name signed on.

14 It says "Thank you for pointing us
15 in the right direction.

16 CHAIRMAN BROMLEY: Yes, and the signs
17 go in all different directions. Thank you very
18 much.

19 I think there's been some conspiracy
20 behind my back, but I'm happy and this will hang
21 on my wall.

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1 MEMBER PETERSON: Thank you very
2 much.

3 CHAIRMAN BROMLEY: Thank you very
4 much. Thanks.

5 (Applause).

6 CHAIRMAN BROMLEY: Wonderful. Thank
7 you. I'm touched by this. It goes right there
8 with my high talking priest award, in where was
9 that we got that one? I am the high talking priest
10 of whatever. Good. This is wonderful. Thank you.

11 So lunch is now here. We have a minute.
12 How should we think about -- would you like to
13 have a conference call at sometime in I should
14 think late November or early December or January
15 wherein we would have an official reaction to
16 the framework? Steven and Bob?

17 MEMBER MURRAY: Our Subcommittee
18 spent some time yesterday looking over the draft
19 framework and we actually have a set of things
20 that we thought we were going to bring forward,
21 including I think a recommendation from the

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1 Subcommittee for the group. And, you know, we
2 could do that.

3 I think that it would be germane for
4 us to bring forward what this recommendation
5 would be with regard to all the specifics. I think
6 that may be better handled in another way.

7 But the upshot of it is is that our
8 group in looking through the framework, you know
9 we believe that there are some very significant
10 changes that need to be made draft framework and
11 we were prepared to bring forward to the group
12 the motion so indicating that from the group that
13 that would need to be done. And we have some
14 particular points that we would express to back
15 up that.

16 I think that if you look at the draft
17 framework carefully it's a pretty lengthy
18 document. I mean, you will see that there are
19 some substantive issues that most of us in here,
20 I think, would find at least one or another one
21 of them. And that there are also some issues of

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1 grammar or better yet clear articulation of some
2 critical points. And I think the paramount --
3 and some omissions. Omissions of materials or
4 issues or topics that we actually took up in our
5 report. One of those just off the top is see if
6 you can find a place in the draft framework that
7 actually spells anything about added new sites,
8 those that are not already catalogued or listed.

9 I think you'll find a silence on that, at least
10 from what we can see.

11 So, I think that that's one way that
12 we could proceed and move forward. But I think
13 there's a huge amount or a large number of smaller
14 sorts of issues that those of us either from the
15 Subcommittee standpoint or another point, you
16 know, would have with regard to making
17 recommendations for consideration in producing
18 the final copy of the framework.

19 One of the critical issues that has
20 been, and I believe it is a very critical issue
21 that has migrated from the views that we worked

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1 out over a two year period in producing our June
2 2005 report to what we're seeing in the draft
3 framework is bears directly on the issue that
4 Tony's group is struggling with. And that is how
5 an MMA is defined and how MPA is defined, and
6 the use of the term permanent instead of definite
7 and what that connotes in terms of an active
8 management and other kinds of things that we all
9 struggled with for some time in producing our
10 June 2005 report. There's been a lot of migration
11 away from the way we expressed those viewpoints
12 and came to a consensus on those versus what
13 appears on the draft framework.

14 So, you know how we handle the
15 communication either from the group, the
16 individuals into the process for consideration
17 and I don't think that we're looking at something,
18 at least if I look at this, that I can say there
19 are just a few small suggestions that I'd like
20 to make. There are numerous issues.

21 CHAIRMAN BROMLEY: Okay. I'll come

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1 to you for clarification.

2 Bob and then I have Gil.

3 MEMBER ZALES: Yes, I think maybe if
4 you set up a deadline to have all of us have our
5 particular comments on the documents sent and
6 then have the center or whoever work up a kind
7 of a list of that, and then forward that to
8 everybody to look at and see if everybody's on
9 the same page. It's going to be real simple and,
10 you know, because obviously as an individual if
11 I disagree with what Tony's got to say, I'm going
12 to do that anyway. But as a panel if we're not
13 that far off, then you can put those ideas
14 together, especially those ones that you have
15 consensus on in a sense. And then you can list
16 them. That could go forward as the Committee
17 response to this thing, I guess, and then go from
18 there.

19 And then rather than having -- and
20 still have the conference call, but rather than
21 having the conference call and saying okay, Bob,

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1 what do you think or Tony what do you think, have
2 it all set up ahead of time and say, okay, and
3 we all have that in front of us, here's what
4 everybody says, here's the point that they're
5 disagreeing with and then try to work that out.

6 CHAIRMAN BROMLEY: A conference call
7 would not work, as you say. And in a sense what
8 I'm hearing is we would think about a process
9 that resembles sort of what we did with our draft
10 where back two years where we had a draft in front
11 of us and we submitted comments individually to
12 Lauren. And Lauren tried to synthesize them.
13 Tried, I'm sorry. Did synthesize them. And so
14 that's the kind of process you envision?

15 Good. Let's have some other ideas
16 here and we'll come back to this.

17 I have Gil and then I have Tony and
18 I have Ellen.

19 MEMBER RADONSKLI: I just want to
20 support what Steve said because under his
21 leadership our Subcommittee did look at this.

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1 And I think the key thing, Steve mentioned it,
2 but I think it needs more emphasis. This draft
3 report just doesn't contain the information and
4 is not written s well as our final report. And
5 I think if, essentially we said if they would
6 have incorporated our final report into this,
7 it would have been much clearer.

8 And I subscribe to what Bob is
9 suggesting. And I think our Subcommittee has
10 got a lot of things outlined already we can jump
11 start this whole process.

12 CHAIRMAN BROMLEY: Okay. All right.

13 Fine.

14 I have Tony, Ellen and Max and Mike.

15 MEMBER CHATWIN: Thanks, Mr.

16 Chairman.

17 I consider myself a sort of can do
18 kind of guy. But in this case I'm going to say
19 that I don't think we will achieve our desired
20 objectives through conference calls.

21 CHAIRMAN BROMLEY: Okay.

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1 MEMBER CHATWIN: We've been doing
2 conference calls for two years now and what we
3 can achieve in conference calls is very limited.

4 CHAIRMAN BROMLEY: Yes.

5 MEMBER CHATWIN: And I have not yet
6 been on a conference call where we've achieved
7 final consensus on a document that we've been
8 drafting.

9 CHAIRMAN BROMLEY: Okay.

10 MEMBER CHATWIN: You brought up the
11 process that led to a consensus report and those
12 steps were indeed steps that we followed. But
13 a consensus was only reached at the meeting after
14 we had intense debate.

15 So I honestly think what we need to
16 do as a Committee is urge the MPA Center to include
17 in their commentary our next meeting. Because
18 I think we are the advisory body to the MPA Center.
19 There is ample time for *Federal Register* notice
20 and whatnot, all the legal requirements. And
21 I think that our next meeting has to be -- all

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1 these other steps that we have discussed will
2 be useful if we have another meeting where we
3 can then come to a consensus on recommendation.

4 And I think that, honestly, it's crucial that
5 this Committee come to a consensus on
6 recommendations for this. Because we're now
7 coming much closer to the point at which it's
8 going to become a reality.

9 CHAIRMAN BROMLEY: Okay. I have an
10 idea. I think it would be hard, I believe, to
11 change the reporting date, the deadline date for
12 public comment. I don't know, maybe that could
13 be done.

14 Another option is that instead of us
15 meeting in April in Washington, D.C. we meet in
16 late January or early February in Washington,
17 D.C. and have that be the meeting that would get
18 inside of the window for public comment. I don't
19 know whether that's possible, but that's an
20 option. Okay.

21 MR. URAVITCH: I don't believe so.

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1 CHAIRMAN BROMLEY: I don't believe
2 there's enough money to have another meeting and
3 then our April meeting, nor do I believe that
4 it's easy to extend the date for public comment.

5 But that's a question Joe can answer.

6 MR. URAVITCH: Well, we already have
7 145 day public comment period, which is more than
8 twice the normal public comment period. And I
9 can tell we're already being criticized for that.
10 Some people say it's a deliberate stall on the
11 part of us to move this whole process forward.

12 We've pretty much committed to the
13 145 days with notice up front saying this is the
14 end. So it would be tough to extend.

15 In terms of a meeting in January or
16 February, I would say watch happens to our
17 appropriations because right now the second
18 meeting this year at a current funding level would
19 be difficult.

20 CHAIRMAN BROMLEY: I see, meaning the
21 April meeting may not happen.

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1 MR. URAVITCH: Right. If we get what
2 the President requested, we certainly have a
3 meeting schedule and we could look into moving
4 the date of that meeting from April to earlier
5 in order to accommodate the Committee.

6 CHAIRMAN BROMLEY: And that clarity
7 will come shortly before or shortly after the
8 election?

9 MR. URAVITCH: It should be November.

10 CHAIRMAN BROMLEY: Sometime in
11 November?

12 MR. URAVITCH: Sometime in --

13 MS. GLACKIN: Well, I think it's going
14 to be really optimistic to get a budget before
15 the end of the calendar year.

16 CHAIRMAN BROMLEY: Okay. So but then
17 if we're on a continuing resolution, Joe, is there
18 not enough money for an April meeting?

19 MR. URAVITCH: It depends on how the
20 Department interprets it.

21 CHAIRMAN BROMLEY: I see.

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1 MR. URAVITCH: Right now we just don't
2 know.

3 CHAIRMAN BROMLEY: Okay. So I think
4 -- well, okay. This is just information now.

5 I've got Ellen and then I'll have Max
6 and Mike and now Mark.

7 Ellen?

8 MEMBER GOETHEL: Well, I just have
9 a suggestion. Since we all agree that we need
10 to make a recommendation as a Committee, I suggest
11 that our Subcommittee make our presentation about
12 our findings. Most of the things that we looked
13 at we tried to use your original document as a
14 reference point so that there would be the least
15 amount of discussion about what the Commission
16 agrees to.

17 We did not get into the nitty-gritty
18 because we felt that as individuals we can do
19 that, but the Commission needs to have a unified
20 voice. And in order to get really good solid
21 comment back from the agency, we need to have

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1 our letter as a unified voice.

2 I really think that it would be
3 beneficial even if we don't come to a consensus
4 to listen to what the Committee has to say. See
5 if we can agree on at least some of the points
6 and leave it at that, see how far we can come
7 today.

8 CHAIRMAN BROMLEY: Good Okay.

9 Max, Mike, Mark and Dennis. Max?

10 MEMBER PETERSON: Let me suggest that
11 we probably have a plan A and plan B. A plan
12 A is that we can have a meeting in February.
13 That would be the preferred approach, but I think
14 we'd better plan for plan B.

15 CHAIRMAN BROMLEY: Yes.

16 MEMBER PETERSON: And what I would
17 recommend is that we already have in our
18 Subcommittee a conference call scheduled on
19 November the 28th to collect thoughts of our
20 Subcommittee.

21 CHAIRMAN BROMLEY: Yes. On the

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1 framework or --

2 MEMBER PETERSON: On the framework.

3 CHAIRMAN BROMLEY: Yes.

4 MEMBER PETERSON: On the framework.

5 Begin the process.

6 The other comment I'd make since we
7 arrive at a consensus on our report, I would hope
8 that in reporting on this framework we stick
9 within the parameters of what we already
10 recommended. In other words, I'd hate to see --

11 CHAIRMAN BROMLEY: Not revisit our
12 report?

13 MEMBER PETERSON: Yes. I had to see
14 the Committee go off in an entirely different
15 direction. Tony said we sweated in getting that
16 out. And as near as we could, we ought to try
17 to stay within the --

18 CHAIRMAN BROMLEY: Yes. Indeed. I
19 don't detect any sentiment to revisit. Okay.

20 MEMBER PETERSON: Thank you.

21 CHAIRMAN BROMLEY: Thank you.

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1 Mike?

2 MEMBER CRUICKSHANK: Thank you. This
3 is really for Steve. I looked to me like on day
4 24 you got to put in the new system --

5 PARTICIPANT: At a site? You're
6 talking about adding new sites?

7 MEMBER CRUICKSHANK: Adding new, yes.

8 PARTICIPANT: Okay. I think he's
9 responding to maybe Steve's comment.

10 MEMBER MURRAY: Well, I think if you
11 look you're going to see that most of it has to
12 do with building from existing sites. But one
13 easy way to look at this is to go to the table
14 of contents and you'll see that one section has
15 spelled out something to do with maintaining
16 existing sites. This is section A, maintaining
17 the list and then B is removing the list. And,
18 you know, probably ought to be something there
19 that says adding to the list. At least it should
20 be highlighted or spelled out so that it's clear.
21 It's not clear.

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1 CHAIRMAN BROMLEY: Thanks. Thank you,
2 Steve, I understand.

3 Let's keep our conversation now on
4 a procedural level rather than on a specific level.
5 Is that okay?

6 Mike, that was fine of you to
7 challenge those. But let's not get into the text
8 right now. Let's figure out -- because I hear
9 the lunch coming behind me now. Let's figure
10 out how we want to operation, if that's okay.

11 So I've got Mark, Dennis and then
12 there's another hand, Steve. Yes. Others? Gil
13 and Bob. Okay.

14 MEMBER HIXON: I propose that we use
15 the remainder of the time today to hammer out
16 a one pager that we can put forward now so there's
17 something tangle now that will not preclude
18 meeting again before the deadline or make any
19 additional comments, but making sure that we get
20 the most important things down on paper right
21 now on one page. Steve's already drafted

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1 something. We ought to be able to work through
2 one page in an afternoon.

3 CHAIRMAN BROMLEY: Could I ask for
4 clarity? Do you mean the respective
5 subcommittees will go meet and work up their own
6 statement, which when combined with the other
7 subcommittees might come up to sort of a one page
8 summary of the three subcommittees? Is that what
9 you have in mind, Mark?

10 MEMBER HIXON: That's one possibility.
11 Another possibility is to take what Steve's
12 already written, which is a review of the entire
13 document, and distribute it to everyone and
14 different subcommittees could edit or play with
15 it as they saw fit. Just get it hammered out.

16 CHAIRMAN BROMLEY: Okay.

17 MEMBER HIXON: Thank you.

18 CHAIRMAN BROMLEY: Dennis, Steve, Gil,
19 Bob and now Tony. Dennis?

20 MEMBER HEINEMANN: I'm concerned that
21 the members in the other Subcommittee have not

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1 had a chance to deliberate over the document in
2 a manner that your Subcommittee has and benefit
3 from the conversations and discussions that
4 undoubtedly went on. I'm sure some of us have
5 looked at the document individually, but we
6 haven't had the chance to benefit in a
7 conversation.

8 And I would suggest that we wait until
9 everyone has had an equal chance to discuss and
10 evaluate the document as groups in the manner
11 that you have before we start to craft a response.

12 Second comment I've got is that I mean
13 absolutely no disrespect to this Committee, which
14 I believe has done an absolutely splendid job
15 in producing the report last year, but I'm
16 concerned that we might shut the door on new ideas.
17 We have five new members on the Committee and
18 I would like to see at least the door opened to
19 new ideas in discussing the framework. This is
20 an evolutionary process, an adaptive process and
21 I don't see the reason why we should exclude new

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1 information and new perspectives and ideas from
2 the potentially being included in the Committee's
3 comments on the draft frame.

4 CHAIRMAN BROMLEY: Okay. Very well.
5 Thank you.

6 Steve? And then Bob, Tony and now
7 Mark. Yes.

8 MEMBER MURRAY: I think from a
9 process standpoint I'd like to get some
10 clarification on how we all have proceeded and
11 gotten to this point.

12 My understanding was is that the
13 first major assignment that this FAC was put
14 together for was to provide information that
15 would become a core or contribute to the
16 development of this framework.

17 CHAIRMAN BROMLEY: The national
18 system.

19 MEMBER MURRAY: Is that correct?

20 MR. URAVITCH: Yes. That was the
21 charge to the Committee.

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1 CHAIRMAN BROMLEY: Not the framework
2 in the sense of this document, but the framework
3 for the development of a national system.

4 MEMBER MURRAY: Right. And in that
5 when we produced our June 2005 report that indeed
6 did serve as the basis or a large part of
7 developing the framework. I mean, the same sort
8 of general issues are touched on.

9 And from that point this document,
10 the framework was then passed through a set of
11 other eyes and other agencies, I assume, to come
12 to the point of being able to be put in writing
13 as a draft.

14 MR. URAVITCH: That's correct. I mean,
15 the framework was developed as a result of the
16 work and recommendations of this Committee, the
17 recommendations we heard from the states, from
18 the state advisory group, about 60 public
19 meetings that we had or workshops, three meetings
20 on a regional basis with a variety of state
21 agencies. The Federal Interagency Working Group

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1 and the comments from nine federal departments
2 and all the MPA programs within those
3 departments.

4 So what you see in the framework is
5 the best effort we thought we could make based
6 on the input we'd received from all these varying
7 parties.

8 MEMBER MURRAY: So in that respect
9 then, I mean there are two ways for us to act.

10 One is to look at this from our perspective and
11 to contribute our feelings about where
12 shortcomings exist. Or the other is to hear from
13 the folks who put this together about why they
14 made some significant deviations from what we
15 had generated before.

16 CHAIRMAN BROMLEY: Okay. Gil?

17 MEMBER RADONSKLI: Yes. I support
18 what Tony said very strongly about we spent a
19 lot of time coming to consensus, and it was a
20 somewhat brutal process and it lasted a long time.

21 I don't think we can open this to new

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1 comments, as Dennis suggests. Those new members
2 are free as individuals to send their comments
3 in. So, I mean, we're not curtailing them.

4 I think this Committee the facts
5 should be limited to seeing how this draft
6 document comports with our document. And then
7 be concerned with the differences. Because we
8 did reach a consensus on it.

9 I mean, if we're going to have a bunch
10 of new ideas come in, we're going to have to go
11 through the whole process of making sure that
12 we thoroughly investigate them and challenge them
13 and discuss them like we did with coming to our
14 report. So I think we should be limited to looking
15 at how this document, the draft framework,
16 comports with our Committee report to the
17 Secretaries.

18 CHAIRMAN BROMLEY: And I --

19 MEMBER HEINEMANN: Madam Chair, may
20 I respond to that?

21 CHAIRMAN BROMLEY: Yes. Let me just

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1 make, Gil, in making clear that we are advisory.
2 Nobody has to listen to us. If I may put words
3 in your mouth, we would like perhaps an
4 explanation as to why some of our concepts and
5 definitions were not adhered to here. I mean,
6 is that what you mean by this?

7 MEMBER RADONSKLI: Well, no, I'm not
8 really challenging why there is a difference.
9 I think as a Committee we should point out that
10 --

11 CHAIRMAN BROMLEY: There is a
12 difference?

13 MEMBER RADONSKLI: -- there is a
14 difference. And this is what we came to and we
15 gave our best advice to the Secretaries.

16 CHAIRMAN BROMLEY: Okay. Yes. You
17 wanted to --

18 MEMBER HEINEMANN: I'm sympathetic
19 and understand what you're saying, Gil. However,
20 I believe that the framework document was
21 prepared by the MPA Center from a number of

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1 sources of information and one of which was the
2 input from Committee as an advisory body.
3 Therefore, I think it's both appropriate to point
4 out the areas in which the MPA Center has not
5 agreed with the report and ask for clarification
6 and perhaps advocate for a change as a result.
7 But I think it's also appropriate for this
8 Committee to comment on the framework as it stands
9 given that the MPA Center considered a lot of
10 inputs besides just this Committee. And therefore,
11 I don't think there's any reason to expect that
12 the framework document is going to be exactly
13 parallel to the report that came out of this
14 Committee last year.

15 MEMBER RADONSKLI: I didn't say that
16 I expected it to be parallel. I think we should
17 point out the differences. And I don't think
18 we need to debate them. I think we're on record
19 as saying what we think should go into a national
20 system. And just sort of do a side-by-side.

21 MEMBER HEINEMANN: And given that

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1 they have considered a number of other sources,
2 I see absolutely no reason why they cannot
3 consider additional comments or ideas from this
4 Committee that come about because of changes in
5 the makeup of this Committee that have occurred
6 since the production of the report.

7 CHAIRMAN BROMLEY: Okay.

8 MEMBER RADONSKLI: Okay. I don't
9 think we have time to debate those differences.
10 That's just reopening the document.

11 CHAIRMAN BROMLEY: Good. I have Bob
12 Zales, Tony and Mark.

13 MEMBER ZALES: Yes. I agree what Tony
14 and several others have said in here, too. And,
15 you know, if we had the luxury of money and time
16 and the whole bit, and I kind of agree with Joe
17 because my limited knowledge of *Federal Register*
18 and how those things work and doubling the amount
19 of comment period and, you know, getting hell
20 over this because they think you're in a delay
21 tactic. If we do this, it's just going to be

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1 further seen as more delay. I'm not sure that
2 that's going to work.

3 It doesn't appear that we're going
4 to be able to change the April meeting to a January
5 or February meeting. And if we did, I would
6 suspect at a minimum you're going to have to
7 devote probably a whole day of debate amongst
8 this thing to come up with a document.

9 And so I'm thinking maybe one
10 suggestion would be, I mean the Committee, it's
11 like several have said, as a Committee we came
12 to consensus after two years of pretty serious
13 knock down blowouts. So I'm thinking maybe that
14 maybe the staff can develop the letter as to the
15 process that we went through, how we came to those
16 conclusions and they were pretty emphatic that
17 that's what needs to be put into the framework.

18 And, you know, if you want to go through and
19 pick out what's not there that was in our
20 framework and stuff like that to say here's what's
21 not there, and these are all the reasons why we

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1 as a Committee came to these conclusions, that
2 that may simplify some of this. I don't know.

3 CHAIRMAN BROMLEY: Okay. Joe, yes?

4 MR. URAVITCH: Yes, I guess we'll have
5 to check with legal counsel on that because we
6 are now in the midst of a formal public comment
7 period. And so what you're in effect asking us
8 to do is to develop responses to your comments
9 while the comment period is open.

10 CHAIRMAN BROMLEY: Yes. Very good.
11 Okay. I do have Tony and Mark. Tony?

12 MEMBER CHATWIN: Thank you, Mr.
13 Chairman. I have two points.

14 One is just for logistics this
15 afternoon. I would defer to some Committee
16 members, but I am reluctant to give up the time
17 that we have so that we can focus on drafting
18 comments to the framework.

19 CHAIRMAN BROMLEY: You'd rather stick
20 with your Subcommittee task.

21 MEMBER CHATWIN: Yes. And this leads

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1 to the second point.

2 CHAIRMAN BROMLEY: Yes.

3 MEMBER CHATWIN: Which although I
4 value the consensus that we came up to
5 tremendously. That's of tremendous value. The
6 one issue that we are debating in the Subcommittee
7 is an issue that our consensus statement offers
8 to clarity on. And so just going back and talking
9 about consensus statement won't clarify the
10 issues that are the ones that are troubling the
11 Subcommittee.

12 And so to me it would be beneficial
13 to the Committee as a whole is if we get our hour
14 and a half to debate and coming back and present
15 as plan and have a discussion in the Committee.

16 Given that there was this mention or
17 implicit suggestion that we might end early, it
18 seems to me that if we need another agenda item
19 to discuss, we could have a couple of hours after
20 the report outs to try to hammer out a one pager
21 if we could reach quick consensus on some items.

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Thank you.

CHAIRMAN BROMLEY: Good. Thank you.

I have Mark.

MEMBER HIXON: I believe both Dennis and Gil make important points that are both valid. And the common ground that I would see is that is actually based on my share of us meeting again before the deadline and my fear of being able to vote or come to a consensus over the phone. I do have fear about that.

So I still advocate hammering out a one pager this afternoon on at least a few items that everyone can agree on, including people who have not yet taken the time to read this document.

If we can at least just get a few things out, then at least it's not zero at this point. And I just have to fear about getting anything else done before April.

CHAIRMAN BROMLEY: Okay. Brian?

DR. MELZIAN: Yes. I'd just like to

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1 give a little perspective from the EPA's, federal
2 government's roles and responses to comments,
3 for example, in the *Federal Register*. I maintain
4 you can do both.

5 First, I think it would be very useful
6 if the Committee submits some major comments or
7 recommendations as a group and those could be
8 done in this one pager, including I think we
9 discussed yesterday perhaps including the equal
10 based management document in the framework. Some
11 major bullets need to be considered. And that
12 could be coming from this Committee today or later
13 today.

14 Secondly, any novel approaches or
15 recommendations that have not yet been discussed
16 by this Committee and will not be discussed during
17 this meeting because of time reasons, those also
18 could be submitted. Not by the Committee, but
19 any individual. They all have equal weight.

20 When EPA reviews comments of public
21 hearings, written or verbal, they all have equal

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1 weight regardless of who the source is.

2 PARTICIPANT: No, not necessarily.

3 DR. MELZIAN: Well, let me finish.

4 So I'm suggesting that you can as a Committee
5 submit your major concerns and recommendations
6 in perhaps a one pager that you all concur with.

7 And if you have no concerns and ideas, you could
8 do that individually.

9 CHAIRMAN BROMLEY: Yes, Max.

10 MEMBER PETERSON: I just hate to
11 prolong this, but let me suggest that maybe we're
12 making too much out of this. I don't think any
13 of us meant that the Subcommittee was a prisoner
14 to what we said later. There may be some
15 additional enlightenment due to the new members
16 of the Committee. I'm just suggesting we not
17 reopen some of those major things. If there's
18 clarification, if there's a new thing with work.
19 But I would agree with Mark we ought to do whatever
20 we can today. Because my experience with
21 conference calls is you don't get much closure

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1 unless you've done a lot of work ahead of time.

2 And then finally, we can comment as
3 individuals. But by law an agency must respond
4 to comments and give special attention to reports
5 of governors and with advisory committees. That's
6 a part of the law that has to do with response
7 to comments. They're all given weight.

8 DR. MELZIAN: That's right.

9 MEMBER PETERSON: But I don't think
10 if I write in as Joe Docks it's going to carry
11 as much weight as if the advisory committee would.

12 CHAIRMAN BROMLEY: Okay. All right.
13 I think what I'm hearing is that --

14 MEMBER PETERSON: I think we're
15 making too much of it.

16 CHAIRMAN BROMLEY: Okay. Thank you.

17 I think what I'm hearing, and Tony's
18 not here now, but what I'm hearing is that one
19 or more of the Subcommittees have their own tasks
20 that they have in front of them. They need the
21 time to keep working on it. And they should be

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1 allowed to do that.

2 There may be another Subcommittee
3 that doesn't have that same burden and wants to
4 spend some time with the framework and bring back
5 -- I think when we comeback, and the next question
6 I want to ask you is would you like to report
7 back here at 2:30 rather than at 2:00? We do
8 not have a lot of other logistical Committee
9 business to attend to after that, is that correct?

10 We've had the elections, we will have a brief
11 discussion about a meeting for which there will
12 be no money. So, therefore, that won't take long.

13 And that's about all there's left on the agenda.

14 So it's now 12:30. We could report
15 back here at 2:30. That gives the Subcommittee
16 two hours.

17 Tony, I'm sort of saying that my
18 reading of the sentiment here is that the
19 Subcommittees should be free to pursue what it
20 is they feel important and necessary to get done.

21 Okay. There should be no expectation that you

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1 will come back with comments on the draft
2 framework. But at 2:30 I'm proposing we come
3 back at 2:30 instead of 2:00. And I see some people
4 whose hands are up and that's fine. Dennis and
5 then Mary and I'll stop.

6 Yes.

7 MEMBER HEINEMANN: Just a brief
8 comment.

9 Perhaps we could take a lesson from
10 the LPA process and provide the funding for these
11 meetings. During lunch, perhaps, we could all
12 pass the hat.

13 CHAIRMAN BROMLEY: There you go. The
14 ballot box is coming around. Thank you.

15 Mary.

16 MS. GLACKIN: Just logistics. I
17 wonder if Subcommittee 1 wanted to share their
18 one pager now so we'd have the benefit of --

19 CHAIRMAN BROMLEY: No, no, no, no.

20 MS. GLACKIN: No? I meant to pass
21 it out and we'll go away and people --

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1 CHAIRMAN BROMLEY: Oh, I see.

2 MS. GLACKIN: Subcommittee 3.

3 CHAIRMAN BROMLEY: Yes. To see what
4 they have.

5 MS. GLACKIN: Right. But it's up to
6 them. Just so people could read it as they're
7 eaten their sandwich or whatever.

8 CHAIRMAN BROMLEY: Yes. There's
9 nothing that would preclude that, and I don't
10 know if they have it printed out, but we can get
11 around. So that's nice.

12 So anyway, is it all right if we
13 report back at 2:30? Is that okay with you. All
14 right. So the Subcommittees can do what it is
15 they want to do. And if they want to bring a motion
16 or a set of language, they're free to do that.
17 If they don't, they don't have to.

18 (Whereupon, the Committee was
19 recessed for lunch).

20

21

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1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 CHAIRMAN BROMLEY: One of the
3 individuals who testified this morning, Walter
4 Chuck, did not have enough copies of their
5 document, "A Critique of the MPA, A Initiative
6 Process.". So he gave me some extras and ask
7 me to please make sure that people got it.

8 So do any of you remember not
9 receiving this document. I think this whole side
10 didn't get it.

11 I believe we're at the home stretch
12 here. I believe that the two tasks that we need
13 to carry out are to have Subcommittee reports
14 and then deal with a few logistical issues about
15 our next meeting. And that would do it.

16 So Subcommittee 2 here. Subcommittee
17 1 is here. And Subcommittee 3, Steve Murray is
18 here.

19 What sequence would you like to use.

20 MEMBER MURRAY: We would like to defer
21 to Subcommittee 3 because we piggyback on some

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1 of theirs.

2 CHAIRMAN BROMLEY: All right. You'd
3 like Subcommittee 3 to go first.

4 Subcommittee 2, what do you think?

5 MEMBER CHATWIN: We cleaned up
6 outside and we're ready to go.

7 CHAIRMAN BROMLEY: You cleaned up
8 outside. Picked up your trash? Good. All right.

9 Well, Steve, are you ready or do you
10 need a bit more time?

11 MEMBER MURRAY: I think so. Okay.

12 So we have two things to bring before the group.

13 The first would be the final approval of the
14 EBM document, which I believe Mark has passed
15 around to everybody, the written okay. Okay.
16 Bonnie's bringing that up. We have that printed
17 off. And this to respond to the couple of issues
18 that were brought up yesterday.

19 And then the second would be to
20 provide some remark, recommendations pertaining
21 to the draft framework.

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1 CHAIRMAN BROMLEY: Okay. So the final
2 language or the revised language on EBM is coming
3 around? Yes.

4 I believe In Focus is an Oregon
5 Company. It was in the paper this morning as
6 having suffered some financial setbacks. Okay.
7 Steve.

8 MEMBER MURRAY: So when we left you
9 yesterday we had a couple of issues to deal with.
10 They pertain to the very beginning part of the
11 document. We went back to work on this.

12 Tony submitted some garbage, which
13 Tony will noticed we haven't included. And so
14 what our changes are from the document you
15 received last time, we'll work you through them.

16 First of all, remember we had a little
17 discussion about the meaning of the word
18 "essential." And so we went back to the drawing
19 board and put in "fundamental" replacing
20 essential. And that is on the title.

21 The next passage you see there

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1 outlined in red, by the way the red is revised
2 verbiage, we added the second sentence to the
3 one single sentence you'll note in your last
4 document. That second sentence moves up to the
5 front. The passage that was identified in our
6 last version was near the end. That second
7 sentence is "MPAs have been, are and will continue
8 to be fundamental tools for a ecosystem-based
9 approach in the management of marine resources."

10
11 The next change we made was that we
12 substituted some language that Tony provided us.
13 We substituted the single sentence we have, which
14 you can see on the right hand side. This is more
15 direct, more straightforward and we thank Tony
16 for that contribution. And that's up here in red.

17 And then the last change that we made
18 is found all the way at the end of the document.

19 And this regards to a change that came from this
20 end of the table over here, which you'll see at
21 lines 112, 113, 114, 115. That has been deleted.

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1 That challenge being addressed by all these
2 different groups.

3 We felt that in looking at this that
4 the red sentence, lines 106 to 108, conveyed what
5 we needed to convey and that we didn't need that
6 other sentence in this document.

7 So those are the changes that we've
8 made and I'm hoping to have any comments on this
9 that we might need to entertainment. Our hope
10 would be to seek your approval of this document
11 so that we can pass it on to the MPA Center for
12 their use. And if we don't do that today, then
13 we won't be able to do that until we meet again.

14 CHAIRMAN BROMLEY: Is there a typo?
15 I'm sorry. On line 107 at the very end. "In
16 developing ecosystem," do you mean "based" to
17 go in there or not? I mean is "ecosystem
18 approaches," does it matter that you now don't
19 use the word "based."

20 MEMBER MURRAY: I think "based" got
21 moved out somehow. Ecosystem based here?

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1 CHAIRMAN BROMLEY: Yes.
2 "Ecosystem-based." There you go. Okay. That's
3 consistent with your other language.

4 MEMBER MURRAY: Okay. Everybody see
5 that?

6 Any other comments?

7 So I would like to move that we
8 approve this document, if I can do that, Mr.
9 Chairman.

10 CHAIRMAN BROMLEY: IS there a second.

11 MEMBER RADONSKLI: I so move.

12 CHAIRMAN BROMLEY: It's been moved
13 and seconded that this revised document on the
14 relationship between MPAs and ecosystem-based
15 management be approved.

16 PARTICIPANT: Who seconded it?

17 CHAIRMAN BROMLEY: I'm sorry. Gil
18 Radonskli.

19 Be approved with the intention of --
20 what Steve? Having it --

21 MEMBER MURRAY: Well, we were asked

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1 to complete this as our first work project, so
2 this is a document that represents -- if we
3 approve this, represents the views here of the
4 group. And this will be sent to the MPA Center
5 for their use.

6 CHAIRMAN BROMLEY: Yes.

7 MEMBER MURRAY: We also might well
8 in a separate --

9 CHAIRMAN BROMLEY: Motion.

10 MEMBER MURRAY: This needs to be
11 discussed make a recommendation that this
12 information be given consideration in the draft
13 framework.

14 CHAIRMAN BROMLEY: That's what I
15 wanted. So that might be the fate of this, but
16 the work product right now is a stand alone work
17 product? Thanks.

18 MEMBER PETERSON: I'd like to make
19 an amendment on line 77, since we discussed this
20 in our subcommittee. We used the words "general
21 categories of MPAs" we now use "goals."

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1 We think the word "purposes" fits
2 better there because there can be multiple goals
3 and we're talking about purposes. So I'd like
4 to suggest we change the word goals to purposes.

5 MEMBER MURRAY: Does anybody object
6 to that?

7 CHAIRMAN BROMLEY: That would be more
8 consistent with our earlier order.

9 MEMBER MURRAY: Do I hear any
10 objections?

11 CHAIRMAN BROMLEY: Charles?

12 MEMBER BEEKER: Yes, I agree. WE also
13 need to make note then in the framework on page
14 4. It's called themes. So it would be consistent
15 there.

16 CHAIRMAN BROMLEY: In the framework
17 document? We're not addressing the framework
18 now.

19 MEMBER MURRAY: Yes. We have issue
20 with that.

21 CHAIRMAN BROMLEY: Yes.

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1 MEMBER BEEKER: Yes.

2 CHAIRMAN BROMLEY: So is everybody
3 comfortable with Max's friendly amendment on line
4 77? Okay.

5 Any other discussion? Yes, Mark?

6 MEMBER HIXON: I'm sorry, I can't help
7 that I'm an editor of several journals.

8 For the title, and we've made this
9 consistent in the text, the title is "For all
10 marine protected areas," but then we call them
11 "a tool."

12 CHAIRMAN BROMLEY: We call them what?

13 MEMBER HIXON: So I would just suggest
14 changing -- since it's marine protected areas,
15 I'd just say "fundamental tools for
16 ecosystem-based management." We did that in the
17 text as well.

18 CHAIRMAN BROMLEY: Yes, good.

19 MEMBER HIXON: Just for consistency.

20 MEMBER MURRAY: Okay. So three
21 changes. Fundamental tools, purposes and we

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1 picked up that other one at the end. Okay.
2 Anything else?

3 CHAIRMAN BROMLEY: Well, Mark,
4 "marine protected areas," "tools." Are you sure?
5 A marine protected area is a tool. No? It's
6 tools?

7 MEMBER HIXON: A marine protected
8 area is a tool, marine protected areas are a tool.
9 It's just singular versus plural. I don't really
10 care. I'm sorry I brought it up.

11 MEMBER MURRAY: They don't all do the
12 same thing? So they're not all the same tool.

13 CHAIRMAN BROMLEY: Yes, they're not
14 all the same tool. Okay. That's good. Thank
15 you.

16 And as long as we gave them undefined
17 we're safe.

18 How are we? We should bring this to
19 closure. It's a lot of fun, but let's stop there.

20 All in favor of the motion from Steve
21 as amended several times in a quite friendly

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1 fashion, say aye.

2 ALL: Aye.

3 CHAIRMAN BROMLEY: Opposed. Good.

4 MEMBER MURRAY: Thank you.

5 I'm going to save this.

6 CHAIRMAN BROMLEY: Pardon me? You're
7 what?

8 MEMBER MURRAY: I'm going to save it
9 now.

10 CHAIRMAN BROMLEY: Okay.

11 MEMBER MURRAY: Now do you want us
12 to go ahead and provide a report out on the record?

13 CHAIRMAN BROMLEY: Yes, please.

14 MEMBER CHATWIN: Sorry. Just before
15 you do, I think this is the first work product
16 that this Committee has produced. So I think we
17 should give ourselves a round of applause.

18 (Applause).

19 CHAIRMAN BROMLEY: I see that you
20 would like to take credit for what's up in front
21 of us.

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1 All right. Tony contributed. He's got
2 a mouse in his pocket.

3 All right. Ellen?

4 MEMBER GOETHEL: Do we want to make
5 a motion that we should add to ask for the Center,
6 to add to this framework?

7 CHAIRMAN BROMLEY: I would entertain
8 a motion to that effect.

9 MEMBER GOETHEL: So done.

10 CHAIRMAN BROMLEY: You'd so move
11 that?

12 MEMBER GOETHEL: I do.

13 CHAIRMAN BROMLEY: Is there a second
14 to a motion from --

15 MEMBER ZALES: I'll second it.

16 CHAIRMAN BROMLEY: -- from Bob Zales
17 seconded that this be forwarded to the MPA Center
18 for consideration to be included, worked into
19 the draft, the framework. Has that feel? Tony?

20 MEMBER CHATWIN: That feels good.

21 CHAIRMAN BROMLEY: Let's stop right

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1 there.

2 MEMBER CHATWIN: Some clarification
3 is that we started to discuss opportunities for
4 the Committee to provide input on the framework.

5 CHAIRMAN BROMLEY: Yes.

6 MEMBER CHATWIN: And I wonder if
7 there's anymore information.

8 CHAIRMAN BROMLEY: Yes, there is more
9 information.

10 MEMBER CHATWIN: Because, I mean I'll
11 for sending this as a stand alone comment. But
12 if we as a Committee are going to submit several
13 comments, we might want to consider how we do
14 that.

15 MR. URAVITCH: We're going to get to
16 that.

17 CHAIRMAN BROMLEY: We're going to get
18 it, but my preference would be that this would
19 be a stand alone submission. That would be my
20 preference, however it's to be overruled.

21 Jim, you had your hand up. Okay.

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1 I'd like to keep it out of that other process,
2 Tony.

3 MEMBER CHATWIN: Okay.

4 CHAIRMAN BROMLEY: Okay.

5 Steve, do you want to continue.

6 MEMBER MURRAY: Okay. So with regard
7 to the draft --

8 CHAIRMAN BROMLEY: Oh, we didn't vote.
9 Details, details.

10 All in favor of the motion say aye.

11 ALL: Aye.

12 CHAIRMAN BROMLEY: Opposed? Thank
13 you.

14 MEMBER MURRAY: Okay. Now with regard
15 to the draft framework Subcommittee 3 spent some
16 time yesterday working over the draft framework
17 and allotted sections to each of us. We looked
18 through sections, we brought them back and
19 discussed them as a group. And we attempted to
20 glean a more substantive issues that we had with
21 the draft framework, developed those into a set

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1 of billeted topics.

2 We handed out to you what our thinking
3 was at the end of the day yesterday to your
4 Subcommittee chairs, and I think you got that
5 distributed. And, you know, we wrote those things
6 relatively quickly but the issues that we have
7 called out, we have discussed fairly well.

8 In our meeting this afternoon we
9 developed a motion here. It's revised from the
10 one you saw and then we wrote haste last evening.

11 And so I would like to move that we adopt this
12 motion. And I'm attempting to after the motion
13 is on the floor to go through a few things that
14 you all were handed in writing that we had
15 developed before. If you want to get into that
16 discussion.

17 The second thing that we did was we
18 actually had a second motion that would follow
19 if this one was adopted that would sent some
20 procedure or mechanism for us to provide more
21 specific communication from the FAC with regards

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1 to the draft framework.

2 So we have two things we're going to
3 try to do here. One is that we wanted to just
4 simply get this on the record if you all agree.
5 And then after that we have another motion we
6 would bring to the floor that would set a process
7 in place where we would provide more specific
8 comments, information for consideration in
9 producing the final version, or at least
10 responding to the factfinding. So we would be
11 doing those two things.

12 CHAIRMAN BROMLEY: Okay.

13 MEMBER MURRAY: So I'm going to make
14 the motion that we acknowledge that as written
15 above here for you, we acknowledge that the draft
16 framework was written using input from a variety
17 of sources, including the MPA FAC and do not
18 expect this document to be in complete accord
19 with the findings of our June 2005 report.

20 Nevertheless, we find that the draft
21 framework lacks clarity, contains significant

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1 deviations in the use of terms and concepts, and
2 omits important issues addressed by the June 2005
3 FAC report.

4 And I will move that they adopt that.

5 CHAIRMAN BROMLEY: Okay. Well,
6 technically reports from the Committee do not
7 require a second. But I'll entertain them if
8 you feel better about that.

9 MEMBER ZALES: Well, I'll second what
10 I requested to.

11 CHAIRMAN BROMLEY: Okay. We'll
12 second it. And then you have a question?

13 MEMBER ZALES: The motion is just
14 those two paragraphs?

15 CHAIRMAN BROMLEY: That's the motion.

16 MEMBER ZALES: Okay.

17 MEMBER MURRAY: That's it.

18 CHAIRMAN BROMLEY: That's the motion.

19 Okay. Dennis and then Tony.

20 MEMBER HEINEMANN: I think it would
21 be helpful, I don't know if this is possible,

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1 but if we said "we" Subcommittee, which number
2 are you?

3 CHAIRMAN BROMLEY: Three.

4 MEMBER HEINEMANN: Three, et cetera.

5 CHAIRMAN BROMLEY: Because it is a
6 motion from Subcommittee 3.

7 MEMBER HEINEMANN: Yes. This is not
8 a motion from the full Committee as a whole.

9 CHAIRMAN BROMLEY: Full Committee,
10 that's correct.

11 MEMBER PETERSON: Wait a minute.
12 Point of order here. A Subcommittee can't submit
13 individually forward. It has to be a Committee
14 document. You can submit a recommendation to the
15 Committee, but whatever goes forward has to be
16 a Committee product, not a Subcommittee product.

17 MR. URAVITCH: That's correct.

18 MEMBER PETERSON: According to our
19 rules.

20 CHAIRMAN BROMLEY: But I thought you
21 were saying you wanted it to be recognized as

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1 a motion from the Subcommittee rather than a
2 motion from the full FAC? Dennis, what was your
3 point?

4 MEMBER HEINEMANN: Yes. I feel that
5 the Committee as a whole hasn't adequate time
6 to assess this and that it -- or to contribute
7 to it.

8 CHAIRMAN BROMLEY: Okay. But it is
9 a motion for FAC consideration from the
10 Subcommittee?

11 MEMBER HEINEMANN: Yes.

12 CHAIRMAN BROMLEY: You'd like that
13 clarified, would that help you?

14 MEMBER ZALES: Point of order.

15 MEMBER HEINEMANN: Yes.

16 MEMBER ZALES: The Subcommittee is
17 a committee of -- a Subcommittee of the whole.

18 MEMBER HEINEMANN: That's right.

19 MEMBER ZALES: And the motion has come
20 from the Subcommittee to the floor.

21 MEMBER HEINEMANN: Correct.

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1 MEMBER ZALES: It was moved by the
2 Subcommittee as a motion as a whole and then
3 whoever seconded it, seconded it for them, which
4 I guess was me, for discussion to talk about it.

5 So if it goes forward, then it would
6 go forward as a full Committee action.

7 MEMBER HEINEMANN: Correct. Correct.

8 MEMBER MURRAY: That's the intent,
9 yes. And I think that we all need to understand
10 what we have in terms of windows of opportunity
11 to function here as a whole group.

12 We have a 125 day comment period which
13 ends February 14th. And anything that we
14 contribute in a formal sense as a group has to
15 be done under certain constraints, which would
16 be a meeting such as this and therefore if we
17 do nothing like this, then we have no role to
18 play as a FAC in submitting anything to this group.

19 Do it as individuals or we could meet again in
20 some way, which we are actually going to propose
21 that we do to be more specific and more

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1 substantive prior to the end of the comment
2 period.

3 CHAIRMAN BROMLEY: Okay. Let's get
4 back to the language here. Maybe the concern is
5 that you'd like an insertion then it's motion
6 from Subcommittee 3 for FAC consideration? I
7 mean the point is if the motion passes, the bold
8 print disappears. What remains, what the FAC
9 acts on is the non-voted text.

10 Jim, your point, you have your hand
11 up? Tony and Mark. Did you have your hand up,
12 Jim? Okay. Tony?

13 MEMBER CHATWIN: Because I
14 participated in the discussions that lead to
15 these motions, I can see that they're a series
16 of motions and that they have --

17 CHAIRMAN BROMLEY: Entirety.

18 MEMBER CHATWIN: Entirely, thank you,
19 have a purpose. But for those of us who haven't
20 participated in the discussion, it's kind of hard
21 to -- in a sense, for me, I look at this motion

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1 and I say well, so what? What are we saying?
2 What's our message? What are we trying to achieve
3 with this? And I think there is a purpose, but
4 the purpose is not clear to those who haven't
5 participated in the--

6 CHAIRMAN BROMLEY: All right. I
7 understand. Okay.

8 Mark?

9 MEMBER HIXON: Exactly. And I agree
10 with you, too, Dennis. I think the important thing
11 here is that there are two motions. And before
12 we act on the first, I think it would be a good
13 idea to read the second as well. And I think that
14 will address some of the concerns.

15 I mean, without actually making the
16 second motion or something, but I agree it would
17 be hard if you haven't been part of the discussion
18 to just read motion 1. And the second one explains
19 what we're going to do.

20 CHAIRMAN BROMLEY: What we're going
21 to do about the first one. But Tony's asking a

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1 slightly different question. He's not sure he
2 understands the need for the first motion.

3 MEMBER ZALES: I've got a suggestion
4 that may solve this. If somebody says that they
5 would like to amend this first motion with that
6 second motion, then at the second motion if it's
7 adopted, it then becomes a part of the first
8 motion, which if that's been adopted then I think
9 you get your whole package.

10 MEMBER PETERSON: I'm going to move
11 the substitution on the second motion --

12 MEMBER ZALES: No, I meant not a
13 substitute.

14 MEMBER PETERSON: Not a substitute
15 motion.

16 CHAIRMAN BROMLEY: Yes. Right. And
17 it's probably not debateable, if I'm not mistaken.

18
19 So there's been a motion to
20 substitute the second motion --

21 MEMBER ZALES: For this one.

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1 CHAIRMAN BROMLEY: -- for this one.

2 MEMBER MURRAY: I'll read the second
3 motion.

4 CHAIRMAN BROMLEY: We've managed
5 almost two years without doing much of this, and
6 here we are my last hour and I'm plodding this
7 --

8 MEMBER MURRAY: I'll read the second
9 motion.

10 The second motion reads as follows:

11 "A working group be formed to receive and
12 synthesize comments from FAC members and produce
13 a consensus document to provide FAC comments on
14 the draft framework. And as a time line for
15 producing this document will be: Comments from
16 FAC members will be sent to the working group
17 by October 31st; the draft document will be
18 distributed to FAC members by the working group
19 November 30th; the comments on the first draft
20 would then be sent to the working group by FAC
21 members by January 9th. And turn that around,

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1 it would be turned and the second draft of the
2 document would be distributed back to FAC members
3 by January 23rd. And then there would be a FAC
4 teleconference to review and approve these
5 comments during the week of February 6th.

6 So this would be the way that the
7 comments that we all would be need to be made
8 would be put in a formal way within the framework
9 window of opportunity from the FAC as a body.

10 CHAIRMAN BROMLEY: So that's a
11 substitute motion?

12 MEMBER ZALES: That substitute motion
13 does a second. I'll second.

14 CHAIRMAN BROMLEY: Does require a
15 second. And it's moved and seconded. So now
16 we have a substitute motion before us which in
17 a sense lays out the procedure to be followed.

18 MEMBER ZALES: Now, if the substitute
19 motion passes, the other one goes away. It's not
20 amended. If this one passes, the first one just
21 goes away.

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1 MEMBER CHATWIN: And then don't we
2 have to vote up or down. And then you vote --

3 MEMBER ZALES: No, you vote this one.
4 It's a substitute motion. You vote to adopt.

5 MEMBER MURRAY: Okay. Motion number
6 one is gone.

7 CHAIRMAN BROMLEY: It's gone. It
8 could be brought back.

9 MEMBER MURRAY: It could be brought
10 back.

11 CHAIRMAN BROMLEY: It's gone if we
12 pass this other.

13 MEMBER ZALES: If we pass this one.
14 If this one fails, then you go back to the first
15 one. If this one passes, the first one's gone.

16 CHAIRMAN BROMLEY: Okay. Mark?

17 MEMBER HIXON: Before we amend it on
18 the last bullet, Steve.

19 MEMBER MURRAY: Yes.

20 MEMBER HIXON: Teleconference to
21 vote.

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1 CHAIRMAN BROMLEY: Yes, not approve.
2 Thank you. That's right. To vote on. To review
3 and vote.

4 MEMBER MURRAY: What do you want this
5 to read?

6 MEMBER HIXON: To vote --

7 CHAIRMAN BROMLEY: To vote.

8 MEMBER HIXON: -- on whether to
9 forward the document to whoever it is we're
10 supposed to forward it to.

11 CHAIRMAN BROMLEY: Okay. Lauren?

12 MS. WENZEL: This is just another
13 clarification. I think because the way working
14 group is defined in the charter, it would be
15 better to say ad hoc subcommittee.

16 CHAIRMAN BROMLEY: That's got to be
17 an ad hoc subcommittee.

18 MEMBER PETERSON: Well, are you sure
19 of that? We talked about work group.

20 CHAIRMAN BROMLEY: Scientific
21 working groups we can create under the charter.

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1 MEMBER PETERSON: Yes. The Federal
2 Advisory Committee Act allows the working group.

3 MS. WENZEL: Yes. Let me just double
4 check. You guys can continue. I've got the
5 charter here.

6 MEMBER PETERSON: Okay. Thanks.

7 MEMBER MURRAY: So it will either be--

8 CHAIRMAN BROMLEY: We don't need to
9 check. We can call it an ad hoc subcommittee.
10 Okay. We have votes. Lauren, we don't need to
11 check. Call it an ad hoc subcommittee.

12 MEMBER PETERSON: We can call it an
13 ad hoc subcommittee, sure.

14 CHAIRMAN BROMLEY: Yes.

15 MEMBER MURRAY: Okay. So we got ad
16 hoc subcommittee and that will be transferred
17 down in each of these other places.

18 MEMBER PETERSON: Yes. This one's
19 find.

20 CHAIRMAN BROMLEY: Okay.

21 MEMBER MURRAY: Just a matter of

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1 procedure. I think on the last on the last --
2 well, the first amendment on the last bullet it
3 should be whether to approve not approve. Whether
4 to forward. That presumes everyone will vote
5 yes.

6 CHAIRMAN BROMLEY: No, it doesn't,
7 but -- okay. It doesn't presume the outcome.
8 Yes.

9 Discussion on this? Tony?

10 MEMBER CHATWIN: Question. Has there
11 been any consideration of the composition of this
12 ad hoc committee?

13 CHAIRMAN BROMLEY: The thought would
14 be that I would ask for people to volunteer to
15 serve on it. And if there are no volunteers,
16 we'd think about other procedures. Subcommittee
17 3 did talk about this should be something the
18 Executive Committee would do. The Executive
19 Committee, which is the Chair and the Vice Chair
20 and the subcommittees. And the sense was let's
21 see if the people on the FAC want to volunteer

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1 to be part of this.

2 I have Gil and John?

3 MEMBER RADONSKLI: No. I'm just
4 giving you a number. Yes.

5 MEMBER MURRAY: I just thought he
6 volunteered.

7 CHAIRMAN BROMLEY: All right. That's
8 right. That it be four people, five people.

9 Pardon me? Jim Ray and then Bob.
10 Jim?

11 MEMBER RAY: Will the ad hoc meet or
12 they will just work by --

13 CHAIRMAN BROMLEY: They'd have to
14 work by email. Teleconference.

15 MEMBER HALSEY: I think that it's a
16 really good idea. I don't think we should let
17 any opportunity slide to comment on it. I don't
18 think most of us have had enough time to examine
19 all the details and implications of this in the
20 last couple of days. So this works for me.

21 CHAIRMAN BROMLEY: If I may, do you

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1 find the schedule, Bob, I mean since you have
2 the floor, basically people would have three
3 weeks from today approximately to read the
4 framework document?

5 MEMBER HALSEY: Yes, I think that's
6 all right. Can we say it's a flexible schedule
7 so we're not locked into -- there may be reasons
8 to change it at the last minute.

9 MEMBER MURRAY: Well, obviously these
10 are targets, as they always are. They can't be
11 anything else but.

12 CHAIRMAN BROMLEY: Other thoughts on
13 this? Ready for the question? All in favor say
14 aye.

15 ALL: Aye.

16 CHAIRMAN BROMLEY: Opposed? Okay.

17 Is there -- yes, Bob?

18 MEMBER ZALES: Whatever it is, let's
19 move forward to his comments, we'll need some
20 kind of preface in those first two paragraphs.
21 I suggest they're reasonable anyway.

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1 CHAIRMAN BROMLEY: Some sort of
2 practice?

3 MEMBER ZALES: Yes.

4 CHAIRMAN BROMLEY: Yes.

5 MEMBER ZALES: You know you not just
6 saying comments.

7 CHAIRMAN BROMLEY: Right.

8 MEMBER ZALES: So I guess I would move
9 that again it be the preface --

10 CHAIRMAN BROMLEY: So Bob is moving,
11 I think, that this comprise the working preface
12 of the submission that would come from the ad
13 hoc subcommittee.

14 MEMBER HIXON: I second that.

15 CHAIRMAN BROMLEY: Okay. It's been
16 moved and seconded. Then something along -- well
17 this language comprise the working preface of
18 the document, which means that it's still
19 available for revision as people send stuff in.

20 MEMBER ZALES: And I would suggest
21 that that go along with the working. We're just

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1 going to have pages and pages of this. I'd sort
2 of play with that a little bit.

3 CHAIRMAN BROMLEY: That's right. Yes.

4

5 Bob, is your hand up?

6 MEMBER BENDICK: Well, the only thing
7 that concerns me is that that in a way limits
8 our comments to deviations from what we proposed
9 in our original recommendations. And I think
10 there may be other issues raised by the text that
11 are beyond or not dealt with in our original
12 recommendations.

13 CHAIRMAN BROMLEY: Yes. Very true.

14 Yes. I agree with that.

15 Gil?

16 MEMBER RADONSKLI: I agree. There may
17 be, but those weren't discussed by the full
18 Committee. And if people have thought, they can
19 submit them separately.

20 CHAIRMAN BROMLEY: Yes. And in that
21 case we can -- that's why I was careful to call

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1 this a working preface. Because if those things
2 come in, this can be modified. Remember, we will
3 have another chance as a FAC to vote on the thing,
4 which includes voting on the preface. But I'm
5 glad you brought it up.

6 Bob?

7 MEMBER BENDICK: Yes. And I would
8 suggest that if those comments are sent in, that
9 if they've got some comments on how they should
10 be reworded, forward amending and then all that
11 will be put together eventually forwarded to the
12 Committee as a whole and then be discussed.

13 DR. GRUBER-DUNSMORE: Yes. How's
14 that?

15 Steve?

16 MEMBER MURRAY: Yes. I think the
17 intent of our discussions was that any and
18 everything that members of this group find or
19 take issue with or seeing anything clarified or
20 edited or revised in the draft framework would
21 be sent in and received and dealt with by the

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1 members of the ad hoc committee in generating
2 the next report back. You know, that would
3 include pretty much anything that members would
4 identify. It would not -- this is our chance to
5 comment on the draft framework.

6 And one more comment on this. I think
7 if you look at the structure that the MPA Center
8 is operating under and where this draft framework
9 has gone from the time we finished our report
10 these folks were writing on until it's gotten
11 to where it's gotten now, it has passed through
12 a number of federal agencies, you've gotten
13 public comment, you're gotten reports back from
14 the states. But the agencies have been doing
15 various things to this document.

16 Now we as a group represent, you know,
17 we're convened here to provide advice to these
18 agencies, these federal agencies and we
19 presumably don't have our vested interest inside
20 one of those agencies. So here's an opportunity
21 for this very diverse group to provide a very

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1 diverse set of ideals with regard to what this
2 product now looks like compared to where we
3 thought it was headed in June. Not that, you
4 know, we have all the answers. We never thought
5 we did.

6 CHAIRMAN BROMLEY: Okay. Max?

7 MEMBER PETERSON: Mr. Chairman, I
8 don't think this deserves a lot of time and
9 attention. But it seems to me like that second
10 paragraph it's just sort of sour grapes. It sort
11 of says we put out a report that that should have
12 been followed exactly and since you deviated from
13 it, we call your attention back to it. I think
14 that's just a throw away. And I don't know why
15 you want it there. So I just suggest that it
16 would be better off if you didn't have that second
17 paragraph in there.

18 I'm not going to propose an amendment
19 at this point. I might later. But I think that's
20 just kind of throw away.

21 CHAIRMAN BROMLEY: Do you have an

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1 idea? Where do we stand on this? It's been moved
2 and seconded. Could it be tabled? I'm not asking.
3 I'm not tabling it. Could it be tabled, Max,
4 and the ad hoc steering or subcommittee pick it
5 up as a start --

6 MEMBER PETERSON: I would so move that
7 we do that and let the --

8 PARTICIPANT: Second.

9 CHAIRMAN BROMLEY: We don't need it
10 right now, okay?

11 MEMBER MURRAY: If we don't need it
12 right now --

13 CHAIRMAN BROMLEY: IF we don't need
14 it right now --

15 MEMBER MURRAY: Let's just withdraw
16 the whole motion. Because we do have a process
17 --

18 CHAIRMAN BROMLEY: We've got a
19 process now in place. Let's just pull it off and
20 let whoever comprises this committee contact
21 Steve Murray. If he's not on it -- and we will

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1 need a reason why we're making this submission
2 and we've got to be careful and delicate and
3 diplomatic about why we're doing it. So let's
4 do it that way.

5 Is that okay, Ellen?

6 MEMBER ZALES: I'll pull back my
7 motion so you don't have to check on my second.

8 CHAIRMAN BROMLEY: Okay.

9 MEMBER GOETHEL: I just had a point
10 of clarification. When we were discussing this,
11 Steve, I think we were aiming for the staff to
12 comment on issues, not grammatical changes in
13 the actual text.

14 MEMBER MURRAY: Yes. I think that
15 one of the difficulties in looking at the draft
16 framework is that there are grammatical issues,
17 there are sentence structure issues that convey
18 maybe some of us read as being different on what
19 we think was intended. And then there are some
20 issues that rise up to become more substantive.
21 And I think it is those higher ground areas where

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1 we should be spending our time and attention.
2 So, right, that's what we're looking for I think
3 in terms of facts and missions.

4 CHAIRMAN BROMLEY: Is that okay with
5 people? And I think, at least in the Subcommittee,
6 maybe Steve, Mark, this is the time to sort of
7 mention the conversation that we had, which was
8 that we really would like to -- once this set
9 of points comes back, that I think Subcommittee
10 3 felt they'd like to sort of go through and sort
11 of vote on one at a time yes/no, yes/no, yes/no,
12 yes/no so that we don't feel like, as we did in
13 June of '05, that we have to produce a unified
14 document, but these are point-by-point things.
15 And if one fells out, we then move to the next
16 one and vote on it.

17 So, that's the thinking. If the group
18 doesn't feel comfortable with that procedure,
19 let us know. But I think the Subcommittee was
20 trying to avoid the feeling, the need to produce
21 one sort of 14 page unified position,

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1 issue-by-issue.

2 Mark, is that right? That you were
3 the effective spokesman for that view?

4 MEMBER HIXON: Well, my understanding
5 is that teleconference is extremely difficult
6 for having long and detailed discussions and
7 hashing out consensus. So if we can have the
8 Subcommittee process, ad hoc subcommittee
9 process with a chance for everybody to look at
10 it a couple of times, this thing will end up being
11 a short preface just followed by a list of items.

12 And then rather than everybody either have to
13 take the whole thing or not take the whole thing,
14 we just go down the line and vote on each item.
15 And then whatever ones to make it through the
16 majority vote, that's what we pass forward.

17 So the teleconference will actually
18 just be a voting process.

19 CHAIRMAN BROMLEY: Right. And the
20 vote would simply be do you want to make an
21 intervention with the framework process on item

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1 number six, yes or no. Item number seven, yes
2 or no. Item number eight.

3 I don't think in a teleconference we
4 can then start rehashing and rewriting point
5 number six, point number seven, point number
6 eight.

7 MEMBER HIXON: We'll be right up
8 against a deadline.

9 CHAIRMAN BROMLEY: Then we're in
10 trouble.

11 So that's kind of what Subcommittee
12 3 is bringing.

13 Steve?

14 MEMBER MURRAY: Yes. I think the
15 other gist of our conversations, and I guess one
16 of the reasons why our Subcommittee tackles this,
17 was because when we got together in our first
18 Subcommittee meeting that a number of us had gone
19 through the draft guidelines and we were talking
20 about and we found that we all were seeing issues
21 with it. But I think the gist of our conversations

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1 went in a way that we're not looking at rewriting
2 this. We're not looking at doing that at all.

3 We're looking at in a very clear, simple way
4 identifying what the issues are with it and then
5 communicating that.

6 So I would envision the final report
7 with all the issues identified as being maybe
8 two pages with each issue billeted. Not being,
9 you know, a long dialogue about each issue. I
10 don't think we want to go there because what we're
11 doing is providing advice. And what we're saying
12 is that we're finding problems with these issues.

13 So that's the way I envision this.

14 And I think that's the way we envision it when
15 we were having our conversations.

16 MEMBER PETERSON: A point of issue,
17 if we got a solution, we ought to offer it.

18 MEMBER MURRAY: That's right.

19 CHAIRMAN BROMLEY: We should offer
20 it, that's right. For instance, lasting
21 protection got turned into permanent and some

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1 of us feel very strongly about that
2 transformation. And we ought to offer reasons
3 why lasting is a better word than permanent. And
4 then the next item.

5 I think that's the idea. Okay.

6 Where are we? Do we need to vote on
7 something? I've lost count.

8 PARTICIPANT: No. We need volunteers.

9 CHAIRMAN BROMLEY: Yes. Good. Yes,
10 we need some volunteers. Who would like to play
11 a role here? Max, Dennis, Michael. There's three.
12 One or two more. You nominate Steve. Steve?

13 MEMBER MURRAY: I'll carry on.

14 CHAIRMAN BROMLEY: All right. There's
15 four. Do we need somebody to offset Steve? No.
16 Good.

17 What do you think, Steve? Four?

18 MEMBER MURRAY: Four is fine.

19 CHAIRMAN BROMLEY: Do you know who
20 they are?

21 MEMBER MURRAY: Yes, we got Dennis

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1 and Mike and Max.

2 CHAIRMAN BROMLEY: Yes. How's that?

3 Okay. Good.

4 MEMBER PETERSON: I was going to say
5 if Jim Ray has time, it would be good to have
6 somebody like that around.

7 CHAIRMAN BROMLEY: Does Jim Ray have
8 time?

9 MEMBER RAY: If nominated.

10 CHAIRMAN BROMLEY: Pardon me? If
11 nominated, you would serve?

12 MEMBER RAY: I will serve. Thank you,
13 Max.

14 CHAIRMAN BROMLEY: How's that? Looks
15 a little heavy on oil and gas to me, but that's
16 all right. Good.

17 So you don't have a Chair yet. My
18 proposal is that you folks talk and elect yourself
19 a Chair. Is that all right? Can we do it that
20 way?

21 MS. WENZEL: Yes.

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1 CHAIRMAN BROMLEY: Okay.

2 MS. WENZEL: Just before the
3 Subcommittee is over, I just wanted to clarify
4 that with the ecosystem paper, I think the most
5 suitable avenue would be to draft a short cover
6 letter and submit that from the FAC so that it
7 would come from the Chair who after this meeting
8 would be --

9 CHAIRMAN BROMLEY: Is Mark.

10 MS. WENZEL: -- Mark. To the
11 Secretary of Commerce and Interior.

12 CHAIRMAN BROMLEY: Good thank you.
13 Good. Okay.

14 MEMBER MURRAY: We're good.

15 CHAIRMAN BROMLEY: Yes, thanks Steve.

16 All right.

17 Subcommittee 1 and 2, who would like
18 to go next?

19 MEMBER PETERSON: We were going to
20 build on what Subcommittee 3 produced earlier,
21 but they haven't presented that.

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1 Did you, Steve. Did you plan to
2 submit this document you produced earlier?

3 MEMBER MURRAY: I think not.

4 MEMBER PETERSON: Okay. Well, let
5 me just go through some things we discussed which
6 followed pretty clearly Subcommittee 3.

7 Do we have it? Okay.

8 The first thing we came up with is
9 what we already sort of acted on, and we suggested
10 we replace the word "theme" with "purposes."
11 And we've sort have already done that.

12 In section 5 they commented on there
13 was a big long rationale for MMAs, even though
14 it talks about a national system. And we thought
15 that could be handled if they simply put in
16 subheadings for a transition from talking about
17 MMAs to talking about MPAs. You have a subheading
18 there so it shows that that shift has been made.

19 And then we under treatment of MMAs
20 and the definition, as we said we recommend that
21 those definitions be separated. That MMAs be

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1 defined separately. And maybe even a diagram or
2 an illustration that MMAs is a generic term that
3 covers all kinds of areas and MPA would be one
4 category under it. And so it makes it -- because
5 the way it reads now it says, this bottom comment,
6 it starts on about all the -- not quite sure what
7 it says.

8 And then the next thing we suggested
9 go back to the definition of lasting that's in
10 the back report because they've adopted a shorter
11 definition which says lasting means permanent.

12 And we said it meant indefinite or permanent
13 and so on, and we gave a little bit more
14 flexibility there. We recognize they go back
15 to that.

16 In addition to new sites not now in
17 existence, again we recommended a table of
18 contents in Roman numeral VII D, show a heading
19 that says additional new sites. And then over
20 in the text there be a subheading that shows
21 additional new sites. Because if you don't read

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1 the text real carefully, you can't even find that.

2 And then we also suggested there be
3 a subheading for removal sites so that that can
4 be found.

5 Then we suggested they take a close
6 look at the glossary of words that we had in the
7 original FAC report because they use some of those
8 same words in this, but they're not defined so
9 you don't know what they mean. So that's just
10 a suggestion that they look at their glossary
11 of terms and pick up the definitions that seem
12 to make sense.

13 But this is a fairly soft series of
14 recommendations. I would move that from the
15 Subcommittee, one that you adopt this as an
16 additional item to Steve's report.

17 CHAIRMAN BROMLEY: Let me see if I
18 understand this. Let me ask you this, would
19 Subcommittee 1 be comfortable producing a written
20 -- well, you have it, and submit it to the --
21 so we don't have to take action on it, you just

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1 proceed. Since we now have a mechanism in place
2 for accommodating this? Because I see, Max --
3 sorry. But if we would try to get approval on
4 all of those points here, I can see that it might
5 be difficult. Not that there would be a lot of
6 disagreement with it, but that it might entail
7 lengthy discussion.

8 MEMBER PETERSON: Well if the group's
9 comfortable with moving on this, we could do that.

10 But I thought basically these are not
11 controversial. If that's not true, then I would
12 withdraw that.

13 CHAIRMAN BROMLEY: Okay. Then excuse
14 my intervention. So this is a motion from
15 Subcommittee 1 that these things be --

16 MEMBER PETERSON: Be simply added to
17 the list of things that Steve's going to --

18 CHAIRMAN BROMLEY: Added to Steve's
19 list.

20 MEMBER PETERSON: And have one list
21 then that comes from the FAC. It came through

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1 their Subcommittee, but overall it's
2 recommendations from the FAC.

3 CHAIRMAN BROMLEY: Okay. Is there
4 a second to this motion? I think I sense
5 uneasiness, Max. Yes.

6 MEMBER HIXON: I'm just seeking
7 clarification. These are all points that have
8 come up in the FAC.

9 CHAIRMAN BROMLEY: Yes.

10 MEMBER HIXON: So they're already
11 sort of submitted to that ad hoc subcommittee
12 de facto, aren't they?

13 MEMBER PETERSON: Well, I don't know.

14 There's a provision by October 30th to present
15 things to that.

16 But I don't feel strongly about it
17 except that we thought in looking at this that
18 these were things that we could submit now that
19 are rather noncontroversial. But if the Committee
20 doesn't want to do that, I'm fine with that, too.
21 But I just thought we could --

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1 CHAIRMAN BROMLEY: Yes. With all due
2 respect, I don't see the urgency to do that.

3 MEMBER PETERSON: Well then I'm not
4 sure when we would submit the report from
5 Subcommittee 3 then.

6 CHAIRMAN BROMLEY: You're not sure
7 why what?

8 MEMBER PETERSON: When we should
9 submit that one then if we don't see any urgency.

10 CHAIRMAN BROMLEY: I don't believe
11 we are submitting something from Subcommittee
12 3. We're presenting a procedural motion. Am I
13 missing something here?

14 What are we submitting from
15 Subcommittee 3, Steve?

16 MEMBER MURRAY: Nothing more than the
17 motion that we passed. I mean, that's my
18 understanding.

19 CHAIRMAN BROMLEY: That's
20 understanding.

21 MEMBER MURRAY: We provided some

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1 information but it's no more so than any
2 subcommittee would provide.

3 MEMBER PETERSON: What about this
4 long paper on EBMs and --

5 MEMBER MURRAY: Well, we approved the
6 EBM, we did that.

7 MEMBER PETERSON: Yes.

8 MEMBER MURRAY: But would I see that
9 as being more of a work product that had been
10 in a play for a while.

11 CHAIRMAN BROMLEY: Yes. Yes. I think,
12 I mean the EBM document came out of prior meeting,
13 it's a work product, we've been going forward
14 on. And in a sense, it arose independently from
15 the comments on the framework, as I understand
16 it.

17 MEMBER PETERSON: I don't care, Mr.
18 Chairman, whatever you want to do.

19 CHAIRMAN BROMLEY: Okay. All right.
20 Bob?

21 MEMBER HIXON: Yes. It seems to me

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1 that maybe the reasonable thing to do is for
2 Subcommittee 1 is to transmit this series of
3 recommendations that Max has just talked about
4 to the ad hoc committee as part of its
5 deliberations.

6 MEMBER PETERSON: We can do that.

7 MEMBER HIXON: As it may address other
8 things that other people have that.

9 CHAIRMAN BROMLEY: Thank you. I like
10 that.

11 Is that okay, Max?

12 MEMBER PETERSON: We can do that,
13 sure.

14 CHAIRMAN BROMLEY: Good. Okay.
15 Anything else from Subcommittee 1?

16 MEMBER PETERSON: No, sir.

17 CHAIRMAN BROMLEY: Thank you. Thank
18 you.

19 Tony? Yes, Subcommittee 2, I
20 believe.

21 MEMBER CHATWIN: Very happy to be able

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1 to report that we have progressed a lot in the
2 last hour and a half. We had a good meeting.

3 I have a one pager that I'd kind of
4 like to put up on the screen. Might want to make
5 it a little bigger.

6 And I would start off by saying that
7 I think given our recent decisions as a group
8 -- well, this addresses issues that our previous
9 -- the June 2005 document did not address, did
10 not provide clarifications as to what's in the
11 framework. So I having discussed this with the
12 Subcommittee, which my hope is that the
13 Subcommittee will have a conference call prior
14 to the October 31st date so that we can decide
15 whether or not we want to submit this to be part
16 of the FAC's -- for consideration as part of the
17 FAC's response to the framework.

18 CHAIRMAN BROMLEY: Okay. So in a
19 sense, if I may, you're offering this as an
20 information to us to indicate what you're
21 thinking about, what you've done and what you

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1 may continue to work on prior to the October 31
2 deadline, is that correct?

3 MEMBER CHATWIN: That's right.

4 CHAIRMAN BROMLEY: Thank you.

5 MEMBER CHATWIN: We achieved
6 consensus on a number of items in this document,
7 but I have to recognize the Subcommittee didn't
8 have full representation there. Some of our
9 members had left yesterday. So I would like to
10 read into the consensus with the stipulation that
11 many of the Committee members were out when we
12 get to it. But I think the theme -- the gist
13 of this document is does reflect a commonality
14 of the Subcommittee members. So I'll just start.

15 You know, our Subcommittee was
16 charged with developing recommendations to be
17 presented to the full FAC to prompt successful
18 implementation of a national system of MPAs.
19 And considering, among other things, principally
20 an incentive.

21 MEMBER HIXON: I'm sorry, Tony, are

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1 you reading that right now? It didn't look the
2 same to me.

3 MEMBER CHATWIN: I'm not reading it.

4 MEMBER HIXON: Oh, I see. I wasn't
5 sure what you were reading.

6 MEMBER CHATWIN: I'm referring to it.

7 But if you want me to read it, I can read it.

8 MEMBER HIXON: No. I thought you were
9 reading that right now. Sorry.

10 MEMBER CHATWIN: I have the same
11 document here, I'm referring to it, but I'm not
12 following the exact same words. I can read it
13 if it's less confusing.

14 MEMBER HIXON: That's fine. I just
15 wanted to make sure you were referring to that.
16 You're paraphrasing that right now?

17 MEMBER CHATWIN: Yes.

18 MEMBER HIXON: Okay.

19 MEMBER CHATWIN: I will read it.

20 MEMBER HIXON: No. I just wanted to
21 make sure we were reading the same thing.

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1 MEMBER CHATWIN: Yes. So I will read
2 it.

3 So this Subcommittee was charged with
4 developing recommendations to promote the
5 successful implementation of a national system
6 of MPAs. We concluded that additional
7 prioritization and new resources are essential
8 to achieve this goal. And I will explain more
9 -- this is not in the document. I will explain
10 more in the following.

11 Okay. Back to the document. And the
12 national system cannot be successful in the
13 absence of willing participation and resource
14 availability.

15 So here we've discussed a lot, we've
16 heard a lot. We need funding, the system needs
17 funds to be successful and it cannot be imposed.

18 And I would turn around and say without willing
19 participation it's not going to be successful.

20 And considering everything that we've said, I
21 haven't seen it quite stated this way.

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1 So a consensus of the group that was
2 there this afternoon is that there is concern
3 that a national system that starts off with 1500
4 sites will likely not succeed because:

5 (1) The availability of resources
6 will be so diluted by the large number of sites
7 that it will prevent the system, the national
8 system of adding value to existing processes,
9 and;

10 (2) The 1500 sites include areas that
11 meet the criteria for Canada's national system
12 of MPAs but are unlikely to contribute
13 significantly to the national system goals and
14 objectives.

15 So refer to when you mentioned
16 additional prioritization, that's what we men.

17 So there's consensus that entry into
18 the system should not be automatic. So we
19 shouldn't be putting a new title over a list of
20 sites that we currently call part of the MMAs.

21 And that's how we should build this

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1 emphasis.

2 So entry into the system should not
3 be automatic based on satisfying minimum criteria
4 including consent of the management agency. What
5 that means is if even if management agencies that
6 currently have authority over certain sites
7 nominate those sites to be participants, that
8 in itself shouldn't be a guarantee that that site
9 will be in the national system. Because that means
10 that potentially all 1500 sites could become part
11 of the system. Our Subcommittee has recognized
12 that that is a hinderance to the initial success
13 of the system.

14 So the consensus that flexibility for
15 consideration of potential candidate sites is
16 essential.

17 (1) Because MPA authorities -- or
18 would what would be MPA authorities must be able
19 to determine which of those sites are most
20 appropriate to nominate. Agencies may not want
21 to nominate the entire system. Okay. They may

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1 want to nominate a subset or none at all. And
2 they should have flexibility to do so.

3 And again, this might be common sense
4 but it's important that we make a statement so
5 it's clear.

6 And (2) We believe the MPA Center
7 should also have flexibility so it must be able
8 to select among nominating sites based on
9 additional priority setting criteria to ensure
10 that the national system has adequate resources
11 to add value to existing MPA processes.

12 And this is important because if a
13 national system is going to be successful and
14 people are going to have to see incentives to
15 be part of it, they must see it adding value.

16 The other consensus, and this is
17 significant. Entrance into the system should
18 be staggered by considering additional priority
19 setting criteria. And I'm going to describe types,
20 examples of criteria. But before I do that, I'd
21 just like to say we're going to develop this

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1 further. The vision is right now as it states
2 the MPA Center will go to sites -- go to programs
3 whose sites have met the minimum criteria to be
4 eligible and request them to nominate these sites.

5 And ask whether or not they want to nominate.

6 And the programs can nominate the sites.

7 The way I had visions is that if this
8 request for nomination is *Federal Register*
9 publication, it should include that the sites
10 that are eligible to be nominated are the ones
11 that meet the criteria in the framework, but that
12 nominated sites will be considered against
13 certain priority criteria, which we're going to
14 describe in a bite, in case decisions have to
15 be made to prioritize among the sites that are
16 being nominated. This is a way to ensure that
17 the budding national system isn't swamped and
18 by being swamped loses value, initial value as
19 a system.

20 So some sample criteria, so this is
21 not an exhaustive list but it is some of the

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1 criteria that the Subcommittee came up with.

2 For selecting the first wave of
3 national system MPAs could be:

4 Input criteria. And these have to
5 do with characteristics of the site, especially
6 in terms of its management. So number 1, MPA
7 has clearly articulated a specific conservation
8 management objective. MPA has a management plan.
9 MPA has defined benchmarks and indicators of
10 management success and has monitoring in place
11 to make periodic evaluations. And MPA -- I say
12 "and" but it's four, MPA has enforcement capacity
13 consistent with the site and management of the
14 MPA.

15 Now, remember, we don't think the
16 site has to meet all of these four criteria or
17 all of the criteria that we're going to describe.
18 But if these are criteria against which the
19 nominating site will be assessed if
20 prioritization is required.

21 And the concept here comes from

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1 something akin to this, would be a request for
2 proposals for a grant. It says we have money
3 to fund research on X,Y and Z or some sort of
4 work and the eligible applicants have to satisfy
5 this criteria. They can be a government agent,
6 not a government agency, private individual
7 whatever. And when we receive your proposals
8 they will be evaluated against these other
9 criteria. So these this is the concept.

10 Another set of criteria that could
11 be considered for prioritization is program
12 representation. We think it's important that the
13 composition of the national system is
14 representative, that it include sites that
15 contribute to three themes. Now, we are very
16 happy to amend themes --

17 CHAIRMAN BROMLEY: Purposes.

18 MEMBER CHATWIN: Purposes.
19 Protection of national heritage, cultural
20 heritage and sustainable production. And that
21 include sites that represent all relevant

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1 authorities. And missing here is territorial,
2 and you should add that. Federal, state, regional,
3 tribal, territorial and local.

4 So if a subset of all the nominated
5 sites programs have to be selected. We would
6 encourage that representation of all types be
7 one of the criteria used.

8 And then some additional site based
9 criteria that we thought of is there's concern
10 expressed that a large number of the areas have
11 very small marine component. And so perhaps one
12 criteria should be that the areas accepted as
13 some of the first in the national system have
14 a significant marine component.

15 Another suggestion is that among
16 sustainable productions areas there are many
17 areas that might qualify for -- might be eligible
18 for entrance, but focus on one species and its
19 gear modification for a single species in a given
20 time of year. And they continue to be eligible
21 but for this first wave perhaps it would be best

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1 to focus on areas that have a multispecies focus
2 or even a habitat protection focus. These are
3 examples.

4 Then we go to the consensus that
5 development of the national system is dependent
6 on money, funds, political and public support.

7 So that we start to build a system where support
8 exists with willing participants.

9 Willing participants can both offer
10 and derive benefits from the national system.
11 Some willing participants can mobilize existing
12 resources towards some of the goals of the
13 national system without additional
14 appropriations or anything like that, and other
15 willing participants can benefit from those
16 existing resources.

17 We have examples, and this document
18 is going to include these examples that we
19 discussed yesterday. I just didn't have time to
20 include it all. But the Coast Guard has a program,
21 and maybe we could talk more about that, but that

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1 could help for example to produce educational
2 materials. So participants in the national system
3 have to gain access to that sort of support from
4 the Coast Guard.

5 Is that correct? Did I put it --

6 PARTICIPANT: They would actually be
7 able to distribute and maybe include them in a
8 broader, like say for instance courses, you know
9 regional types of opportunities.

10 MEMBER CHATWIN: So the document will
11 include more specific examples of this kind of
12 benefit.

13 And the national system should work
14 with willing participants. And this is one of
15 the benefits of coming into the national system
16 offers to those willing participants, to work
17 with willing participants on regional pilot
18 projects that demonstrates the benefits of the
19 national system; coordinate the monitoring
20 programs, enforcement, outreach and education.

21 So this is one of the incentives that these

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1 willing participants can get involved early on
2 so that they can help shape the development of
3 this national system.

4 And then this is a final sentence on
5 this document, but it's by no means the end of
6 the work that we're going to do, but recognizing
7 that the development of a national system -- and
8 I'm not reading now. The development of a
9 national system has an initial phase and a later
10 phase, most important now it focus on the initial
11 phase but recognizing that over time is
12 successful and that it's attracting more interest
13 from other -- we get a new pool of willing
14 participants and more funds are being directed
15 towards achieving the goals of the national
16 system, we also have to think of the national
17 system as a whole. And that's when the benefits
18 of the national system as a system start to be
19 realized if the participants in the systems have
20 incentives to become effective at meeting the
21 goals and objectives of the system.

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1 Now I'm reading. A key to the long
2 term success of the national system is the
3 development of incentives for sites within the
4 system to improve their contribution to the
5 national system of goals and objectives. So by
6 this we mean when you find additional resources
7 to create improvement grants that would be
8 competitive to help improve the outputs of the
9 system in terms of environmental health, cultural
10 heritage and sustainable production.

11 Personally I envision this as a block
12 funds that sites have to compete for that creates
13 a powerful incentive for them to improve their
14 outputs in relation to the goals.

15 So this is -- it's been a long road
16 to get to this. We're going to continue to work
17 on this. I think that now I feel that it is
18 certainly on a roll, ready to have an additional
19 conference call. We're going to add some
20 information that we've already generated at this
21 meeting. We'll fine tune it and then we'll submit

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1 it to the ad hoc committee as comments to the
2 framework. Because it does add -- it's a different
3 perspective than what is described in the
4 framework. And I think it would be appropriate
5 with those comments.

6 So we'd just like to say to my fellow
7 Subcommittee members if I've forgotten anything
8 or they have any additional comments.

9 CHAIRMAN BROMLEY: Wonderful. You
10 have made good headway, haven't you? Yes. Thank
11 you, Tony.

12 Could I ask -- an idea for you would
13 be for you to -- do you think you could once your
14 Subcommittee has worked on this, I understand
15 you want to work on it a bit more, tweak it a
16 little bit, would it be appropriate to send it
17 around to all of us for some feedback to you guys?

18 Are we allowed to do that, Mark?

19 MEMBER HIXON: Yes.

20 CHAIRMAN BROMLEY: Yes. Okay. Would
21 you like that prior to us meeting again probably

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1 in April? If you could pick reactions from people,
2 would that help you? Are you open to that?

3 MEMBER CHATWIN: We are very open to
4 that. And I think it's very important. However,
5 I was thinking that the process of developing
6 comments to the framework would be a good way
7 to do that.

8 CHAIRMAN BROMLEY: Yes. A good way
9 to do that. Okay. That's fine.

10 MEMBER CHATWIN: Rather than folks
11 in the next meeting. Because I think this needs
12 to go in.

13 CHAIRMAN BROMLEY: Okay. That's
14 right. That's fine. That's fine.

15 MEMBER CHATWIN: And I will just open
16 it to the Committee if they want to see it.

17 CHAIRMAN BROMLEY: No, I think you're
18 right. I was sort of thinking of this as a
19 freestanding work product like Subcommittee 3
20 did. But you're right. You did remind us that
21 you want this to be part of our FAC and put into

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1 the framework. And that's great. I think we should
2 proceed on that.

3 I urge anyone who has who has thoughts
4 about what they have done to contact them and
5 maybe soon. Right?

6 MEMBER CHATWIN: Yes. And I'm happy--

7 CHAIRMAN BROMLEY: Because this has
8 been a real sticky point, hasn't it? And this
9 is a profound step forward, if I may say so, from
10 where I think you guys have been for the last
11 couple of days. You've really crystallized
12 something, haven't you?

13 MEMBER CHATWIN: Yes, I feel that way,
14 too.

15 CHAIRMAN BROMLEY: Yes. Yes. Good
16 for you.

17 MEMBER CHATWIN: So I would
18 eventually say that we would like to share this
19 with anybody who is interested.

20 CHAIRMAN BROMLEY: Yes.

21 MEMBER CHATWIN: Because this is

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1 really an important issue for this Committee and
2 for the national system. The more input we get,
3 the more we can put into this, the better.

4 CHAIRMAN BROMLEY: Yes. I really urge
5 people to be in touch with Tony.

6 Okay. Ellen?

7 MEMBER GOETHEL: I just would suggest
8 that you definitely email it around to us for
9 --

10 CHAIRMAN BROMLEY: Yes, it wouldn't
11 hurt you to do, Tony, you know.

12 MEMBER CHATWIN: Okay.

13 CHAIRMAN BROMLEY: Because all the
14 other Subcommittees have wondered, you know,
15 where are we? I mean, we've all been struggling
16 with what are the incentives to join and why would
17 an MPA want to join. And you guys have taken,
18 I think, a really nice step in that direction.

19 And I think it would help to share it, which
20 is not to short circuit this other process.

21 MEMBER CHATWIN: No. So what I'll do

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1 is because we don't have a couple of people who
2 are pretty important, just as important as the
3 ones who stayed. But I would like to be able
4 to send it around to feel confident that it
5 represents the Subcommittee's consensus.

6 CHAIRMAN BROMLEY: Yes. Sure.

7 MEMBER CHATWIN: That we have the
8 opportunity to complete it and to get the
9 consensus.

10 CHAIRMAN BROMLEY: Yes. And, you know,
11 you may not hear from more than a couple of us,
12 but I think it would be nice to let everybody
13 see it really good. This is something that's very
14 important.

15 Bob?

16 MEMBER BENDICK: Two things.
17 Subcommittee 1 has been fooling around some
18 similar issues, incentives to encourage more
19 regional cooperation. So you should probably get
20 our thoughts on how that works because it is an
21 incentive that's just at a different level.

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1 CHAIRMAN BROMLEY: That's right.

2 MEMBER BENDICK: Secondly, it strikes
3 me we have a little apples and oranges problem
4 with the ad hoc committee now with the addition
5 of this, which is this presentation really
6 includes very substantive changes to the basic
7 process that's outline in the draft framework
8 document.

9 CHAIRMAN BROMLEY: Yes.

10 MEMBER BENDICK: And other kinds of
11 things we were talking about are more
12 definitional and adjusting what's there. And so
13 we're going to have to find some way to reconcile
14 those things.

15 In a way it does make a lot of sense
16 to be tweaking definitions and things if the
17 Committee, the FAC has a proposal for some basic
18 changes in the approach that's outlined in the
19 framework document. And I think these ought to
20 be pretty significant differences in how this
21 whole thing would work.

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1 I mean, so logically when you do
2 something like that, you do the significant
3 things first and get some kind of agreement on
4 a change in the overall approach and then you
5 go back and adjust the five points. So I think
6 we're going to have to figure out how to do that
7 remotely and that is, you know, more difficult
8 than just doing other kinds of stuff.

9 CHAIRMAN BROMLEY: Yes. And we will
10 have a couple of balls in the air at the same
11 time, that's right.

12 Dennis?

13 MEMBER HEINEMANN: Just a thought.
14 It could be possible for the ad hoc committee
15 to treat this item separately as a stand alone
16 document that could go in to be considered by
17 the Committee as a whole once the ad hoc
18 subcommittee is finished with it, rather than
19 one bullet point amongst many others that would
20 be less substantive.

21 CHAIRMAN BROMLEY: I think anything

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1 is possible. That's right. This is not a bullet
2 kind of issue, is it?

3 MEMBER HEINEMANN: Right.

4 CHAIRMAN BROMLEY: This is a big issue.
5 And I would hope that the Subcommittee would
6 consider that as an option and talk about that.

7 And, you know, if it turns out that
8 there's things in here that require more thought
9 and discussions and that we can't get it done
10 on -- what's the date, Steve? The 6th of February.

11 You know, if we can't reach closure on it, then
12 it doesn't go forward as a submission before the
13 deadline, but it's something that our FAC
14 continues to work on and advice the Secretaries
15 on, right? I mean -- right? Even if we miss
16 the February 14th deadline, there's no reason
17 why we can't offer a stand alone product, I think.

18 Tony?

19 MEMBER CHATWIN: I agree that this
20 can become a stand alone product and that we could
21 work on it and finalize it in the next meeting.

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1 CHAIRMAN BROMLEY: Yes.

2 MEMBER CHATWIN: However, I'm afraid
3 that it will become irrelevant.

4 CHAIRMAN BROMLEY: I see. If it
5 misses the February 14th deadline?

6 MEMBER CHATWIN: Yes.

7 CHAIRMAN BROMLEY: Okay.

8 MEMBER PETERSON: Mr. Chairman, I
9 would suggest you do what you suggest earlier.
10 Go ahead and send this around to share with the
11 Committee.

12 CHAIRMAN BROMLEY: Share it with all
13 of us, yes.

14 MEMBER PETERSON: And you send this
15 ad hoc subcommittee the comments. Because I think
16 this is very important.

17 CHAIRMAN BROMLEY: Yes.

18 MEMBER PETERSON: And just looking
19 at it quickly, it has a built in assumption that
20 there's going to be an avalanche of these things
21 proposed. And suppose that doesn't happen.

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1 CHAIRMAN BROMLEY: Yes. Good.

2 MEMBER PETERSON: But anyway, I don't
3 want to get into substantive discussion now, but
4 just to say that we need everybody to look at
5 it and give us the comments to the Subcommittee
6 and we'll do our best, and we'll work with your
7 Subcommittee along the way, too. Okay.

8 MEMBER CHATWIN: Okay.

9 CHAIRMAN BROMLEY: Is that okay,
10 Tony?

11 MEMBER CHATWIN: That's good.

12 CHAIRMAN BROMLEY: That's great.
13 Good. Good. Okay.

14 Steven?

15 MEMBER MURRAY: I'm just getting a
16 little concerned that the differences between
17 the viewpoints held here versus what's in the
18 draft guidelines are getting pretty large.
19 They're pretty large.

20 CHAIRMAN BROMLEY: Okay.

21 MEMBER MURRAY: This is a good example

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1 of that. I mean, one of the issues that came
2 up in looking at the draft framework in our
3 Subcommittee discussions had to do with what is
4 an MPA, what is an MMA, what's in, what's out
5 and a large number of sites that would qualify
6 with little threshold for separation.

7 What your group has done, as I see
8 it, is you've really amplified that by getting
9 into some other issues and setting in place what
10 in my mind is a logical set of arguments about
11 how to move forward and create a national system
12 that means something rather than just simply a
13 catalogue of sites.

14 The draft framework, however, is on
15 the side of creating a catalogue sites as it
16 currently reads. And hence, we have a gap that's
17 developed. And that gap can require an awful lot
18 of effort on our part, which I think we probably
19 ought to at least clearly put our points on the
20 table, but on the other hand the ad hoc
21 subcommittee working on the draft framework I

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1 don't think the job should be to produce another
2 document like our June 2005 report or something
3 of much higher depth and substance. And we could
4 easily do it. This would do it.

5 CHAIRMAN BROMLEY: Is a way between
6 this to ask the Subcommittee to continue to work
7 on their elaborate structure conversation, 3,
8 4, 5 pages, whatever you want, but be prepared
9 to submit to the ad hoc committee, steering
10 committee, whatever we call it -- I'm sorry,
11 subcommittee, a billeted two or three things that
12 address what you see as weaknesses, flaws,
13 inconsistencies in the framework document of
14 which your larger document provides the
15 justification for? Okay.

16 Steve, is that what you're getting
17 at?

18 Steve's right. I mean, in a sense
19 what we want to be careful of is that when we
20 get together by email and by telephone that we
21 don't have three pages of billeted stuff and then

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1 we have this other thing that is seven pages long
2 which is a substantive issues which addresses
3 entry and incentive kind of things.

4 Joe?

5 MR. URAVITCH: Yes.

6 CHAIRMAN BROMLEY: I can sense
7 clarification coming.

8 MR. URAVITCH: Well, I just hope that
9 the Committee members when they look at this will
10 read the draft that's out there very carefully.
11 Because it may or may not be structured the way
12 you put your recommendations together.

13 But I just heard, for example, the
14 characterization of our process resulting in a
15 catalogue of sites. That's not the intent. What's
16 missing from that statement is the regional
17 processes that follow that deal with definitions
18 and agreement upon goals for the system itself.

19 So I'm hearing a lot of comments
20 related to basically the way we've structured
21 the document and the characterization of what

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1 we're proposing to do is very different from what
2 we think we're doing.

3 I mean, you all haven't had the
4 document that long. I urge you to read it and
5 think about it very carefully when you develop
6 your recommendations.

7 CHAIRMAN BROMLEY: That's fair.
8 That's fair.

9 Tony?

10 MEMBER CHATWIN: If I may just respond
11 to that issue.

12 I understand when you say I have read
13 the document very carefully when it comes to
14 implementation. And I think there is a specific
15 place where it says the nomination process and
16 the acceptance process. And there's even a couple
17 of alternative mechanisms in terms of taking on
18 a main list, whatever, sites meet the criteria,
19 the MPA Center will reach out to them and ask
20 them if they want to nominate those sites to the
21 MPA. IF they get nominated, what it seems if

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1 they get nominated, they're in as it's written
2 in the document. And that is what we were
3 referring to.

4 And so what I need to do in the
5 Subcommittee is produce this document and also
6 make specific references to the framework
7 document where we think these comments are
8 written.

9 CHAIRMAN BROMLEY: That's right. And
10 in that sense, that would become more like the
11 bulleted list of things. But you've got some
12 other stuff in there that doesn't quite look like
13 bullets but which are important which may need
14 to be considered, I think.

15 Bob Bendick?

16 MEMBER BENDICK: Yes. I think that
17 the MPA Center did a really thorough job in trying
18 to put this document together. It reflects, I
19 would image, input from a lot of other agencies
20 and people with strongly held views. And I can
21 see as a very carefully worded, or someone coming

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1 from outside the federal realm, it's a little
2 hard to actually understand how all these pieces
3 fit together and what they mean. And it almost
4 seems like we need an annotated version, a
5 *CliffsNotes* version, which is not to say that
6 we tried really hard to do it, but you just can
7 see behind some of this stuff that people have
8 different things in mind that it's hard for us
9 to figure out what all that stuff is. So the
10 results, I think, may be in misunderstanding some
11 of what's in it.

12 CHAIRMAN BROMLEY: Yes. Of course,
13 and rabbit stew always taste like horsemeat,
14 doesn't it?

15 Okay. Other comments.

16 MEMBER BENDICK: I'll have to think
17 about that one. I don't think I said that.

18 CHAIRMAN BROMLEY: No, that was an
19 unfair --

20 MS. WENZEL: Can I make a proffer?

21 CHAIRMAN BROMLEY: Yes, do, please.

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1 MS. WENZEL: This kind of gets into
2 the next meeting discussion. But we did have a
3 side conversation about the idea of a late January
4 or early February meeting. And there is
5 uncertainty about the budget, but the uncertainty
6 about the budget is also going to effect the April
7 meeting as well. And so I think if folks feel
8 it would help in terms of timing of our
9 deliberations, we can certainly scope out and
10 identify some dates and tentative plan for a
11 meeting in that time frame. If we have to move
12 it, we will. But we could plan for it. And that
13 would help us get through a lot of these things
14 in person.

15 CHAIRMAN BROMLEY: That's right.

16 MEMBER PETERSON: I would certainly
17 -- doing that. Because if we got money for one
18 in April, we'll have it for February.

19 CHAIRMAN BROMLEY: That's correct.

20 And Subcommittee 3 we spent a bit of time
21 discussing that. And I think there was a fear

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1 that if we did that, that meeting in January would
2 end being totally consumed by, dominated by input
3 into the framework, which is important. And I
4 think some people thought that other important
5 work products might fall by the wayside. But
6 maybe we were too cautious about that.

7 MEMBER PETERSON: Well, I think the
8 Chairman in structuring the next agenda could
9 say we'll devote the first day to framework and
10 the second day to something else.

11 CHAIRMAN BROMLEY: That's true.
12 That's right.

13 MEMBER PETERSON: Keep us on a
14 schedule.

15 CHAIRMAN BROMLEY: Yes. Good. Okay.
16 Anything else from Subcommittee 2?
17 Yes.

18 MEMBER CHATWIN: No. Thank you very
19 much.

20 CHAIRMAN BROMLEY: Thank you.

21 MEMBER CHATWIN: And I hope that

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1 people can relate to the stuff that we have been
2 working on.

3 CHAIRMAN BROMLEY: Yes. Right. I do,
4 too.

5 So are we through with the reporting
6 out of the Committees? You ready to move on to
7 Committee business set for 3:45. We've already
8 had our elections. We have a follow up for the
9 next meeting. And we've already had a brief
10 discussion about that.

11 Lauren, I presume what you will do
12 is you will send us an email soon asking for
13 availability, right, for a meeting.

14 MS. WENZEL: I will do it next week.

15 CHAIRMAN BROMLEY: Yes. So
16 availability for a meeting, say, between January
17 -- we don't want to do it on Martin Luther King
18 Day, which this year is what day, do we know?

19 MS. WENZEL: We'll get a calendar.

20 CHAIRMAN BROMLEY: But we could do
21 it Tuesday, Wednesday, Thursday but sort of

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1 within the mid-January to February 12th window,
2 something like that. Is that right?

3 MS. WENZEL: And I guess I would just
4 ask the meeting is currently scheduled for the
5 24th and 25th. If people could just keep that
6 hold on their calendars. Don't erase it. And
7 we'll meanwhile work on looking at something in
8 early February time frame. And Alpena is not
9 the best location for a January meeting.

10 CHAIRMAN BROMLEY: No. No.

11 PARTICIPANT: We saw "Die Hard II."

12 CHAIRMAN BROMLEY: Is Washington our
13 lowest cost venue for a meeting?

14 MS. WENZEL: It would probably be.
15 It would probably be a good choice.

16 CHAIRMAN BROMLEY: Yes. That
17 minimizes transportation cost, doesn't it? Yes.
18 Okay.

19 PARTICIPANT: But I certainly would
20 offer Alpena for October. It could be much like
21 this.

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1 CHAIRMAN BROMLEY: Yes. Yes. Okay.
2 Lauren, what else do we need to do? Logistics,
3 right. And what else? Is that it?

4 MS. WENZEL: I can't think of anything
5 else.

6 I don't think I have anything else.
7 I don't if Joe, any others.

8 CHAIRMAN BROMLEY: Joe? Mary? Randy?
9 No. Anybody else have any last minute thoughts.

10 MS. WENZEL: Just to say that Brian
11 is reminding me about tomorrow.

12 CHAIRMAN BROMLEY: Yes.

13 MS. WENZEL: I think those who are
14 attending field trips have all identified
15 themselves and spoken to me. If anyone's plans
16 change, you can let me know. We're planning on
17 going to La Quinta, if I say it properly tomorrow.

18 They're expecting at 9:00. So I think if we
19 meet at 8:45 in the lobby of the hotel, we should
20 be in good shape.

21 CHAIRMAN BROMLEY: Bob?

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1 MEMBER ZALES: Yes. I've got just a
2 quick question for Joe, I guess. Dennis brought
3 this to my attention about the identification
4 of MPAs and whatnot and the *Coast Pilot*. And
5 how it's been -- that's part of the budget for
6 this year that's being dropped out or something,
7 I'm not sure about the whole thing. But the way
8 he explained it to, I would think that the initial
9 application of this would be fairly expensive,
10 but subsequent things in here shouldn't be too
11 bad. Because if people are on the water, a *Coast*
12 *Pilot* for an area that you don't have any idea
13 where you are is a wonderful book.

14 I mean, I look at it periodically,
15 but then I'm going back and forth to the same
16 place all the time, so I pretty well know where
17 I'm at. But when I'm traveling to a place that
18 I'm not familiar with, those things have a wealth
19 of information in them. And I'm just concerned
20 about losing that spot in that book and updates
21 and whatever goes on.

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1 MR. URAVITCH: Yes. This is part of
2 our navigating MPA's project which is right out
3 of the Monterey office. It's a partnership
4 between ourselves, the National Ocean Services'
5 Office of Charting.

6 And this year what we've done
7 basically is begun to add information from the
8 MMA inventory into the *Coast Pilot*. And that
9 process is ongoing and they're in completion for
10 the first round.

11 The intent was long term to continue
12 to maintain that with our information from the
13 inventory as the inventory gets updated. And also
14 to put this information on the nautical charts,
15 including electronic charts.

16 It's supported with a contribution
17 from the Office of Coast Survey as well as from
18 us. And we fund a position, oddly, in the Bureau
19 of Land Management out in California because they
20 had an FTE we could use and it was part of the
21 partnership.

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1 Right now the money is not in our
2 budget to do that. So we're going to try and talk
3 to our partners to see if we can twist their arms
4 to donate a little bit more. But, again, it's
5 another one of these it depends on appropriations.
6 The problem is we have an FTE that's about to
7 go unfunded.

8 CHAIRMAN BROMLEY: Okay. Bob
9 Bendick?

10 MEMBER BENDICK: Yes. I just thank
11 the MPA staff and the NOAA staff for forging on
12 with all in the face of all its budget uncertainty
13 and programmatic uncertainty that's coming. All
14 of it is worthwhile and I think we all believe
15 that some form of system of marine protected areas
16 is a good thing for the country. And they continue
17 to adjust and make do the best they can. And
18 NOAA, I think, has been very supportive in their
19 doing that. And it's not easy to do all that
20 stuff.

21 MR. URAVITCH: Yes. I just wanted to

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1 note because this sort of fits in with what Sarah
2 was saying today in her presentation. This one
3 of the spin off products as a result of the Marine
4 Management Area Inventory. It's the kind of thing
5 that can be done with what is a unique dataset.
6 No one else in the country is doing this kind
7 of work. And we're looking for other applications
8 as are people at other level of government and
9 private sector.

10 So when you look at the products we're
11 producing, you can also think about potential
12 other uses for that material.

13 Thanks for the support. Appreciate
14 that.

15 CHAIRMAN BROMLEY: Okay. Good. Yes.

16 I want to close by again thanking
17 Bonnie. Are you here, Bonnie? She just left.
18 Doing what she does.

19 Let us acknowledge Bonnie's support
20 and work and her staff, if there is any left after
21 the budget cuts money, maybe you're all there

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1 is, so let's acknowledge their contribution for
2 everything.

3 (Applause).

4 CHAIRMAN BROMLEY: So do you want to
5 declare us adjourned, Lauren?

6 MS. WENZEL: I hereby declare this
7 meeting of the Federal Advisory Committee
8 adjourned.

9 (Whereupon, the meeting was
10 adjourned.)

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